

CITY COUNCIL AGENDA ITEM

Date: March 10, 2020

To: Honorable Mayor and City Council Members

From: Lori Grigg Bluhm, City Attorney

Julie Quinlan Dufrane, Assistant City Attorney

Subject: Eureka Building Inc. v. City of Troy

Enclosed please find a copy of a lawsuit that was recently filed against the City of Troy by Eureka Building Inc ("Eureka"), challenging the recent denial of a requested rezoning. Eureka owns three parcels of property located at 5395 Rochester Road in the City of Troy, and has been seeking relief from the current zoning district for a couple of years. With the R-1C zoning, Eureka would be limited to a maximum of four residential homes. Eureka submitted a conditional rezoning request, requesting rezoning from R-1C (one family residential) to RT (medium density attached residential). With this request, Eureka wanted three separate buildings with up to four attached units in each building, but they would construct no more than ten total attached units. The Troy City Council denied the conditional rezoning request in July 2019. After the denial of this conditional rezoning request, Eureka then submitted an application for a straight rezoning of the three parcels from one family residential zoning (R-1C) to one family attached zoning (RT). The requested straight rezoning to RT zoning would have allowed up to ten attached residential units on the three properties. With its application, Eureka provided a sketch, proposing the locations for the ten attached residential units, but this sketch was not binding. The Troy City Council denied the straight rezoning request at its February 10, 2020 meeting. This lawsuit follows that denial.

This case is currently assigned to Oakland County Circuit Court Judge Leo Bowman. However, due to the nature of the issues raised, where Eureka relies on federal law, our office is asking to remove this case to the United States District Court. Plaintiff's lawsuit alleges that the City of Troy violated its substantive due process rights under the Michigan Constitution and also the 5th and 14th Amendments of the United States Constitution. Plaintiff also alleges that Council's decision was arbitrary and capricious and not rationally related to the governmental interest of protecting public health, safety, and welfare. Plaintiff asserts that its rezoning request is consistent with the City's Master Plan and satisfies all of the criteria set forth in the City's Zoning Ordinance concerning rezoning, specifically Section 16.03(C)(1-5). Plaintiff also argues that the current zoning is "unconstitutional" because it "interferes with Plaintiff's legitimate use" of the property.

Attached is a proposed resolution which authorizes our office to represent the City's interest in this matter. Please let us know if you have any questions or concerns.

CASE NO.

2/28/2020 10:07 AM

Oakland County Clerk

Received for Filing

ED

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT **COUNTY PROBATE**

SUMMONS

٧

2020-179960-PZ JUDGE LEO BOWMAN

Court telephone no.

Court address

1200 N. Telegraph Rd. Pontiac, MI 48341

Plaintiff's name(s), address(es), and telephone no(s). EUREKA BUILDING INC. C/O RENIS NUSHAJ Plaintiff's attorney, bar no., address, and telephone no. RENIS NUSHAJ P72986 1985 W. Big Beaver Rd. Ste., 320 Troy, MI 48084 Tel. (248) 649-1000

Defendant's name(s), address(es), and telephone no(s). CITY OF TROY and TROY CITY COUNCIL C/O LORI GRIGG BLUHM 500 W. Big Beaver Rd. Troy, MI 48084 Tel (248) 524-3320

This case has been designated as an eFiling case. To review a copy of the Notice of Mandatory eFiling visit www.oakgov.com/efiling.

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.

It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

 \Box This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035. MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).

There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the

A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

it was given case number _ and assigned to Judge _____

The action \square remains \square is no longer pending.

been previously filed in ______ this court, ______

Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified.

- 1. You are being sued.
- 2. YOU HAVE 21 DAYS after receiving this summons and a copy of the complaint to file a written answer with the court and serve a copy on the other party or take other lawful action with the court (28 days if you were served by mail or you were served outside this state).
- 3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
- 4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date Expiration date* Court clerk 2/28/2020 Lisa Brown 5/29/2020

^{*}This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

SUMMONS Case No.

