

Date: May 22, 2006

To: John M. Lamerato, Acting City Manager

From: Brian P. Murphy, Assistant City Manager/Services  
Mark F. Miller, Planning Director

Subject: Agenda Item – PRELIMINARY SITE CONDOMINIUM APPROVAL –  
Adams Road Site Condominium, East side of Adams Road, South of South  
Boulevard, Section 6 – R-1A

### **RECOMMENDATION**

At the April 11, 2006 Regular meeting, the Planning Commission recommended approval of the Adams Road Site Condominium, with one condition: elimination of the portion of Unit #2 that falls within the required 45-foot rear yard setback. The applicant revised the site plan to meet this condition.

City Management agrees with the Planning Commission and recommends approval of the Adams Road Site Condominium application.

### **GENERAL INFORMATION**

Name of Owner / Applicant:

The owner and applicant is Choice Development Corporation.

Location of subject property:

The property is located on the east side of Adams Road, south of South Boulevard, in Section 6.

Size of subject parcel:

The parcel is approximately 4.98 acres in area.

Description of proposed development:

The applicant is proposing to use the One-Family Cluster Option (Section 34.70.00) to develop a 5-unit site condominium.

Current use of subject property:

The property is presently vacant.

Current use of adjacent parcels:

North: Vacant.

South: Single family residential.

East: Single family residential.

West: Single family residential (Bloomfield Township).

Current zoning classification:

The property is currently zoned R-1A One Family Residential.

Zoning classification of adjacent parcels:

North: R-1A One Family Residential.

South: R-1A One Family Residential.

East: R-1A One Family Residential.

West: R-2 One Family Residential (Bloomfield Township).

Future Land Use Designation:

The property is designated on the Future Land Use Plan as Low Density Residential.

**ANALYSIS**

Compliance with area and bulk requirements of the R-1A One Family Residential District:

The applicant is proposing to utilize the One-Family Cluster Option (Section 34.70.00). The Parallel Plan indicates that five units can be developed on the property using conventional R-1A area and bulk requirements.

The applicant is required to provide at least 30% open space; at least 25% of the open space shall be non-regulated wetlands. The applicant meets this requirement.

Lot Area: 21,780 square feet in R-1A; N/A using the One-Family Cluster Option.

Lot Width: 120 feet in R-1A (108 feet using Lot Averaging); N/A using the One-Family Cluster Option.

Height: Maximum permitted height is 2 stories or 25 feet.

Setbacks: Front: 20 feet required. The development meets this requirement.  
Side: 15 feet between units (50 feet on Adams Road. The development meets this requirement.  
Rear (perimeter): 45 feet.

Minimum Floor Area: 1,400 square feet.

Maximum Lot Coverage: 30%.

The applicant meets the area and bulk requirements of the R-1A One Family Residential District, One-Family Cluster Option.

Off-street parking and loading requirements:

The applicant will be required to provide 2 off-street parking spaces per unit.

Storm water detention:

The site plan indicates that underground storm water detention will be utilized. Note that the City will not accept underground detention facilities. These will have to be owned and maintained by the Site Condominium Association.

Natural features and floodplains:

The Natural Features Map indicates there are wetlands located on the property. A Wetland Determination Report was completed for the property on October 11, 2005 by Holloway Environmental Planning, Inc. The report indicates that there are State-regulated wetlands on the property. A permit from the MDEQ will be required prior to disturbing any of the wetland areas.

The wetland area will be delineated with a split rail fence. The applicant will be required to prepare a conservation easement ensuring the wetlands will remain undisturbed, prior to Final Site Condominium Approval.

Subdivision Control Ordinance, Article IV Design Standards

Lots: All units meet the minimum area and bulk requirements of the Zoning Ordinance, One-Family Cluster Option, Section 34.70.00.

Streets: The proposed development has direct vehicular access to Adams Road.

Sidewalks: An 8-foot wide sidewalk is proposed for the east side of Adams Road. A 5-foot wide sidewalk is proposed for both sides of the interior street.

Utilities: The parcel is served by public water and sewer systems.

Attachments:

1. Wetland Determination prepared by Holloway Environmental Planning, Inc., dated October 11, 2005.
2. Correspondence/letters of opposition (3).
3. Applicant letter.

Prepared by: RBS, MFM

cc: Applicant  
File/Adams Road Site Condominium



Job #05-003  
October 11, 2005

**David Donnellon**  
**Choice Properties, Inc.**  
755 w. Big Beaver  
Suite 1275  
Troy, Michigan 48084

Wetland Determinations  
Mitigation Design and  
Construction  
Permit Services

Site Master Planning  
Landscape Architecture  
Ecological Design

REC'D

OCT 28 2005

PLANNING DEPT.

Re: **Wetland Determination**  
**"5.0 acre Adams Road Site"**  
Sec. 06; City of Troy, Oakland Co., Michigan

## **WETLAND DETERMINATION REPORT**

Dear Ms. Donnellon:

The following items summarize our findings and recommendations concerning wetlands on the above listed property:

The property was inspected on March 29, 2005. Upon examination of on-site conditions and the surrounding area, we identified one (1) wetland zone that exists within and/or adjacent to the property. We utilized a copy of the OCPC aerial photograph for the site to record our findings. The wetland zone is believed to exist as part of a local surface and groundwater system and associated wetland areas.

Our inspection was conducted in early spring. We were able to sample most of the current wetland indicator conditions on the site. The current site wetland indicators include common soil, plant and hydrologic traits indicative of wetland conditions within the Wetland Flagging Map. The wetland flags are easily identified in the field as pink survey ribbons marked "WETLAND BOUNDARY".

### **Methodology**

The criteria we used to make our determination are based on current Michigan Department of Environmental Quality practices and evaluation methodology. This involves developing a correlation between vegetation<sup>1</sup>, hydric soils<sup>2</sup> and hydrology<sup>3</sup> to determine at what point a given area contains a predominance of wetland characteristics. This system is the generally accepted approach within the wetland determination industry.

<sup>1</sup> National List of Plant Species That Occur in Wetlands (Region 3-1996 Revision USFWS)

<sup>2</sup> Field Indicators of Hydric Soils in the United States-Version 4.0, March 1998, USDA

<sup>3</sup> Field Guide to Wetland Delineation, USACE 1987 Manual, USACE

## **Wetland Determination Report**

Job #05-003

Choice/"5.0 acre Adams Road Site"-Sec. 06; Troy.

