

September 13, 2005

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services  
Douglas J. Smith, Real Estate & Development Director  
Steven J. Vandette, City Engineer  
Mark F. Miller, Planning Director

SUBJECT: AGENDA ITEM - FINAL SITE CONDOMINIUM REVIEW – Proposed Timbercrest Estates Site Condominium, 12 units/lots proposed, South side of Wattles, West of Fernleigh, Section 24 – R-1C

**RECOMMENDATION**

On August 30, 2004, City Council granted preliminary approval of the proposed 11-unit site condominium. The petitioner has increased the number of units to 12, without expanding the size of the project area, and all units still meet applicable ordinance requirements.

The Engineering Department granted approval of the engineering plans based upon the City's Development Standards; therefore, the development will not cause or exacerbate drainage problems on contiguous properties, due to surface run-off from the proposed development. In addition, the petitioner executed a contract for installation of municipal improvements and provided the required escrow deposits and cash fees. The proposed site condominium meets all applicable Zoning Ordinance requirements. City Management recommends approval of the Final Plan for Timbercrest Site Condominium.

**GENERAL INFORMATION**

Name of Owner / Applicant:

The owner/applicant is MP Stonehaven Development LLC.

Location of subject property:

The property is located on the south side of Wattles, west of Fernleigh, in Section 24.

Size of subject parcel:

The parcel is approximately 4 acres in area.

Description of proposed development:

The applicant is proposing to develop a 12-unit site condominium.

Current use of subject property:

A single family residence presently sits on the parcel.

Current use of adjacent parcels:

North: Single family residential.  
South: Single family residential.  
East: Single family residential.  
West: Single family residential.

Current zoning classification:

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

Zoning classification of adjacent parcels:

North: R-1C One Family Residential.  
South: R-1C One Family Residential.  
East: R-1C One Family Residential.  
West: R-1C One Family Residential.

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:

Lot Area: 10,500 square feet is required. The application meets this requirement.

Lot Width: 85 feet. The application meets this requirement.

Height: 2 stories or 25 feet. The application will be required to meet this requirement.

Setbacks: Front: 30 feet. The application meets this requirement.  
Side (least one): 10 feet. The application meets this requirement.  
Side (total two): 20 feet. The application meets this requirement.  
Rear: 40 feet. The application meets this requirement.

Minimum Floor Area: 1,200 square feet. The application will be required to meet this requirement.

Maximum Lot Coverage: 30%. The application will be required to meet this requirement.

The applicant meets the area and bulk requirements of the R-1C One Family Residential District.

Off-street parking and loading requirements:

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

Environmental provisions, including Tree Preservation Plan:  
A Tree Preservation Plan was submitted and approved.

Stormwater detention:

The applicant is proposing to construct a detention basin in the northwest corner of the property, just north of Unit 12.

Natural features and floodplains:

The Natural Features Map indicates there are no significant natural features located on the property.

Subdivision Control Ordinance, Article IV Design Standards

Blocks: The applicant is proposing a simple street layout that will stub at the southern property line.

Lots: There are 12 lots proposed for the development.

Topographic Conditions: The topography is relatively flat, with some trees on the property. The wetland report completed by King & MacGregor Environmental Inc. on May 13, 2004 states that there are six separate wetland areas (non-regulated) ranging in size from 700 to 10,000 square feet. The total area of wetland is estimated to be approximately 16,000 square feet.

Streets: The applicant is proposing a 28-foot wide street within a 60-foot wide right-of-way. The street will be stubbed at the southern property line.

Sidewalks: The applicant is proposing a 5-foot wide sidewalk along both sides of the proposed street and an 8-foot wide sidewalk on the south side of Wattles Road.

Utilities: The property will be served with public water and sewer.