PROOF OF SERVICE

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

		IT OF SERVICE / NONSERVICE	
OFFICER CERTIF I certify that I am a sheriff, deputy sh court officer, or attorney for a party (and that: (notarization not required)	eriff, bailiff, appointed	Being first duly sworn, I s adult, and I am not a part	OF PROCESS SERVER state that I am a legally competent ty or an officer of a corporate and that: (notarization required)
☐ I served personally a copy of the :☐ I served by registered or certified	summons and complair mail (copy of return rec	nt, ceipt attached) a copy of the sumi	mons and complaint,
together with List all documents served wi	th the summons and complai	int	
			on the defendant(s):
Defendant's name	Complete address(es	s) of service	Day, date, time
I have personally attempted to serv	e the summons and cor e service.	nplaint, together with any attachme	ents, on the following defendant(s)
Defendant's name	Complete address(es) of service	Day, date, time
I declare under the penalties of perju best of my information, knowledge, a	ry that this proof of serv	vice has been examined by me ar	nd that its contents are true to the
Service fee Miles traveled Fee \$		Signature	
Incorrect address fee Miles traveled Fee \$	TOTAL FEE \$	Name (type or print)	
Subscribed and sworn to before me of	nDate	Title	County, Michigan.
My commission expires:	Signat	ure:	
Notary public, State of Michigan, Cou	inty of	Deputy court cierwnotary public	
I acknowledge that I have received so	ervice of the summons	Attac	chments
	OnOn	, time	
Signature	on I	oehalf of	

This case has been designated as an eFiling case. To review a copy of the Notice of Mandatory eFiling visit www.oakgov.com/efiling.

STATE OF MICHIGAN IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

EUREKA BUILDING INC.,

2020-179960-PZ JUDGE LEO BOWMAN

Plaintiff,

Case No.

MAR 09 2020 AMT1:11

Vs.

Hon.

THE CITY OF TROY, a municipal entity, and TROY CITY COUNCIL,

Defendants.

GOETZ | NUSHAJ P.L.I..C. RENIS NUSHAJ (P72986) Attorney for Plaintiff 1985 W. Big Beaver Rd. Stc., 320 Troy, MI 48084 Tel. (248) 649-1000

LORI GRIGG BLUHM Attorney for Defendant 500 W. Big Beaver Rd. Troy, MI 48084 Tel. (248) 524-3320

There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.

NOW COMES, the plaintiff, by and through, RENIS NUSHAJ, and in support of this Complaint states the following:

PARTIES AND JURISDICTION

- 1. Eureka Building Inc. is a corporation doing business in the City of Troy, Michigan.
- 2. Defendant City of Troy (hereinafter "Troy") is a Michigan municipal corporation created and existing by virtue of the laws of the state of Michigan and is empowered to act through is governing body, its officials, employees and official bodies. Troy's principal place of business is 500 West Big Beaver Road, Troy, Michigan 48084.
- Defendant Troy City Council (hereinafter "City Council") is the body which adopted the
 Troy Zoning Ordinance (hereinafter "Zoning Ordinance"). The City Council is subject to
 the jurisdiction of this Court.
- All actions that are the subject of this lawsuit occurred in the City of Troy, County of Oakland, State of Michigan.
- 5. Venue is proper in the Oakland County Circuit Court as the subject parcel is located within the City of Troy, County of Oakland, State of Michigan.

FACTUAL ALLEGATIONS

- 6. The Plaintiff incorporates by reference Paragraphs 1-5 of this complaint as fully stated herein.
- 7. This is an action for declaratory and injunctive relief arising under the Constitutions of the State of Michigan and the U.S. Constitution as applied to the States.
- Defendants, City of Troy and Troy City Council, have not identified any compelling or reasonable governmental interest prior to denying rezoning pursuant to the Troy Master Plan for Plaintiff's subject parcel.
- Defendants have failed to enforce its Zoning Ordinance and Master Plan in the least restrictive means possible.