October 11, 2005

p.2

### **Soil Conditions**

The NRCS Soil Survey for Oakland County indicates that #27-Houghton and #63B-Urban Land series soils exist in the vicinity of the property. The Houghton soil type is considered "hydric" and is listed as hydric wetland soil on state soils lists. Our general observation of site soil conditions in the area of wetlands (conducted using a hand soil probe) revealed surface soils that were muck soils to highly depleted dark gray silty-loams within the wetland. Upland areas contained bright to medium brown sandy-loams. The mapping of soils on the NRCS map had a general correlation with the location of uplands and wetlands on the site, with no direct correlation to existing wetlands. A copy of the NRCS Soil Survey Map is attached.

### **MDEQ Wetland Inventory Maps**

The MDEQ(MDNR) MIRIS Wetland Inventory Map for Troy was reviewed to determine if remote sensing evaluations indicate wetlands on or near the subject property. Review of this map indicates that no wetlands were identified near the site, only the small pond lying off-site to the south is indicated.. These maps are used by various regulating authorities as a general guide to project review. They may or may not indicate the physical presence of jurisdictional wetlands or their accurate boundaries. A copy of this map for the site is attached to this report.

### **Description of Wetlands**

#### **ZONE A**

Groundwater and storm water run-off features transmit water through a wetland that is classed as a scrub/scrub and emergent wetland. This zone possesses long-term intermittent soil saturation and exposure to ground water. The zone's soil conditions are comprised primarily of heavy mucks and silt-loams. It is dominated by mixed herbaceous ground cover and mature medium age deciduous shrubs and small trees. Species common within this area include cottonwood, American elm, red ash, red-osier dogwood, boxelder, rice cut-grass, skunk cabbage, cattail and mixed carex sedges. This wetland zone follows the surface drainage features of the surrounding area, and is connected to other systems lying off-site to the east and south. Collectively, the overall wetland system exceeds 5.0 acres.

### **Jurisdiction and Regulation**

Wetland Zone A will be regulated by the Michigan Department of Environmental Quality (MDEQ) under Michigan's Natural Resources Protection Act; PA. 451, (1994), Part 303, under the definitions of size as part of wetlands that exceed 5.0 acres and connected by recurring surface water connections, and/or fall within 500 feet of a regulated inland lake or stream. The MDEQ has final jurisdiction over the determination of all wetland areas regulated under state authority.

## Wetland Determination Report

Job #05-003

Choice/"5.0 acre Adams Road Site"-Sec. 06; Troy.

October 11, 2005

p.3

Due to trespass restrictions, we did not physically sample wetland conditions on properties other than the subject parcel.

### Permit Requirements

A Wetland Use Permit will likely be required from the MDEQ for any regulated activities proposed within the boundaries of jurisdictional wetlands. Issuance of a wetland permit by the MDEQ will require a demonstration that all available alternatives have been considered to minimize impacts to the wetland resource. Activities covered under their jurisdiction include dredging, drainage or filling of wetland and storm water discharge.

### Summary

We recommend that you project the wetland limits that are described in this report onto site base drawings if your plans for this property will require facility locations near the wetland limit. A surveyor can field locate the boundary lines that we flagged. The flags were numbered for reference. Under current rules, the MDEQ would require compensatory wetland mitigation to be created to replace any impacts greater than 0.33 acre. The replacement ratio is 1.50 acres of new wetland for each 1.0 acre impacted for the type of wetland present on this property.

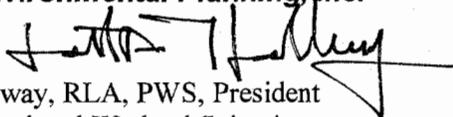
We have reviewed your proposed site plan which includes a cul-de-sac, residential lots and a permanent upland detention basin. Most of the proposed improvements fall outside the projected wetland boundary with only minimal direct wetland impacts proposed. An outlet pipe from the storm water system to the wetland, as-well-as road crossing og wetland likely would require a permit from the MDEQ. We would happy to assist you in preparing a wetland permit application to the state for this project.

If you have any questions concerning this information, please contact me by phone at (248) 546-9480, or by electronic mail at [hollowayenv@sbcglobal.net](mailto:hollowayenv@sbcglobal.net)

Thank you for the opportunity to assist you in this project.