Attachments:

1. Maps
2. Unplatted Residential Development Levels of Approval
3. Comparison Between Site Condominiums and Plats
4. City Council Minutes from August 30, 2004
5. Contract for Installation of Municipal Services
6. Letter of opposition

PREPARED BY RBS/MFM

cc: Applicant  
File/ Timbercrest Estates Site Condominium

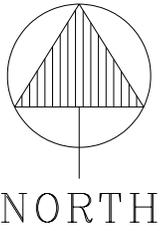
# CITY OF TROY







PROPOSED SITE CONDOMINIUM  
Timbercrest Estates

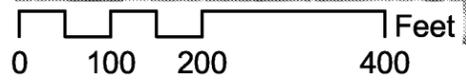


-  - REPRESENTS NON-RES. STRUCTURE OF NEWER CONSTRUCTION, IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES ON SITE OR LAYOUT OF STRUCTURES
-  - REPRESENTS DWELLING UNIT OF NEWER CONSTRUCTION, IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES ON SITE OR LAYOUT OF STRUCTURES

SITE PLAN REVIEW  
PROPOSED TIMBERCREST ESTATES SITE CONDOMINIUM  
S SIDE OF WATTLES, W OF FERNLEIGH  
SEC. 24 (11 LOTS/UNIT PROPOSED)



SITE CONDOMINIUM SITE PLAN REVIEW  
PROPOSED TIMBERCREST ESTATES



## UNPLATTED RESIDENTIAL DEVELOPMENT LEVELS OF APPROVAL

### Preliminary Plan Approval

A sign is placed on the property informing the public of the proposed development.

Adjacent property owners are notified by mail

Public meeting held by **Planning Commission** for review and recommendation to City Council  
**City Council** reviews and approvals plan

The following items are addressed at Preliminary Plan Approval:

- Street Pattern, including potential stub streets for future development
- Potential development pattern for adjacent properties
- Fully dimensioned residential parcel layout, including proposed building configurations
  - Number of lots
  - Building setbacks
  - Lot dimensions
  - Locations of easements
- Preliminary sanitary sewer, storm sewer, and water main layout
- Environmental Impact Statement (if required)
- Location(s) of wetlands on the property

### Final Plan Approval

Notice sign is posted on site

**City Council** review and approval of:

- Final Plan
- Contract for Installation of Municipal Improvements (Private Agreement)

The following items are addressed at Final Plan Approval:

- Fully dimensioned plans of the total property proposed for development, prepared by registered Civil Engineer or Land Surveyor
- Corners of all proposed residential parcels and other points as necessary to determine that the potential parcels and building configurations will conform with ordinance requirements
- Warranty Deeds and Easement documents, in recordable form for all ROW. and easements which are to be conveyed to the public
- Construction plans for all utilities and street improvements, prepared in accordance with City Engineering Design Standards:
  - Sanitary and Storm sewer
  - Water mains
  - Detention / Retention basins
  - Grading and rear yard drainage
  - Paving and widening lanes
  - Sidewalk and driveway approaches
- Approval from other government agencies involved with the development
- Verification of wetlands and M.D.E.Q. permit if necessary
- Financial guarantees to insure the construction of required improvements and the placement of proper property and parcel monuments and markers shall be furnished by the petitioner prior to submittal of the Final Plan to the City Council for review and approval
- Floor Plans and Elevations of the proposed residential units

## **COMPARISON BETWEEN SITE CONDOMINIUMS AND PLATS**

The site condominium is a form of development that closely resembles the more traditional form of land subdivision known as a “subdivision” or a “plat”. Although both types of development have the same basic characteristics, site condominiums are a newer form of development and are not, therefore, as familiar to homebuyers and neighbors as the more customary plats. An important concept related to any type of condominium development is that condominiums are a form of OWNERSHIP, not a type of physical development.

The following summary is intended to compare and contrast the two types of development.

1. **Comparisons between site condominiums and plats.**
  - a. **Statutory Basis** – Site condominium subdivisions first became possible under the Michigan Condominium Act, which was adopted by the Michigan Legislature in 1978. Plats are created under the Michigan Land Division Act, formerly the Michigan Subdivision Control Act of 1967.
  - b. **Nature and Extent of Property Ownership** – An individual homesite building in a platted subdivision is called a “lot”. In a site condominium, each separate building site or homesite is referred to by the Condominium Act as a “unit”. Each unit is surrounded by “limited common area”, which is defined as common elements reserved in the master deed for the exclusive use of less than all of the co-owners”. The remaining area in the site condominium is “general common area”, defined as the common elements reserved in the master deed for the use of all of the co-owners. The nature and extent of ownership of a platted lot and a condominium unit, with the associated limited common area, are essentially equivalent from both a practical and legal standpoint.
  - c. **Compliance with Zoning Ordinance** – Both site condominiums and subdivisions are required to comply with the minimum requirements of the City of Troy Zoning Ordinance for area and bulk, including minimum lot size, lot width, setbacks and building height. Essentially, site condominiums and subdivisions in Troy must “look” similar.
  - d. **Creation/Legal Document** – A site condominium is established by recording in the records of the county in which the land is located a master deed, bylaws and condominium subdivision plan (“plan”). A platted subdivision is created by the recording of a subdivision plat (“plat”), usually coupled with a declaration of easements, covenants, conditions and restrictions. The plan depicts the condominium units and limited and general common areas, while the plat defines the lots. Both have