- 10. Eureka Building Inc. sought rezoning of a Parcel in the City of Troy in the Northwest corner of Rochester Road and Sylvanwood (88-20-10-426-029, -030 and -031), Section 10, From R-1C (One Family Residential) to RT (One Family Attached Residential) Zoning District.
- 11. The 1.2-acre site includes three vacant parcels.
- 12. The City of Troy Planning Department as well as the City of Troy's Planning Consultant summarized the project and recommended that the Planning Commission approve the rezoning.
- 13. The City of Troy Planning Commission held a public hearing on the application and recommended approval of the rezoning by a 5-4 vote.
- 14. Several members of the public objected to the rezoning raising concerns about increased traffic, criminal behavior that would be lured in by the townhomes, etc.
- 15. All rezoning requests in the City of Troy after review and recommendation from the Planning Commission must go for final approval before the Troy City Council.
- 16. On February 10, 2020 the Troy City Council held a Public Hearing on the Rezoning Request Application and ultimately denied the request.
- 17. The Planning Director presented before the City Council and once again recommended approval of the rezoning request.
- 18. The Planning Director offered a History of the City Master Plan changes through the years:
 - a. In 1999 the City of Troy amended the Master Land Use plan adding medium density residential along Rochester Road north of Wattles.
 - In 2002, the City adopted a Future Land Use Plan which retained medium density residential along Rochester Road north of Wattles.
 - c. In 2008, the City comprehensively updated the Master Plan and retained the medium density residential along Rochester Road north of Wattles.

- d. The City of Troy's Master Plan was again updated in 2017 and again retained medium density residential along Rochester Road north of Wattles.
- The site has been Master Planned for medium density multiple family residential for 20 (twenty years) (See Exhibit 1 Page 4).
- Rezoning to RT, One-Family Λttached Residential District complies with the Master Plan (See Exhibit 1 Page 4).
- 21. The Planning Director also addressed for the benefit of City Council several of the concerns of the neighbors by pointing out the following:
 - e. By right the site would be able to have 4 (four) single family detached lots whereas the proposed rezoning would be able to have up to 10 (ten) family units.
 - f. The proposed heights pursuant to either current or proposed zoning would be the same.
 - g. The proposed setbacks between current and proposed zoning are more restrictive if rezoned.
 - h. The maximum percentage of the lot covered by buildings between the current and proposed zoning would be the same.
- 22. Based on a 10 unit plan the City's traffic consultant, OHM, conducted 2 (two) traffic reviews concluding that the traffic impact as a result of the proposed development would be minimal and are not expected to significantly worsen traffic conditions on Sylvanwood or Rochester Road.
- Upon analyzing the entirety of the project the City's Planner also recommended the Rezoning be approved.
- 24. The Troy Council denied the Rezoning Request without advancing any reasonable Governmental interests.

- 25. Prior to the rezoning application and request, Plaintiff pursued, under the direction of the City, a process of Conditional Rezoning.
- 26. Plaintiff submitted a concept plan approved by the administration with a list of conditions for the development of the parcel.
- 27. Plaintiff's plan was recommended for approval and approved by the Planning Commission.
- 28. Troy City Council denied the conditional rezoning after neighbor complaints without advancing any reasonable governmental interests just as they did subsequently with the rezoning request.

COUNT 1 – DECLARATORY JUDGMENT: SUBSTANTIVE DUE PROCESS VIOLATIONS

- 29. The Plaintiff incorporates by reference Paragraphs 6-28 of this complaint as fully stated herein.
- 30. The denial of the rezoning application violated Plaintiff's right to substantive due process.
- 31. Both Michigan and Federal Constitutions guarantee procedural and substantive due process to landowners.
- 32. The Courts of the State of Michigan have repeatedly treated substantive due process challenges to a rezoning denial identically to challenges to an existing zoning ordinance. See Grand/Sakwas of Northfield LLC v. Northfield Twonship, 304 Mich App 137; 851 NW2d 574 (2014)
- 33. Over the years rezonings have been approved on Rochester Road pursuant to the City of Troy Master Plan and over 10 (ten) condominium projects can be seen in the stretch of road along with countless commercial development.
- 34. The City Council's denial treated Plaintiff's property differently than other properties that have sought rezonings.