Sincerely,

**Holloway Environmental Planning, Inc.**



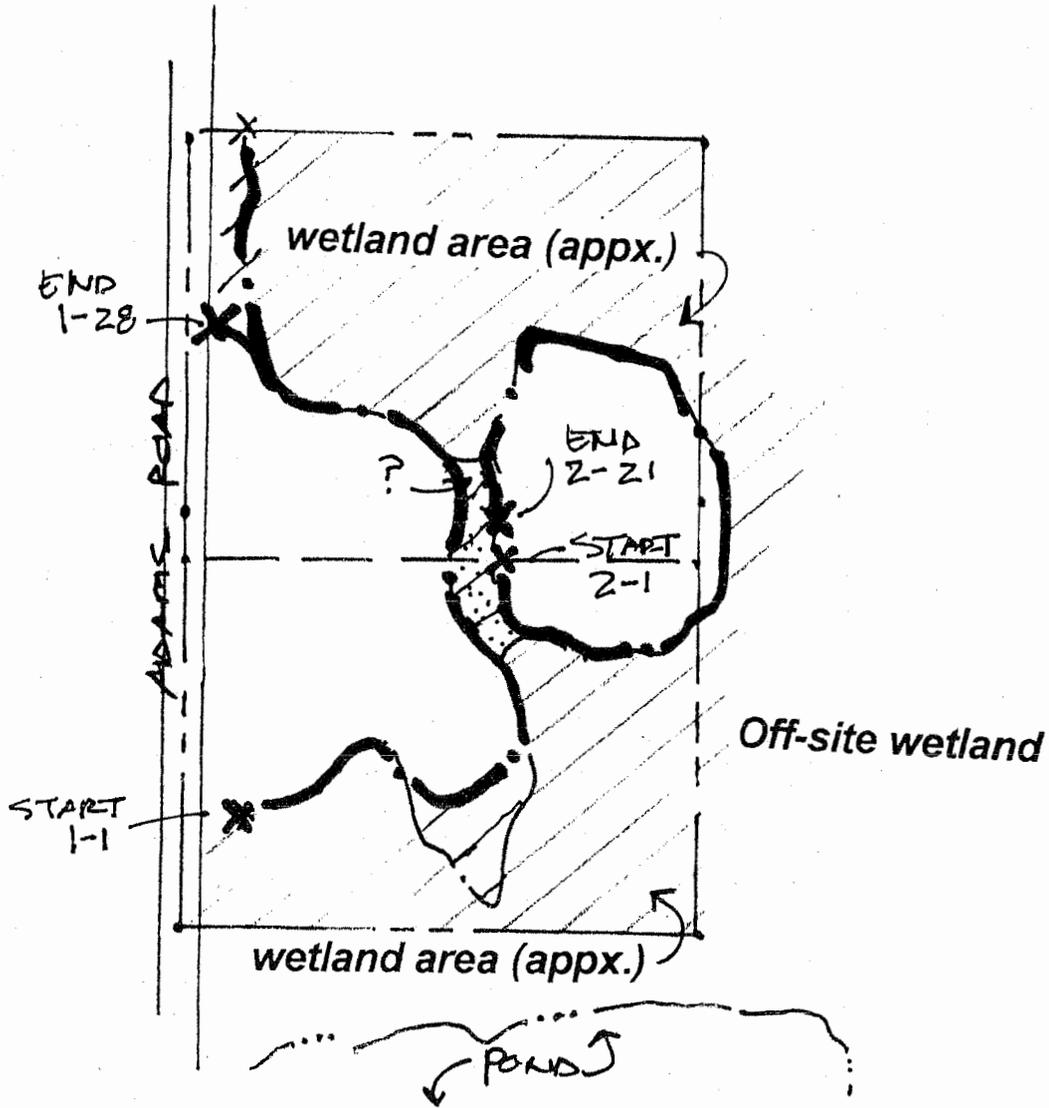
Todd D. Holloway, RLA, PWS, President  
Certified Professional Wetland Scientist

TDH/tt

attn: Flaggng Sketch Wetland Map (1 page), NRCS Soil Survey Map, M.I.R.I.S. Wetland Map

cc:

file



### Wetland Determination-Flagging Sketch Wetland Map\*

**"+/- 5.0 acre Site-Adams Rd."**

Se. 06; City of Troy, Oakland Co.

Choice Group

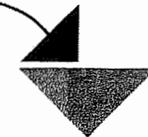
Job #05-003

February 11, 2005

Scale: n/a

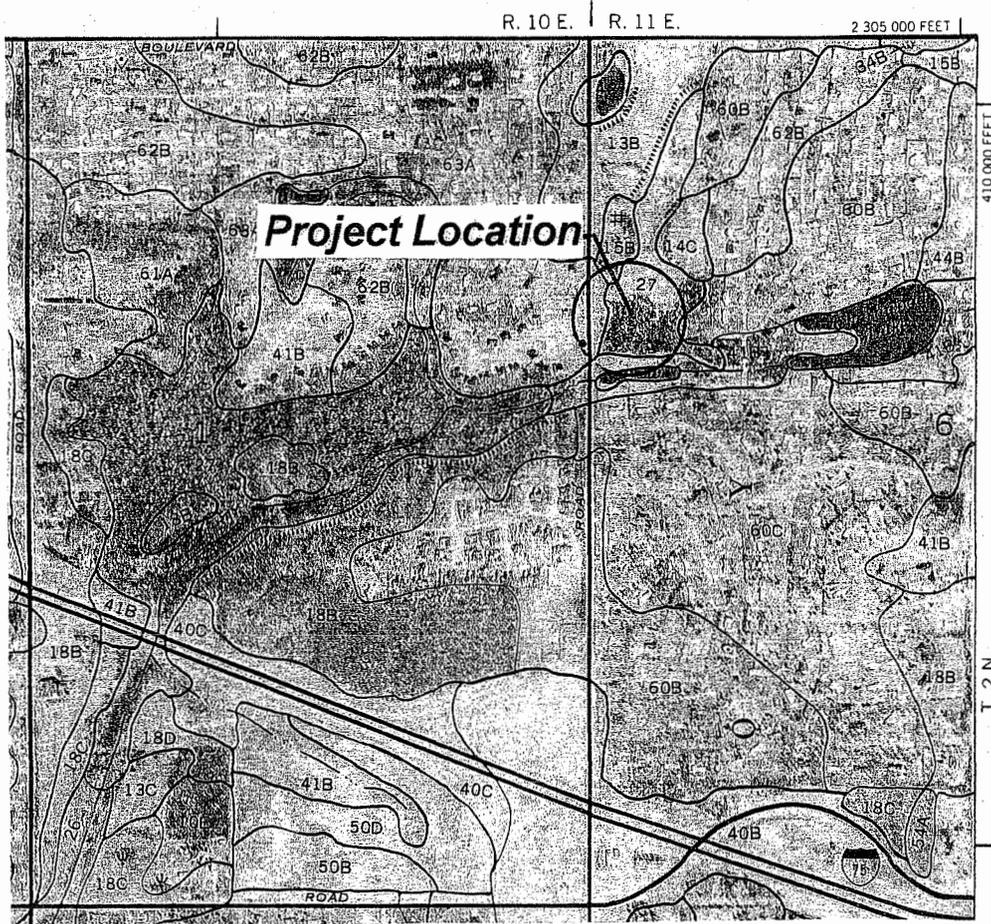
⊙ (page 1 of 1)

**HOLLOWAY  
ENVIRONMENTAL  
PLANNING, Inc.**



**Wetland Area as Mapped\***

23 Devonshire Road  
Pleasant Ridge, MI. 48069  
Phone: (248) 546-9480  
Fax: (248) 544-9449  
Email: please inquire



## Wetland Determination-NRCS Soils Map\*

(page 1 of 1)

**"+/- 5.0 acre Site-Adams Rd."**

Se. 06; City of Troy, Oakland Co.

**Choice Group**

Job #05-003

February 11, 2005

Scale: n/a

**HOLLOWAY  
ENVIRONMENTAL  
PLANNING, Inc.**

23 Devonshire Road  
Pleasant Ridge, MI. 48069  
Phone: (248) 546-9480  
Fax: (248) 544-9449  
Email: please inquire

THOMAS M. MOSS  
6878 Dublin Fair  
Troy, MI 48098

Agenda # 9  
Adams Road S.C.

