



CITY COUNCIL AGENDA ITEM

Date: January 31, 2012

To: John Szerlag, City Manager

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

Subject: PRELIMINARY SITE PLAN REVIEW (File Number SP 971) – Proposed Warrior Park Baseball Field, South side of Equity between 1735 and 1515 Equity, Section 32, Currently Zoned IB (Integrated Industrial and Business) District – Controlled by Consent Judgment

Background

The applicant, Grissim Metz Andriese Associates, proposes the Warrior Park Baseball Field on the subject parcel. The baseball field will be used by the Brother Rice High School varsity baseball program. The parcel is presently an empty lot.

The site is controlled by consent judgment; therefore, the Planning Commission is a recommending body only. City Council is responsible for granting Preliminary Site Plan Approval.

The attached report prepared by Carlisle/Wortman Associates, Inc. summarizes the application.

The Planning Commission held a public hearing on this item at the January 10, 2012 Regular meeting and recommended approval of the Warrior Park Baseball Field, with the following conditions:

1. Provide written justification for the proposed number of parking spaces.
2. Add a bike rack with capacity of at least two bicycles.
3. Comply with Section 13.02.C.2.b, Section 13.02.C.2.d, and Section 13.02.C.3.b of the landscape requirements; this includes providing landscape islands or justifying their removal; providing parking lot landscape island trees in islands or, if waived, at the perimeter, and providing a screen for the parking lot along its north side.
4. Show all setbacks.
5. Provide a lighting plan indicating proposed photometrics, height of light fixtures, proposed light fixtures, and proposed methods of shielding, if lighting is proposed.
6. Provide samples, swatches, or manufacturer's specification sheets of the predominant proposed exterior materials and colors of all buildings and permanent structures, including walls and fences.

The site plan was revised to address the Planning Commission recommendation, as follows:

1. Written justification for number of parking spaces was provided in a letter from John Birney, Brother Rice High School, dated January 2, 2012.
2. Two bike racks were added between the parking lot and baseball field.



CITY COUNCIL AGENDA ITEM

3. The applicant provided a letter requesting to waive the requirement for the parking lot islands. Four trees were added east of the parking lot in lieu of trees planted within the two islands. Ornamental grasses, which will grow to 3' to 4' tall, were added to the north side of the lot for visual screening.
4. All setbacks were provided on the drawings.
5. A note was added to the Site Plan indicating that lighting is not proposed for the site.
6. Catalogue cut sheets were provided for the color of the burnished concrete block masonry backstop wall (32" height), the backstop netting and the bike racks.

Recommendation

City Management recommends approval of the Preliminary Site Plan and the Stipulation and Fifth Order Amending Consent Judgment for the proposed Brother Rice Warrior Baseball Field.

City Attorney's Review as to Form and Legality

Date

Attachments:

1. Maps
2. Report prepared by Carlisle/Wortman Associates, Inc.
3. Minutes from January 10, 2012 Planning Commission Regular meeting (excerpt)
4. Parking justification
5. Request to waive parking lot islands
6. Material and color specifications
7. Stipulation and Fifth Order Amending Consent Judgment



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

281 0 140 281 Feet

Scale 1: 1,685





Legend

-  I-75
- Road Centerline**
 -  Major Road
 -  Industrial Road
 -  Local Road
- Current Zoning Ordinance**
 -  (PUD) Planned Unit Development
 -  (CF) Community Facilities District
 -  (EP) Environmental Protection District
 -  (BB) Big Beaver Road (Form Based)
 -  (MRF) Maple Road (Form Based)
 -  (NN) Neighborhood Nodes (A-U)
 -  (CB) Community Business
 -  (GB) General Business
 -  (IB) Integrated Industrial Business District
 -  (O) 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
 -  (RC) 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

281 0 140 281 Feet

Scale 1: 1,685





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

Date: December 19, 2011

Preliminary Site Plan Review For City of Troy, Michigan

Applicant: Paul Andriese on behalf of Brother Rice High School

Project Name: Brother Rice High School Warrior Park

Plan Date: December 9, 2011

Location: South side of Equity Drive, immediately west of 1515 Equity Drive

Zoning: IB, Integrated Industrial and Business District

Action Requested: Preliminary Site Plan Approval

Required Information: Deficiencies noted

PROJECT AND SITE DESCRIPTION

We are in receipt of a preliminary site plan which includes a site plan, grading plan, topographic survey, and storm sewer plan. There are landscape details on the site plan, but there are deficiencies with regard to required information necessary for a formal preliminary review. The site, located on Equity Drive, is controlled by consent judgment. Consequently, the Planning Commission serves only as a recommending body to the City Council for this application.

The applicant intends to develop a permanent baseball field with a variety of site improvements with the long term intention to fully develop the site as a premium high school baseball facility. We understand that the vacant site would ultimately house concessions structures, bathrooms, maintenance equipment storage, and a more robust grandstand structure. The site plan as submitted incorporates a new field, small grandstands, a parking lot and supporting landscaping, bullpens and a batting cage. The features shown on the site plan are all the applicant is currently

seeking approval to permit; additional long-term improvements like those noted above would require additional review.

Outdoor recreation facilities are a principal permitted use in the IB District. Given that this is a consent judgment project, however, details of the site plan may be negotiated by the City Council with the applicant. We have reviewed this project using the regulations that would be applied to the project were it not under consent judgment and were subject only to formal, traditional zoning requirements.

Location of Subject Property:

The property is located on the south side of Equity Drive, immediately west of 1515 Equity Drive.

Size of Subject Property:

The parcel is 7.55 acres in area, made up of three individual tax parcels.

Proposed Uses of Subject Parcel:

The applicant proposes to use the site for a baseball field.

Current Use of Subject Property:

The subject property is currently vacant.

Current Zoning:

The property is currently zoned IB, Integrated Industrial and Business District.