- 35. No reasonable governmental interest was advanced by the denial of the rezoning application.
- 36. In a nonconfiscatory substantive due process zoning challenges such as this one a zoning ordinance is invalid if it fails to advance a legitimate governmental interest or if it is an unreasonable means of advancing a legitimate governmental interest. Id. At 461.

COUNT 2 – DECLARATORY JUDGMENT: UNCONSTITUTIONAL ZONING

- 37. The Plaintiff incorporates by reference Paragraphs 28-36 of this complaint as fully stated herein.
- 38. The current R1C zoning of the parcel is unreasonable and unconstitutional.
- 39. The Troy Master Plan has advanced denser uses along Rochester Road for the last 20 (twenty) years.
- 40. The current zoning of the parcel is not in conformity with the City of Troy's Master Plan.
- 41. The decision to deny the request to rezone was arbitrary and capricious.
- 42. The Plaintiff's proposed use of the property is in keeping with the Master Plan.
- 43. The Defendant's denial of the rezoning request unreasonably interferes with the Plaintiff's legitimate use of the parcel.

WHEREFORE, the Plaintiff, Eureka Building Inc., by and through their attorney RENIS NUSHAJ, respectfully requests that:

- A. Judgment be entered against Defendant and in favor of Plaintiff in this matter.
- B. The parcel (consisting of three lots) be rezoned RT pursuant to the request in this complaint.
- C. Plaintiff be awarded all actual costs and attorney fees.
- D. Plaintiff be issued any and all other relief as the court deem just and proper.

Date: February 25, 2020

Respectfully submitted

RINIS NUSHAJ (P72986) Attorney for Plaintiff Renis@Nushajlaw.com

STATE OF MICHIGAN IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

EUREKA BUILDING INC.,

Plaintiff,

Case No. 2020-179960-PZ

Vs.

Hon.

THE CITY OF TROY, a municipal entity, and TROY CITY COUNCIL,

Defendants.

GOETZ | NUSHAJ P.L.L.C. RENIS NUSHAJ (P72986) Attorney for Plaintiff 1985 W. Big Beaver Rd. Stc., 320 Troy, MI 48084 Tel. (248) 649-1000

LORI GRIGG BLUHM Attorney for Defendant 500 W. Big Beaver Rd. Troy, MI 48084 Tel. (248) 524-3320

EXHIBIT

NOW COMES, the plaintiff, by and through, RENIS NUSHAJ, and submits the following exhibit in support to the Complaint:

1. Sylvanwood Rezoning Request packet to City Council.

Date: February 25, 2020

Respectfully submitted,

RENIS NUSHAJ (P72986) Attorney for Plaintiff Renis@Nushajlaw.com

EXHIBIT 1



CITY COUNCIL AGENDA ITEM

Date:

February 5, 2020

To:

Mark F. Miller, City Manager

From:

Robert J. Bruner, Assistant City Manager

R. Brent Savidant, Community Development Director

Subject:

<u>PUBLIC HEARING – REZONING REQUEST (Z JPLN2019-0025)</u> - Proposed Sylvanwood Court RT Development Rezoning, Northwest corner of Rochester Road and Sylvanwood (88-20-10-426-029, -030 and -031), Section 10, From R-1C (One Family

Residential) to RT (One Family Attached Residential) Zoning District.

The applicant Eureka Building Co. seeks rezoning of the subject parcel from R-1C (One-Family Residential) District to RT (One Family Attached) District. The parcel is 1.2 acres in area.

The applicant submitted a concept plan showing two (2), five (5) unit buildings. This sketch is required as part of the application but is non-binding.

A summary of the project was prepared by the Planning Consultant and is included in the attached agenda item from the October 8, 2020 Planning Commission regular meeting.

The Planning Commission held a public hearing on this item on October 8, 2020 and recommended approval of the rezoning by a 5-4 vote.

At the request of numerous residential neighbors, the City's Traffic Consultant OHM prepared the attached memorandum dated December 6, 2019. The memorandum summarizes the results of a Speeding/Cut-Through study conducted for Sylvanwood, Trinway and Creston west of Rochester in October, 2019. The attached memorandum prepared by OHM and dated September 24, 2018 summarizes the traffic that can be anticipated from a 10-unit attached residential condominium project.

