



## CITY COUNCIL ACTION REPORT

DATE: January 19, 2009

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Preliminary Site Condominium Review – Adams Road Site Condominium, East side of Adams, South of South Boulevard, Section 6 – R-1A

### Background:

- City Council considered this item at the December 15, 2008 Regular meeting. There was no action taken at that meeting. The City Engineer prepared a memorandum addressing drainage problems described in a letter prepared by the owners of 2861 Charnwood.
- The Planning Commission recommended approval of Adams Road Preliminary Site Condominium Plan at the November 11, 2008 Regular meeting.
- The applicant is proposing a 5-unit site condominium on a 4.98-acre parcel. The development will utilize the One-Family Cluster Option (Section 34.70.00) which provides for reduced lot sizes and setbacks. 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 prepared a parallel plan that indicates that five units can be developed on the property using conventional R-1A area and bulk requirements.

### Financial Considerations:

- There are no financial considerations for this item.

### Legal Considerations:

- City Council has the authority to act on this application.

Policy Considerations:

- The application is consistent with the following “Outcome Statements” as established at the July 1, 2008 Special Council meeting:
  - II. Troy adds value to properties through maintenance or upgrades of infrastructure and quality of life venues.
  - III. Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world.

Options:

- City Council can approve the Preliminary Site Condominium Plan as submitted or with conditions.
- City Council can deny the Preliminary Site Condominium Plan.
- City Management recommends approval of the Adams Road Preliminary Site Condominium Plan.

Attachments:

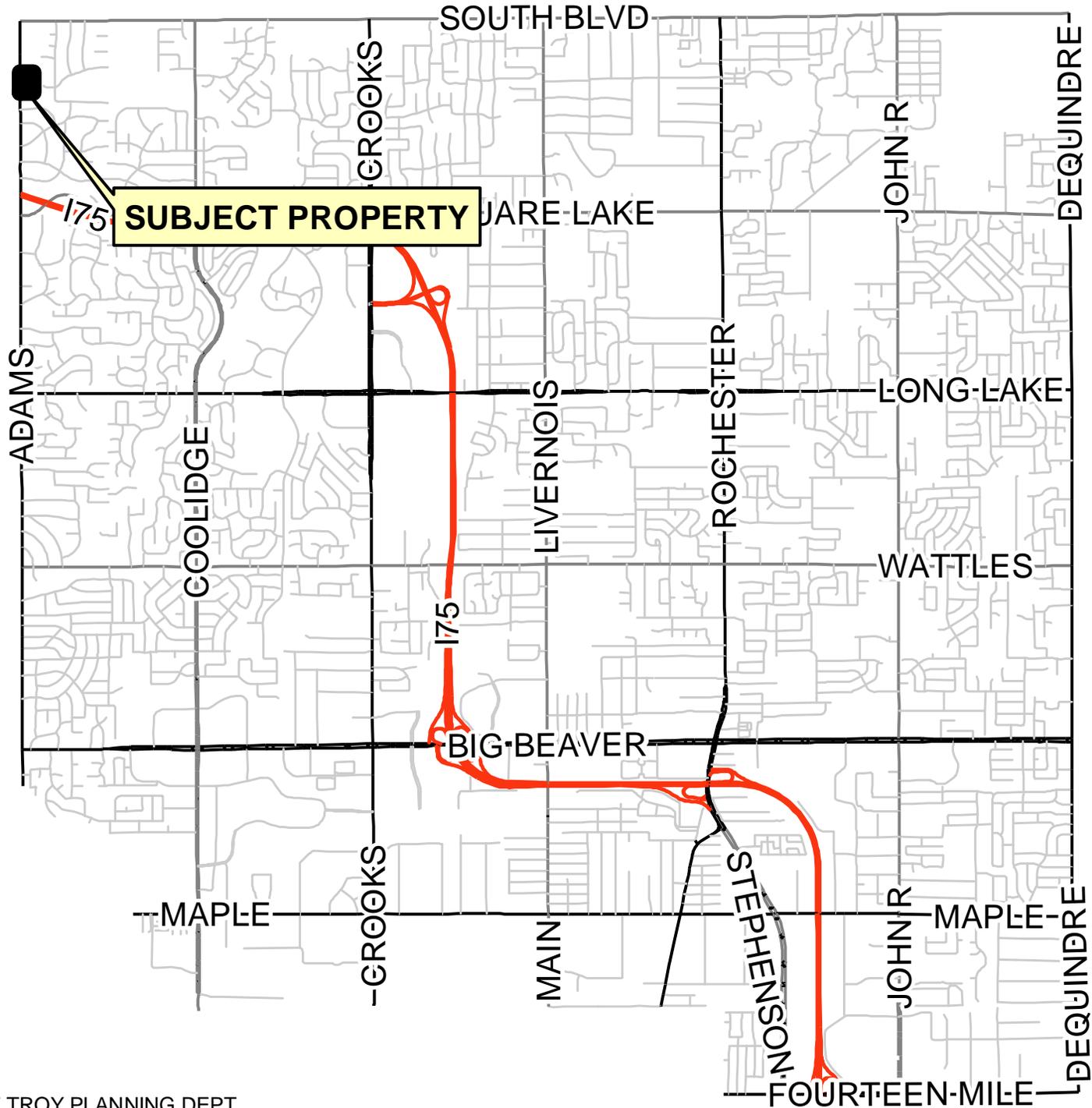
1. Maps.
2. Letter prepared by the owners of 2861 Charnwood, dated December 15, 2008.
3. Memo prepared by City Engineer, dated January 19, 2009.
4. Minutes from the November 11, 2008 Planning Commission Regular meeting.
5. Minutes from the December 15, 2008 City Council Regular meeting.