April 10, 2006

City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084

Attn: Planning Department

RE: Adams Road Site Condominiums on 5.83 Acres  
Troy, MI

Gentlemen:

It has come to our attention that the above-mentioned project is coming before the Planning Commission on April 11, 2006 @ 7:30 p.m. for consideration of development on existing wetlands; and as a property owner in the Lake Charnwood Subdivision and a member of its association, we respectfully request that this be denied for the following reasons:

- Potential loss of protected designated wetlands
- Hydrological concerns for homeowners in low lying areas
- Potential erosion run-off into Lake Charnwood
- Endangered species protection

We especially wish to point out that the potential erosion run-off into Lake Charnwood has been dealt with for years by our association as it relates to dredging and the costs are climbing considerably every year. We have seen in other associations where development upstream has been approved and erosion run-off has seeped into their lakes. At one time the fees for dredging would drain the association's bank account and then some years later the figures for the same dredging have doubled and tripled and becomes unmanageable from a cost standpoint.

Again, we respectfully request that the Planning Commission and the City Council look unfavorably upon this development and not let continued development ruin Lake Charnwood. We further request, if possible, that additional notices be sent out to homes surrounding this proposed development and not to just the abutting property owners.

Thank you very much for your kind consideration to this matter and we acknowledge the fact that the City of Troy will remain strong in its enforcement of the future development especially in these low lying residential areas.

Sincerely,

Mr. & Mrs. Thomas M. Moss  
6878 Dublin Fair  
Troy, MI

Item # 9

December 15, 2005

REC'D

JAN - 9 2006

PLANNING DEPT.

Attn: Mark Miller, Planning Director  
Planning Commission  
500 W. Big Beaver  
Troy, MI 48084

Re: Proposed Rezoning of property located on Adams Road (east side of road) north of Square Lake Road

Dear Mr. Miller:

I strongly object to the zoning change proposed for the property listed above. The obvious problem is that the lots clearly contain sensitive areas that should not be considered for rezoning. Other concerns are that the change in use will:

- adversely alter the characteristics of nearby areas
- have a negative effect on the neighborhood's property values
- pose a threat to the health and safety of the neighborhood due to increased traffic given its proximity to the I-75 exit

I urge you to deny the request for rezoning.

Thank you for your consideration.

Sincerely,



Evon M. Ebeid

Handed out by Jim  
Stewart at 4/11/06  
Planning Commission Mtg.

# LAKE CHARNWOOD



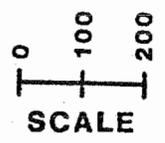
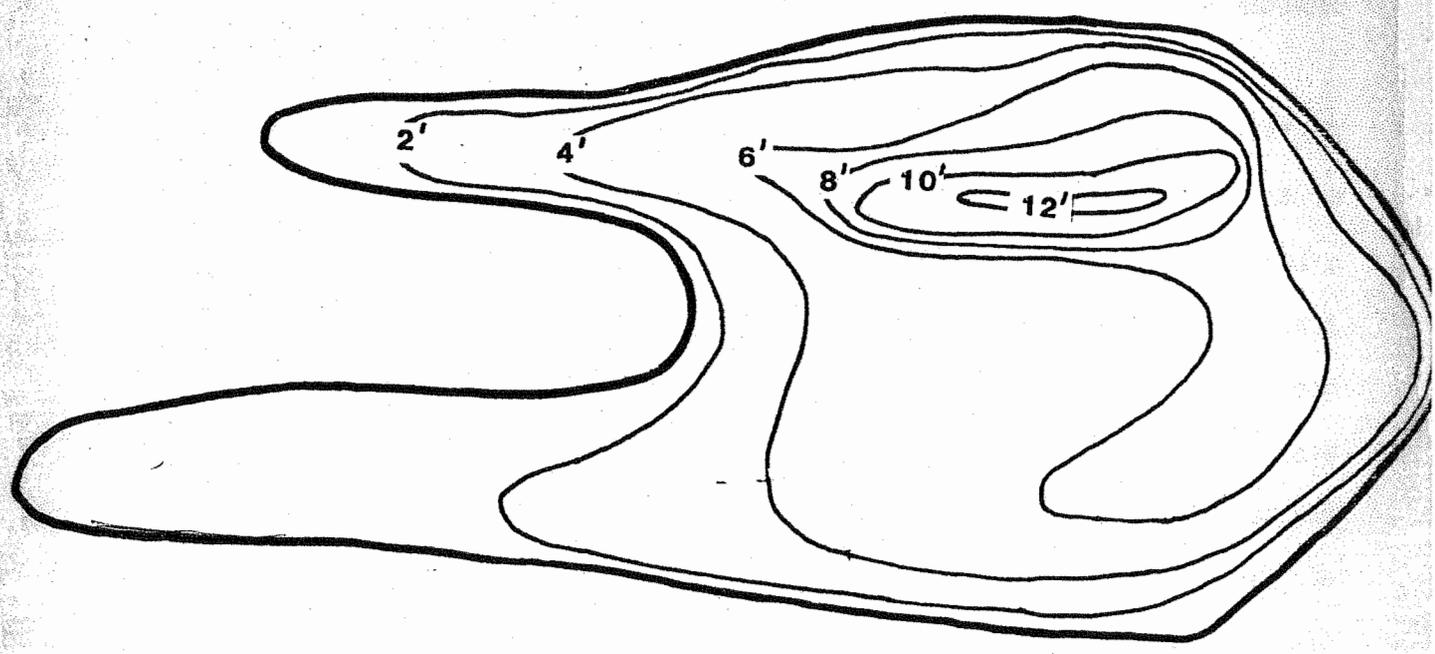
COMMENT: LAKE SHALLOW & FRAGILE

TROY MI

Jim Stewart

1987

# BEFORE DREDGING



## ENGINEERING STUDIES

• MEAN Depth = 3.4 Feet

EUTROPHIC (NEAR Death)

• CAUSE - PRIMARY CONSTRUCTION RUN-OFF & PHOSPHATE LOADS

### LAKE CHARNWOOD LAKE BOTTOM CONTOUR MAP

FIGURE 2

7/5/87

## OAKLAND LAKES: TROUBLED WATERS

Mo  
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By Liz Twardo  
News Staff Writer