A City Council public hearing has been scheduled for February 10, 2020.

Legal Review

This item was submitted to the City Attorney for review pursuant to City Charter Section 3.17.

Attachments:

- Maps
- 2. Rezoning application
- 3. Report prepared by Carlisle/Wortman Associates, Inc.
- 4. Minutes from October 8, 2019 Planning Commission Regular meeting (excerpt)
- 5. Memorandum prepared by OHM dated December 6, 2019 (Speeding/Cut-Through Traffic)
- 6. Memorandum prepared by OHM, dated September 24, 2018

GIS Online

CITY OF TROY REZONING REQUEST APPLICATION

CITY OF TROY PLANNING DEPARTMENT 500 W. BIG BEAVER TROY, MICHIGAN 48084 248-524-3364

E-MAIL: planning@troymi.gov



REZONING REQUEST APPLICATION \$1,800.00

> **ESCROW FEE** \$1,500.00

NOTICE TO THE APPLICANT

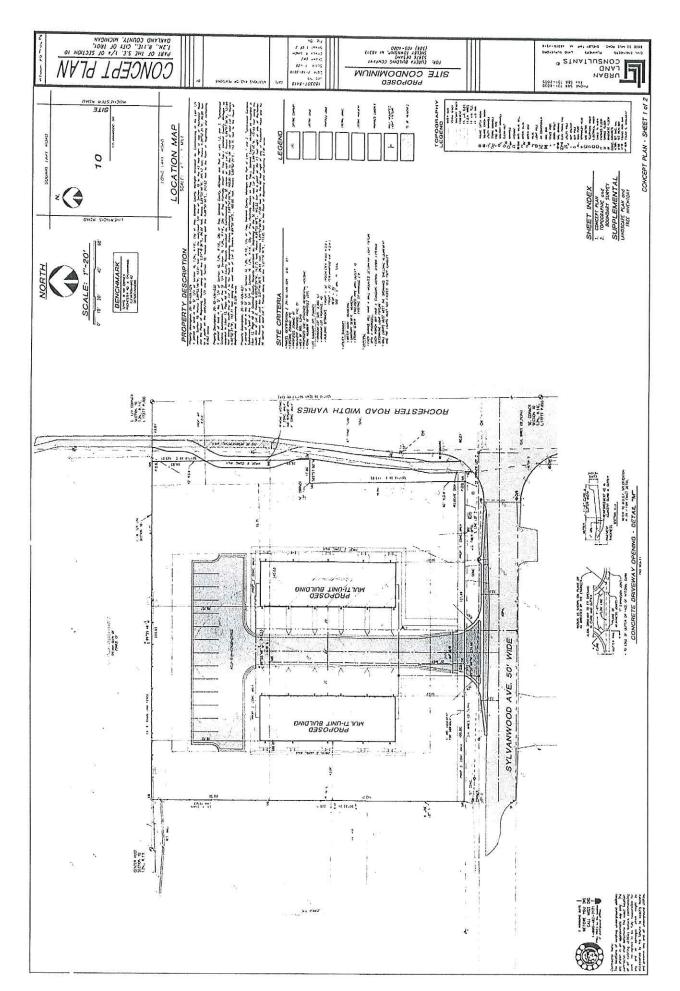
REGULAR MEETINGS OF THE TROY PLANNING COMMISSION ARE HELD ON THE SECOND AND FOURTH TUESDAY OF EACH MONTH AT 7:00 P.M. AT CITY HALL.

