

3/21/22

MARK-UP INDICATING RESPONSIBLE CONSULTANT  
OF FSP & FEP - 2<sup>ND</sup> REVIEW

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## WHITE LAKE TOWNSHIP

7525 Highland Road · White Lake, Michigan 48383-2900 · (248) 698-3300 · www.whitelaketwp.com

**Date:** March 21, 2022

**To:** L&A Architects, Inc  
Attn: Greg Lautzenheiser  
441 S Livernois, Ste 265  
Rochester Hills MI 48307

**From:** Sean O'Neil, AICP  
Community Development Director  
Charter Township of White  
Lake 7525 Highland Road  
White Lake, MI 48383

**RE: SUBMITTAL OF SITE PLANS**

Second review of the final site plan and planned business development agreement.

Township staff has completed their review of the above-mentioned project. Comments from the planning consultant will be sent under separate cover. Based on the comments listed below, please revise and resubmit.

N/A Sean O'Neil, Community Development Director  
03/18/22 Michael Leuffgen, PE Engineering Consultant  
03/16/22 Lisa Hamameh, Township Attorney  
03/21/22 Jason Hanifen, WLT Fire Marshal



INNOVATIVE IDEAS  
EXCEPTIONAL DESIGN  
UNMATCHED CLIENT SERVICE

March 18, 2022

Sean O' Neil, Director  
Community Development Department  
Charter Township of White Lake  
7525 Highland Road  
White Lake, Michigan 48383

**RE: Taco Bell- Meijer Out Lot – Final Site Plan and Final Engineering Plan – 2<sup>nd</sup> Review**

DLZ # 2145-7233-16

Dear Mr. O' Neil,

Our office has reviewed the above-mentioned plans prepared by Kem-Tech and dated February 28, 2022. These plans were reviewed for conformance with the Township Engineering Design Standards. We offer the following comments for your consideration:

Preliminary Site Plan review letter dated October 15, 2021 comments:

Note that responses to the below Preliminary Site Plan comments are in **bold**.

#### General

1. The Nonexclusive Access Easement at the rear of the property will need to be amended to reflect the new location of the proposed access aisle. **Comment addressed. The Cross Access Easement descriptions have been received as part of this submittal and are currently under review.**

#### Paving/Grading

1. All proposed barrier free ramps and ADA parking spaces will need to meet ADA standards in terms of slopes and dimensions; further details will be required at the time of Final Site Plan/Final Engineering Plan submittal. **Comment addressed.**
2. Preliminary grading of the site has been proposed and demonstrates general drainage patterns; **additional grades for greenspace areas will be required at time of Final Site Plan/Final Engineering**

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**KEM-TEC** Plan review to ensure positive drainage on entire site. **Comment outstanding.** See FSP/FEP Comment 7b. under Grading/Paving.

3. Plan sheet C3.1 shows the turning radius profile for a 40' long fire truck and the path necessary for navigating the site. Please note the plans indicate the truck would be required to turn around by backing into the hatched area on the south side of the parking lot. We defer further comment to the Township Fire Department. **Comment remains as a notation.**

#### Watermain

1. We defer to the Fire Department with regard to any items related to fire suppression including hydrant spacing. Note there is an existing fire hydrant near the southeast corner of the subject property. **Comment remains.**

#### Stormwater Management

1. Please show existing off site storm sewer to clarify ultimate stormwater discharge point. Plans reference the Meijer plans and subject property being part of the Meijer drainage district, however, existing storm sewer shown on the plans does not appear to connect to the Meijer storm system. **Comment addressed. The Meijer plans, which now show the Taco Bell site acreage included in the overall Meijer storm sewer system, have now been provided. The plans show the storm drainage for the Taco Bell site being provided for (in terms of acreage and C-factor) and routed through the existing storm sewer on Bogie Lake Road with the ultimate outlet to the existing detention basin to the north of the Taco Bell site.**
2. Please clarify if stormwater treatment will be accomplished within the existing Meijer detention system or if pre-treatment will be required prior to stormwater leaving the site. **Comment outstanding. The design engineer states that they are confirming with Meijer as to whether an existing means of stormwater treatment/pre-treatment is provided. This item will be required to be addressed prior to our recommendation for approval of the FSP/FEP.**

**KEM-TEC**

#### FSP/FEP Comments-

Note that comments from our February 16, 2022 review letter are in *italics*. Responses to those items are in **bold**. New comments are in standard typeface.