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proposed 65 mile-  
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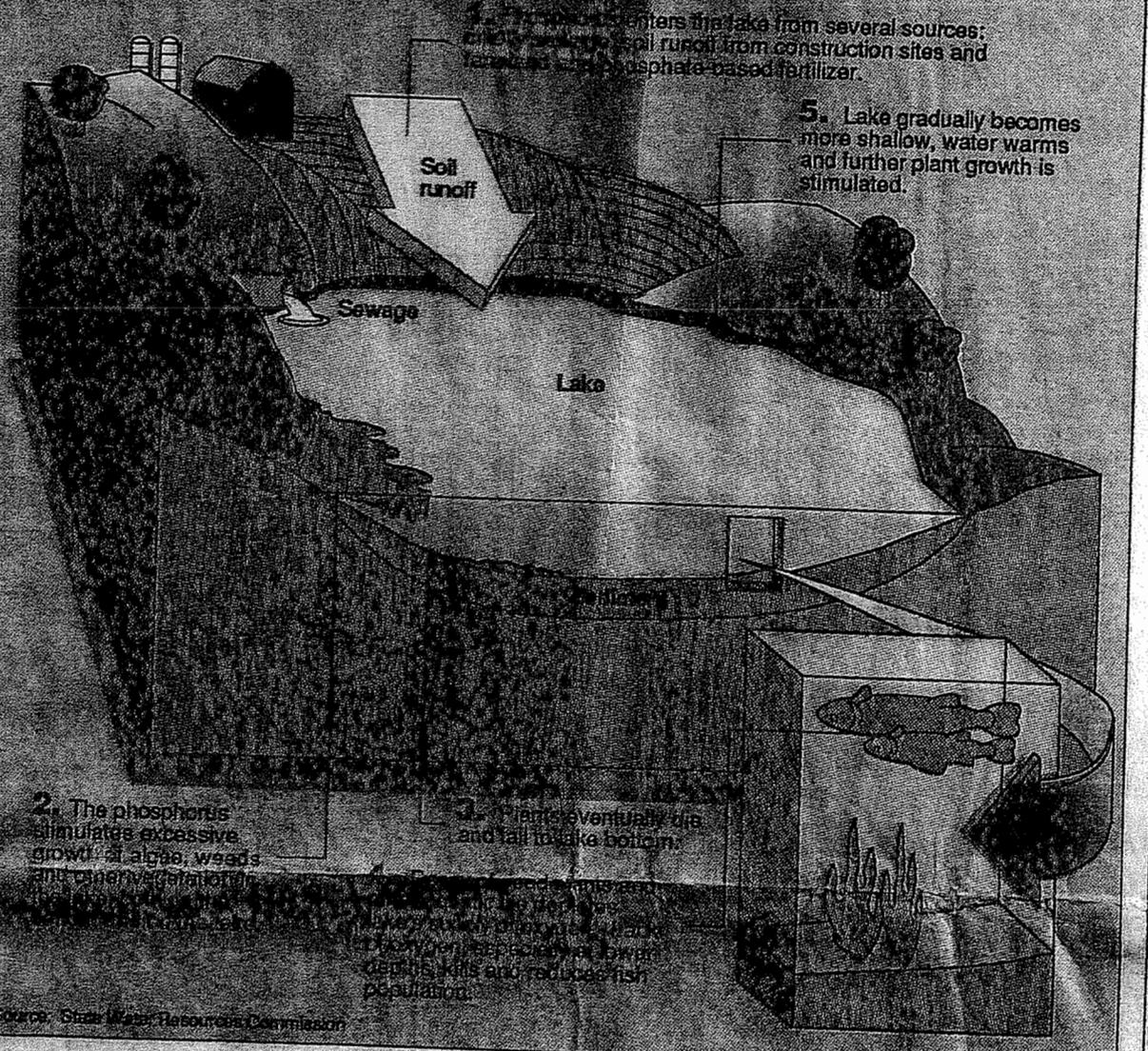
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by The Detroit Ne  
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made for 75 mile-an-  
said Dave Brooks, 25  
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the veto.

"I think they sho  
speed limit to 75 mil  
said the purchasing  
admits to routinely  
open."

### How a lake dies

Threats to inland lakes are a constant concern for local governments, according to a panel of the state Water Resources and Planning Commission. The following diagram shows how development around a lake can cause it to die.



Source: State Water Resources Commission

JEFF GOERTZEN/The Detroit News

## People, pollution and property development threaten picturesque water-laced region

By Scott Faust,

## OAKLAND LAKES: Troubled Waters

## Troy's 'Lake Paradise' becoming a smelly bog

Neighbors mount a campaign to renew its life

By Liz Twardon  
News Staff Writer

James P. Stewart said his home on Troy's Lake Charnwood could be a piece of paradise — like living "On Golden Pond."

Lake Charnwood — a 10-acre,

private, man-made, spring-fed lake on Troy's northwest edge near Adams Road and South Boulevard — is surrounded by expensive, well-kept houses.

"But the beauty is only skin deep," Stewart said. "The muck below is destroying our picturesque lake."

Decaying weeds buried in black silt, as much as 5 feet deep in some areas, fill the air with an unpleasant odor and discourage swimmers and paddle-boaters, he said. "It's so mucky and smelly that even kids don't want to swim in it anymore."

ABOUT TWO years ago, Stewart decided not to stand by and "watch the weeds and silt choke our lake to death."

His efforts spawned the Lake Charnwood Lake Improvement Board, which is spearheading efforts to dredge the bottom of the tooth-shaped lake. If the board obtains permission from the state Department of Natural Resources, Lake Charnwood will be among the few Oakland County lakes to undergo a large-scale dredging project in a developed area.

The dredging would increase the lake's average depth from 3½ feet to

about 8 feet.

Most of the residents in the more than 120 homes — 22 on the lake — in the subdivision have decided to share the cost of the \$186,875 project. Lakefront residents would be assessed nearly \$6,000 each and others who have lake privileges would pay \$600 each to finance the project, Stewart said.

"IT'S A jewel of a lake, but if we do not make it an asset, it will become a liability," Stewart warned.