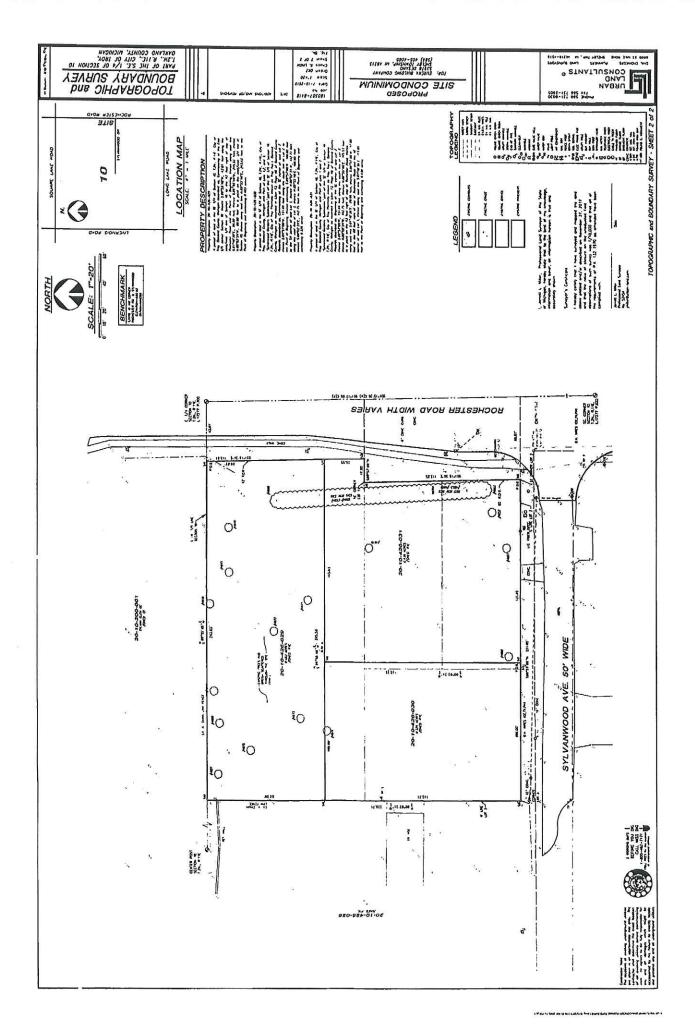
APPLICATIONS SHALL BE FILED NOT LATER THAN THIRTY (30) DAYS BEFORE THE SCHEDULED DATE OF THE MEETING.

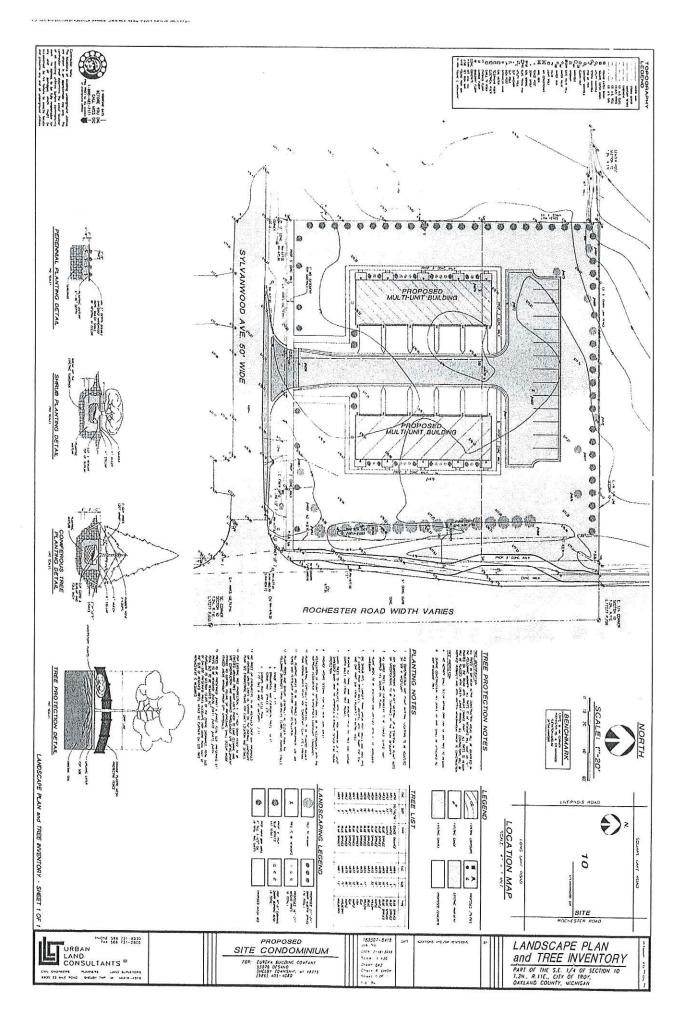
A PLANNING COMMISSION PUBLIC HEARING SHALL BE SCHEDULED FOLLOWING A DETERMINATION BY THE PLANNING DEPARTMENT THAT THE APPLICATION IS COMPLETE.

