

**WHITE LAKE TOWNSHIP
INTER-OFFICE MEMORANDUM
COMMUNITY DEVELOPMENT DEPARTMENT**

DATE: April 3, 2023

TO: Rik Kowall, Supervisor
Township Board of Trustees

FROM: Sean O'Neil, AICP
Community Development Director

**SUBJECT: Kohl's
Planned Business Development Agreement amendment.**
Property described as parcel number 12-21-100-072 (7375 Highland Road) located on the north side of Highland Road, west of Porter Road, consisting of approximately 9.07 acres, currently zoned (PB) Planned Business.

The above request will be ready for Township Board Consideration. The matter will be considered by the Planning Commission at their regular meeting of April 6, 2023. Draft minutes will be provided under separate cover due to Township offices being closed for Good Friday.

Please find enclosed the following related documents:

- Review letter prepared by the Township Community Development Director, Sean O'Neil and Staff Planner Justin Quagliata dated February 21, 2023.
- Review letter prepared by the Township Attorney, Lisa Hamameh, dated February 23, 2023.
- Site plan application dated August 22, 2022.
- Draft first amendment to the Planned Business Development Agreement, including Exhibit A and Exhibit B.

Please place this matter on the next available Township Board agenda. Do not hesitate to contact me should you require additional information.

WHITE LAKE TOWNSHIP PLANNING COMMISSION

REPORT OF THE COMMUNITY DEVELOPMENT DEPARTMENT

TO: Planning Commission

FROM: Sean O'Neil, AICP, Community Development Director
Justin Quagliata, Staff Planner

DATE: February 21, 2023

RE: Kohl's
Final site plan and planned business development agreement

Kohl's has requested an amendment to the final site plan (FSP) and planned business development (PBD) agreement to install new wall signage on the south facade of the building. The freestanding signs along Highland Road (M-59) and Porter Road had panel replacements completed earlier this year (approved administratively under a sign permit). The approximately 9.07-acre property, addressed as 7375 Highland Road, is located on the north side of Highland Road, west of Porter Road and zoned PB (Planned Business).

The current PBD agreement was entered into on May 24, 2007. A "Letter Agreement" pertaining to a fence/retaining wall was recorded in 2009. As proposed the exterior modification includes replacing the existing approximately 193 square foot Kohl's sign on the south facade of the building with a new LED illuminated sign of the same size, with the addition of an approximately 60 square foot LED Sephora sign. Using the method of calculation for determining size of signs prescribed by the Zoning Ordinance, the two signs would be considered one sign and the sign area would be approximately 289 square feet in size (96 square foot increase in size over the existing sign). The existing wall sign on the east elevation of the building is proposed to remain unchanged. Note the Zoning Ordinance prohibits wall signs larger than 200 square feet in size. A waiver to install the proposed signage would be required. If not for the property's PB zoning, a variance application would need to be made to the Zoning Board of Appeals (ZBA). Typically, the ZBA denies similar requests for signage exceeding the area allowed by the Zoning Ordinance.

PBD Agreement Amendment

Staff defers to the Township Attorney's review of the First Amendment to Planned Business Development Agreement. However, the following comments shall also be addressed:

- Prior to the execution of the First Amendment, a corporate resolution shall be provided authorizing the signer to execute the Amendment on behalf of the Developer. **(Comment outstanding).**
- The page numbers are incorrect in the First Amendment (two page twos listed). Revise accordingly. **(Comment addressed).**
- Page 4 (currently numbered page 3) (signature page) shall be revised to list the Attorney who drafted the First Amendment. **(Comment outstanding. The Township Attorney did not prepare the First Amendment. List the Attorney who did so).**
- Number 4 of the Notice of Planned Business Development Agreement states the Agreement contains a provision of a lien in favor of the Township in the event Lowe's fails to comply with certain terms of the Agreement. The incorrect retailer was named. Corrections to the original recorded documents shall be incorporated into this First Amendment. **(Comment partially addressed. The First Amendment states the Notice of Planned Business Development Agreement shall be amended. However, a revised notice was not submitted for review. In lieu of submitting a revised notice, the original development agreement should be recorded).**

Planning Commission Options

The Planning Commission has the option to approve, approve with conditions, or deny the amended final site plan and recommend approval, approval with modifications, or denial of the PBD agreement amendment to the Township Board.

Attachments:

1. Site plan review application dated August 22, 2022.
2. First Amendment to PBD Agreement prepared by Applicant.
3. Sign plans prepared by Kieffer Starlite dated December 13, 2021.

LISA J. HAMAMEH
lhamameh@rsjalaw.com

27555 Executive Drive, Suite 250
Farmington Hills, Michigan 48331
P 248.489.4100 | F 248.489.1726
rsjalaw.com



ROSATI | SCHULTZ
JOPPICH | AMTSBUECHLER

February 23, 2023

Via Electronic Mail Only – soneil@whitelaketwp.com

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

**RE: 2nd Review of First Amendment to PBD Agreement
Kohls (Porter Holdings, LLC)**

Dear Sean:

You asked that we review the proposed First Amendment to Planned Business Development Agreement for Kohls, received by transmittal dated February 8, 2023. Please be advised that we did not receive a new Exhibit B, so it was not reviewed. Additionally, we defer to the Township's Engineer as to the accuracy of the legal description.