Zoning Classification of Adjacent Parcels and Current Land Use:

North: IB, Integrated Industrial and Business District; light industry and office
South: IB, Integrated Industrial and Business District; airport and facilities
East: IB, Integrated Industrial and Business District; light industry and office
West: IB, Integrated Industrial and Business District; vacant

BUILDING LOCATION AND SITE ARRANGEMENT

The proposed facility does not include a building. It does include a location for removable self-contained toilets, aluminum benches in the two dugouts, a small aluminum grandstand, fences, and a batting cage. The structures would be located at locations around the site in support of the centrally-located baseball field. We have no objection to the proposed building location and site arrangement. It is our understanding that potential future additional improvements have not yet been designed or planned, although there is a long term desire to continue improving the site.

Items to be Addressed: *None.*

AREA, WIDTH, HEIGHT, SETBACKS

Required and Provided Dimensions:

Section 4.15 establishes the dimensional requirements for the IB District. The requirements and the proposed dimensions are as follows:

	<u>Required:</u>	<u>Provided:</u>
Front (Equity Drive)	30 feet setback	n/a (no buildings are proposed; non-permanent structures are also located outside of the setback limits)
Rear (south)	20 foot setback	
Side (east)	10 foot setback	
Side (west)	10 foot setback	
Building Height	maximum 4 stories, 50 feet	
Lot Coverage	40 percent by all buildings	
Open Space	20 percent	Approximately 89 percent

Items to be Addressed: None.

PARKING

Proposed Parking:

The site plan shows 41 total parking spaces.

Parking Location:

Parking is not permitted in the front yard in the IB District. The proposed parking lot is located at the 30-foot minimum setback line, and given that no building is proposed, this is a suitable location. The simple parking lot is designed with a single entrance to Equity Drive.

Parking Calculations:

No parking calculations were provided. There is no formal listed parking requirement specifically for a baseball field in Table 13.06-A, the City’s parking requirements. The closest and most logical use to compare the facility with would be an auditorium or place of assembly listed under the “institutional” subheading. This listed category requires one parking space for every 6 linear feet of bleacher. This category was designed for high school and collegiate athletic facilities, as well as learning centers or other auditorium venues. It is unclear how many linear feet of bleacher are proposed, but the 41 spaces would allow for 246 feet of bleacher under these circumstances. Given the flexibility granted the Planning Commission with regard to parking, and the fact that this project is regulated by consent judgment, we are comfortable that

the City has discretion in approving a wide range of parking spaces for this facility. However, to better justify the proposed number of spaces, we suggest the applicant provide a written justification outlining the methodology for providing the proposed 41 spaces.

Items to be Addressed: *Provide written justification for the proposed number of spaces.*

SITE ACCESS AND CIRCULATION

Vehicular access:

The site will be accessed a single access drive to the north. We have no objection to this approach.

Pedestrian access:

The site design includes a large concrete plaza and a baseball field, both immediately adjacent the parking area. This paved area and the field are connected to a 5-foot wide sidewalk along Equity Drive. Given that Equity Drive is a private road we have no objections to the 5-foot width and support the applicant's design for pedestrian access.

Section 13.10.C.4 requires that "all sites with parking of 10 spaces or greater shall provide a bike rack for at least two bicycles within 50 feet of the building entrance." A bike rack should be added to the site plan to meet this requirement.

Items to be Addressed: *A bike rack with capacity of at least two bicycles must be added.*

NATURAL RESOURCES

The site is an existing vacant site with no formal site landscaping. The proposed plan would not impact any protected natural features. The plan does, however, add new landscape materials and landscape islands.

Items to be Addressed: *None.*

LANDSCAPING

The application includes landscape plan details on the preliminary site plan. The plan shows the requirements and proposed conditions for the greenbelt, street trees, and landscaped area.

Greenbelt:

A ten (10) foot wide greenbelt has been provided along the public street frontage.

Street trees:

The site plan shows no existing street trees on site, and details plans to add 30 new trees. 21 of these trees are designed to meet the minimum street tree requirement of one tree for every 30 linear feet of property. Given the site's 612-foot frontage, this proposal meets minimum

requirements. The remaining 9 trees are designed to meet the parking lot landscaping requirements.

Parking lot landscaping:

Section 13.02.C establishes the requirements for parking lot landscaping. The plan states that 41 spaces are provided and that one tree is required for every 5 spaces, and 9 trees are proposed to meet this requirement. The Ordinance actually requires one tree for every 8 spaces, so only 6 trees would be required. The proposed 9 parking lot trees are situated along the site's frontage as part of 30 overall trees proposed for the site. However, this arrangement does not meet minimum Ordinance requirements.

Section 13.02.C.2.b States that "*Landscaping shall be arranged in curbed islands within the parking lot which shall not be less than two hundred (200) square feet in area. Modifications in curbing may be permitted when islands are used as part of the stormwater management system.*" The proposal to locate parking lot trees along the site frontage does not meet this requirement. Also, there are no proposed landscape islands whatsoever in the parking lot.

Section 13.02.C.2.d states "*An equivalent amount of landscape plantings at the perimeter of parking lots may be approved where landscaping within parking lots would be impractical due to the size of the parking lot, detrimental to safe and efficient traffic flow, or would create an unreasonable burden for maintenance and snowplowing, provided all other landscaping requirements are met.*" If the applicant wishes to pursue the elimination of landscape islands within the parking lot, they may do so. However, islands may only be replaced by locating required landscaping materials at the perimeter of the parking lot. While we acknowledge that 6 of the proposed trees situated along the frontage are also situated along the parking lot's north edge, we feel that this requirement was designed to ensure that landscaping that would otherwise be within the parking lot itself is otherwise distributed around the parking area, not one exclusive location on a single side. Ideally the parking lot would contain at least two parking lot islands, but if it is acceptable to the Planning Commission and City Council the islands could be waived so long as the required landscaping surrounds the parking lot perimeter.