#### General

1. Provide new parcel number of 12-20-276-036 (per WLT Board of Review) on plan. **Comment partially addressed. The new parcel number is now shown on the survey sheet; however, the updated**

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parcel number has not been updated on subsequent plan sheets, including sheets done by architect.

- L+A
- KEM-TEC
2. Attach WLT standard details sheets for watermain, sanitary sewer, and storm sewer. **Comment addressed.**
  3. Sheet A0.5- Site Plan- Site Note 4 shall be revised to Highland Road instead of Bogie Lake Road; water service connection is to Highland Road. **Comment outstanding. Please revise comment on this sheet.**
  4. The following plan sheets contain references to the City of Warren and will require revision: 1) Sheet C2.0 Demolition Plan- Comment 10 under 'General Demolition Notes.' 2) Sheet C3.0 Site Layout and Paving Plan- Item 5 under 'Site Notes.'

#### Grading/Paving

1. Concrete sidewalk shall be extended through the driveway along Bogie Lake Road. **Comment addressed.**
2. Specify width and depth of proposed parking spaces on the northernmost side of site. **Comment addressed. Dimensions are now shown.**
3. The loading area is shown in the same area as the dumpster. This may present a potential conflict regarding trash pick up by a garbage truck and delivery truck drop off since the same space is required to be used by both vehicles. **Comment addressed. Design engineer states in their March 1, 2022 response letter that a loading schedule and trash pickup shall be coordinated to prevent any conflicts.**
4. Label all ramps as ADA ramps on Sheet C3.0. **Comment addressed.**
5. Provide butt joint detail for transition from concrete drive thru lane to asphalt bypass lane. **Comment addressed. A butt joint detail has been provided.**
6. Provide sawcut detail for connection of proposed asphalt drive to the existing asphalt drive to the east. **Comment addressed. A detail has been provided.**
7. The following items on Sheet C4.0 (Grading Plan) will require revision:
  - a. Provide building FF and FG. **Comment partially addressed. FF and FG of building have now been provided, however the FGs on the north side of the building (985.85 & 985.65) are higher than the FF of the building (985.25). Please revise the FGs to ensure positive drainage away from the building in this area. Note also that the top of ramp elevation of 985.65 (ramp grade adjacent to the sanitary sewer grease trap note on grading plan) will likely need lowering to ensure positive drainage away from the building.**

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- b. Show proposed grading in the greenspace area at the southeast corner of the site. **Comment outstanding. Although additional pavement grades have been provided near storm CB2, the greenspace area proposed grading just to the south of CB2 will need to be provided. The SESC plan shows soil disturbance /grading in this area, thus proposed grades are required to be shown.**
- c. Provide top of ramp grades for ALL proposed ramps. **Comment addressed.**
- d. Provide B/C grade at northern side of proposed crosswalk to ensure crosswalk complies with ADA standards. **Comment addressed.**
- e. Add note to plan if proposing to match existing grades along the north, east, and west property lines. **Comment addressed. A note has been provided on the plan.**
8. Sheet C8.0- Parking Stall Markings – Markings shall be per Ord. 5.11.Q. xi. (dual striping). Please revise detail. **Comment addressed. Detail has been revised.**
9. Sheet C8.0 – the ‘Standard Duty Asphalt Approach Detail’ shall show a minimum 6” 21AA aggregate base. **Comment addressed. Detail has been updated.**
10. It is known that vehicles currently cut across the Taco Bell site in order to gain access to Meijers via Bogie Lake Road. Add note to Sheet C8.0 that the existing drive connection to the east shall be blocked off during construction so as to prevent vehicles from this site from entering onto and cutting across the Taco Bell site during construction. **Comment addressed. A note has been added to the Site Details Sheet C8.0.**
11. Revise note on Sheet 3.0 (Site Layout and Paving Plan) from “Pr. Concrete sidewalk to remain and be repaired in kind” to “Ex. Sidewalk....”