Prepared by RBS/MFM

cc: Applicant  
File/Adams Road Site Condominium

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# CITY OF TROY



SITE CONDOMINIUM SITE PLAN REVIEW  
PROPOSED ADAMS ROAD SITE CONDOMINIUM  
E SIDE OF ADAMS, S OF SOUTH BLVD.  
SEC. 6



SUBJECT PARCEL



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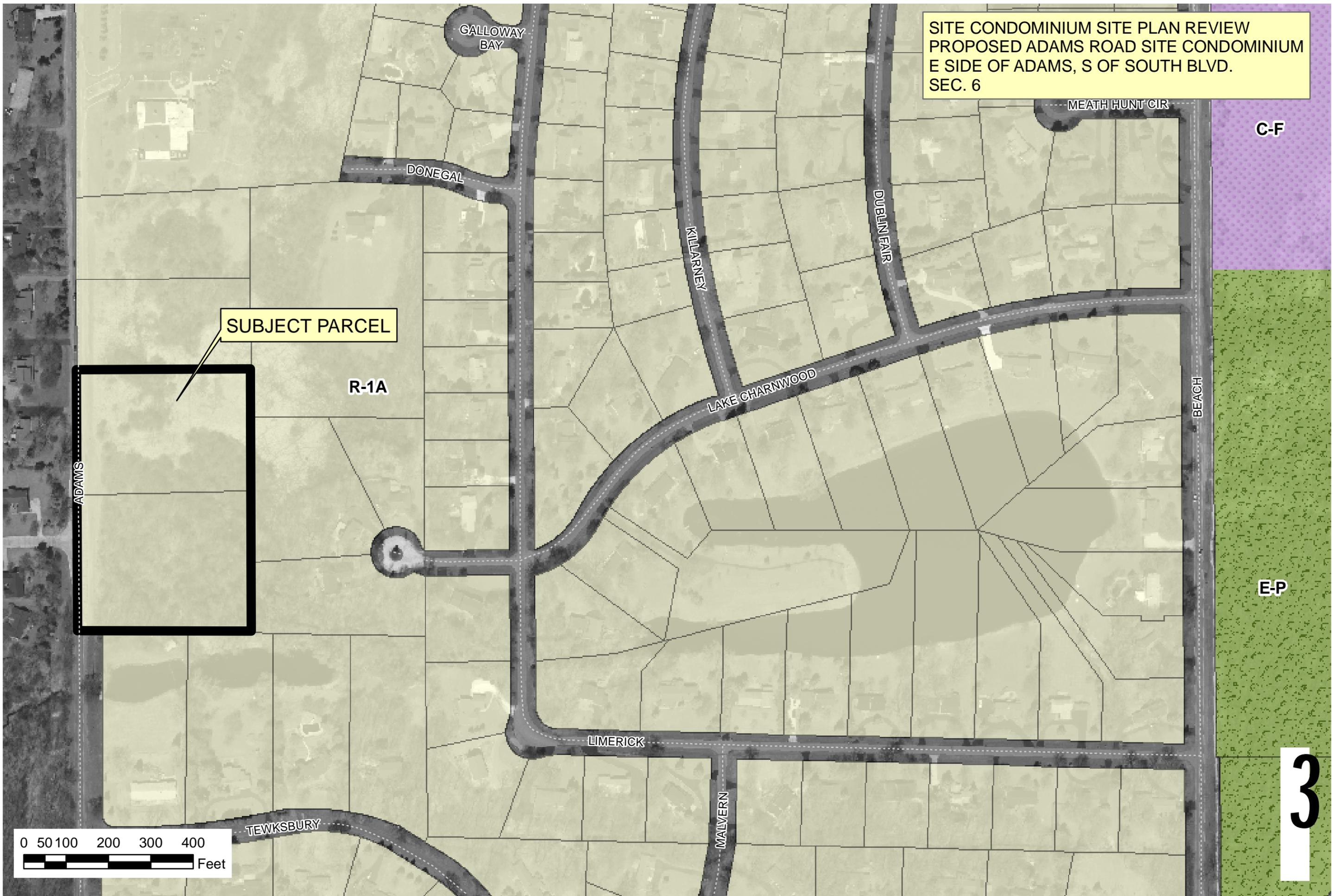
C-F