Parking lots adjacent a public right-of-way must also meet specific requirements for screening, These have not been satisfied. Section 13.02.C.3.b states "*Parking lots that front on a public roadway shall be screened by a landscaped berm at least three (3) feet in height along the perimeter of the road right-of-way. Alternative landscape plantings or a solid wall that does not exceed three (3) feet in height may be approved, where it is found that space limitations or visibility for vehicular circulation prevent construction of a landscape berm.*" No berm, wall, or landscaping is proposed.

Minimum landscaped area:

The site plan must provide 20 percent overall landscaped area. The site is 6.67 acres, but includes only 34,508 square feet of paved area. The site is approximately 89 percent landscaped.

Items to be Addressed: A revised landscape plan is required meeting the minimum requirements of Section 13.02.C.2.b, Section 13.02.C.2.d, and Section 13.02.C.3.b.

SUBMITTAL REQUIREMENTS

Section 8.05.A.7 establishes the requirements for preliminary site plan submittals. The site plan sheets signed and sealed by Paul Andriese, Landscaped Architect. The application is complete with the following exceptions:

1. *Setbacks and required yards.* Only the front setback is shown.
2. *Lighting plan indicating proposed photometrics, height of light fixtures, proposed light fixtures, and proposed methods of shielding must be provided.* No photometrics have been provided.
3. *Samples, swatches, or manufacturer's specification sheets of the predominant proposed exterior materials and colors of all buildings and permanent structures, including walls and fences must be provided.* The application does not include this information, but we are comfortable with the applicant providing it at the meeting.

Items to be Addressed: *Address submittal requirement deficiencies noted above.*

RECOMMENDATIONS

We support the proposed project and believe the project does meet or exceed minimum requirements, with several small conditions for clarification and compliance with minor elements required by the Zoning Ordinance. We recommend the Planning Commission recommend approval of the preliminary site plan application with the following conditions:

1. Provide written justification for the proposed number of spaces.
2. Add a bike rack with capacity of at least two bicycles.
3. Comply with Section 13.02.C.2.b, Section 13.02.C.2.d, and Section 13.02.C.3.b of the landscape requirements; this includes providing landscape islands or justifying their removal; providing parking lot landscape island trees in islands or, if waived, at the perimeter, and providing a screen for the parking lot along its north side.
4. Show all setbacks.
5. Provide a lighting plan indicating proposed photometrics, height of light fixtures, proposed light fixtures, and proposed methods of shielding.
6. Provide samples, swatches, or manufacturer's specification sheets of the predominant proposed exterior materials and colors of all buildings and permanent structures, including walls and fences. We are comfortable with the applicant providing this at the meeting.



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

225-02-1121

PRELIMINARY SITE PLAN REVIEW

7. **PRELIMINARY SITE PLAN REVIEW (File Number SP 971)** – Proposed Warrior Park Baseball Field, South side of Equity between 1735 and 1515 Equity, Section 32, Currently Zoned IB (Integrated Industrial and Business) District – Controlled by Consent Judgment

Resolution # PC-2012-01-005

Moved by: Edmunds

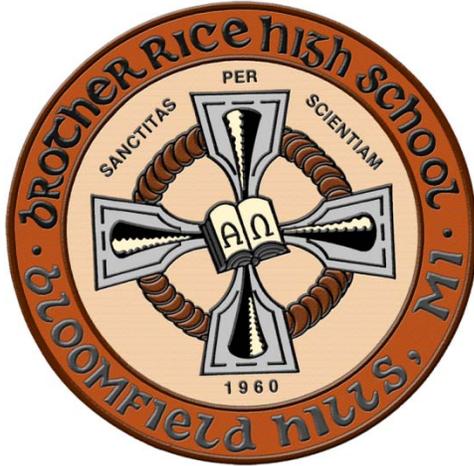
Seconded by: Schultz

RESOLVED, The Planning Commission hereby recommends to City Council, that Preliminary Site Plan Approval for the proposed Warrior Park Baseball Field, located on the south side of Equity between 1735 and 1515 Equity, in Section 32, Currently Zoned IB (Integrated Industrial and Business) District, but controlled by Consent Judgment be granted, subject to the following:

1. Provide written justification for the proposed number of spaces.
2. Add a bike rack with capacity of at least two bicycles.
3. Comply with Section 13.02.C.2.b, Section 13.02.C.2.d, and Section 13.02.C.3.b of the landscape requirements; this includes providing landscape islands or justifying their removal; providing parking lot landscape island trees in islands or, if waived, at the perimeter, and providing a screen for the parking lot along its north side.
4. Show all setbacks.
5. Provide a lighting plan indicating proposed photometrics, height of light fixtures, proposed light fixtures, and proposed methods of shielding, if lighting is proposed.
6. Provide samples, swatches, or manufacturer's specification sheets of the predominant proposed exterior materials and colors of all buildings and permanent structures, including walls and fences.

Yes: All present (9)

MOTION CARRIED



January 2, 2012

Re: Troy Site Plan Application

To whom this may concern,

The proposed acquisition and development of property on Equity Drive in Troy by Brother Rice High School is intended for educational/athletic purposes. Given the nature of our expected use, regular activities at the site would involve 15-30 student athletes at a given time for practice or games. In most cases, these student/athletes would be transported to the field either by school bus or by car pool.

Our experience with this sport at our current facility would suggest that with rare exceptions, a parking lot that handles 40 cars would be more than sufficient to meet our needs. A typical high school baseball game has approximately 50 fans in attendance.

The high school season typically runs from mid-March through mid-June. Over the course of this 90 day period, our teams (varsity, junior varsity, freshmen) would practice or play six days a week weather-permitting. State high school athletic rules limit the number of games that we play – our varsity baseball team would play a maximum of 10 home dates during this time period. The junior varsity and freshmen seasons are roughly 60 days long and would play a maximum of 8 home dates. Weekday games generally begin at 4pm. Saturday games would typically take place between 9am and 4pm.

