

WHITE LAKE TOWNSHIP TOWNSHIP BOARD

REPORT OF THE COMMUNITY DEVELOPMENT DEPARTMENT

TO: Township Board

FROM: Justin Quagliata, Staff Planner

DATE: October 5, 2023

RE: Carter's Plumbing
Performance Guarantee Agreement Extension

Kieft Engineering, on behalf of CAMQ Properties LLC (CAMQ), submitted a letter dated September 6, 2023 requesting a six-month extension of the \$100,000 (cash on deposit with the Township) Performance Guarantee Agreement (PGA) for Carter's Plumbing. The property, addressed as 10431 Highland Road, is located on the south side of Highland Road, east of Teggerdine Road, and zoned Light Manufacturing (LM).

At its meeting on July 19, 2022 the Township Board approved an 18-month PGA to ensure completion of required site improvements following issuance of a Temporary Certificate of Occupancy. Attached for reference is the staff report from the initial request to approve the PGA. Currently the PGA expires on January 19, 2024 and the Temporary Certificate of Occupancy expires on December 31, 2023.

At its May 25, 2023 meeting the Zoning Board of Appeals granted variances to allow certain improvements to be implemented as proposed. On September 12, 2023 the Community Development Department granted administrative site plan review approval to facilitate the required site improvements. Then, on September 19, 2023 DLZ and Township staff held a pre-construction meeting for the project; the required site improvements were authorized to commence this day. Finally, on September 21, 2023 the Planning Commission granted special land use approval to allow outdoor storage of pallets, containers, materials, or products on the property.

In the submitted letter requesting extension, the reason stated is to allow the Applicant to complete installation of landscaping next spring. If a six-month extension is approved, the new completion deadline would be July 19, 2024.

Attachments

1. Letter from Kieft Engineering requesting extension dated September 6, 2023.
2. Performance Guarantee Agreement staff report dated July 15, 2022.



KIEFT ENGINEERING

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September 6, 2023

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

Re: Carter's Plumbing – Bond Extension Request

Dear Director O'Neil,

As your department is aware, the Carter's Plumbing (Carter's) project has been steadily moving forward in order to satisfy the Obligations of the Performance Guarantee Agreement that was approved by the Township Board (Board) at their July 19th, 2022 meeting. At this meeting it was determined that 18 months would be the time afforded to complete the Obligations of the Performance Guarantee Agreement. January 19, 2024 would be 18 months since the motion by the Board passed that assigned the timeframe.

This project is nearing a pre-construction meeting any week now, but Carter's is concerned that they may run out of time to complete the installation of the landscaping before the planting season expires. For this reason, they would like to ask for a 6 month extension (until mid-July 2024) to install the landscaping next spring.

We kindly request that we be added to the Board's agenda in order to ask for this extension. Please feel free to call or email with any questions or concerns.

Sincerely,

Casey Leach, P.E.
Kieft Engineering, Inc.

Cc: Justin Quagliata – White Lake Township
Aaron Potter – White Lake Township
Lisa J. Hamameh, Esq. – Rosati Schultz Joppich & Amtsbuechler
Matthew Carter – Carter's Plumbing



WHITE LAKE TOWNSHIP TOWNSHIP BOARD

REPORT OF THE COMMUNITY DEVELOPMENT DEPARTMENT

TO: Township Board

FROM: Justin Quagliata, Staff Planner

DATE: July 15, 2022

RE: Performance Guarantee Agreement – Carter’s Plumbing

CAMQ Properties LLC (CAMQ) owns the property addressed as 10431 Highland Road, and the building and site are proposed to be occupied by Carter’s Plumbing. In April 2022 the Township was made aware of unpermitted construction activity within the building. The Building Official, after a site visit, required Carter’s Plumbing to apply for the necessary permits for such work. On June 9, 2022 the Director of Public Services witnessed excavation of the ground and the installation of a stormwater system. Such improvements were being made without site plan review and approval by the Township, and without the proper agency permits. Piping, structures, and other elements of the drain system were ordered removed. The site is a registered contaminated facility and a Declaration of Restrictive Covenant (DRC) for a Restricted Non-Residential Corrective Action relating to the property is in effect. Enforcement of the DRC is completed by the Michigan Department of Environment, Great Lakes, and Energy (EGLE).

Any change of use/new occupancy must be reviewed and approved by the Township. Completion of required site improvements – including, but not limited to, parking lot paving, utilities, exterior lighting, landscaping, sidewalks, and fencing – is a requirement for a Certificate of Occupancy. Carter’s Plumbing is requesting Township Board approval to occupy the building and site prior to the completion of the following:

- Submission of an engineered site plan for the parking lot which includes the layout, design and construction including paving, stormwater drainage, wetlands protection, landscaping and screening and fencing (subject to approval by the Township and concurrence by the Michigan Department of Environment, Great Lakes, and Energy per applicable law).
- Connection to the municipal sanitary sewer system.
- Compliance with the Township’s code of ordinances and zoning ordinances, the DRC, and other applicable laws.

Carter's Plumbing is also proposing the temporary placement of gravel (see attached gravel plan) to serve as a parking area on the west side of the building. The gravel plan does not meet the requirements of the zoning ordinance to even be reviewed by the Township. Additionally, the zoning ordinance requires the entire parking area, including parking spaces and maneuvering lanes, to be provided with asphalt or concrete surfacing; gravel parking lots are prohibited. In the short-term, filling the trench dug on the property with the removed soils, disposing of the stockpiled broken pavement at a landfill, and covering the site in gravel is acceptable to EGLE. The long-term solution is repaving with asphalt in a manner that would encapsulate the contamination/prevent it from migrating and manage stormwater. When a site plan is submitted, the Township Engineering Consultant will have to consider whether managing parking lot runoff by sheet flow rather than subgrade stormwater structures is appropriate given the requirements of the DRC. However, the proposed improvements must be completed in compliance with Township ordinances and other applicable requirements, including the Oakland County stormwater engineering design standards. Although there are restrictions associated with the former underground storage tank regulated by EGLE, those restrictions do not eliminate the need for compliance with requirements from any other entities, nor does the DRC supersede any other entities' authority, regardless of level. EGLE's concurrence with the proposed gravel plan and related activities is not a substitute for compliance with other requirements.

In order to occupy the building and site prior to the completion of required site improvements, Carter's Plumbing is requesting Township Board approval of a Performance Guarantee Agreement (attached). As outlined in the Agreement, a \$100,000 guarantee would be deposited with the Township to ensure completion of the improvements. The Agreement was prepared by the Petitioner's legal counsel, and reviewed by the Township Attorney and staff. **If the Township Board approves the Agreement, as a condition the Board must also prescribe the period of time within which the improvements must be completed. Exhibit C will also need to be updated with a clean certificate of insurance (photo of the certificate is unacceptable).**

Attachments

1. Declaration of Restrictive Covenant for a Restricted Non-Residential Corrective Action (State I.D.# RC-RRD-213-10-042).
2. Site photos taken on June 9, 2022.
3. Performance Guarantee Agreement.