General Comments

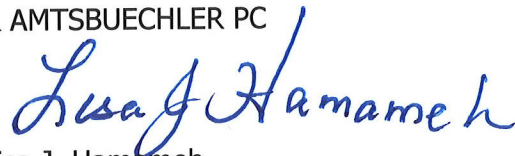
1. As stated in previous correspondence, since the plans attached to the First Amendment to PBD Agreement replaces and supersedes any prior conflicting sign detail in the PBD Plan, the Township should confirm the contents of the sign detail in the original PBD Plan to ensure it is comfortable with a complete replacement of those details.
2. Recital B should be revised to add the following at the end: ("Letter Agreement").
3. A new Recital C should be added that provides the Developer wishes to further amend the final site plan and PBD Plan to install new wall signage on the south façade of the building.
4. A new recital should be added after old Recital C which provides the date of Planning Commission consideration and that indicates Planning Commission recommended approval. I realize a blank will be inserted until approval.
5. Old Recital E should be revised to include reference to the Letter Agreement. For example, the parties desire to amend the PBD Plan consistent with the Letter Agreement and this First Amendment regarding new wall signage on the south façade of the building.
6. There appears to be a typo in the NOW, THEREFORE: the term "premises" should be "promises."

7. Paragraph 2 should be revised to remove reference to "Notice of Planned Business Development." The original PBD Agreement was previously defined as "Agreement."

Please let me 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

To: ERIC.BORKENHAGEN@KOHLS.COM

CHARTER TOWNSHIP OF WHITE LAKE
SITE PLAN REVIEW APPLICATION
Community Development Department, 7525 Highland
Road, White Lake, Michigan 48383
(248) 698-3300 x5

APPLICANT AND PROPERTY INFORMATION

Applicant: Eric Borkenhagen
 Phone: 262-703-6014 Email Address: Eric.Borkenhagen@kohls.com
 Address: N56 W17000 Ridgewood DR. Menomonee Falls, WI, 53051
(Street) (City) (State) (Zip)
 Applicant's Legal Interest in Property: Commercial Business
 Property Owner: Vincent L. Pangle (Porter Holdings LLC) Phone: (248) 312-1700
 Address: 5750 New King Street (Ste 375) Troy, MI, 48098
(Street) (City) (State) (Zip)

4066 LIVERNOIS
TROY, MI 48098

PROJECT INFORMATION

Project Name: CORNERS AT WHITE LAKE Parcel I.D. No.: Y-12-21-100-073
 Proposed Use: _____ Current Zoning: _____
 Existing Use: _____ Parcel Size: _____ Floor Area / No. of Units: _____


TYPE OF DEVELOPMENT

Subdivision Site Condominium Commercial
 Multiple Family Special Land Use Industrial
 Adult Entertainment

SITE PLAN SUBMITTAL CHECKLIST

PDF File **and** One Paper Copy (sealed and no larger than 24x36)
 Application Review Fees (to be calculated by the Community Development Department)
 * PLANS WILL NOT BE ACCEPTED UNLESS FOLDED *

REQUIRED SIGNATURES



(Signature of Property Owner)
VINCENT L. PANGLE

(Signature of Applicant)

8/22/22

(Date)
8-15-22

(Date)

SIGNATURES TO BE VERIFIED BY THE TOWNSHIP

Handwritten notes in the upper left quadrant, including the words "L'année" and "1788".

Handwritten text in the middle left section, possibly "L'année 1788".

Handwritten text in the middle right section, possibly "L'année 1788".

Handwritten notes in the lower left quadrant, including the word "L'année".

Handwritten text in the lower middle section, possibly "L'année 1788".

Handwritten notes in the lower right quadrant, including the word "L'année".

FIRST AMENDMENT TO PLANNED BUSINESS DEVELOPMENT AGREEMENT

THIS FIRST AMENDMENT TO PLANNED BUSINESS DEVELOPMENT AGREEMENT (this "First Amendment") is made this ____ day of _____, 2023, by and between Porter Holdings, LLC, a Michigan limited liability company, ("Developer"), whose address is 4066 Livernois, Troy, Michigan 48098, and the Charter Township of White Lake, a Michigan municipal corporation (the "Township"), whose address is 7525 Highland Road, White Lake, Michigan 48383.

RECITALS:

A. Developer, as successor to Volant Partners, LLC, and the Township are parties to a certain Planned Business Development Agreement dated approximately May 21, 2007, as evidenced of record by a certain Notice of Development Agreement dated June 27, 2007, and recorded on June 28, 2007, in Liber 39296, Page 169, Oakland County Records (the "Agreement"), pertaining to real property situated in the Charter Township of White Lake, Oakland County, Michigan, being more particularly described in attached **Exhibit A** (the "Property").

B. The Agreement was amended by way of a letter agreement dated September 26, 2007 regarding the fencing of a retaining wall on the Property, as evidenced by a Notice of Planned Business Development Agreement, dated May 26, 2009, and recorded on June 3, 2009, in Liber 41211, Page 154, Oakland County Records.

C. The Community Development Director of the Township considers this First Amendment a major modification to the Agreement requiring Planning Commission review and recommendation to the Township Board pursuant to Section 6.7.E. of the Zoning Ordinance.

