



CITY COUNCIL AGENDA ITEM

Date: July 19, 2011

To: John Szerlag, City Manager

From: Mark F. Miller, Director of Economic & Community Development
R. Brent Savidant, Planning Director

Subject: AMENDMENT OF CONSENT JUDGMENT AND PRELIMINARY SITE PLAN APPROVAL (File Number SP 186 A) – Proposed Sunset Plaza CVS Pharmacy Drive-Through, Northeast Corner of Long Lake and Livernois (125 E. Long Lake), Section 10, Currently Zoned Neighborhood Node M District (Controlled by Consent Judgment)

Background

The applicant, NORR, LLC, proposes to add a drive-through addition to an existing CVS Pharmacy. Some other minor site improvements are proposed including some additional landscaping. The building addition will be constructed of similar materials as the existing façade. The attached report, prepared by Carlisle/Wortman Associates, Inc., summarizes the item.

The development is controlled by consent judgment, which stipulates that City Council has the authority to approve revisions to the Preliminary Site Plan.

The Planning Commission considered this application at the May 24, 2011 Special/Study meeting and postponed the item to allow the petitioner to revise the drawings based on Planning Commission recommendations. The Planning Commission considered the application again at the June 14, 2011 Regular meeting and recommended approval of the Preliminary Site Plan, subject to four conditions.

1. Relocate existing watermain and provide a new easement and abandon existing easement.
2. Arborvitae shall be replaced with a more street hardy species to be administratively approved by Planning Department.
3. That both landscaped islands shall be irrigated.
4. Extend the width of the island near the drive-through to the end of the existing 17-foot parking spaces, basically adding 1 or 2 feet to the south of that southern edge of the island by the drive-through, to delineate for the driver coming through to direct vehicle away from handicapped spaces.



CITY COUNCIL AGENDA ITEM

The Preliminary Site Plan application was revised to include the Planning Commission conditions, as follows:

1. A note was added to Sheet SP-2 indicating there will be a new watermain and easement.
2. The proposed arborvitae plants were replaced with eastern red cedar (Sheet L-1).
3. Irrigation will be provided to all new landscape islands (Sheet L-1).
4. The landscape island to the west of the drive-thru was extended approximately 3 feet to the south.

Recommendation

City Management recommends approval of the revised Preliminary Site Plan and approval of a consent judgment to allow for the proposed drive-through addition.

City Attorney's Review as to Form and Legality

Date

Attachments:

1. Maps
2. Planning Commission report, prepared by Carlisle/Wortman Associates, Inc.
3. Minutes from June 14, 2011 Planning Commission Regular meeting (excerpt)
4. Minutes from May 24, 2011 Planning Commission Special/Study meeting (excerpt)
5. Stipulation and Fifth Amendment to the Consent Judgment

G:\SITE PLANS\SP 186 A Sunset Plaza Shopping Plaza Sec 10\CC Memo 07 25 2011.doc

SUNSET PLAZA, 125 E LONG LAKE

City of Troy Planning Department



Legend

-  I-75
-  Road Centerline
 -  Major Road
 -  Industrial Road
 -  Local Road
-  Ponds and Basins
-  Streams and Creeks
-  Parcels
- Aerial Photos - 2010**
 -  Red:Band_1
 -  Green:Band_2
 -  Blue:Band_3

355 0 178 355Feet

Scale 1: 2,131



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.

Printed: 5/11/2011

SUNSET PLAZA, 125 E LONG LAKE

City of Troy Planning Department



Legend

- I-75
- Road Centerline
 - Major Road
 - Industrial Road
 - Local Road
- Form Based Zoning (Current)
 - (PUD) Planned Unit Development
 - (CF) Community Facilities District
 - (EP) Environmental Protection District
 - (BB) Big Beaver Road
 - (MRR) Maple Road
 - (NN) Neighborhood Nodes (A-U)
 - (CB) Community Business
 - (GB) General Business
 - (IB) Integrated Industrial Business District
 - (O-1) Office Building District
 - (OM) Office Mixed Use
 - (P) Vehicular Parking District
 - (R-1A) One Family Residential District
 - (R-1B) One Family Residential District
 - (R-1C) One Family Residential District
 - (R-1D) One Family Residential District
 - (R-1E) One Family Residential District
 - (RT) One Family Attached Residential District
 - (MR) Multi-Family Residential
 - (MHP) Manufactured Housing
 - (UR) Urban Residential
 - (R-C) Research Center District
 - (PV) Planned Vehicle Sales
- Ponds and Basins
- Streams and Creeks
- Parcels
- Aerial Photos - 2010
 - Red:Band_1
 - Green:Band_2
 - Blue:Band_3

355 0 178 355Feet

Scale 1: 2,131



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.

Printed: 5/11/2011



CARLISLE/WORTMAN ASSOCIATES, INC.

Community Planners /Landscape Architects

605 S. Main, Suite 1
Ann Arbor, MI 48104
734-662-2200
fax 734-662-1935

6401 Citation Drive, Suite E
Clarkston, MI 48346
248-625-8480
fax 248-625-8455

MEMORANDUM

TO: Brent Savidant
FROM: Zachary Branigan
DATE: June 10, 2011
RE: Revised CVS Drive-Through, 125 East Long Lake Road

We are in receipt of a revised submittal for an amendment to a consent judgment to allow the addition of a drive-through window facility at an existing CVS store on Long Lake Road. Given the limited nature of the project, we are providing a more focused review in a memorandum format. The Planning Commission held a detailed discussion with the applicant at its May 24 meeting and made a series of recommendations prior to postponing action on the request.

The existing CVS store is part of the Sunset Plaza development, and is located at 125 East Long Lake Road, on the northeast corner of Long Lake Road and Livernois Road. The project was permitted as part of a consent judgment. The current zoning, however, is Neighborhood Node District, Site Type A, Street Type A (Node M). In the Neighborhood Node Form-Based District, drive-through facilities are permitted in Use Group 6 under special use permit when the site is classified as Site Type A, Street Type A. However, given the status of this project as a part of a consent judgment, the Planning Commission is only obligated to make a recommendation to City Council with regard to the project.

We have reviewed the revised plan with regard to the concerns raised in our previous review and the dialogue between the applicant and Planning Commission. We have reviewed circulation, site design, parking, landscaping, screening, and the general provisions of the Ordinance.

Circulation and Stacking

The applicant has revised the proposed drive-through configuration by extending it slightly to allow for additional stacking (4 spaces in the north lane, 3 spaces in the south lane). In doing so, the drive-through is now closer the barrier-free spaces, which have not been relocated to the west side of the building as recommended. From our review of the site plan, it appears that there may be insufficient space within the existing west sidewalk to accommodate the required barrier free ramp were it to extend directly from the end of the parking space (as they are designed in the site plan. However, as the spaces exist now, they are served by a ramp that is adjacent the spaces, not extending from the end of the spaces. This approach may be possible were the spaces

relocated to the west side, although we acknowledge that an island or additional hardscape alterations would be necessary to provide such a ramp. At a minimum, the Planning Commission should discuss this issue with the applicant, and we will be prepared to discuss potential solutions.