If you have any further questions, please let me know.

Regards,

John Birney

President

Brother Rice High School

January 19, 2012

Mr. Brent Savidant
City of Troy Planning Department
500 W. Big Beaver
Troy, MI 48084

RE: Brother Rice High School
Warrior Park Baseball Field
Troy, Michigan

Dear Brent:

As a follow up to the conditions required by the Planning Commission outlined in meeting notes dated 1/10/12, we respectfully request to eliminate the requirement for two parking islands in the proposed parking lot, and provide (4) trees on the perimeter of the lot in lieu of within the islands. We are requesting elimination of the islands for the following reasons:

- The proposed parking lot is very small and provides parking for only (41) cars.
- The parking islands would be an added maintenance requirement (weeding, mulching, etc.).
- Bus maneuvering through the parking lot will be easier without the islands.
- We feel installing the trees (required in the parking lot islands) would have more aesthetic appeal outside the parking lot, as well as a better survival rate.

Thank you for your consideration, please let us know if this request is not acceptable.

Sincerely,



Paul R. Andriese, ASLA
Vice President | Principal

PRA/cg



BACKSTOP NETTING

Aswan



BURNISHED BLOCK COLOR (32" HT. MASONRY WALL AT BACKSTOP)



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STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

MERITOR AUTOMOTIVE, INC.,
A Delaware corporation, and
THE NELSON COMPANIES, INC.,
A Michigan corporation,
Plaintiff,

Case No: 94-948784-CZ
Honorable:
Denise Langford Morris

v.

CITY OF TROY, a Michigan municipal
Corporation,
Defendant.

WARRIOR ATHLETIC PARK, LLC
Charles J. Taunt (P24589)
700 E. Maple Road, 2nd Floor
Birmingham, MI 48009
248-644-7800

CITY OF TROY
Lori Grigg Blum (P46908)
Allan T. Motzny (P37580)
City of Troy City Attorney's Office
Attorneys for City of Troy
500 W. Big Beaver Road
Troy, MI 48084
248-524-3324

PBI MI OREO, LLC
SUCCESSOR IN INTEREST TO CAMBRIDGE
CROSSINGS #2, L.L.C as to Units 3, 4 and 5 of the
Business Park at Cambridge Crossings only
Douglas Bernstein (P33833)
Plunkett Cooney
38505 Woodward Ave Ste 2000
Bloomfield Hills, MI 48304
248-901-4091

STIPULATION AND FIFTH ORDER AMENDING CONSENT JUDGMENT

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

PRESENT: HONORABLE DENISE LANGFORD MORRIS
OAKLAND COUNTY CIRCUIT COURT JUDGE

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

WHEREAS, this matter was resolved through the entry of a Consent Judgment on May 10, 1999 (the "Original Consent Judgment"), and the Original Consent Judgment was modified on March 26, 2002 by the entry of a Stipulation and Order Amending Consent Judgment (the "First Amendment"); on November 25, 2002 by entry of a Stipulation and Order Amending Consent Judgment (the "Second Amendment"); on March 20, 2003 by the entry of a Stipulation and Third Order Amending Judgment (the "Third Amendment"); and, on August 11, 2011 by the entry of a Stipulation and Fourth Order Amending Consent Judgment (the "Fourth Amendment"). The Original Consent Judgment, the First Amendment, the Second Amendment, the Third Amendment, and the Fourth Amendment are referred to collectively as the "Consent Judgment";

WHEREAS, the land identified as Parcel B in the Original Consent Judgment described in Exhibit B incorporated therein, and which is described in the attached Exhibit A to this Fifth Amendment, was permitted to be developed, used and occupied for the purposes set forth in Article XXVIII, M-1 Light Industrial District, within the meaning of Chapter 39, Section 28.00.00, et seq., of the Troy City Code, in effect at that time of the Original Consent Judgment except as specifically modified by the terms of the Consent Judgment, and

WHEREAS, subsequent to the entry of the Original Consent Judgment, Plaintiff, Cambridge Crossing Shops #1, LLC ("Cambridge Crossing #1") acquired Parcel A from Meritor Heavy Vehicle Systems, LLC, a wholly owned subsidiary of Meritor Automotive, Inc. and Developed Parcel A into an operating retail shopping center with various retail tenants as permitted by the Consent Judgment; and

WHEREAS, on or about January 31, 2003, Cambridge Crossing Shops #2, LLC ("Cambridge Crossing #2") acquired Parcel A from Cambridge Crossing #1 who continued to operate Parcel A as a retail shopping center with various retail tenants as permitted by the Consent Judgment; and

WHEREAS, subsequent to the entry of the Original Consent Judgment, Cambridge Crossing #2

acquired and became the successor in interest to Plaintiffs in the Subject Property and thereafter PB MI OREO, LLC acquired and became the successor in interest in the Subject Property as defined herein from Cambridge Crossing #2; and,

WHEREAS, Warrior Athletic Park, LLC has entered into a purchase agreement to acquire a portion of the land included on Parcel B, specifically Units 3, 4, and 5 of The Business Park at Cambridge Crossings a condominium according to the Master Deed as amended and recorded in liber 32631 page(s) 409 as more fully described in Exhibit C from its current owner PB MI OREO, LLC and which purchaser's interest is intended to be assigned to Brother Rice High School prior to closing; This property is hereafter referred to as "Subject Property"; and,

WHEREAS Brother Rice High School submitted an application for approval of a site plan ("Site Plan") to the Planning Commission for the City of Troy ("Planning Commission"); and

WHEREAS Brother Rice High School intends to construct a baseball field upon the Subject Property according to the Site Plan. The Application and the Site Plan are attached as Exhibit B.

WHEREAS, in a meeting on January 11, 2012 the Planning Commission for the City of Troy, recommended approval of a site plan application (City of Troy File Number SP971) (the "Application") relating to the Subject Property which lies within Parcel B .