D. The Township Board approved certain revisions requested by Developer to the Agreement and the PBD Plan (as defined in the Agreement), as amended, pursuant to the recommendation of the Planning Commission, at the Regular Township Board Meeting on _____, 2023.

E. Developer and the Township desire to amend the Agreement and the PBD Plan consistent with the revisions approved by the Township Board.

NOW, THEREFORE, in consideration of the covenants and premises contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, it is agreed as follows:

1. Sheets KS2102496, KS2102496A, KS2102496A.1, KS2102496B, KS2102496C, KS2102496D, and "Site", prepared by Kieffer Starlite, dated December 13, 2021, each attached hereto as **Exhibit B** ("Additional Signage"), shall be added to the PBD Plan and shall replace and supersede any prior conflicting sign detail in the PBD Plan which may have been attached as Exhibit B to the Agreement.

2. The Notice of Planned Business Development Agreement shall be amended to reference "Kohl's" instead of "Lowe's" in paragraph 4 thereof.

3. The exhibits attached hereto and the recital paragraphs set forth above are hereby incorporated into this First Amendment to Planned Business Development Agreement by this reference as though fully set forth herein. This First Amendment to Planned Business Development Agreement shall be recorded at the Oakland County Register of Deeds. In all other respects, other than as hereinabove indicated, the Agreement, including the exhibits attached thereto, is hereby ratified and confirmed.

[SIGNATURES APPEAR ON THE FOLLOWING PAGES]

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

The undersigned have executed this First Amendment effective as of the day and year first written above.

DEVELOPER:

PORTER HOLDINGS, LLC,
a Michigan limited liability company

By: _____
Name: _____

STATE OF MICHIGAN)
)§
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by _____, _____ of Porter Holdings, LLC, a Michigan limited liability company, on behalf of the limited liability company.

_____, Notary Public
_____ County, MI
My commission expires: _____
Acting in _____ County

[SIGNATURES CONTINUE ON THE FOLLOWING PAGE]

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

TOWNSHIP:

CHARTER TOWNSHIP OF WHITE LAKE,
a Michigan municipal corporation

By: _____
Rik Kowall, Supervisor

By: _____
Anthony L. Noble, Clerk

STATE OF MICHIGAN)
)§
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by Rik Kowall, Supervisor, and Anthony L. Noble, Clerk, of the Charter Township of White Lake, a Michigan municipal corporation, on behalf of the Michigan municipal corporation.

_____, Notary Public
_____ County, MI
My commission expires: _____
Acting in _____ County

PREPARED BY:
Lisa J. Hamameh
Rosati, Schultz, Joppich & Amtsbuechler PC
2755 Executive Drive, Suite 250
Farmington Hills, Michigan 48331

WHEN RECORDED RETURN TO:
Charter Township of White Lake
7525 Highland Road
White Lake, Michigan 48383

EXHIBIT A

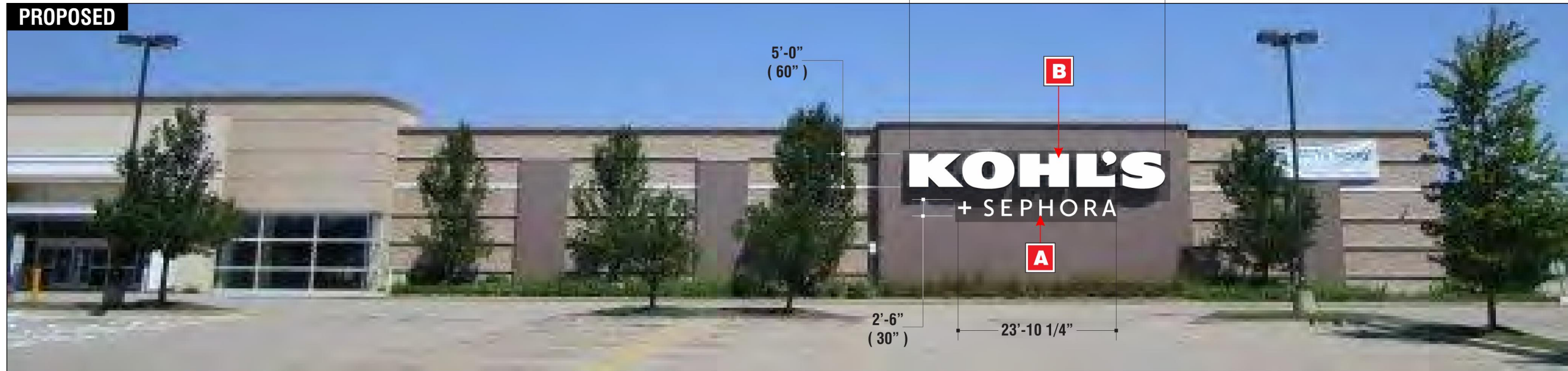
LEGAL DESCRIPTION

Part of the East 1/2 of the Northwest 1/4 of Section 21, T3N-R8E, White Lake Township, Oakland County, Michigan described as commencing at the center of said section 21; thence North 00 degrees 23 minutes 40 seconds West 210.00 feet along the North and South 1/4 line to the Point of Beginning; thence North 00 degrees 23 minutes 40 seconds West 450.00 feet along the North and South 1/4 line; thence South 89 degrees 52 minutes 13 seconds West 792.00 feet; thence South 00 degrees 23 minutes 40 seconds East 610.00 feet; thence North 89 degrees 52 minutes 13 seconds East 264.00 feet along the right of way line of M-59; thence North 00 degrees 23 minutes 40 seconds West 7.17 feet; thence North 89 degrees 52 minutes 13 seconds East 264.00 feet along said right of way; thence North 00 degrees 23 minutes 40 seconds West 152.83 feet; thence North 89 degrees 52 minutes 13 seconds East 264.00 feet to the Point of Beginning. Containing 10.08 acres and being subject to easements, restrictions, reservations, rights of way, *leases* and agreements of record, if any.