substantially the same geometrical appearance and characteristics. The master deed and bylaws on the one hand and the declaration on the other have essentially the same functions with respect to the site condominium or platted subdivision, namely, establishment of: (i) building and use restrictions; (ii) rights of homeowners to use common areas; (iii) financial obligations of owners; and, (iv) procedures for operation of the subdivision.

- e. **Home Maintenance and Real Estate Taxes** – Each unit and lot, as respectively depicted on a condominium plan or subdivision plat, together with any home located thereon, are required to be individually maintained by the owner. Likewise, separate real estate taxes are assessed on each condominium unit or platted lot and paid individually by each homeowner.
- f. **Roads and Utilities** – In most plats, roads are dedicated to the public and maintained by the county road commission or the municipality in which the subdivision is located. Site condominium roads can be either public or private. Sanitary sewer and water supply are public in both. Storm water detention can vary between public and private dedication in both platted and condominium subdivisions.
- g. **Common Areas** – In a site condominium, general common areas, such as open space, entrance areas and storm drainage system, are owned by condominium unit owners in common as an incident of ownership of each unit. In a platted subdivision, legal title to common areas is owned by a homeowners association. In both forms of development, a homeowners association administers the common areas for the benefit of all homeowners equally.
- h. **Homeowners Association** – It is important in both types of development to incorporate a homeowners association comprised of all lot owners or unit owners, as the case may be, to maintain common areas, enforce restrictions and regulations, collect assessments and otherwise administer the common affairs of the development. Because the Condominium Act confers special enforcement powers upon homeowner associations, which are not characteristic of platted subdivision associations, it is generally thought that the condominium form is superior from the standpoint of enforcing rules and regulations of the private community.
- i. **Financial Obligations of Homeowners** – In both types of development, the homeowners association is given the power to assess property owners to pay for maintenance of all common areas and other expenses of administration. Failure to pay give rise to a lien on the defaulting owner's homesite thus providing financial security that the common areas will be properly maintained for the benefit of all homeowners.

- j. **Public Relations** – The same types of public health, safety and welfare regulations apply to both forms of development. Procedurally, the methods of applying for and obtaining plat or condominium plan approval are similar at the municipal level.
- k. **Unique Characteristics of Condominium Unit Purchase** – The Condominium Act provides special benefits for site condominium unit purchasers: (i) a 9-day period after signing a purchase agreement within which a purchaser may withdraw without penalty; and (ii) a requirement that all condominium documents, supplemented by an explanatory disclosure statement, be furnished to all purchasers at the time of entry into a purchase agreement. There are no similar benefits to purchasers provided under the Land Division Act.
- l. **Local and State Review** – Both development types require City Council approval, following a recommendation by the Planning Commission. Unlike subdivisions, site condominiums do not require the review and approval of the Michigan Department of Consumer and Industry Services. For this reason it can sometimes take a substantially shorter period of time to obtain necessary public approvals of site condominiums than platted subdivisions.

**2. Reason for choosing one form versus another.**

Developers and municipalities often prefer the site condominium approach because of better control of market timing. It should be emphasized that the site condominium choice never sacrifices any public protections that would otherwise be present in the case of a platted subdivision under similar circumstances.

**3. Conclusion.**

The platted subdivision approach and the newer site condominium technique are two different statutory methods of reaching essentially the same practical and legal result of dividing real estate into separate residential building sites. Both methods are required to meet substantially the same public health, safety and welfare requirements. The site condominium is sometimes chosen over the platted subdivisions because of perceived benefits to purchasers, homeowners, and developers.