Given that drivers would be forced to cross the oncoming traffic in the maneuvering lane heading west from the east entrance towards the main parking area, the applicant has provided additional directional striping for the maneuvering lanes to further establish the turning movements into the drive-through. Also, the plan now shows that the proposed striped island has been replaced with a curbed landscape island to formally separate the maneuvering lanes from the drive-through lanes. We accept this approach.

Drive-Through Facility Standards

Section 6.10 establishes a series of requirements for all drive-through facilities. Section 6.10.A states that: "Drive-through facilities shall be designed in a manner which promotes pedestrian and vehicular safety." As noted above, we are concerned that the proposed design does not meet this criterion.

Further, Section 6.10.B states that: "Single-lane drive-throughs may be located at the side of a building. Multiple-lane drive-throughs shall be located in a manner that will be the least visible from a public thoroughfare." As noted above, the proposed facility includes two lanes. These lanes are proposed in a location where they would be most visible to Long Lake Road. In response to discussion with the Planning Commission, the applicant has provided a landscaped hedge in the new proposed island separating the traffic lanes from the drive-through lanes. We accept this approach and recognize that it will assist in softening the appearance of the drive-through from the right-of-way.

Finally, and also as noted above, Section 6.10.C.3, in Table 6.10, requires four stacking spaces per lane, which this proposal as designed does not meet. We are comfortable with fewer spaces, given the confined location. The revised site plan shows four spaces in the north lane and three spaces in the south lane. We are comfortable with this approach.

Landscaping and Screening

The new drive-through facility would point at an existing single-family residential area. This area is already adjacent the shopping center, but would now also be subjected to the cars queuing in the drive-through lanes. There is an existing wall at this location; however, we are concerned that the wall does not provide a desirable or sufficient screening alternative given the increased intensity. Table 13.02-B, Landscape Screening Schedule, in Section 13.02.B, requires screening alternative 3 (established in Table 13.02-A and Figure 13.02-C) and/or a wall between any Use Group 6 use and a residential area. Alternative 3 requires one large evergreen tree for every 10 linear feet and one narrow evergreen for every 5 linear feet.

The applicant has removed four existing parking spaces from the revised site plan and provided a 38 foot by 12 foot, 7 inch curbed landscaped island with four blue spruce trees and three arbor

vitaes. While this doesn't fully meet the requirements of landscape screening alternative 3 with regard to the number of narrow evergreens (8 would be required where 3 are provided), it does meet the schedule with regard to large evergreens (4 are proposed where 4 would be required). Given the presence of the wall and the limited proposed depth of the island, we are comfortable with the proposed arrangement.

Other requirements

An existing water main is located directly beneath the proposed drive-through canopy. The City Engineering Department has stated that the water main must be relocated and provided a new easement, and that the existing easement must be abandoned. While it is our understanding that the applicant will respond to this concern, the revised submittal does not show any alteration in this regard. Any recommendation from the Planning Commission should be conditioned on the applicant submitting a revised plan addressing this issue.

Recommendation

We do not object to the provision of a drive-through window for the existing CVS store. Drive-through pharmacy windows are a new typical element to pharmacy establishments, and have been included on new pharmacy facilities throughout Michigan. We are confident that a drive-through could be a compatible addition to this existing site and could help the existing store continue to thrive in Troy. The site plan has been revised to address many of our concerns. However, two outstanding elements remain:

1. The proposed barrier-free spaces should be relocated, preferably to the west side of the building, to eliminate potential conflicts with the drive-through. While we acknowledge the applicant's potential problem with space at this location, we believe alternative approaches should be discussed with the Planning Commission.
2. The existing water main must be relocated and provided a new easement, and that the existing easement must be abandoned.

We recommend the Planning Commission discuss these issues with the applicant. If the applicant is willing to make changes to address the issues noted herein, we recommend the Planning Commission make an affirmative recommendation, conditioned on the applicant revising the plans to address these issues prior to appearing before City Council.

Please do not hesitate to contact us with any questions, comments, or concerns.

Sincerely,



CARLISLE/WORTMAN ASSOCIATES, INC.
Zachary G. Branigan, LEED AP, AICP
Associate

5. PRELIMINARY SITE PLAN REVIEW (File Number SP 186 A) – Proposed Sunset Plaza CVS Pharmacy Drive-Through, Northeast Corner of Long Lake and Livernois (125 E. Long Lake), Section 10, Currently Zoned Neighborhood Node M District (Controlled by Consent Judgment)

Resolution # PC-2011-06-034

Moved by: Schultz
Seconded by: Edmunds

RESOLVED, That the Planning Commission hereby recommends that Preliminary Site Plan Approval, pursuant to Article 8 of the Zoning Ordinance, as requested for the proposed Sunset Plaza CVS Pharmacy Drive-Through, located on the Northeast Corner of Long Lake and Livernois (125 E. Long Lake), in Section 10, within the Neighborhood Node Form-Based Zoning District, controlled by Consent Judgment be granted, subject to the following conditions:

1. Relocate existing watermain and provide a new easement and abandon existing easement.
2. Arborvitae shall be replaced with a more street hardy species to be administratively approved by Planning Department.
3. That both landscaped islands shall be irrigated.

Resolution # PC-2011-06-035

Moved by: Krent
Seconded by: Strat

RESOLVED, To amend motion on the floor to add the following condition:

Extend the width of the island near the drive-through to the end of the existing 17-foot parking spaces, basically adding 1 or 2 feet to the south of that southern edge of the island by the drive-through, to delineate for the driver coming through to direct vehicle away from handicapped spaces.

Vote on amendment on the floor.

Yes: Edmunds, Krent, Sanzica, Strat, Tagle, Ullmann
No: Hutson, Schultz
Absent: Maxwell

MOTION CARRIED

Vote on the original motion as amended.

Resolution # PC-2011-06-034 (as amended)

Moved by: Schultz

Seconded by: Edmunds

RESOLVED, That the Planning Commission hereby recommends that Preliminary Site Plan Approval, pursuant to Article 8 of the Zoning Ordinance, as requested for the proposed Sunset Plaza CVS Pharmacy Drive-Through, located on the Northeast Corner of Long Lake and Livernois (125 E. Long Lake), in Section 10, within the Neighborhood Node Form-Based Zoning District, controlled by Consent Judgment be granted, subject to the following conditions:

1. Relocate existing watermain and provide a new easement and abandon existing easement.
2. Arborvitae shall be replaced with a more street hardy species to be administratively approved by Planning Department.
3. That both landscaped islands shall be irrigated.
4. Extend the width of the island near the drive-through to the end of the existing 17-foot parking spaces, basically adding 1 or 2 feet to the south of that southern edge of the island by the drive-through, to delineate for the driver coming through to direct vehicle away from handicapped spaces.