PARCEL ID: 63-Y-12-21-100-072 and 63-Y-12-21-100-073

EXHIBIT B
ADDITIONAL SIGNAGE

PROPOSED



Scale: N.T.S.



EXISTING

Scale: N.T.S.

A NEW 30" '+ SEPHORA' LED LETTER SET is a separate/ individual sign
23'-10 1/4" x 2'-6" (30") = **59.63 SF**

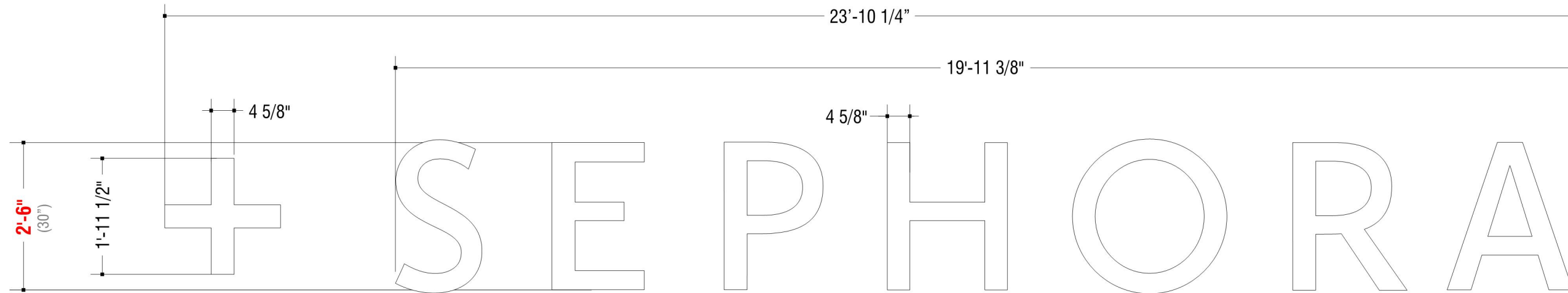
Reference Drawing **#KS2102496A** for Details and Specifications

B NEW 5'-0" (60") LED ILLUMINATED 'KOHL'S' LETTER SET
to REPLACE EXISTING 5' (NEON) LETTER SET.
38'-6 1/2" x 5'-0" = **192.70 SF**

Reference Drawing **#KS2102496A.1** for Details and Specifications

Code: To be reviewed by Planning Dept. upon submittal.

7375 Highland Road - White Lake, MI



A LETTER SET LAYOUT

59.63 SQUARE FEET

Scale: 1/2" = 1'-0"