Ipolitas Jantusis, 47, a 14-year lakefront resident agreed. "We're definitely concerned that if we let the

lake go it'll become a swamp," he said. "The lake attracted all of us here and makes our property valuable."

The dredging project would remove 27,500 cubic yards of sediment that has accumulated during the last four decades, according to Grand Rapids lake management specialists who prepared a feasibility study for the lake board.

The sediment is part of the natural aging process of inland lakes called eutrophication, the buildup of dead weeds, fish and other aquatic life. But like many Oakland County

lakes, Lake Charnwood also is a victim of runoff from residential, commercial and road development in the surrounding area.

LAKE CHARNWOOD, which forms the natural collection basin for about 1,160 surrounding acres, has an unusually large watershed, according to the board study. Droppings from hundreds of geese that graze in the area and phosphorus from lawn and garden fertilizers also have speeded the lake's aging.

Left unattended, the lake would eventually become shallow marshland, the study said.



Homeowners along Lake Charnwood (above) have won tentative approval for a plan to dredge the eight-acre body of water in northwest Troy.

# Lake rescue plan approved

By Kevin Brown  
staff writer

Two years after launching a save-the-lake drive, Lake Charnwood homeowners have won tentative approval for a lake dredging plan.

A cool breeze Thursday stirred willow trees and rippled surface water on the eight-acre lake in northwest Troy as a Department of Natural Resources represent-

ative offered preliminary approval for the plan.

The word came as DNR officials met with the Lake Charnwood Improvement Board in Troy. Representing the city on the board are Robert Semple, assistant city manager, and Lake Charnwood homeowner James Stewart.

"To let it die right in front of your eyes," Stewart lamented. "I felt I had log-

ic on my side," he said, recalling efforts to save the lake.

Board members say the problem is that silt or runoff has drained into the low-lying lake, following stepped-up development in the area.

SEMPLER SAID that as a result, the average depth of the 30-year-old, man-made lake is now only 3½ feet.

Please turn to Page 2

## what's inside

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# An actor's life

## Students learn hard realities

To be or not to be an actor.

That was the question gnawing at some Athens High School students in Irista Manfredi's theater arts class last week.

And they wondered if 'tis nobler to struggle through lean years as a young thespian or find a steady, higher-paying career, after high school.

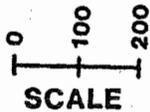
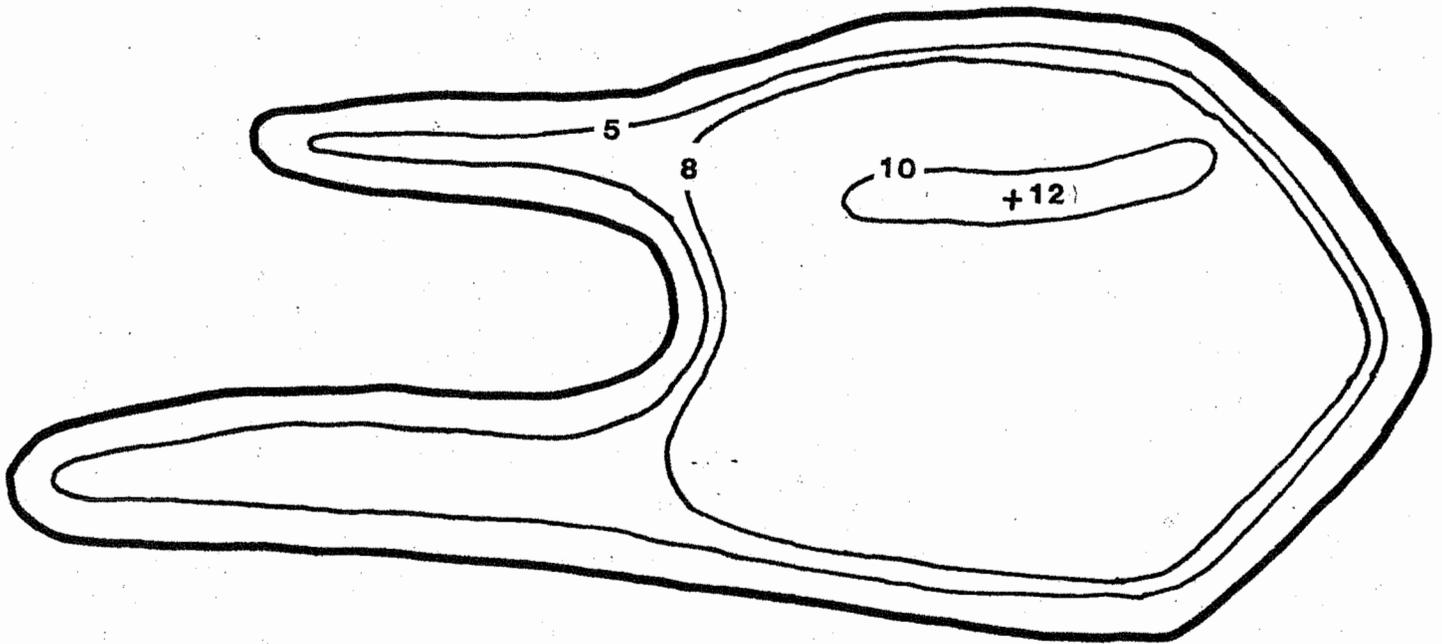
What they discovered from a panel of professional actors, is that the theater is a little like making a tight rope

**'I started acting at 16. I paid my way through college by all the work I did as an actor.'**

— Christopher Callen

Reni earned about \$50 a week with a sma

## After Dredging



Mean Depth = 7.5 feet

Still shallow, but 100% improvement

Cost: = \$200,000 (100% paid by Lake Charnwood property owners)

Today's cost would exceed \$2,000,000 \* (totally unaffordable)