**B-10 Preliminary Site Condominium Review – Proposed Timbercrest Estates Site Condominium – 11 Units/Lots Proposed, South Side of Wattles – West of Fernleigh – Section 24 – R-1C**

Resolution #2004-08-436

Moved by Lambert

Seconded by Stine

RESOLVED, That the Preliminary Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium known as Timbercrest Estates Site Condominium, as submitted and as recommended for approval by Planning Commission, located on the south side of Wattles, west of Fernleigh, including 11 home sites, within the R-1C zoning district, being 4 acres in size, is hereby **REMOVED FROM THE TABLE**.

Yes: All-6

No: None

Absent: Howrylak

**Pending Resolution as Recommended by the Planning Commission**

Resolution

Moved by Stine

Seconded by Lambert

RESOLVED, That the Preliminary Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium known as Timbercrest Estates Site Condominium, as submitted and as recommended for approval by Planning Commission, located on the south side of Wattles, west of Fernleigh, including 11 home sites, within the R-1C zoning district, being 4 acres in size, is hereby **APPROVED**, with the following conditions, as **STIPULATED** by the Planning Commission in their resolution of July 13, 2004:

1. That the drainage of this property to the properties to the east that are developed, is engineered such that there are no water flows that create standing water in the properties to the east.
2. The tree survey lists a number of trees that are not the kind of trees the City of Troy wants, and those trees that do meet the requirement of being a good tree, on the property lines specifically, that every effort be made to do the underground utility work without cutting roots and maybe the recommendation would be not to do any rear yard underground utility work, but make it all down Timbercrest.
3. If there are trees to be destroyed, the item needs to come back to see how best the City and the petitioner can get together and save as many trees as possible.

**Vote on Amendment by Substitution**

Resolution #2004-08-437

Motion by Stine

Seconded by Lambert

RESOLVED, That Resolution be amended by **SUBSTITUTING**:

RESOLVED, That the Preliminary Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium known as Timbercrest Site Condominium, as submitted and as recommended for approval by City Management, located on the south side of Wattles, west of Fernleigh, including 11 home sites, within the R-1C Zoning District, being 4 acres in size, is hereby **APPROVED**, with the following design considerations:

1. Petitioner to work with the Engineering Department to design engineering plans that will not create or exacerbate storm water problems on the adjacent properties.
2. Petitioner to work with the Parks and Recreation Department to adopt a Final Tree Preservation Plan that is in compliance with the Landscape Design and Tree Preservation Standards. Further, it is desirable to preserve the trees and their root structure along the eastern property line of the proposed site condominium. In addition, undesirable and unhealthy trees should be removed from the subject property.

Yes: All-6  
No: None  
Absent: Howrylak

#### **Vote on Substituted Resolution**

Resolution #2004-08-438  
Moved by Stine  
Seconded by Lambert

RESOLVED, That the Preliminary Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium known as Timbercrest Site Condominium, as submitted and as recommended for approval by City Management, located on the south side of Wattles, west of Fernleigh, including 11 home sites, within the R-1C Zoning District, being 4 acres in size, is hereby **APPROVED**, with the following design considerations:

1. Petitioner work with the Engineering Department to design engineering plans that will not create or exacerbate storm water problems on the adjacent properties.
2. Petitioner work with the Parks and Recreation Department to adopt a Final Tree Preservation Plan that is in compliance with the Landscape Design and Tree Preservation Standards. Further, it is desirable to preserve the trees and their root structure along the eastern property line of the proposed site condominium. In addition, undesirable and unhealthy trees should be removed from the subject property.

Yes: All-6  
No: None  
Absent: Howrylak

September 13, 2005

TO: John Szerlag, City Manager

FROM: Brian Murphy, Assistant City Manager/Services  
Steven Vandette, City Engineer

SUBJECT: Agenda Item - Private Agreement for Timbercrest Estates Site  
Condominiums - Project No. 04.920.3

The Engineering Department has reviewed and approved plans for this project, which includes sanitary sewer, storm sewer, detention, water main, sidewalks, soil erosion, landscaping and paving.