WHEREAS, the City Council of the City of Troy, approved the Application and the Site Plan on February 6, 2012 in accordance with its regular procedures and has approved and authorized the entry of this Fifth Amendment on behalf of the City of Troy, to allow the Property to be used in accordance with the Application and the Site Plan and the parties to this matter desire to amend the Consent Judgment accordingly.

IT IS HEREBY ORDERED that notwithstanding anything to the contrary in the Consent Judgment, that the Application and Site Plan are hereby approved and deemed to comport with all applicable legal requirements of the Consent Judgment, the City of Troy Ordinances and applicable law; and the Plaintiffs, their successors and assigns, hereby have the right, but not the obligation, to construct all or any part of the improvements set forth in the Site Plan, subject to obtaining all applicable building and engineering permits required for such construction in the ordinary course.

IT IS FURTHER ORDERED that the City of Troy, allow the Property development, use and operation consistent with the Application and with the Site Plan.

IT IS FURTHER ORDERED that to the extent additional review, approvals, variances or consents are required by the City of Troy with respect to any element of the Application or of the Site

Plan to give appropriate meaning and effect to the Application, the Site Plan or to the terms of the Consent Judgment, and this Fifth Amendment such review, approvals, variances or consents shall not unreasonably be delayed, conditioned or denied by the City of Troy.

IT IS FURTHER ORDERED that every provision of the Original Consent Judgment, the First Amendment, the Second Amendment, the Third Amendment, and the Fourth Amendment, on file with this Court, whether or not expressly referenced in this Fifth Amendment, are incorporated herein by reference.

IT IS FURTHER ORDERED that this Court shall retain jurisdiction in all matters concerning the development and use of Parcels A and B including the Subject Property and the implementation of the Orders of this Court related to Parcels A and B and the matters covered by the Consent Judgment, the First Amendment, the Second Amendment, the Third Amendment, the Fourth Amendment, and this Fifth Amendment.

IT IS FURTHER ORDERED that the parties may hereafter amend the Original Consent Judgment, the First Amendment, the Second Amendment, the Third Amendment, the Fourth Amendment, or this Fifth Amendment by written agreement which shall be effective upon the signature of the parties to such amendment and of this Court.

IT IS FURTHER ORDERED that other uses of and for the Subject Property that would be allowed in the underlying Integrated Industrial and Business District as set forth in Chapter 39 the City of Troy Code (Zoning Ordinance) and any proposed additions to the Site Plan or Property such as but not limited to facilities for storage, maintenance equipment and baseball equipment, additional bleachers, concession stands, outbuildings, press boxes, scoreboards, restroom facilities, and those structures normally associated with a premium high school baseball facility may be administratively approved without the necessity of amending this Consent Judgment.

IT IS FURTHER ORDERED that and the parties acknowledge that there may be modifications to the Site Plan that are dependent on issues that arise after the approval of this Consent Judgment and that are concerned with minor modifications or other issues that occur in the actual building process or later, and further, that these minor modifications to the Site Plan, not inconsistent with the spirit of this Consent Judgment, may be made without the necessity of amending this Consent Judgment, with the approval of the City Administration. The City Administration shall have the discretion to determine whether a modification is “minor” in accordance with this paragraph.

IT IS FURTHER ORDERED that this Fifth Amendment shall control to the extent there are any conflicts with the Original Consent Judgment, the First Amendment, the Second Amendment, the Third Amendment, and the Fourth Amendment.

IT IS HEREBY ORDERED that a certified copy of this Fifth Amendment shall be recorded with the Oakland County Register of Deeds.

Circuit Court Judge

City of Troy,
A Municipal corporation

PB MI OREGO, LLC
An Illinois limited liability company
Successor in Interest to Cambridge Crossing #2 LLC
As to the Subject Property only

By: *William H. Keller*
William H. Keller
Its: *Managing Director*

By: _____
Janice L. Daniels, Mayor

Warrior Athletic Park, LLC
By: *Charles J. Taunt*
Charles J. Taunt
Its: Manager and attorney

By: _____
Aileen Bittner, City Clerk

Charles J. Taunt
Charles J. Taunt (P24589)
WARRIOR ATHLETIC PARK, LLC
700 E. Maple Road, 2nd Floor
Birmingham, MI 48009
248-644-7800

Allan T. Motzny (P37580)
CITY OF TROY
City of Troy City Attorney's Office
Attorneys for City of Troy
500 W. Big Beaver Road
Troy, MI 48084
248-524-3324

Drafted by and after recording return to:
Charles J. Taunt
700 E. Maple Road
2nd Floor
Birmingham, MI 48009

Drafted by and after recording return to:
Charles J. Taunt
700 E. Maple Road
2nd Floor
Birmingham, MI 48009

EXHIBIT A

(Exhibit B to the Original Consent Judgment)

EXHIBIT 'B'

Situated in the City of Troy, County of Oakland and State of Michigan, and being part of lands dedicated to Cambridge Crossing Shops #2, LLC in liber 28689, page 246, and being more particularly described as follows:

Beginning at a 5/8" iron pin, with cap stamped D11, in monument box, said point being the North ¼ corner of Section 32, Town 2 North, Range 11 East;

Thence South 00° 29' 31" West, a distance of 60.00 feet to a point in the southerly right of way line of West Maple Road;

Thence following along the southerly right of way line of said West Maple Road, South 89° 53' 40" East, a distance of 402.74 feet to a point at the northwesterly corner of said Cambridge lands;

Thence following along the westerly line of said Cambridge lands for the following courses:

South 00° 10' 46" West, a distance of 931.12 feet to a point;

South 89° 38' 34" East, a distance of 81.92 feet to a point;

South 00° 03' 45" West, a distance of 55.48 feet to a point in the northerly line of an

Existing Sanitary Sewer Easement;

Thence following along the northerly and easterly lines of said Existing Easement for the following courses:

South 89° 45' 07" East, a distance of 20.00 feet to a point;