Yes: Edmunds, Krent, Sanzica, Schultz, Strat, Tagle, Ullmann

No: Hutson

Absent: Maxwell

MOTION CARRIED

PRELIMINARY SITE PLAN REVIEW

8. **PRELIMINARY SITE PLAN REVIEW (File Number SP 186 A)** – Proposed Sunset Plaza CVS Pharmacy Drive-Through, Northeast Corner of Long Lake and Livernois (125 E. Long Lake), Section 10, Currently Zoned Neighborhood Node M District (Controlled by Consent Judgment)

Resolution #2011-05-031

Moved by: Schultz

Seconded by: Tagle

RESOLVED, To table the item to allow the petitioner to provide revised drawings of the drive-through facility, landscaped island and handicapped parking spaces removed, and also to provide dwarf trees in the landscaped island rather than shrubs to screen the appearance of vehicles.

Yes: All present (9)

MOTION CARRIED

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

SUNSET PLAZA SHOPPING CENTER, LLC,
a Michigan limited liability company, and SUNSET PLAZA
LIMITED PARTNERSHIP,
a Michigan limited partnership,
as Successor-In-Interest to APOLLO
INTERNATIONAL, INC., a Michigan
Corporation, which was previously
Successor-In-Interest to FUTURE
PRODUCTS TOOL CORPORATION, a
Michigan corporation,

Plaintiffs,

Case No. 70-68045-CZ

vs.

Judge Rudy J. Nichols

CITY OF TROY, a Michigan Municipal
Corporation,

Defendant.

John D. Gaber (P45294)
Williams, Williams, Rattner & Plunkett, P.C.
Attorney for Plaintiffs
380 N. Old Woodward Avenue, Suite 300
Birmingham, Michigan 48009
(248) 642-0333

Lori Grigg Bluhm (P46908)
Allan Motzny (P37580)
City Attorney, City of Troy
500 West Big Beaver Road
Troy, Michigan 48084
(248) 524-3259

**FIFTH AMENDMENT AND SECOND AMENDMENT
TO RESTATED CONSENT JUDGMENT**

**FIFTH AMENDMENT AND SECOND AMENDMENT
TO RESTATED CONSENT JUDGMENT**

At a session of said Court, held in the
Courthouse, City of Pontiac, County of Oakland,
State of Michigan, on _____

HONORABLE _____
CIRCUIT COURT JUDGE

The parties, through their respective counsel and by themselves, hereby stipulate and agree to this Stipulation and Fifth Amendment and Second Amendment to Restated Consent Judgment ("Fifth Amendment") as follows:

WHEREAS, this action came to be heard upon the Complaint of Plaintiff Sunset Plaza Limited Partnership, seeking, *inter alia*, a Declaratory Judgment as to the constitutionality of the zoning ordinance of the Defendant, City of Troy, as it applied to the real property described in Exhibit A attached hereto ("Property");

WHEREAS, this matter was resolved through entry of an original Judgment by this Court on August 11, 1971, which was amended on August 24, 1978 and November 5, 1985, and amended and restated by entry of the Third Amendment to and Restated Consent Judgment on December 9, 1991 ("Restated Consent Judgment"), and as further amended by entry of the Fourth Amendment to Restated Consent Judgment on December 3, 1996 ("Fourth Amendment"). The Restated Consent Judgment and the Fourth Amendment shall be collectively referred to as the "Consent Judgment";

WHEREAS, Plaintiff Sunset Plaza Limited Partnership transferred and conveyed the shopping center portion of the Property (as described in Exhibit A) to Plaintiff Sunset Plaza Shopping Center, LLC by Warranty Deed dated June 19, 2001, recorded in Liber 23169, Page 597, Oakland County Records, and retained the office portion of the Property (as described in

Exhibit A). Sunset Plaza Limited Partnership and Sunset Plaza Shopping Center, LLC shall be collectively referred to herein as “Plaintiff.”

WHEREAS, Plaintiff has submitted a revised site plan to the City for the purpose of adding a prescription drive-through facility to the existing CVS Pharmacy operating on the Property, as depicted on the Revised Site Plan attached hereto and incorporated by reference as Exhibit B to this Fifth Amendment ("Revised Site Plan");

WHEREAS, in a meeting on June 14, 2011, the Planning Commission for the Defendant, City of Troy, recommended approval of the Site Plan Application (City of Troy File No. SP 186 A), which includes the Revised Site Plan, proposed by CVS Pharmacy, as agent for Plaintiff, to facilitate the expansion of the current retail operations of CVS Pharmacy with a drive-through facility;

WHEREAS, the City Council of Defendant, the City of Troy, approved the Site Plan Application and the Revised Site Plan on July ____, 2011, in accordance with its regular procedures, and also approved and authorized the entry of this Fifth Amendment on behalf of Defendant, the City of Troy, to allow the operation of the pharmacy drive-through in accordance with the Revised Site Plan and this Fifth Amendment, and the Parties desire to amend the Consent Judgment accordingly.

IT IS THEREFORE ORDERED AND ADJUDGED AS FOLLOWS:

1. That notwithstanding anything to the contrary in the Consent Judgment, the Revised Site Plan is hereby approved and deemed to comport with all legal requirements of the Consent Judgment, the City of Troy Zoning Ordinance and applicable law; and the Plaintiffs, their successors and assigns, hereby have the right, but not the obligation, to construct the improvements set forth in the Revised Site Plan, subject to obtaining all applicable building and engineering permits required for such construction in the ordinary course.

2. The Revised Site Plan hereby supersedes and replaces that portion of the site plan attached to the Consent Judgment (“Original Site Plan”) to which the Revised Site Plan applies. The Original Site Plan shall remain in full force and effect as amended by the Revised Site Plan, and to the extent there is any inconsistency between the Original Site Plan and the Revised Site Plan, the Revised Site Plan shall control.

3. The use of the pharmacy drive-through as depicted on the Revised Site Plan shall be permitted for so long as the premises on the Property served by the drive-through facilities is used and operated as a pharmacy and its ancillary uses, if any.

4. That portion of the water main on the Property which is presently located within the area where the drive-through facilities are proposed on the Revised Site Plan shall be relocated by Plaintiff (“Water Main Relocation”), at Plaintiff’s expense, to a new location outside of the drive-through facilities, and the Parties shall execute and record an amendment to that permanent Easement dated February 11, 1985, recorded in Liber 15191, Page 262, Oakland County Records, to reflect the relocation of that portion of the water main easement that conflicts with the proposed drive-through facilities. The Water Main Relocation shall be performed in accordance with plans approved by the Troy City Engineer, and shall be inspected and approved by the City in accordance with its ordinances, rules and regulations.