The Owner has provided a letter of credit for escrow and cash fees in the amount of the estimated cost of public improvements, as required.

Approval is recommended.

cc: Tonni Bartholomew, City Clerk (Original Agreement)  
James Nash, Financial Services Director  
Carol Anderson, Director of Parks and Recreation  
Mark Miller, Planning Director  
Nino Licari, City Assessor  
Timothy Richnak, Director of Public Works  
William Jawlik, Inspector Supervisor.  
Mondrain Properties

Prepared by: G. Scott Finlay, P.E.  
Civil Engineer

Enclosed Private Agreement, Detailed Summary, Sketch and Suggested Resolution

**CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS  
(PRIVATE AGREEMENT)**

PROJECT NO. 04.920.3

PROJECT LOCATION:

NE ¼ Sec 24

RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

**KNOW ALL MEN BY THESE PRESENT;** That the City of Troy, a Michigan Municipal Corporation of the County of Oakland, State of Michigan, hereinafter referred to as "City" and **Mondrain Properties Stonehaven Development LLC** whose address is **1111 W. Long Lake, Suite 103, Troy, MI 48098** and whose telephone number is **248-833-0242** hereinafter referred to as "Owners".

**WITNESSETH, FIRST:** That the City agrees to allow the installation of **Sanitary sewer, storm sewer, water main, detention, paving, sidewalks and soil erosion** in accordance with plans prepared by **Beckman Wehbe Corp.** whose address is **25755 Ten Mile RD., Suite A, Southfield, MI 48034** and whose telephone number is **248-353-6330** and approved prior to construction by the City specifications of the City shall be complied with for this construction.

**SECOND:** That the Owners agree to contribute the approximate contract price of **\$ 226,565.00**. This amount will be transmitted to the City Clerk for installation of said improvements in the form of (check one):

- Cash
- Certificate of Deposit
- Irrevocable Bank Letter of Credit
- Check
- Performance Bond & 10% Cash

Said funds shall be placed on deposit with the City upon the execution of this contract and shall be disbursed to the owner by the City only upon presentation of duly executed waivers of lien and sworn statements satisfactory to the City, and after final inspection and approval by the Engineering Department for the City. In addition, the owners agree to deposit and contribute **\$44,881.00** cash fee per the attached **Detailed Summary of Required Escrow Deposits Cash Deposits and Cash Fees.**

**CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS**  
**(PRIVATE AGREEMENT)**

PROJECT NO. 04.920.3

PROJECT LOCATION:

NE ¼ Sec 24

RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

**THIRD:** The owners may contract for construction of said improvement or may have the City advertise for bids. In the even the Owners select their own contractor, such contractor shall be subject to prior written approval by the City and completed contract documents shall be submitted to the City.

Owners agree to arrange for a pre-construction meeting with the City Engineer and the contractor prior to start of work. All municipal improvements must be completely staked in the field under the direct supervision of a registered civil engineer or registered land surveyor, according to the approved plans.

**FOURTH:** Owners hereby acknowledge the benefit to their property conferred by the construction of the aforementioned and agree and consent to pay the total sum of \$271,446.00 for the construction of said public utilities in lieu of the establishments of any special district by the City. Further, owners acknowledge that the benefit to their property conferred by the improvement is equal to, or in excess of, the aforementioned amount.

**FIFTH:** Owners agree that if, for any reason, the total cost of completion of such improvement shall exceed the sum deposited with the City in accordance with Paragraph SECOND hereof, that Owners will immediately remit such additional amount to the City upon request and City will disburse such additional amount in accordance with Paragraph SECOND hereof. In the event the total cost of completion shall be less than the sum deposited with City in accordance with Paragraph SECOND hereof, City will reimburse to the Owners the excess funds remaining after disbursement of funds.

**SIXTH:** Owners agree to indemnify and save harmless City, their agents and employees, from and against all loss or expense (including costs and attorneys' fees) by reason of liability imposed by law upon the City, its agents and employees for damages because of bodily injury, including death, at any time resulting therefrom sustained by any person or persons or on account of damage to property, including work, provided such injury to persons or damage to property is due or claimed to be due to negligence of the Owner, his contractor, or subcontractors, employees or agents, Owner further agrees to obtain and convey to the City all necessary easements for such public utilities as required by the City Engineer.

**CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS  
(PRIVATE AGREEMENT)**

PROJECT NO. 04.920.3

PROJECT LOCATION:

NE ¼ Sec 24

RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

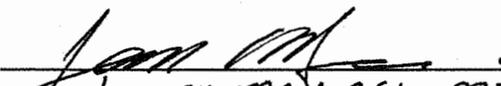
IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

OWNERS MONDRIN PROPERTIES  
STONEHAVEN DEVELOPMENT, LLC

CITY OF TROY

By:

By:

  
JOSEPH MANIACI, MEMBER  
Please Print or Type

\_\_\_\_\_  
Louise E. Schilling, Mayor

\_\_\_\_\_  
Please Print or Type

\_\_\_\_\_  
Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 7th day of SEPTEMBER, A.D. 2005, before me personally appeared JOSEPH MANIACI known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.

  
**ELAINE M. SIMPSON**  
Notary Public, Oakland County, MI  
My Commission Expires Dec. 25, 2007

NOTARY PUBLIC, Oakland County, Michigan

My commission expires: Dec. 25, 2007

Detailed Summary of Required Escrow Deposits, Cash Fees & Deposits  
 Timbercrest Site Condominium  
 12 Units - Section 24

**ESCROW DEPOSITS:**

Sanitary Sewers	\$34,020
Water Mains	\$25,650
Storm Sewers	\$31,790
Rear Yard Drains	\$31,392
Pavement - CONCRETE	\$60,758
Grading	\$10,000
Detention Basin	\$5,000
Soil Erosion Control Measures	\$565
Monuments and Lot Corner Irons	\$400
Deceleration and/or Passing Lane - MAJOR ROAD	\$4,540
Sidewalks - ON SITE	\$1,470
Sidewalks - OFF SITE	\$6,780
Street Light	\$7,000
Deposit for the Repair of Damage to Existing Public Streets Used for Access	\$7,200
<b>TOTAL ESCROW DEPOSITS (REFUNDABLE):</b>	<b>\$226,565</b>

**CASH FEES (NON-REFUNDABLE):**

Water Main Testing and Chlorination	\$650
Street Name and Traffic Signs	\$596
Maintenance of Detention Basin (20 year)	\$5,600
Soil Erosion and Sedimentation Control Permits	\$566
Testing Services	\$3,398
Engineering Review and Inspection	\$16,970
<b>TOTAL CASH FEES (NON-REFUNDABLE):</b>	<b>\$27,780</b>

**CASH DEPOSITS (REFUNDABLE):**

Sidewalk Closures	\$324
Deposit for Maintenance & Cleaning of Ex. Public Streets Used for Access	\$2,400
Landscape Deposit	\$11,010
Punchlist & Restoration Deposit	\$3,367
<b>TOTAL CASH DEPOSITS (REFUNDABLE):</b>	<b>\$17,101</b>

Engineer: Beckman Wehbe Corp.  
 Developer: Mondrian Properties



**Approval of Contract for the Installation of Municipal Improvements (Private Agreement) for Timbercrest Estates Site Condominiums, Project No. 04.920.3**

RESOLVED, that the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Mondrain Properties Stone Haven Development, LLC is hereby approved for the installation of sanitary sewer, storm sewer, detention, water main, sidewalks, soil erosion, landscaping and paving on the site and in the adjacent right of way, and the Mayor and City Clerk are authorized to execute the documents, a copy of which shall be attached to the original Minutes of this meeting.

**Mark F Miller**

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**From:** Jean-Claude Vidal [jcvidalus@yahoo.com]  
**Sent:** Tuesday, August 17, 2004 10:40 PM  
**To:** 000schilling@ameritech.net  
**Cc:** dave@lambert.net; talk2cristina@aol.com; david@eisenbacher.org; mfhowryl@umich.edu; stinejm@wwnet.net; szerlagaj@ci.troy.mi.us; millermf@ci.troy.mi.us  
**Subject:** Timbercrest Estates

Dear Councilmembers:

I was to be on vacation the week of August 9 when the Timbercrest Estates, a condominium development, was originally scheduled to be reviewed. I rescheduled my vacation and it now conflicts with the August 23 review date. I hope to be back in time to attend the council meeting, but in case I'm not, I am submitting this letter as my public comment of record.