South 00° 03' 45" West, a distance of 390.98 feet to a point;

South 89° 30' 11" East, a distance of 174.67 feet to a point on the northerly line of an

Existing Sanitary Sewer Easement To Be Vacated, said point being the TRUE POINT OF BEGINNING;

Thence following along the edge of said Existing Easement To Be Vacated for the following courses:

South 89° 30' 11" East, a distance of 232.93 feet to a point;

South 04° 19' 26" West, a distance of 30.07 feet to a point;

North 89° 30' 11" West, a distance of 229.30 feet to a point;

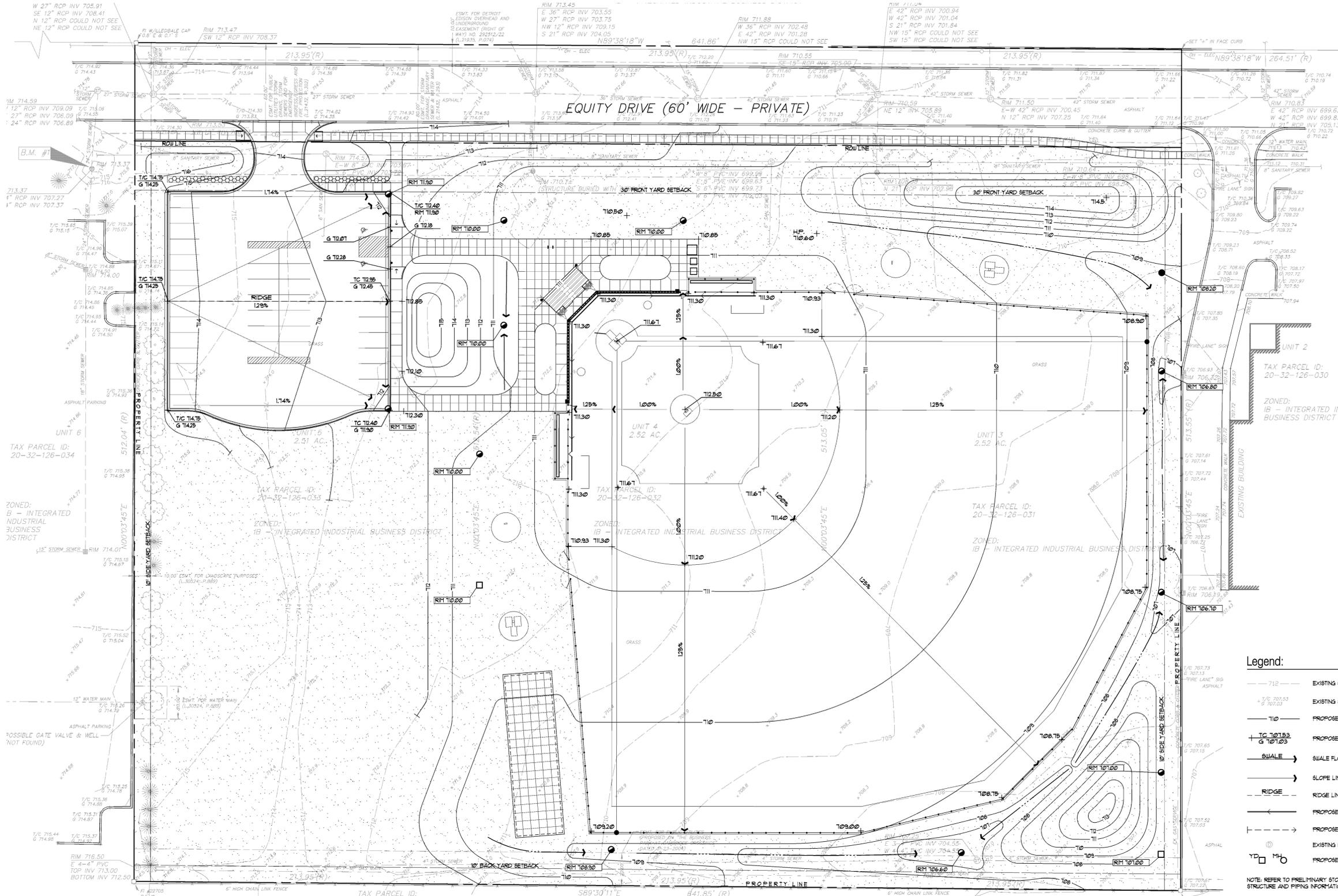
North 02° 36' 49" West, a distance of 30.04 feet to the TRUE POINT OF BEGINNING.

Containing 0.159 acres (6,933 square feet) more or less.

EXHIBIT C
LEGAL DESCRIPTION
The Business Park at Cambridge Crossings

Property located in the City of Troy, County of Oakland, State of Michigan.

Unit(s) 3, 4, and 5, of the Business Park at Cambridge Crossings, a condominium according to the Master Deed recorded in Liber 21432, Page(s) 305, and as last amended in Liber 32631, page(s) 409, Oakland County Records and designated as Oakland County Condominium Subdivision Plan No. 1226, and any amendments thereto, together with an undivided interest in the general common elements and limited common elements as set forth in the above described Master Deed in Act 59 of the Public Acts of 1978, as amended.