General Letter Construction Section

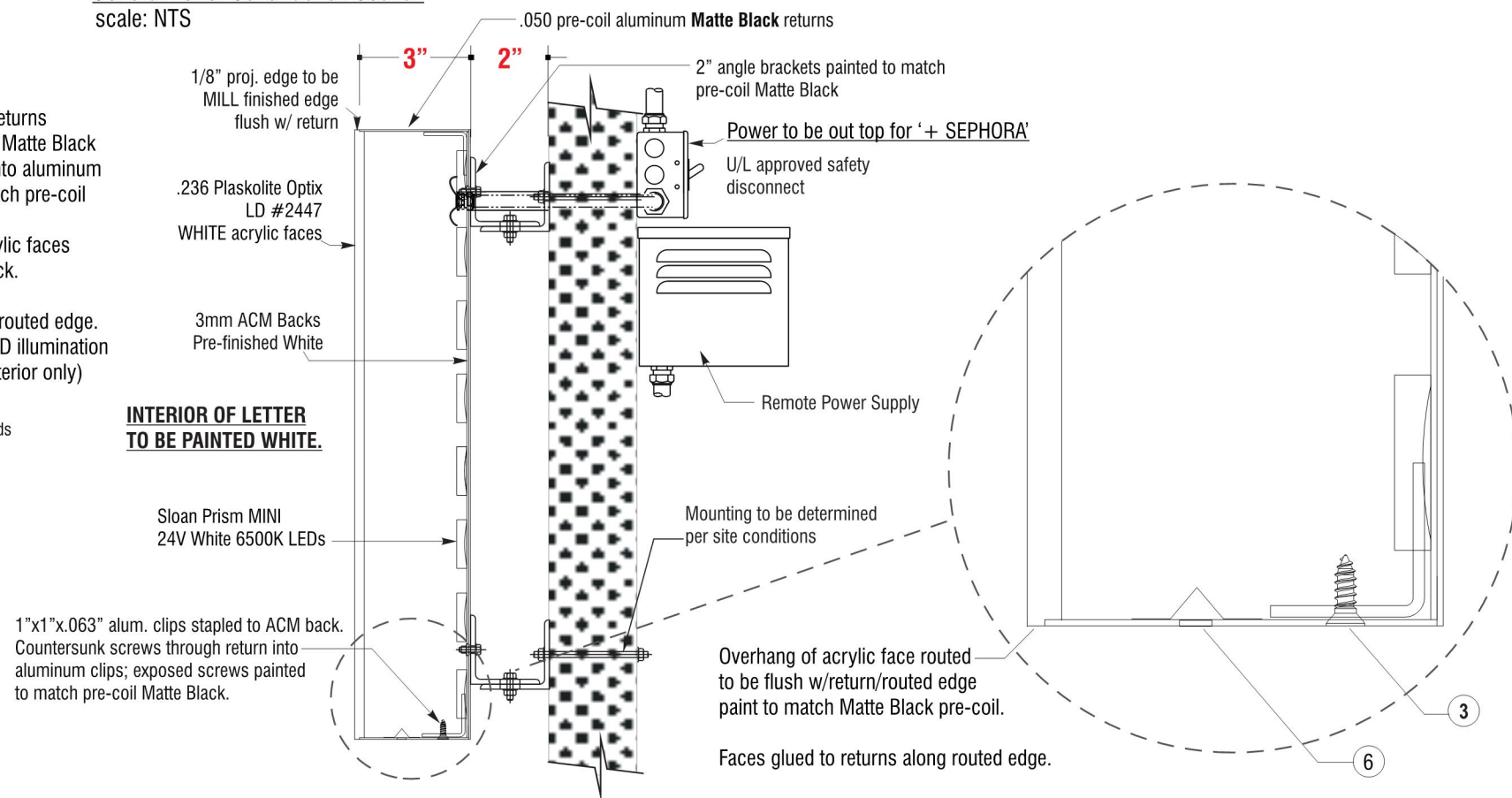
scale: NTS

SPECIFICATIONS

1. .050 pre-coil aluminum Matte Black returns
2. 3mm ACM letter backs PTM pre-coil Matte Black
3. Countersunk screws through return into aluminum clips; exposed screws painted to match pre-coil Matte Black.
4. Plaskolite Optix LD #2447 White acrylic faces w/visible routed edge PTM Matte Black. Faces to be glued to letter returns. Faces to be masked prior to painting routed edge.
5. Sloan Prism MINI 24V white 6500 LED illumination
6. 1/4" weep holes with light baffles (exterior only)

*weep hole(s) w/light baffles per mfg. standards
*caulk required
*UL Listed Product

INTERIOR OF LETTER TO BE PAINTED WHITE.

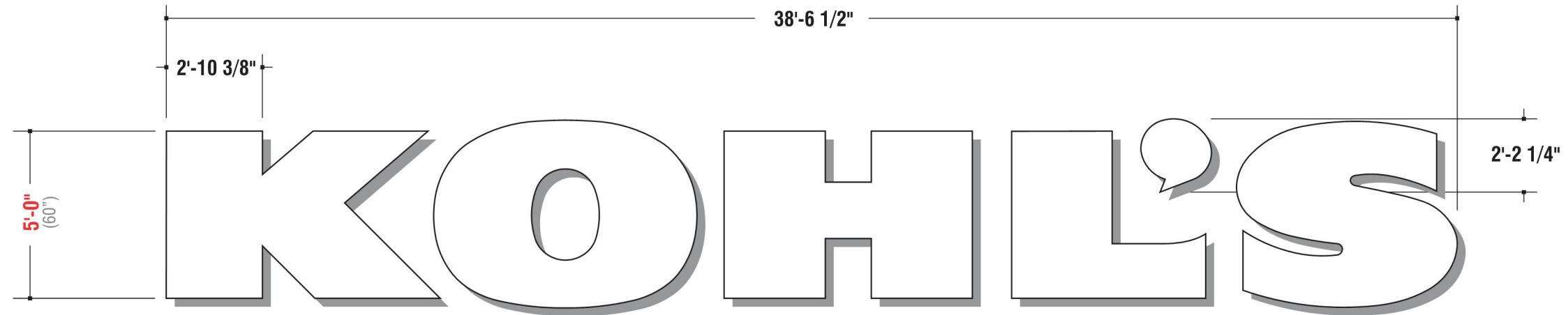


COLOR SCHEDULE:

- Retainerless .236 Plaskolite Optix LD #2447 WHITE acrylic faces
- .050 pre-coil aluminum **Matte Black** returns
- ACM backs finished to match pre-coil Matte Black.

INSTALL NOTE:
Kieffer Installer to determine appropriate fastener type based on specific wall construction