5. The Parties acknowledge that there may be minor modifications to the Revised Site Plan that arise during the construction of the pharmacy drive-through facilities, such as minor variances in the dimensions and/or location of the window, canopy, pylons, islands, parking spaces, landscaped islands, the relocated water main, and/or the easement for the relocated water main, and that such minor modifications to the Revised Site Plan, not inconsistent with the spirit of this Restated Consent Judgment, may be made without the necessity of amending the Consent Judgment or this Fifth Amendment, with the approval of City

Staff. City Staff shall have the discretion to determine whether a modification is "minor" in accordance with this paragraph.

6. Except as herein expressly amended, the Consent Judgment is hereby ratified and confirmed, and continues in full force and effect. This Fifth Amendment shall control to the extent there are any conflicts between the Fifth Amendment and the Consent Judgment.

7. A certified copy of this Fifth Amendment shall be recorded in the office of the Oakland County Register of Deeds with respect to the Property, and the Oakland County Register of Deeds is directed to accept the same for recordation.

8. This Court shall retain jurisdiction in all matters concerning the development and use of the Property and the implementation of the Orders of this Court related to such Property and such matters covered by the Consent Judgment and this Fifth Amendment.

CIRCUIT COURT JUDGE

[Signatures Follow on Next Pages]

**SIGNATURE PAGE TO FIFTH AMENDMENT
AND SECOND AMENDMENT TO RESTATED CONSENT JUDGMENT
OAKLAND COUNTY CIRCUIT COURT, CASE NO. 70-68045-CZ**

THE UNDERSIGNED PARTIES HAVE HEREBY READ, UNDERSTAND, AGREE AND CONSENT TO THE FOREGOING FIFTH AMENDMENT TO RESTATED CONSENT JUDGMENT AND ALL TERMS AND CONDITIONS STATED THEREIN. ALL SUCH PARTIES HEREBY REPRESENT THAT THEY HAVE OBTAINED ADVICE OF COUNSEL AND ARE CONSENTING TO THIS STIPULATION AND ORDER AMENDING CONSENT JUDGMENT FREELY AND VOLUNTARILY.

SUNSET PLAZA SHOPPING CENTER,
LLC, a Michigan limited liability company

By: Sunset Plaza Limited Partnership,
a Michigan limited partnership,
Its Member

By: _____
Paul T. Chosid, as Trustee of the Paul
T. Chosid Revocable Trust U/A/D
5/14/01, General Partner

Dated: _____

SUNSET PLAZA LIMITED PARTNERSHIP,
a Michigan limited partnership

By: _____
Paul T. Chosid, as Trustee of the Paul
T. Chosid Revocable Trust U/A/D
5/14/01, General Partner

Dated: _____

APPROVED AS TO FORM:

John D. Gaber (P45294)
Attorney for Plaintiffs

Dated: _____

**SIGNATURE PAGE TO FIFTH AMENDMENT
AND SECOND AMENDMENT TO RESTATED CONSENT JUDGMENT
OAKLAND COUNTY CIRCUIT COURT, CASE NO. 70-68045-CZ**

THE UNDERSIGNED PARTIES HAVE HEREBY READ, UNDERSTAND, AGREE AND CONSENT TO THE FOREGOING FIFTH AMENDMENT TO RESTATED CONSENT JUDGMENT AND ALL TERMS AND CONDITIONS STATED THEREIN. ALL SUCH PARTIES HEREBY REPRESENT THAT THEY HAVE OBTAINED ADVICE OF COUNSEL AND ARE CONSENTING TO THIS STIPULATION AND ORDER AMENDING CONSENT JUDGMENT FREELY AND VOLUNTARILY.

CITY OF TROY, a Municipal corporation

By: _____
Louise E. Schilling, Mayor

By: _____
Aileen Bittner,
Deputy Clerk/Acting City Clerk

Dated: _____

APPROVED AS TO FORM:

CITY OF TROY CITY ATTORNEY'S OFFICE

By: _____
Lori Grigg Bluhm (P46908)
Allan Motzny (P37580)
Attorneys for the City of Troy
500 W. Big Beaver Road
Troy, Michigan 48084
(248) 524-3320

Dated: _____

EXHIBIT A

Legal Description of "Property"

SHOPPING CENTER PARCEL

Part of the Southwest 1/4 of Section 10, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, more particularly described as commencing at the Southwest corner of said Section, thence North 01 degree 15 minutes 21 seconds West, 260.00 feet; along the centerline of Livernois Road (120 feet wide), also being the West line of said Section 10, thence North 88 degrees 50 minutes 57 seconds East, 60.00 feet; to the Point of Beginning; thence North 01 degree 15 minutes 21 seconds West, 460.00 feet; thence North 88 degrees 50 minutes 57 seconds East, 660.00 feet; along the Southerly line of Sylvan Glen Subdivision #2 (Liber 132, pages 12, 13 and 14 of Plats, O.C.R.), thence South 01 degree 15 minutes 21 seconds East, 655.00 feet; along the Westerly line of said Sylvan Glen Subdivision #2, thence South 88 degrees 50 minutes 57 seconds West, 460.00 feet; parallel to the south line of said Section 10, thence North 01 degree 15 minutes 21 seconds West, 195.00 feet; thence South 88 degrees 50 minutes 57 seconds West 200.00 feet; to the Point of Beginning.

Tax Item No. 20-10-351-018

OFFICE PARCEL

Part of the Southwest 1/4 of Section 10, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, more particularly described as commencing at the Southwest corner of said Section 10; thence North 01 degree 15 minutes 21 seconds West, 260.00 feet; along the centerline of Livernois Road (120 feet wide) and also being the West line of said Section 10; thence North 88 degrees 50 minutes 57 seconds East, 60.00 feet; to the Point of Beginning; thence North 88 degrees 50 minutes 57 seconds East, 200.00 feet; thence South 01 degree 15 minutes 21 seconds East, 195.00 feet; thence South 88 degrees 50 minutes 57 seconds West, 200.00 feet; thence North 01 degree 15 minutes 21 seconds West, 195.00 feet; to the Point of Beginning.