EQUITY DRIVE (60' WIDE - PRIVATE)

TAX PARCEL ID: 20-32-126-034
 ZONED: IB - INTEGRATED INDUSTRIAL BUSINESS DISTRICT

TAX PARCEL ID: 20-32-126-032
 ZONED: IB - INTEGRATED INDUSTRIAL BUSINESS DISTRICT

TAX PARCEL ID: 20-32-126-031
 ZONED: IB - INTEGRATED INDUSTRIAL BUSINESS DISTRICT

- Legend:**
- 712 --- EXISTING CONTOURS
 - 710 --- PROPOSED CONTOURS
 - + TC 707.53 G 707.03 EXISTING SPOT ELEVATIONS
 - + TC 707.53 G 707.03 PROPOSED SPOT ELEVATIONS
 - SWALE --- SWALE FLOW LINE
 - SLOPE LINE --- SLOPE LINE
 - RIDGE --- RIDGE LINE
 - PROPOSED TRENCH DRAINS AT DUGOUTS --- PROPOSED TRENCH DRAINS AT DUGOUTS
 - PROPOSED BASEBALL FIELD UNDERDRAINAGE --- PROPOSED BASEBALL FIELD UNDERDRAINAGE
 - EXISTING STRUCTURES --- EXISTING STRUCTURES
 - PROPOSED STRUCTURES --- PROPOSED STRUCTURES

NOTE: REFER TO PRELIMINARY STORM SEWER PLAN FOR ALL STRUCTURE AND PIPING INFORMATION.



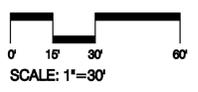
SES
 ENGINEERING GROUP, LLC
 48264 MANCHESTER
 MACOMB, MI 48044
 (586) 216-1043
 www.sesengineeringgroup.vpweb.com

**GRISSIM
 METZ ASSOCIATES
 ANDRIESE**

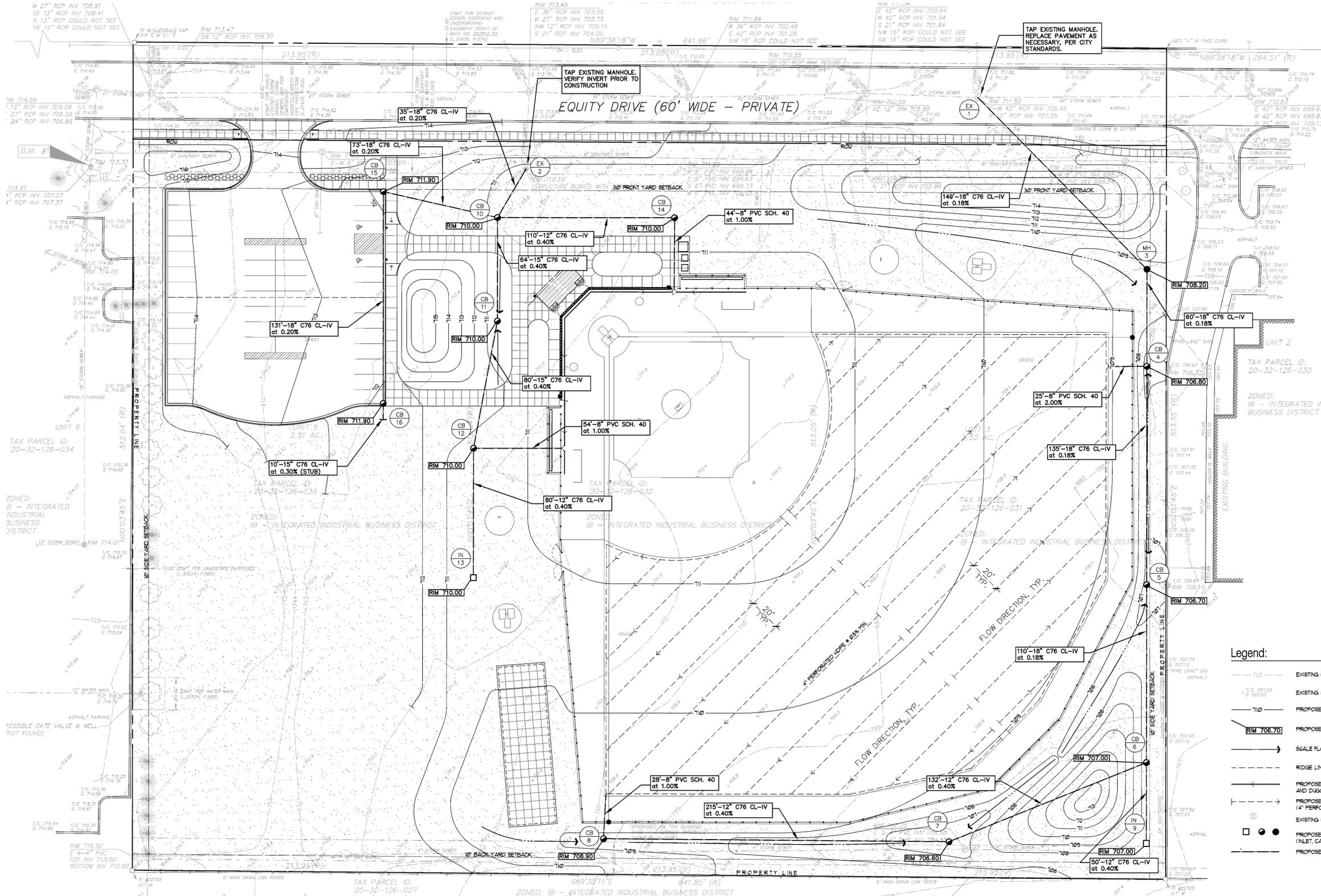
Landscape Architecture
 Civil Engineering
 300 East Cady Street
 Northville, MI 48167
 Ph: 248-347-7010
 Fax: 248-347-7005
 Email: mailbox@gma-la.com

Project:	Brother Rice High School Warrior Park Troy, Michigan
Sheet:	Preliminary Grading Plan
Job Number:	B85-111
Drawn:	SAE, AEL
Checked:	PRA, RGH
Scale:	1"=30'-0"

Date: 12/09/2011 Issued for: Preliminary Site Plan Approval
 01/18/2012 Revised Per Preliminary Site Plan Approval



Sheet Number: **L201**
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BENCHMARK INFORMATION:
 REFERENCE BENCHMARK:
 ARROW ON HYDRANT, NORTH SIDE OF EQUITY DRIVE, 20 FEET NORTH OF BACK OF CURB AT WEST END OF EQUITY DRIVE. (PER CONDOMINIUM DOCUMENTS)
 ELEV = 728.99 (USGS DATUM)
 SITE BM#1:
 SOUTH RIM OF STORM SEWER CATCH BASIN, 30 FEET SOUTH OF SOUTH CURB LINE OF EQUITY DRIVE AND 26 FEET WEST OF THE WEST PROPERTY LINE
 ELEV = 713.37 (USGS DATUM)

FLOODPLAIN NOTE: ENTIRE SITE LIES WITHIN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN) ACCORDING TO THE FLOOD INSURANCE RATE MAP, ISSUED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, COMMUNITY PANEL 26125C0541F, EFFECTIVE DATE: 9-16-2006.