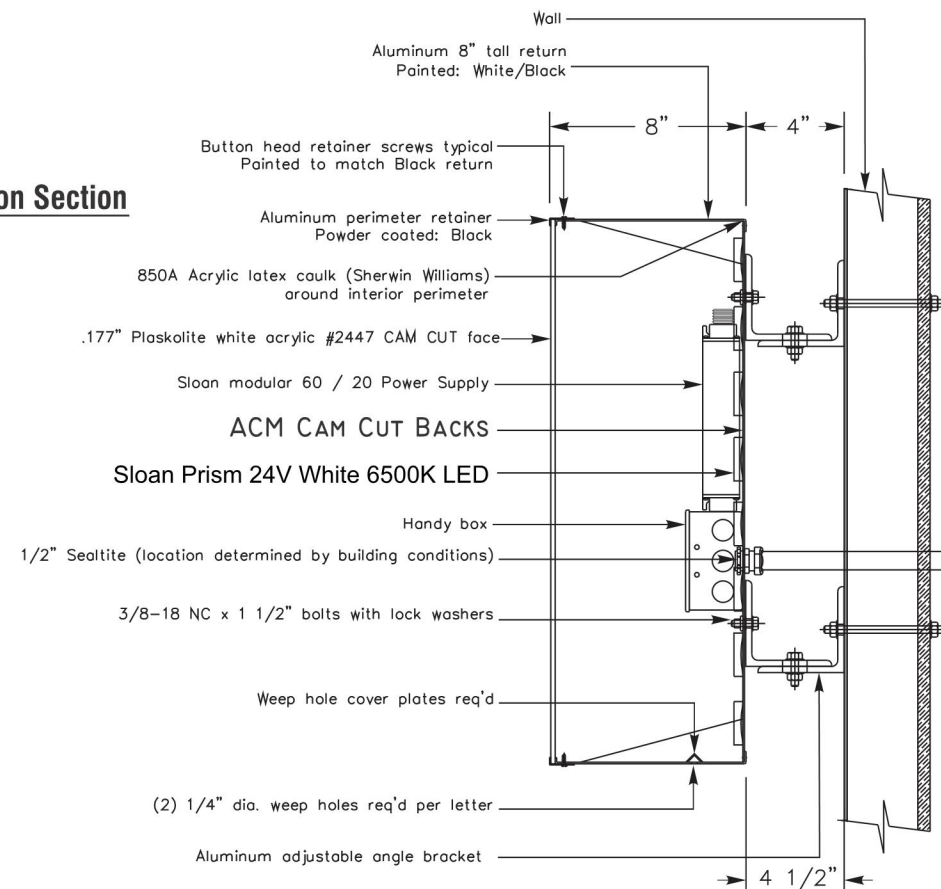
7375 Highland Road - White Lake, MI



B LETTER SET LAYOUT
192.70 SQUARE FEET

Scale: 1/4" = 1'-0"

General Letter Construction Section
scale: NTS



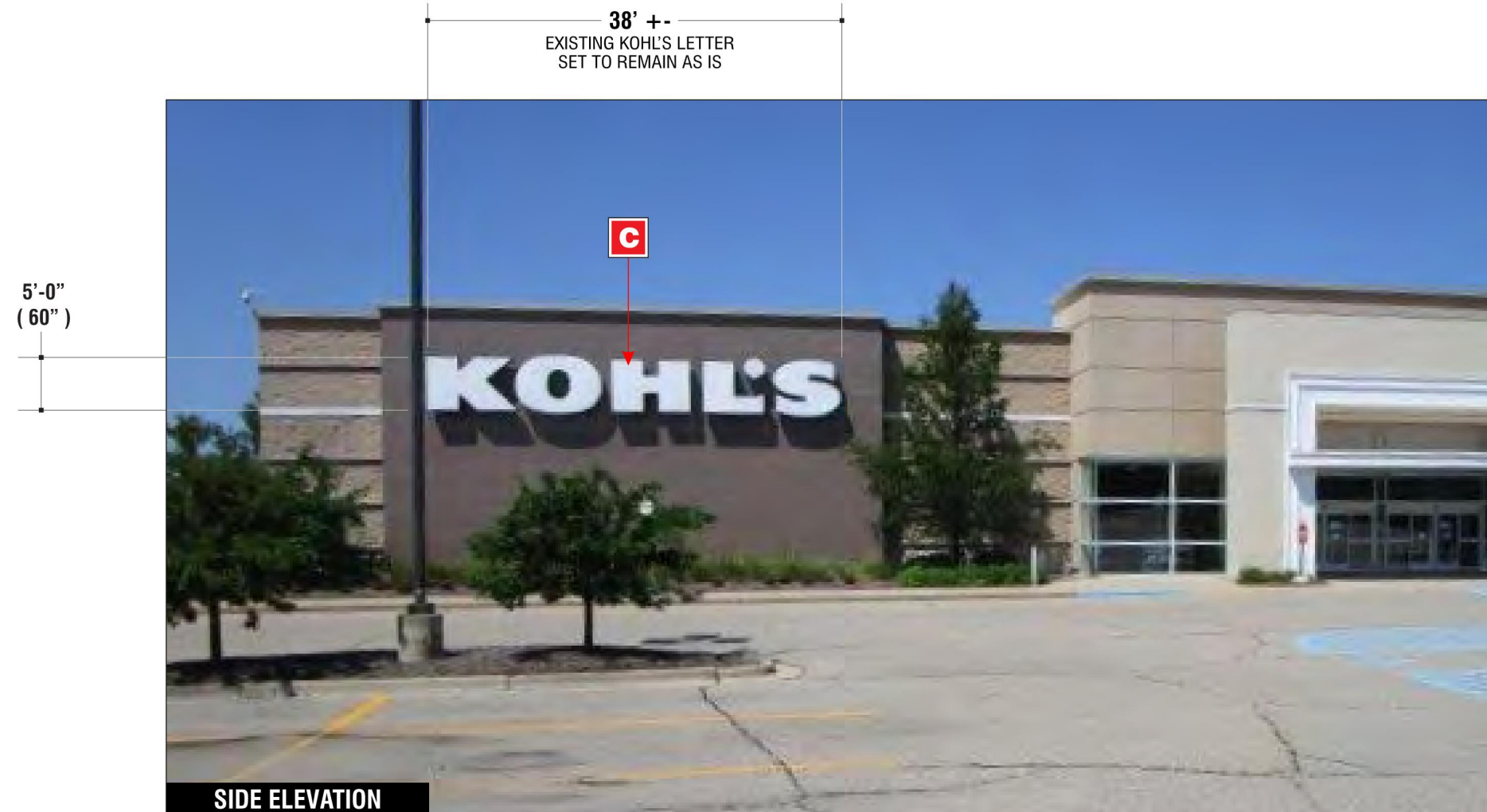
COLOR SCHEDULE:

- P1** .050 pre-coil aluminum **Matte Black** returns
- P2** powder coated **Matte Black** metal retainers
- V1** .177 Plaskolite Optix LD #2447 **WHITE** acrylic faces (NO SEAMS, ONE PIECE)

- ALL stand-off clips will be **painted Matte Black**
- Inside letter returns will be **WHITE**.
- ACM backs will be **WHITE on the inside** and **White on the exterior backside**.

Kieffer Installer to determine appropriate fastener type based on specific wall construction

7375 Highland Road - White Lake, MI



SIDE ELEVATION

Scale: N.T.S.

C EXISTING 5'-0" (60") 'KOHL'S' Channel Letter set **TO REMAIN AS IS**

7375 Highland Road - White Lake, MI



ACCOUNT: Kohl's - Sephora Store #11097
 LOCATION: 7375 Highland Road - White Lake, MI
 ACCT. REP: B. Jorgenson DESIGNER: LMK
 DATE: 12/13/21
 COMPANION FILES: _____



REVISIONS:	INITIALS & DATE:
▲ A -	-
▲ B -	-
▲ C -	-
▲ D -	-
▲ E -	-
▲ F -	-
▲ G -	-
▲ H -	-

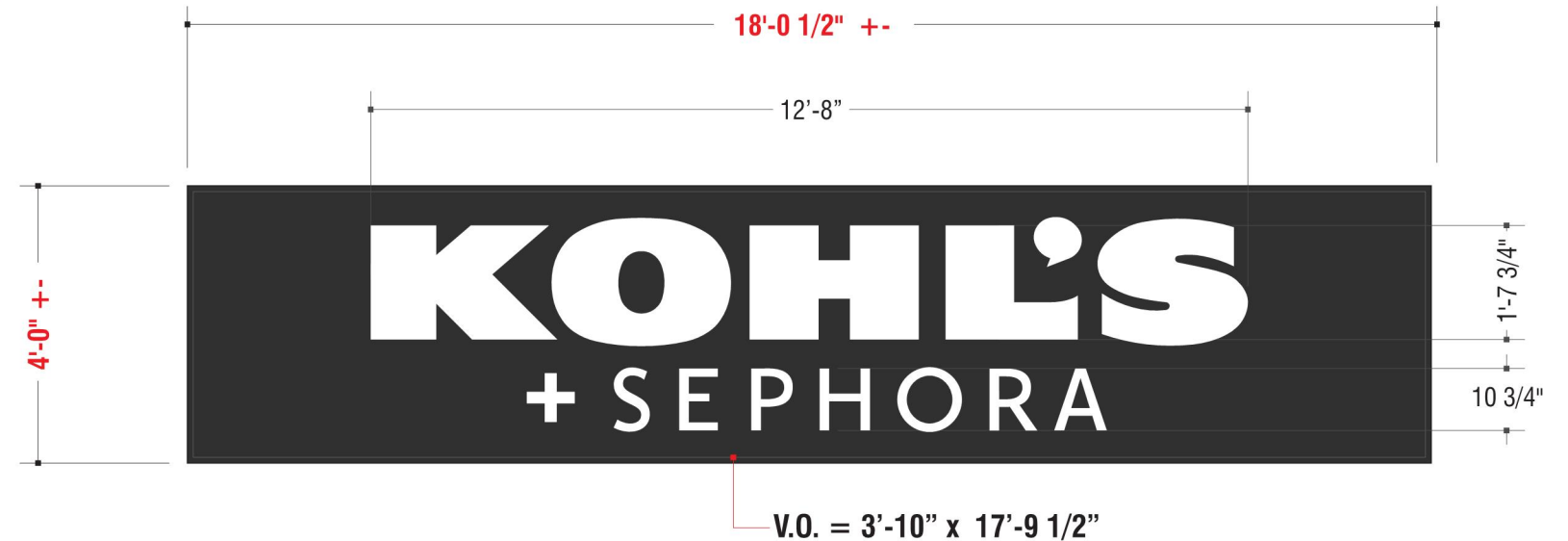
This is an original unpublished drawing submitted for use in connection with a project being planned for you by Kieffer Holding Co. It is not to be reproduced, copied or exhibited in any fashion without the written permission of Kieffer Holding Company.

For Contact Information
visit us at KiefferStarlite.com

KS2102496B



NOTE:
REMOVE EXISTING 'KOHL'S' FACES AND
REPLACE WITH PROPOSED



D D/F Monument Replacement Faces Scale: 3/8" = 1'-0"

QTY: 2 - White Polycarbonate face w/vinyl applied to first surface. Logotype/Graphics weeded from background vinyl to show thru to white face.