Tax Item No. 20-10-351-019

EXHIBIT B

Revised Site Plan

(See Attached)

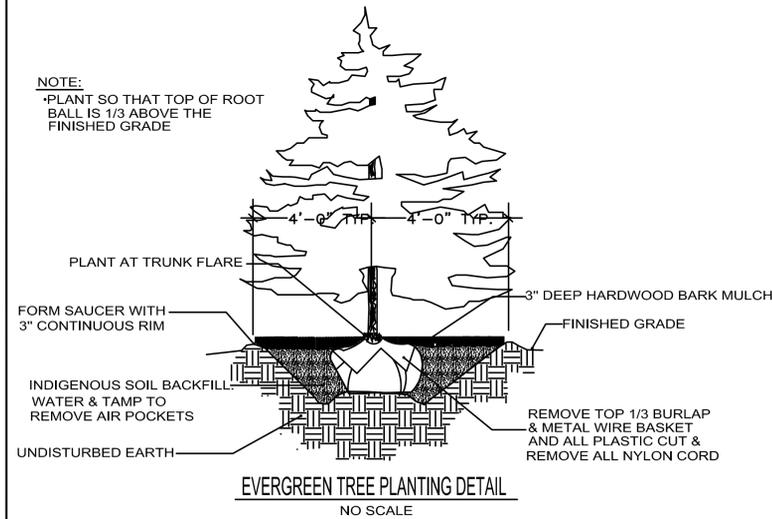
PLANT SCHEDULE

KEY	QTY	SPECIES	HEIGHT	CALIPER	CANOPY	SPEC.
<i>Coniferous Tree</i>						
PP	4	Picea pungens 'Fat Albert' Fat Albert Blue Spruce	8' HT.			B&B
JV	18	Juniperus Virginiana Eastern Red Cedar	4' HT.			B&B

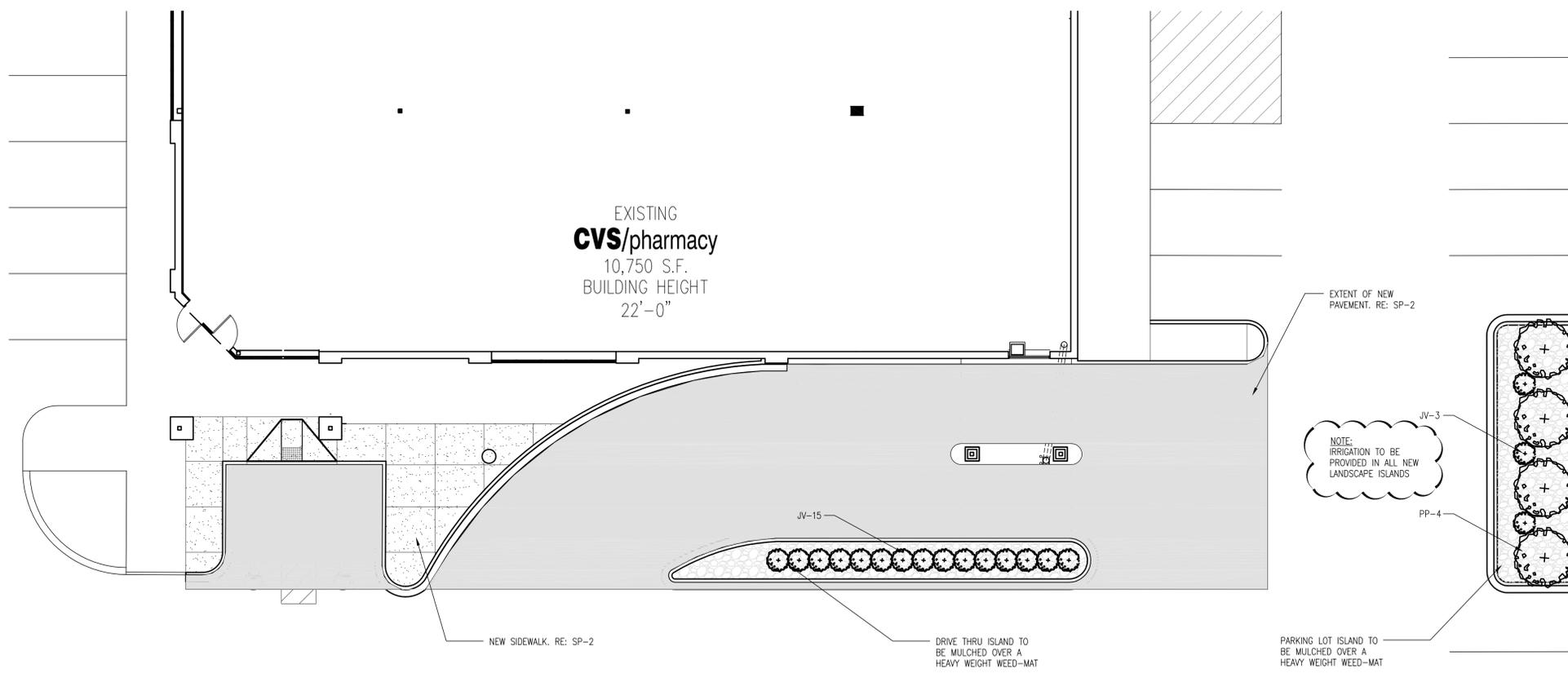
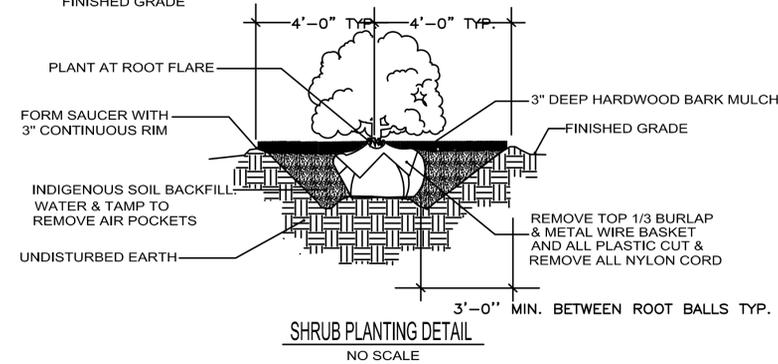
PLANTING NOTES:

- SIZES SPECIFIED IN THE PLANT LIST ARE MINIMUM SIZES TO WHICH THE PLANTS ARE TO BE INSTALLED.
- ALL LANDSCAPING SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE CITY OF TROY STANDARDS AND IN ACCORDANCE WITH CURRENT INDUSTRY STANDARDS IN A NEAT, HEALTHY AND WEED FREE CONDITION.
- THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFICATION OF ALL UNDERGROUND AND OVERHEAD UTILITIES. PLANT MATERIAL IS TO BE LOCATED SUCH THAT IT WILL NOT INTERFERE WITH ANY UNDERGROUND OR OVERHEAD UTILITIES.
- PRIOR TO ANY LAND CLEARING OR CONSTRUCTION, TREE PROTECTION FENCING IS TO BE INSTALLED BY THE CONTRACTOR. THIS FENCING SHALL BE INSTALLED AT THE DRIP LINE OF ALL TREES AND SHRUBS AND MUST BE MAINTAINED AS APPROVED FOR THE DURATION OF THE PROJECT. NO CUTTING, FILLING OR TRESPASSING SHALL OCCUR INSIDE THE FENCED AREAS.
- PLANT TREES AND SHRUBS NO CLOSER THAN THE FOLLOWING MINIMUM DISTANCES FROM SIDEWALKS, CURBS AND PARKING STALLS:
 - A. SHADE / CANOPY TREES 5 FEET
 - B. ORNAMENTAL / FLOWERING TREES 10 FEET
 - C. EVERGREEN TREES 10 FEET
 - D. EVERGREEN / FLOWERING SHRUBS 4 FEET
- DIG SHRUB PITS 1' LARGER THAN SHRUB ROOT BALLS AND TREE BALLS AND TREE PITS 2' LARGER THAN ROOT BALLS. BACKFILL WITH ONE PART TOP SOIL AND ONE PART SOIL FROM THE EXCAVATED PLANTING HOLE, AND A FERTILIZER MIX. PLANT TREES AND SHRUBS AT THE SAME GRADE LEVEL AT WHICH THEY WERE PLANTED AT THE NURSERY. IF WET, CLAY SOILS ARE EVIDENT, PLANT TREES AND SHRUBS HIGHER.
- REMOVE ALL TWINE, WIRE AND BURLAP FROM THE TOP 1/3 OF TREE AND SHRUB EARTH BALLS AND FROM TREE TRUNKS.
- NATURAL COLOR, FINELY SHREDDED HARDWOOD BARK MULCH REQUIRED FOR ALL PLANTINGS. 4" THICK BARK MULCH FOR TREES IN 4-FOOT DIAMETER CIRCLE WITH 3" PULLED AWAY FROM TRUNK. 3" THICK BARK FOR SHRUBS AND 2" THICK BARK FOR PERENNIALS.
- SHRUB BED EDGING SHALL BE RYERSON STEEL 4"x3/4" OR EQUAL.
- BACKFILL DIRECTLY BEHIND ALL CURBS AND ALONG SIDEWALKS AND COMPACT TO THE TOP OF CURB OR WALK TO SUPPORT VEHICLE AND PEDESTRIAN WEIGHT WITHOUT SETTLING.
- ALL LANDSCAPE AREAS, ESPECIALLY PARKING LOT ISLANDS AND LANDSCAPE BEDS NEXT TO BUILDINGS SHALL BE EXCAVATED OF ALL BUILDING MATERIALS AND POOR SOILS TO A DEPTH OF 12-18" AND BACKFILLED WITH GOOD, MEDIUM TEXTURED PLANTING SOIL (LOAM OF LIGHT YELLOW CLAY). ADD 4-6" OF TOPSOIL OVER FILL MATERIAL AND CROWN A MINIMUM OF 6" ABOVE TOP OF CURBS AND/OR WALKS AFTER EARTH SETTLING UNLESS OTHERWISE NOTED ON THE LANDSCAPE PLAN.
- ALL DISTURBED UNPAVED AREAS ARE TO BE SODDED OR SEEDED OVER A MINIMUM OF 4-INCH DEPTH OF TOPSOIL, REFER TO PLAN FOR LOCATIONS.
- LANDSCAPE BERMS ARE TO BE CONSTRUCTED OF LOAM SOILS AND ARE TO BE FREE OF CONSTRUCTION MATERIALS AND DEBRIS. USE OF HEAVY CLAYS FOR BERM CONSTRUCTION MUST BE APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
- PLANT MATERIAL IS TO BE GUARANTEED FOR A PERIOD OF TWO YEARS WHICH BEGINS UPON THE APPROVAL OF THE LANDSCAPING BY THE LANDSCAPE ARCHITECT. FAILING MATERIAL WILL BE REPLACED WITHIN ONE YEAR OR THE NEXT APPROPRIATE PLANTING SEASON.
- ALL SUBSTITUTIONS OR DERIVATIONS FROM THE LANDSCAPE PLAN MUST BE APPROVED BY THE CITY OF TROY PRIOR TO INSTALLATION.
- ALL TREES STAKES, GUY WIRES AND TREE WRAP SHALL BE REMOVED AFTER ONE WINTER SEASON.

NOTE:
*PLANT SO THAT TOP OF ROOT BALL IS 1/3 ABOVE THE FINISHED GRADE



NOTE:
*PLANT SO THAT TOP OF ROOT BALL IS 1/3 ABOVE THE FINISHED GRADE



STORE NUMBER: 08026
125 EAST LONG LAKE ROAD
TROY, MI 48098

PROJECT TYPE: DT
CS NUMBER: CS54199
CAP CODE: 102

DEVELOPER:

ARCHITECT OF RECORD:
719 Griswold Street
Suite 1000
Detroit, MI 48226
www.norr.com



CONSULTANT:

SEAL:

THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNTIL THE SEAL AND SIGNATURE OF THE RESPONSIBLE REGISTRANT APPEARS ON THE DRAWING, AND PROPER PERMIT FORMS AND RELATED FEES ARE TRANSMITTED BY THE OWNER, OWNER'S AGENT OR CONTRACTOR TO THE AUTHORITY HAVING JURISDICTION.