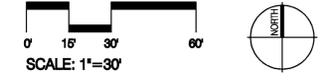
REFERENCE DRAWINGS

WATER MAIN	AS-BUILT SURVEY, NOWAK AND FRAUS DATED 02/08/2002
SANITARY SEWER	AS-BUILT SURVEY, NOWAK AND FRAUS DATED 02/08/2002
STORM SEWER	AS-BUILT SURVEY, NOWAK AND FRAUS DATED 02/08/2002
COMBINED SEWER	NOT APPLICABLE
ELECTRIC	DTE ENERGY FACILITY LOCATION MAP#310-382, DATED 11/18/11
GAS	NOT RECEIVED AT TIME OF SURVEY
PETROLEUM	CONSIDERS ENERGY SERVICE MAPS 02-61-32-2, DATED 05/23/11
GATE	NOT RECEIVED AT TIME OF SURVEY
FLOOD PLAN	CONCAST CABLE T.V. SERVICE - NO SERVICE IN AREA, DATED 11/18/11
OTHER:	ZONE "X", FIRM MAP PANEL No. 26125C0541F, 09/29/06
	TOPOGRAPHIC SURVEY, PROFESSIONAL ENGINEERING ASSOCIATES, DATED 02/27/01

PROPOSED STORM STRUCTURE TABLE									
EX 1	EX RIM 711.50 EX. 42" E&W 700.45 EX. 12" N 707.25 EX. 12" SE 701.00	CB 4	4' DIA (W/2' SUMP) EJW #1040 W/TYPE N GRATE RIM 706.80 18" N 701.51 18" S 701.61 8" W 703.80	CB 7	4' DIA (W/2' SUMP) EJW #1040 W/TYPE N GRATE RIM 706.60 12" E 702.78 12" W 702.88	CB 11	4' DIA (W/2' SUMP) EJW #1040 W/TYPE N GRATE RIM 710.00 15" N 706.13 15" S 706.23	CB 15	5' DIA (W/2' SUMP) EJW #5105 W/TYPE M2 GRATE RIM 711.90 18" E 708.02 18" S 708.12
EX 2	EX RIM 710.7± EX. 21" N 704.90±(VERIFY) 12" S 705.70	CB 5	4' DIA (W/2' SUMP) EJW #1040 W/TYPE N GRATE RIM 706.70 18" N 701.85 18" S 701.95	CB 8	4' DIA (W/2' SUMP) EJW #1040 W/TYPE N GRATE RIM 708.90 12" E 703.74 8" N 705.00	CB 12	4' DIA (W/2' SUMP) EJW #1040 W/TYPE N GRATE RIM 710.00 15" N 706.55 12" S 706.70 8" E 706.70	CB 16	4' DIA (W/2' SUMP) EJW #5105 W/TYPE M2 GRATE RIM 711.90 18" N 706.38 15" S 706.50
MH 3	4' DIA EJW #1000 W/TYPE B COVER RIM 708.20 18" NW 701.27 18" S 701.40	CB 6	4' DIA (W/2' SUMP) EJW #1040 W/TYPE N GRATE RIM 707.00 18" N 702.15 12" W 702.25 18" S 702.80	IN 9	2' DIA EJW #1040 W/TYPE N GRATE RIM 707.00 18" N 703.00	IN 13	2' DIA EJW #1040 W/TYPE N GRATE RIM 710.00 12" N 707.02		
CB 4	4' DIA (W/2' SUMP) EJW #1040 W/TYPE N GRATE RIM 706.80 18" N 701.51 18" S 701.61 8" W 703.80	CB 10	5' DIA (W/2' SUMP) EJW #1040 W/TYPE N GRATE RIM 710.00 18" NE 705.77 18" S 705.87 12" E 706.00	CB 14	4' DIA (W/2' SUMP) EJW #1040 W/TYPE N GRATE RIM 710.00 12" W 706.44 8" S 706.60				

Legend:

- - - - - 712 - - - - - EXISTING CONTOURS
- T/C 707.53
G 707.03 EXISTING SPOT ELEVATIONS
- - - - - 710 - - - - - PROPOSED CONTOURS
- RIM 708.70 PROPOSED SPOT ELEVATIONS
- SWALE FLOW LINE
- - - - - RIDGE LINE
- PROPOSED TRENCH DRAINS AT BACKSTOPS AND DUGOUTS
- PROPOSED BASEBALL FIELD UNDERDRAINAGE (4" PERFORATED HDPE)
- EXISTING STRUCTURES
- ○ ● PROPOSED STRUCTURES (INLET, CATCH BASIN, MANHOLE)
- - - - - PROPOSED STORY LINE



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**GRISSIM
 METZ ASSOCIATES
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 Northville, MI 48167
 Ph: 248-347-7010
 Fax: 248-347-7005
 Email: mailbox@gmail.com

Project: **Brother Rice High School Warrior Park**
 Troy, Michigan

Sheet: **Preliminary Storm Sewer Plan**

Job Number: B85-111
 Drawn: TS, AEL
 Checked: PRA, RGH
 Scale: 1"=30'-0"



Date: 12/09/2011 Issued for: Preliminary Site Plan Approval
 01/18/2012 Revised Per Preliminary Site Plan Approval