COLOR SPECIFICATIONS

- 3M #3630-22 BLACK vinyl
- WHITE (weeded) copy

NOTE: VERIFY ALL SIZES AND SPECS. w/ INSTALLER PRIOR TO MFG.
**** EXACT FACE CUT SIZES REQUIRED ****

**SURVEY AND DRAWING
UPDATES REQUIRED**

7375 Highland Road - White Lake, MI



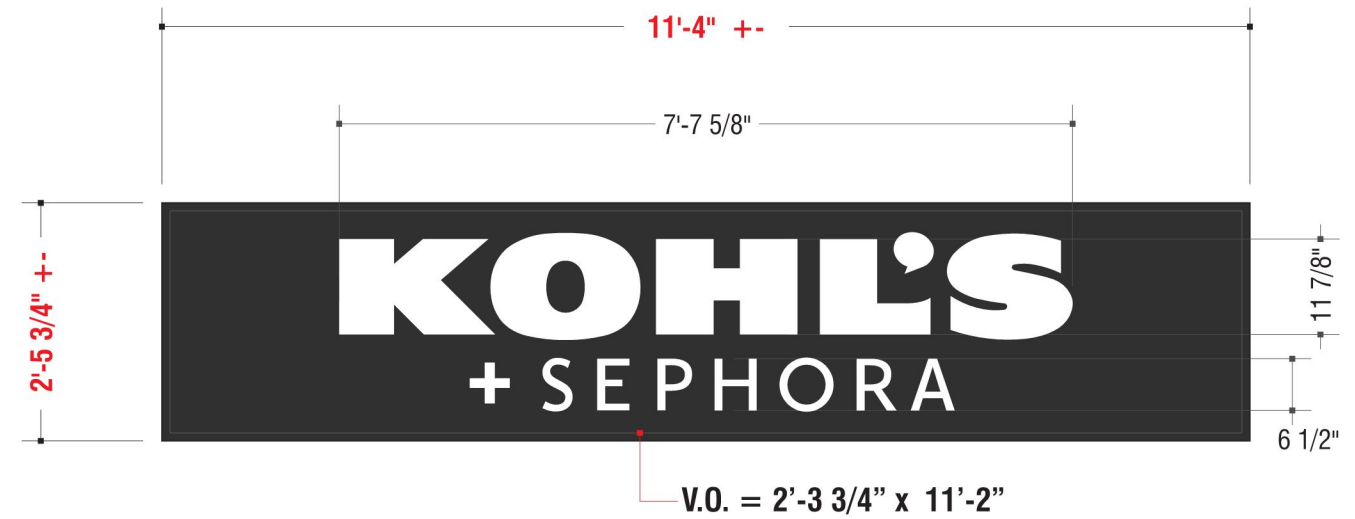
EXISTING

NOTE:
REMOVE EXISTING 'KOHL'S' FACES AND
REPLACE WITH PROPOSED



PROPOSED

E



E

D/F Monument Replacement Faces

Scale: 1/2" = 1'-0"

QTY: 2 - White Polycarbonate face w/vinyl applied to first surface. Logotype/Graphics weeded from background vinyl to show thru to white face.

COLOR SPECIFICATIONS

- 3M #3630-22 BLACK vinyl
- WHITE (weeded) copy

NOTE: VERIFY ALL SIZES AND SPECS. w/ INSTALLER PRIOR TO MFG.
**** EXACT FACE CUT SIZES REQUIRED ****

**SURVEY AND DRAWING
UPDATES REQUIRED**

7375 Highland Road - White Lake, MI



REVISIONS:	INITIALS & DATE:
▲ -	-
▲ -	-
▲ -	-
▲ -	-
▲ -	-
▲ -	-
▲ -	-
▲ -	-
▲ -	-

This is an original unpublished drawing submitted for use in connection with a project being planned for you by Kieffer Holding Co. It is not to be reproduced, copied or exhibited in any fashion without the written permission of Kieffer Holding Company.

**For Contact Information
visit us at KiefferStarlite.com**





- A** NEW 2'-6" (30") '+ SEPHORA ' Channel Letters
- B** NEW 5'-0" (60") KOHL'S Channel Letters to replace existing 60" Neon Letter Set
- C** EXISTING 5'-0" (60") 'KOHL'S' Channel Letter set **TO REMAIN AS IS**
- D** D/F Monument Replacement Faces ONLY
- E** D/F Monument Replacement Faces ONLY

7375 Highland Road - White Lake, MI



ACCOUNT: Kohl's - Sephora Store #11097
 LOCATION: 7375 Highland Road - White Lake, MI
 ACCT. REP: B. Jorgenson DESIGNER: LMK
 DATE: 12/13/21
 COMPANION FILES



REVISIONS:	INITIALS & DATE:
▲ A -	-
▲ B -	-
▲ C -	-
▲ D -	-
▲ E -	-
▲ F -	-
▲ G -	-
▲ H -	-

This is an original unpublished drawing submitted for use in connection with a project being planned for you by Kieffer Holding Co. It is not to be reproduced, copied or exhibited in any fashion without the written permission of Kieffer Holding Company.

For Contact Information
visit us at KiefferStarlite.com