#### Sanitary Sewer

1. The plans shall clarify that a new structure is being proposed over the existing sanitary sewer main. This will need to be an interior drop connection and the manhole needs to be a minimum of 5 foot in diameter. Add notes and clarifications to Sheet C5.0 to this effect. **Comment addressed.**
  2. WLT Engineering Design Standards require a 4’ diameter sampling manhole. Is this the purpose of San MH #1? If so, please clarify if this is a 4’ diameter sampling manhole. **Comment addressed.**
  3. Clearance for utility crossing UC2 shall be 18”. Clearance shall be measured from the sanitary BOTTOM of PIPE to the TOP of the storm sewer. Clearance currently calculates to less than 0.69’. Please revise. **Comment addressed.**
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### Watermain

1. Clearance for utility crossing UC1 shall be 18". Clearance shall be measured from the storm BOTTOM of PIPE to the TOP of the water service lead. Clearance currently calculates to less than 1.3'. Please revise. In addition, revise "Top of 24" Storm 679.26" to read "Top of 12" Storm 679.26." **Comment partially addressed.** A note is on the utility crossing UC1 stating that the water service lead shall be dipped such that 1.5' minimum clearance between water lead and storm sewer shall be obtained. **The "Top of 24" storm sewer is still in error and shall read as "Top of 12" storm. Please revise.**
2. Remove item 11. under 'Utility Notes' on Sheet C5.0; developer is responsible for water service connections, not White Lake Township. White Lake Township will provide inspection of this tap and service installation. **Comment addressed.**
3. Remove reference to Plymouth Township under 'Utility Notes' Item 10 on Sheet C5.0.

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### Stormwater Management

1. The applicant will need to provide information detailing whether this site falls under the Meijer Storm Water Management Facilities Easement, Maintenance Agreement and Lien document or if a new agreement will be required for this development. Likely a new agreement will be required and supporting exhibits will need to be provided. **Comment outstanding.** Per the design engineer's response dated March 1, 2022, the Storm Water Management, Maintenance Agreement, and Lien document was included with the current submittal. This agreement was not received by our office, nor was it listed as a part of the transmittal to the Township by L&A Architects, Inc. Please provide for review and comment.
2. Show hydraulic grade line on storm sewer profiles on Sheet C6.0. **Comment addressed.** HGL is now shown on profiles.
3. Show easements for proposed storm sewer on Sheet C5.0. **Comment outstanding.** The design engineer response letter refers this item to the Meijer Storm Water Agreement of which we did not receive. In addition, the easements for the proposed Taco Bell storm sewer shall be shown on the Utility Plan (Sheet C5.0)
4. Provide pipe sizing calculations for storm sewer based on a 10 year storm event with  $t_c=15\text{min}$ . **Comment addressed.** Pipe sizing calculations have now been provided.
5. Remove Storm Catch Basin detail and utility trench details on Sheet C8.0 as these are provided on WLT standard details sheets. **Comment addressed.**

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## Landscape Plan – Sheet L1