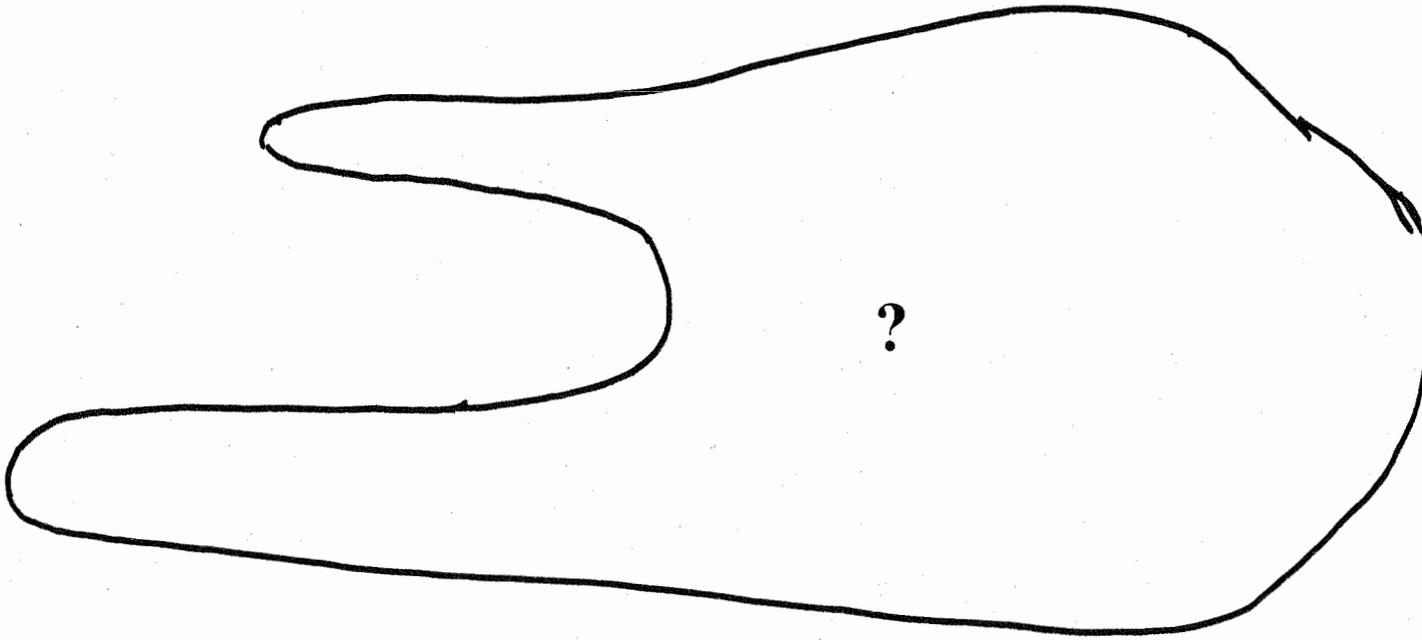
### LAKE CHARNWOOD PROPOSED DREDGING DEPTH CONTOURS

FIGURE 5

\* based on Quarton Lake dredging costs 2004

2006

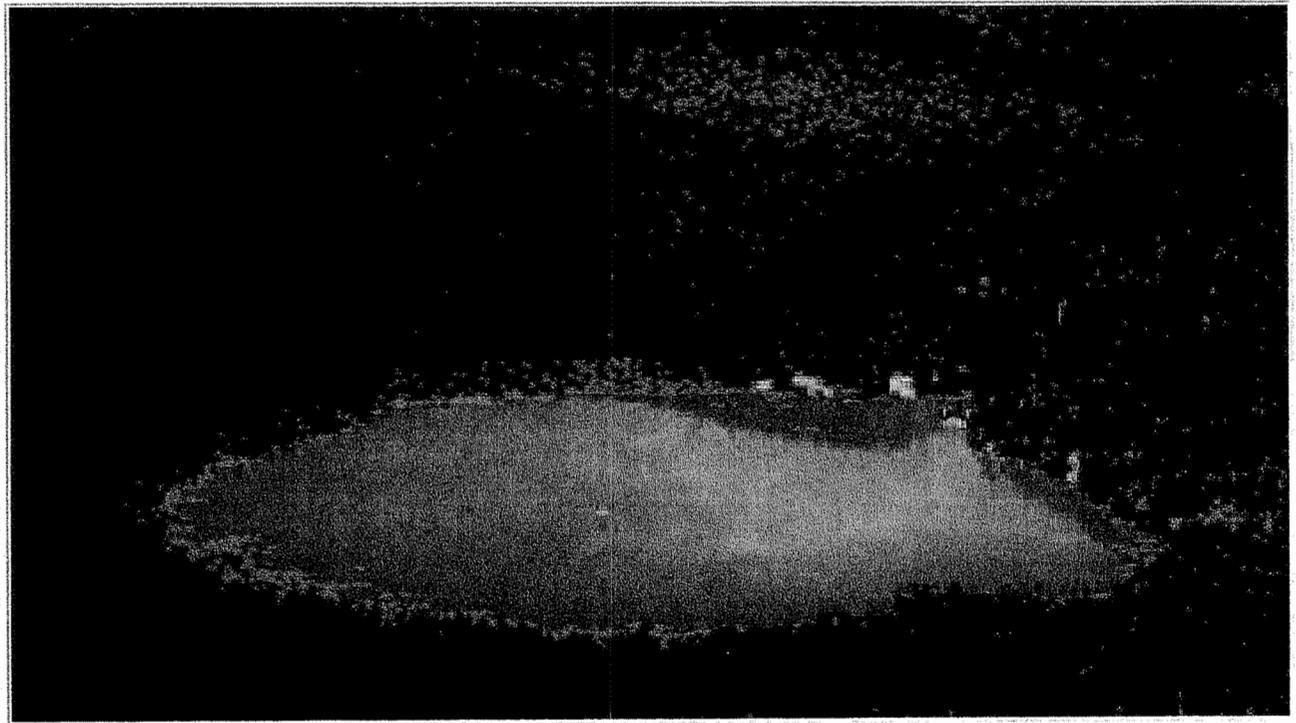
## Lake Charnwood



- Depth – unknown (less than 7.5 feet mean)
- What is known: the lake is shallower due to a combination of sediment runoff and weed and algae debris for the past 15 years.
- Major portion of the LCPOA budget is spent on maintaining & preserving quality of the lake
- Watershed = 147 times the size of Lake Charnwood.