I would like to express some worries, concerns and disappointments to you, the officials of this fair city.

I am a fifty three year resident of this community, long before Troy was a city. I have seen many changes: sod farms turned into subdivisions, corn fields, turned into parking lots, fruit orchards becoming office plazas. With each change, the city became a little colder.

I'm sure I'm not the first resident to complain to you about the rampant, unchecked building allowed to go on in this city. So I'll skip the generalities and get to specific problems.

Timbercrest Estates on Wattles Road. OK. So a developer can cram eleven condominiums where once stood two houses. I can almost accept that. What I cannot accept is the complete indifference the Planning Commission (including the Planning Director) has to the concerns of long time residents. I had some concerns in a statement I was going to make at the meeting. Before I was allowed to speak, the Commission rambled on for several minutes asking the developer why he had not bought more surrounding property, especially mine, in order to make a larger development. Not one word of concern was said about the house or family that had been there for over half a century.

I'm sure I am not alone in telling you, that in my opinion, the city planners do a great disservice to this community.

When the Planning Commission asked the developer's engineer if there was a water problem on the site, he, of course, said no. The Planning Director, when asked specific questions by several commissioners, could not provide accurate answers. He admitted that no wetland studies had been conducted at the site. When I and several neighbors wanted to dispute the water problem,

the chair person would not recognize us, we could not speak.

The following day I went to the Engineering department, expressing my concerns about the flooding at the rear of this site, asking if this, the rear of the property, should not be the obvious location for the retention pond, since for five decades I have seen standing water in the back of this property. They assured me that they require the development to have proper drainage before work can begin.

For the last two weeks, before City Council's final approval, tons and tons of fill has been dumped on the property adjacent to mine.

I would like to know who will be responsible if and when my acreage becomes a flood plain?

The developer mentioned he plans to save as many trees as possible. There are no trees worth saving on the property adjacent to mine. I'm requesting that the developer be required to plant a green belt on the west side of the development.

Thank you for this opportunity to voice my opinion and as stated before, if I am not able to attend the City Commission meeting on August 23, I would like this letter to be submitted as my public comment for the record.

Jean-Claude Vidal  
2506 E. Wattles Rd.  
Troy, MI 48085  
248-689-7284

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Do you Yahoo!?  
Yahoo! Mail is new and improved - Check it out!  
[http://promotions.yahoo.com/new\\_mail](http://promotions.yahoo.com/new_mail)

**Paula P Bratto**

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**From:** Darlene Hendrick [darleneh@wideopenwest.com]  
**Sent:** Monday, September 27, 2004 6:30 PM  
**To:** 000schilling@ameritech.net; dave@lambert.net; rbeltram@wideopenwest.com;  
talk2cristina@aol.com; david@eisenbacher.org; Mfhowryl@umich.edu; stinejm@wwnet.net  
**Cc:** council@ci.troy.mi.us; BrattoPP@ci.troy.mi.us; Mike Long  
**Subject:** Timbercrest Estates

**Dear City Council Members,**

**My wife, Darlene, and I have been residents of the wonderful city of Troy for 31 years. We have enjoyed our home on Forge Drive and the wonderful view it has provided. The rear of our property faces a large field where we have frequently observed deer grazing and rabbits and foxes scurrying about.**

**Our understanding, according to televised city council meetings, is a new residential development called Timbercrest Estates is to be constructed on that field. We are both saddened and disturbed by the loss of this beautiful habitat as well as the City's need to build on every square inch of available property. Not only will viewing deer grazing and rabbits scurrying about become a thing of the past, but we are going to lose our peaceful view. Therefore, Darlene and I join Mr. Vidal's request for the developer of Timbercrest Estates to add a "green wall" to the entire west side of the development to preserve as much of this peaceful habitat as possible.**

**Imagine this was your home and sanctuary for 31 years. Please require Timbercrest Estates to build an adequate "green wall" not only for Mr. Vidal but the residents of Forge Drive as well.**

**Sincerely,**

**Larry Hendrick  
3868 Forge Drive  
Troy, MI 48083  
248-524-1151**