SUBJECT PARCEL

R-1A

E-P

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## **Susan & Mark McPhail**

2861 Lake Charnwood Dr. • Troy, MI 48098  
(248) 879 9129

December 15, 2008

City of Troy Planning Dept.  
500 W. Big Beaver Rd.  
Troy, MI 48084

Dear Sir or Madam,

We are writing to express our objections and concerns about the proposal to renew the proposal for Adams Road Site Condominiums on parcel no. 88-20-06-103-018 and 019, located on the east side of Adams Road, south of South Boulevard.

Our home abuts this property.

The low lying portions of this area are notoriously wet. Portions of our property are in a flood plain. Many of our neighbors have persistent problems with basement flooding. During the six years we have lived here, we have experienced significant, serious changes in the land. The lawn on the south side of our home often has standing water. It is no longer mowable or walkable. The patio and pool deck (above ground) are sinking. Engineers from the City of Troy have visited our home and documented these developments as recently as last summer.

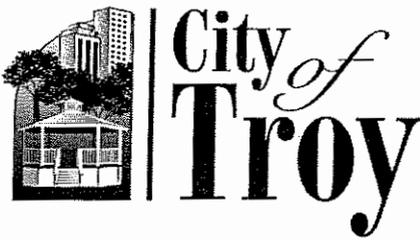
Enormous amounts of fill will be necessary to build on the property in question. Experts have told us that additional construction on adjacent, higher ground will exacerbate existing conditions for lower lying properties such as ours.

We have two questions for the City of Troy and developer in question. Isn't the city's first obligation to the safety and values of existing homes and homeowners? Which of you are liable for damages to existing homes and property caused by a decision to move this proposed development ahead in light of these documented environmental concerns?

We respectfully request that the council postpone a decision to approve renewal of this application until a thorough environmental impact study is conducted by an independent party at the developer's expense.

Sincerely,

Susan and Mark McPhail



## ENGINEERING DEPARTMENT

# Memo

**To:** Mark Miller, Planning Director  
**From:** Steven J. Vandette, City Engineer   
**Date:** 1/19/2009  
**Re:** Adams Road Preliminary Site Condominium

As a follow up to City Council's December 15, 2008 request for information pertaining to drainage problems described in a letter from Mark and Susan McPhail (owners of property at 2861 Lake Charnwood which abuts the proposed site condo), we have found documentation of contacts by the McPhails to DPW and Engineering departments.

There is one contact related to drainage. On September 10, 2007 they reported, "since buying their house 5 years ago, environment has changed so rapidly, her lawn east and west of the house is too mushy." Our review revealed that the grading of the lot is from the front where it's highest to the rear where it's lowest, except for approximately 30 feet of the east side of the lot adjacent to Lake Charnwood Road that slopes toward the road. The majority of the runoff from the lot, the home's roof and driveway runoff flows past the sides of the home toward the flood plain area west of the home. Depending on rainfall and moisture content of the soil, it is natural that these pathways for the runoff east and west of the home may be saturated from time to time. Since it was a private property matter, the City of Troy took no action in this case.