EXAMPLE  
OF  
AFFECTS OF PHOSPHORUS



**Aerial view of Lake 227 in 1994. Note the bright green colour caused by algae stimulated by the experimental addition of phosphorus for the 26th consecutive year. Lake 305 in the background is unfertilized.  
(photo by Karen Scott)**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

December 21, 1979

OFFICE OF THE  
ADMINISTRATOR

Mr. Ernie Maier  
Aquatic-Weed Control of Oakland Co., Inc  
10095 Burgess Court  
Union Lake, Michigan 48085

Dear Mr. Maier

In reference to your letter of November 26, 1979 requesting information on aquatic macrophytes:

Harvesting of aquatic macrophytes can potentially remove large amounts of phosphorus and nitrogen from the lake. However, it can not be definitively stated that levels of nutrients in the water column of the lake will decrease, because the concentrations of nutrients in lakes depend on complex interactions between lake sediments, nutrient inputs, and aquatic plants.

→ The phosphorus content of aquatic plants (algae and macrophytes) is approximately 0.1% of the dry weight of the plant. Therefore, under idealized conditions 1 pound of phosphorus could produce 1000 pounds dry weight (10,000 pounds wet weight) of algae.

EPA does not endorse any specific harvesting methods or chemical herbicidal agents for controlling aquatic macrophytes. However, on the average harvesting costs approximately \_\_\_\_\_ acre while chemical treatment costs run about \_\_\_\_\_ acre.

A document you may find of interest is: "Aquatic Plants, Lake Management, and Ecosystem Consequences of Lake Harvesting." This publication is available from the center of Biotic Systems, Institute for Environmental Studies, University of Wisconsin-Madison, Madison, WI, 53708. This document should provide you with knowledge of various aspects of aquatic macrophyte management including: university involvement; journals, books, and publications available; and current research.

If we can be of further assistance, do not hesitate to contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Vernon B. Myers".

Vernon B. Myers  
Clean Lakes Section (WH-585)

Recap:

The residents of Lake Charnwood are fighting a three-headed dragon in the management of our lake.

1. An extremely shallow lake.
2. Continuous sedimentation runoff caused by construction and an unusually large watershed area.
3. Large amounts of phosphorus loads which create excessive growth of weeds and algae.

**We Need Your Help!**

# Conclusion

LCPOA REQUEST A DECISION THAT WILL

PROTECT THE ENVIRONMENT

PROTECT WILDLIFE

PROTECT ENDANGERED SPECIES

AND

PROTECT THE PROPERTY VALUES

OF

135 LAKE CHARNWOOD HOME

OWNERS BY PROTECTING OUR

FRAGILE LAKE

PROPERTY VALUES ARE DIRECTLY RELATED

TO THE QUALITY OF OUR LAKE



May 22, 2006

Troy City Council  
Troy City Hall  
500 West Big Beaver Road  
Troy, MI 48084

Dear Council Members:

Re: Adams Road Condominiums  
Open Space Development

The attached plans have been revised consistent with the staff's report and the Planning Commissioners' approval. We have revised the rear yard setback on Unit #2, removed the name of the private road easement until it is reviewed and approved by Engineering, revised the types of trees to be installed in the Adams Road right-of-way, and had the drawings sealed by a professional engineer.

Based on the discussion at the public hearing, however, I thought it important to respond to some of the comments and clarify some of the points made by the neighboring residents. They include the following:

1. Some residents were concerned about the use of fertilizers and the effects of phosphates down stream in the adjacent pond and lake.

The Developer is equally concerned about this problem and there are a few things that will help minimize or mitigate these effects. The very first technique will be to establish a by-law in the condominium document that will eliminate the use of phosphates on the little lawn area that is evident in this development. Second, the wetland vegetation will absorb any nutrients from other sources before they reach the pond and lake. Third, all of the storm water coming off the roof of the homes will be collected into the storm drainage system and directed to the underground detention area where erosion and contaminants will be allowed to settle out of the storm water before it is released at the same rate as is present on the property in its natural state. Finally, all of the run-off in front of the four units close to the cul-de-sac will drain onto the road and be directed to the storm water detention area and be cleansed as described for the water running off the roof. It should be pretty clear that the developer is proposing measures that are consistent with the best management

practices for storm water control. This development, therefore, should be cited as an example of what should be done to manage storm water.

2. Some residents stated that this land should not be developed because of the wetlands.

There are two ways to maintain the wetlands. One is outlined in the zoning ordinance. It is called open-space development. The City should be commended for this recent amendment to the zoning ordinance. These regulations create a balance between the rights of the property owner and the general welfare of the community. I would go into more detail but I believe the benefits of the open space provisions were adequately discussed when the ordinance revisions were first introduced and approved. The second way to preserve the whole site is to have an interested person or group purchase the land in order to keep it in its natural state. The interested group could also deed the property to the City or to a land conservancy so that it will remain unimproved forever. It is the developer's intention to at least deed the open space to a land conservancy. The deeded area represents about 3 acres or about 60% of the site. On the other hand, there are lots and significant wetlands on adjacent sites, yet we don't believe there are any restrictions on the use of the lots or the use of fertilizers. Nor have we heard of anyone creating an environmental easement on these other properties. The developer of the subject parcel, therefore, should be commended for the additional efforts he is taking to preserve natural features in the City of Troy.

3. Finally, there was a concern that the Developer would be filling the wetland. Such a statement can easily be made when someone does not have a clear understanding of what is being proposed. Though there will be some fill, most of it will be on the upland area of the site. Where a short section of driveway is needed to cross the wetland to gain access to Unit #2, there will be about 50 cubic yards of fill which is only 20 feet wide by 30 feet long by 2 feet deep. There will also be a small culvert to maintain drainage through this area. Because this little bit of fill will occur, an application must be sent to MDEQ. All we need to do now is understand the difference between the minor fill on this property in comparison to the exaggerated comments that seem to misrepresent the situation. There will not be whole scale filling of the wetlands. This action is not intended and not possible given current regulations. With the right information, the right decision can be made in the end. As a result, this open space development plan being proposed is the right plan to be approved.

Based on valid restrictions and regulations, we rely on the reasonable nature of the development in order to secure council approval on this small project. The five homes will be on 40% of the site and be surrounded by some very nice natural features. The wetland will not only be preserved but it will continue to be a visual amenity to the area.

If any Council person has any concerns, we would appreciate the opportunity to address such matters at any time. Please feel free to call us at 248-362-4150.

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In the meantime, we thank you for your consideration of this matter.

Sincerely,

CHOICE DEVELOPMENT

A handwritten signature in black ink, appearing to read "David Donnellon", written over the typed name below.

David Donnellon, AIA, AICP

jd

cc Planning Commissioners