ISSUES:
03-02-2011 PERMIT SET
06-03-2011 PC SUBMITTAL
07-18-2011 REV. SITE PLAN

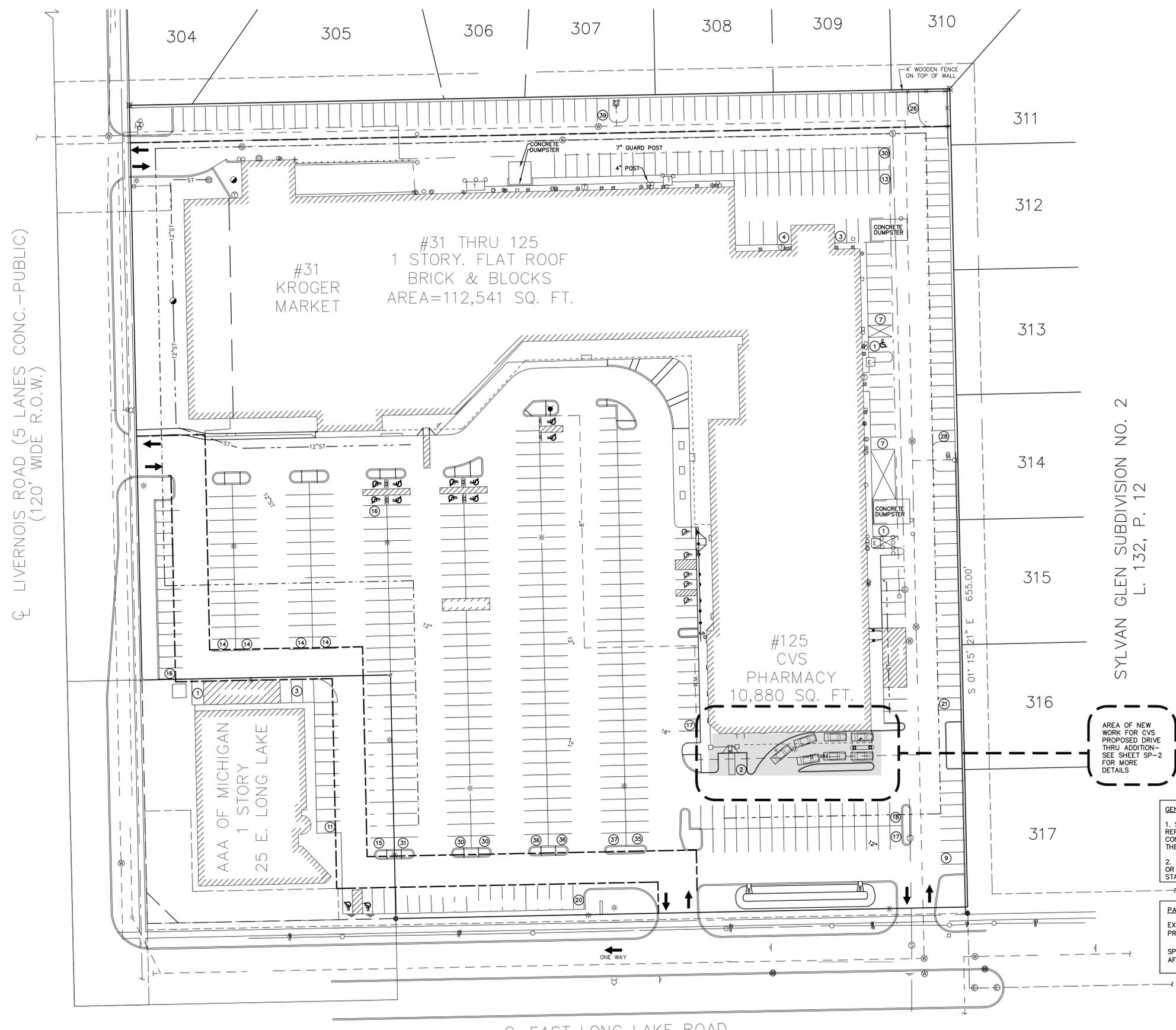
NORR JOB #: JCDD11.0055.00
CVS PROJECT MANAGER: B. BESUDEN
DRAWING BY: S. COMER
DATE: 03-02-2011
JOB NUMBER: CS54199
TITLE:

LANDSCAPE PLAN

SHEET NUMBER:

L-1

COMMENTS:



CL LIVERNOIS ROAD (5 LANES CONC.-PUBLIC)
(120' WIDE R.O.W.)

SYLVAN GLEN SUBDIVISION NO. 2
L. 132, P. 12

CL EAST LONG LAKE ROAD
(CONC. PVM'T, 130' R.O.W.-PUBLIC)

1 SITE PLAN
SP-1 SCALE: 1" = 40'-0"

GENERAL NOTES:
 1. SOLID GRAY HATCH ON SITE PLAN REPRESENTS AREA OF CVS EXCLUSIVE CONTROL. THE AREA NOT HATCHED ON THE SITE PLAN IS NOT TO BE ALTERED.
 2. THIS SITE PLAN IN NO WAY CHANGES OR NEGATES ANY EXCLUSIVE PARKING AS STATED IN THE BASE LEASE.

PARKING CALCULATIONS
 EXISTING SPACES-- PRIOR TO DT ADDITION 633 SPACES
 SPACES AFTER DT ADDITION 621 SPACES

AREA OF NEW WORK FOR CVS PROPOSED DRIVE THRU ADDITION - SEE SHEET SP-2 FOR MORE DETAILS



STORE NUMBER: 08026
 125 EAST LONG LAKE ROAD
 TROY, MI 48098

PROJECT TYPE: DT
 CS NUMBER: CS54199
 DATE: 03-02-2011

DEVELOPER:

ARCHITECT OF RECORD:
 719 Griswold Street
 Suite 1000
 Detroit, MI 48226
 www.norr.com



CONSULTANT:

SEAL:

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ISSUES:
 03-02-2011 PERMIT SET
 06-03-2011 PC SUBMITTAL
 07-18-2011 REV. SITE PLAN

NORR JOB #: JCDT11.0055.00
CVS PROJECT MANAGER: B. BESUDEN
DRAWING BY: I. PETROVIC
DATE: 03-02-2011
JOB NUMBER: CS54199
TITLE:

SITE PLAN

SHEET NUMBER:

SP-1

COMMENTS:

DEVELOPER:

ARCHITECT OF RECORD:

719 Griswold Street
Suite 1000
Detroit, MI 48226
www.norr.com

NORR
ARCHITECTS-ENGINEERS-PLANNERS

CONSULTANT:

SEAL:

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ISSUES:
03-02-2011 PERMIT SET
06-03-2011 PC SUBMITTAL
07-18-2011 SITE PLAN REV

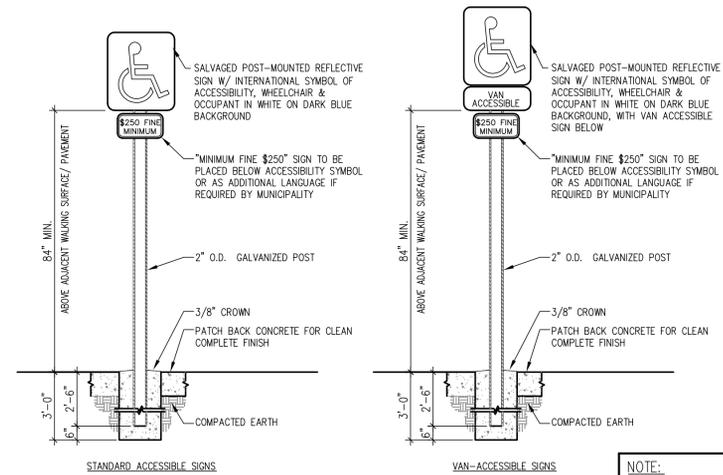
NORR JOB #: JCDD11.0055.00
CVS PROJECT MANAGER: B. BESUDEN
DRAWING BY: SAC
DATE: 03-02-2011
JOB NUMBER: CS54199
TITLE:

SITE SECTIONS, DETAILS AND NOTES

SHEET NUMBER: **SP-3**

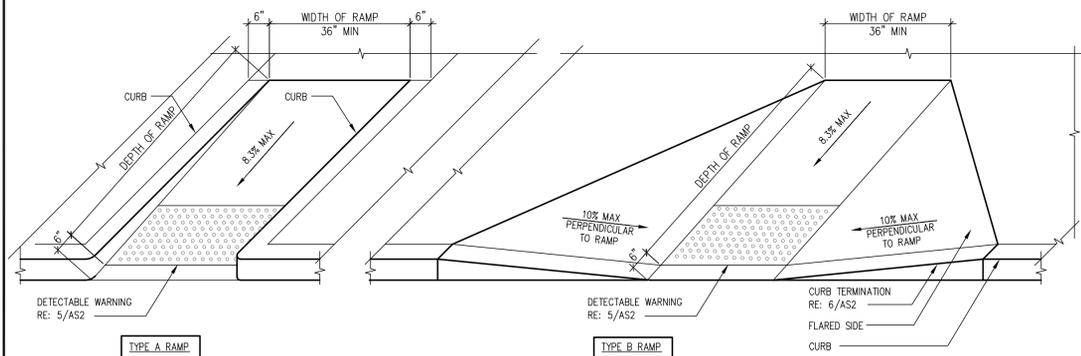
COMMENTS:

NOTE: SIGNS SHALL BE CENTERED AT THE END OF EACH STALL.

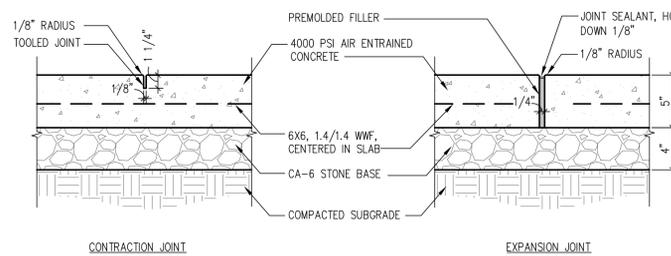


10 ACCESSIBLE PARKING SIGNS
AS2 SCALE: 1/2" = 1'-0"

NOTE:
CONTRACTOR TO VERIFY ALL EXISTING SIGNAGE TO COMPLY WITH TAS 4.6.1. CONTRACTOR TO MAKE NECESSARY ADJUSTMENTS TO EXISTING SIGNAGE AS REQUIRED BY LOCAL AUTHORITIES.

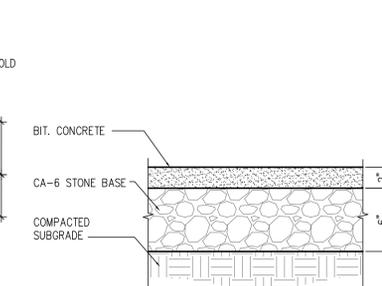


9 CURB RAMP DETAILS
AS2 SCALE: 1/2" = 1'-0"

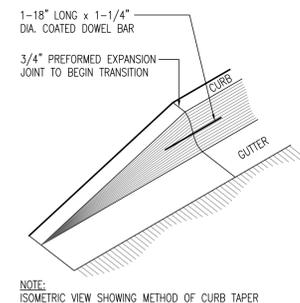


8 CONCRETE PAVEMENT DETAILS
AS2 SCALE: 1 1/2" = 1'-0"

NOTE:
UNLESS OTHERWISE NOTED ON PLANS, CONTRACTION JOINTS TO BE 5'-0" O.C. AND EXPANSION JOINTS TO BE 40'-0" O.C. MAX. OR AT BACK OF CURB, CHANGE OF DIRECTION, OTHER WALK, UTILITY APPURTENANCE, OR FACE OF STRUCTURE.

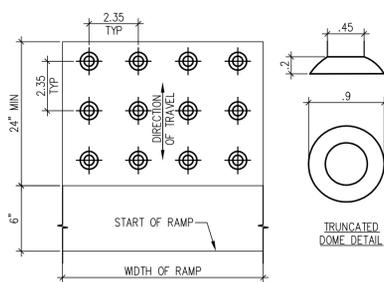


7 ASPHALT SURFACE DETAIL
AS2 SCALE: 1 1/2" = 1'-0"



6 CURB TERMINATION DETAIL
AS2 NOT TO SCALE

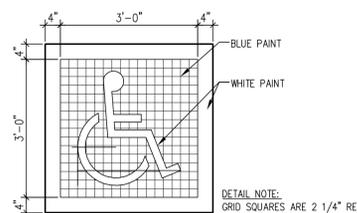
NOTE:
ISOMETRIC VIEW SHOWING METHOD OF CURB TAPER



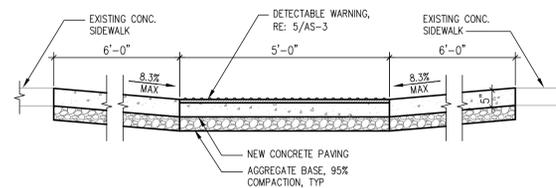
5 DETECTABLE WARNING DETAIL
AS2 NOT TO SCALE

NOTES:

- COLOR OF TACTILE DETECTABLE WARNINGS SHALL BE YELLOW.
- CONTRACTOR SHALL INSTALL TILE PER MANUFACTURER'S SPECIFICATIONS
- PREFERRED PRODUCT SHALL BE REPLACEABLE (WET-SET) COMPOSITE TACTILE BY ADA SOLUTIONS, INC. FOR PRICING QUOTATIONS, PLACING ORDERS, AND FURTHER INFORMATION, CALL JON MEHLMAN, EAST REGIONAL ACCOUNT DIRECTOR FOR ADA SOLUTIONS, INC. AT (800) 372-0519 or (978) 262-9900. DETAILED INFORMATION IS AVAILABLE AT www.adaotie.com.
- ALTERNATE PRODUCT (TEXAS AND FLORIDA MARKETS ONLY) SHALL BE SURFACE-MOUNT COMPOSITE TACTILE BY PROFESSIONAL PAVEMENT PRODUCTS, INC. FOR PRICING QUOTATIONS, PLACING ORDERS, AND FURTHER INFORMATION, CALL SHAUN MACDONELL, REGIONAL RELATIONS MANAGER AT (888) 717-7771. DETAILED INFORMATION IS AVAILABLE AT www.pppcatolog.com.



4 ACCESSIBILITY SYMBOL
AS2 N.T.S.



3 PAVING DETAIL
AS2 SCALE: 1/2" = 1'-0"

2 NOT USED
AS2 SCALE: 1 1/2" = 1'-0"

1 GUTTER DETAIL
AS2 SCALE: 1 1/2" = 1'-0"

NOTE:
HEIGHT DIFFERENCE BETWEEN GUTTER AND CURB RAMP SHALL BE 1/8" MAX