- DESIGNSCAPES
1. Show watermain, sanitary sewer, and storm sewer on landscaping plan. Trees are not permitted over or within 10' of utilities or within drainage swales. **Comment partially addressed. Watermain, sanitary sewer and storm sewer are now shown on the landscape plan; however, the Ginkgo trees proposed near the west side of the property are approximately 5' horizontally separated from the storm sewer and 4.5' from the sanitary sewer. To our knowledge, Ginkgo tree roots can spread at least 5' and the trees can grow to be quite large. A minimum of 10' horizontal separation is required between the trees and the underground utilities. In addition, the proposed Ginkgo tree just to the west of the sidewalk connection from M-59 to the Taco Bell is also too close to the storm sewer and will need to be relocated. Plantings are shown within the existing sanitary sewer lift station easement, does the easement language allow these plantings? If so, OCWRC may need to review the proposed landscape plan to ensure the plans will not interfere with station access and maintenance.**

## PD Agreement

1. A draft PD Agreement was included as part of this submittal; we have no comments with respect to engineering related items within the agreement.

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## Required Permits and Approvals

The following permits and approvals will be required

1. Permit from the Road Commission for all work within the Bogie Lake Road Right-Of-Way.
  2. Permit from MDOT for work within the M-59/Highland Road Right-of-Way.
  3. SESC permit from OCWRC.
  4. Sanitary Sewer Permit from OCWRC for work on and connection to the existing Sanitary Sewer system.
  5. Executed Stormwater Maintenance Agreement, or modification to existing Meijer agreement adding these storm sewer improvements.
  6. A cross access agreement will be required among Taco Bell, McDonalds, and Klark Koby (owner of parcel east of McDonalds) for use of the access drive off M-59. In addition, this agreement would need to include language regarding shared maintenance (amongst the three parties for use of the M-59 entrance). **Per the draft PD Agreement, the developer is working with the two adjacent property owners to obtain a three party cross access easement agreement.**
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INNOVATIVE IDEAS  
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March 18, 2022  
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7. The Nonexclusive Access Easement at the rear of the property will need to be amended to reflect the new location of the proposed access aisle. **The Cross Access Easement descriptions have been received as part of this submittal and are currently under review.**

### **Recommendation**

We recommend the plans be revised to address the above referenced items, including the remaining Preliminary Site Plan comments. To help facilitate our review of the revised Final Site Plan/ Final Engineering Plan, please provide a detailed response letter addressing the above comments.

Please contact our office should you have any questions.

Sincerely,

DLZ Michigan

Michael Leuffgen, P.E.  
Department Manager

Victoria Loemker, P.E.  
Senior Engineer

Attachment: None

Cc: Justin Quagliata, Community Development, *via email*  
Hannah Micallef, Community Development, *via email*  
Aaron Potter, DPS Director, White Lake Township, *via email*  
Nick Spencer, Building Official, White Lake Township, *via email*  
John Holland, Fire Chief, White Lake Township, *via email*  
Jason Hanifen, Fire Marshal, White Lake Township, *via email*

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ROSATI | SCHULTZ  
JOPPICH | AMTSBUECHLER

March 16, 2022

*via email: [soneil@whitelaketwp.com](mailto:soneil@whitelaketwp.com)*

Sean O'Neil  
Community Development Director  
White Lake Township  
7525 Highland Road  
White Lake, Michigan 48383

**RE: 2<sup>nd</sup> Review of Planned Development Agreement  
Taco Bell – Meijer Outlot**

*GEORGE*

Dear Sean:

You asked that we review the proposed Planned Business Development Agreement for Taco Bell – Meijer Outlot (“Agreement”) submitted by Great Lakes Taco, LLC (“Developer”). We were not provided a word version to offer redlined changes, so we offer the following general comments regarding the Agreement:

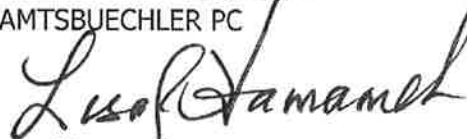
1. As stated in previous correspondence, the following are suggested additions to the Recitals:
  - a. Current zoning of the property (Planned Business District).
  - b. General site information/Description of Development.
  - c. Ordinance authorization for Township entry into the Agreement.
  - d. On January 11, 2022, the Planning Commission recommended approval of the Preliminary Site Plan, subject to conditions, after holding a public hearing.
  - e. On January 18, 2022, the Township Board approved the Preliminary Site Plan for the Development, subject to staff, consultants, Planning Commission and the Community Development Department Director.
  - f. On \_\_\_\_\_ the Planning Commission approved the Final Site Plan (“PBD Plans”)
  - g. On \_\_\_\_\_ the Township Board determined the Development qualifies for PBD Development in accordance with the Township Zoning Ordinance, Section \_\_\_\_ and approved the entry, execution and recording the this Agreement.
2. As stated in previous correspondence, the following are suggested additions to the Agreement:
  - a. All of the conditions of approval should be detailed in the Agreement, including the requirement of cross access easements, utility easements, stormwater easements, bills of sale, if applicable, attachment of any review letters of staff and consultants that approval is conditioned on.

- b. A provision that states the ZBA shall have no jurisdiction over the property or the application of the Agreement.
  - c. A provision stating the Agreement shall be governed by the laws of the State of Michigan and in the event of any litigation related to the Agreement or the PBD, venue shall be in and to the exclusive jurisdiction of the courts in Michigan, including the Federal District Court for the Eastern District of Michigan.
  - d. A provision added to Article IV defining breach and the remedies associated therewith.
  - e. A provision acknowledging that at the time of execution of the Agreement, the Developer will not have yet obtained engineering approvals for the Development and that additional conditions may be imposed, provided that no such conditions be inconsistent with the PBD Plan or this Agreement and shall not change or eliminate any development right authorized thereby. Those conditional shall be incorporated into and made part of this Agreement automatically upon issuance of said conditions.
3. As stated in previous correspondence, with regard to the proposed PBD Agreement, I offer the following comments:
- a. The Introductory Paragraph should be revised to defined Great Lakes Taco, LLC as Developer and Owner.
  - b. The last part of the first sentence in Paragraph 2.2 which reads "and any other restaurant that is permitted in the zoning district in which the Subject property is located" should be removed. This PBD authorizes the specific Development proposed. If an alternate restaurant/plan is proposed and approved, an amendment to the PBD Agreement will be required. Additionally, the Township should consider whether painting the lift station should be permitted. Finally, the purpose of the pathway fund should be defined (i.e. in lieu of the provision of an improvement).
  - c. Paragraph 2.8 references the incorrect Section of the Zoning Ordinance. The correct section is 5.18.
  - d. There is a minor typo in the first sentence in Paragraph 3.3 and in the first sentence of Paragraph 5.7.
  - e. Paragraph 5.9 should be revised to eliminate the option of recording a Notice of Development Agreement in accordance with the Township's revised policy.
  - f. The Township should consider whether the Force Majeure Clause is acceptable in light of the purpose of the Agreement.

Please let us know if you have any questions or would like to discuss this matter further.

Very truly yours,

ROSATI SCHULTZ JOPPICH  
& AMTSBUECHLER PC



Lisa J. Hamameh



Fire Department  
Charter Township  
of White Lake

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## Site / Construction Plan Review

To: Sean O'Neil, Planning Department Director

Date: 03/21/2022

Project: Taco Bell (Meijer Outlet)

File #: Not shown

Date on Plans: 3/01/2022

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The Fire Department has the following comments with regards to the 4<sup>th</sup> review of preliminary site plans for the project known as Taco Bell.

1. This Plans as submitted has satisfied the requirements of the Fire Department.

Jason Hanifen  
Fire Marshal  
Charter Township of White Lake  
(248)698-3993  
[jhanifen@whitelaketwp.com](mailto:jhanifen@whitelaketwp.com)

Plans are reviewed using the International Fire Code (IFC), 2015 Edition and Referenced NFPA Standards.