As stated in their letter, portions of their lot, the west side, are in the 100 year flood plain. This is the same flood plain that extends westward and encompasses a portion of the east side of the condo site. This natural drain provides the outlet for drainage from the McPhail's lot and also the condo site.

Given the high ground water table in the area, addition of hard surfaces and runoff from the condo site, plus a complete absence of storm sewers in this area, proper management of storm water from the condo site does make for an engineering challenge, but not an impossible task. As you are aware, this office approves the engineering plans, including site grading and drainage, based upon the City's Development Standards, which require that the development not cause or exacerbate drainage problems on contiguous properties due to surface run-off from the proposed development. This office will be working closely with the developer's architect, David Donnellon, to assure that the engineering plans meet our standards. Additionally, Mr. Donnellon has offered to include the McPhails in the review of the engineering plans so that they too can be satisfied that the development will not exacerbate any drainage problems. City engineering staff will participate with them in this process, as we have done on other developments, to assure there is a satisfactory outcome.

At this point in the development process, which is preliminary site plan, engineering plans are not required. That being the case, we are likely not able to proceed with review and development of the engineering plans with Mr. Donnellon and the McPhails until after the preliminary site plan is approved by City Council.

cc: Brian Murphy, Asst. City Manager/Services

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**SITE CONDOMINIUM SITE PLAN**

9. **SITE CONDOMINIUM SITE PLAN REVIEW** – Adams Road Site Condominium (Renewal), 5 units/lots proposed, East side of Adams, South of South Blvd., Section 6, Zoned R-1A (One Family Residential) District

Mr. Savidant presented a summary of the Planning Department report on the proposed site condominium development, and reported it is the recommendation of City Management to approve the site condominium application as submitted.

There was a brief discussion as relates to revisions to the site plan, wetland delineations and MDEQ (Michigan Department of Environmental Quality) approval.

The petitioner, David Donnellon of Choice Group, 755 W. Big Beaver Road, Troy, was present. Mr. Donnellon addressed the proposed storm water management.

Chair Schultz opened the floor for public comment.

John Quasarano of 2862 Lake Charnwood, Troy, was present. He requested to view the site plan, of which a complete set was provided to him.

Chair Schultz closed the floor for public comment.

**Resolution # PC-2008-11-133**

Moved by: Sanzica  
Seconded by: Strat

**RESOLVED**, That the Planning Commission recommends to City Council that the Preliminary Site Plan (Section 34.70.00 One-Family Cluster Option), as requested for Adams Road Site Condominium, including 5 units, located on the east side of Adams, south of South Boulevard, Section 6, within the R-1A zoning district, be granted.

Yes: All present (6)  
Absent: Maxwell, Vleck, Wright

**MOTION CARRIED**

right of way, and hereby **AUTHORIZES** the Mayor and City Clerk to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**F-13 Allocation of 2009 Tri-Party Program Funds**

Resolution #2008-12-376-F-13

RESOLVED, That Troy City Council hereby **APPROVES** the 2009 Tri-Party program funding allocation of \$544,591.00 and the remaining 2008 Tri-Party program funds in the amount of \$50,585.00 be used, as required, for concrete slab replacements on County Roads, with \$198,392.00 being the City's share.

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**F-14 Approval to Temporarily Waive Parking Restrictions – Vanderpool**

Resolution #2008-12-376-F-14

RESOLVED, That Troy City Council hereby **WAIVES** the no parking restrictions on Vanderpool Street near 865 Vanderpool on December 20, 2008, between the hours of 5:00 PM and 10:00 PM.

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**F-1b Address of "F" Items Removed for Discussion by City Council and/or the Public**

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**F-8 Preliminary Site Condominium Review – Adams Road Site Condominium, East Side of Adams, South of South Boulevard, Section 6 – R-1A: No Action Taken by City Council**

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**F-9 Winter Maintenance Agreement, Road Commission for Oakland County**

Resolution #2008-12-377

Moved by Beltramini

Seconded Kerwin

RESOLVED, That Troy City Council hereby **APPROVES** the Winter Maintenance Agreement between the Road Commission for Oakland County and the City of Troy for Snow and Ice Control of certain primary and local roads, which are described and outlined in Exhibit A, and hereby **AUTHORIZES** the Mayor and City Clerk to execute the necessary documents, a copy of which is authorized by the provisions of 1951 PA 51 (MCL 247.651 et seq.), shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

**MOTION CARRIED**