PLEASE	COMPLE	IE	THE	FOL	LO	NING:	

	(*)	
1.	NAME OF THE PROPOSED DEVELOPMENT:	wood Court RT Development
2.	ADDRESS OF THE SUBJECT PROPERTY: 5395 R	ochester
3.	CURRENT ZONING CLASSIFICATION: 21-C	
4.	PROPOSED ZONING CLASSIFICATION: 2. T	
5.		26 631 2010-426-036 2010-426-029
6.	APPLICANT FOR REZONING:	OWNER OF THE SUBJECT PROPERTY:
	NAME_ E. NIKOIIO.	NAME same as applicant.
	COMPANY EURES B. Woling Co	COMPANY
	ADDRESS 1985 W. By Newer #320	ADDRESS
	CITY Tray STATE MI ZIP 48084	CITYSTATEZIP
	TELEPHONE (586) 405 4080	TELEPHONE
	E-MAIL Eureka biol@ yma, 1. Com	E-MAIL
7.	THE APPLICANT BEARS THE FOLLOWING RELATIONSHIP	
8.	SIGNATURE OF THE PROPERTY OWNER: BY THIS SIGNATURE, THE PROPERTY OWNER AUTHOR TO INFORM THE PUBLIC AS TO THIS REQUEST FOR RE	RIZES PLACEMENT OF A SIGN ON THE PROPERTY
9.	SIGNATURE OF THE APPLICANT:	ć (c







Rezoning Statement.

ONE (1) HARD COPY OF A PROPOSED SITE PLAN INDICATING THE SUBJECT PROPERTY AND THE BUILDINGS / USES PROPOSED TO BE CONSTRUCTED

A detailed development is not proposed at this time, since the uses will be tied directly into the requirements of the RT one family attached. Once the rezoning to RT is approved, the Planning Department will then be consulted regarding potential development site plan layouts and associated requirements under the zoning ordinance in the ordinary course of action. All site plan, and associated form-based elements, will then be addressed though a site plan submission meeting pursuant to ordinance requirements.

ONE (1) HARD COPY OF A STATEMENT INDICATING WHY, IN THE OPINION OF THE APPLICANT, THE REZONING REQUESTED IS CONSISTENT WITH THE MASTER PLAN, AND WHY SUCH A REZONING IS CONSISTENT WITH ADJACENT ZONING DISTRICTS AND USES, AND WILL NOT BE DETRIMENTAL TO THE PROPERTY OF OTHER PERSONS LOCATED IN THE VICINITY

Re-zoning to RT meets Troy Master Plan objectives by providing a transition from non-residential area & main artery roadway and lower density residential land use areas. The City of Troy Zoning Ordinance has additional requirements that must be met for all rezoning approvals. More specifically, Section 16.03(C), Rezoning Procedures, of the ordinance provides the following standards for rezoning requests:

- C. Standards for Approval. A rezoning may be approved upon a finding and determination that all of the following are satisfied:
- 1. The proposed rezoning is consistent with the Master Plan. If the current zoning is in material conflict with the Master Plan, such conflict is due to one of the following: a. A change in City policy since the Master Plan was adopted. b. A change in conditions since the Master Plan was adopted. c. An error in the Master Plan.

The proposed rezoning of the subject site from R1-C, One Family Residential District, to RT Multi Family Residential, is consistent with the Future Land Use designation of Rochester Road in the City of Troy Master Plan. The project enables medium density residential development in one of the "Targeted Locations in Troy for Missing Middle housing." (See Master Plan Chapter 8 Pg. 6)

Rezoning the site to RT would enable the project to satisfy the characteristics of Missing Middle Housing as noted in the Master Plan by providing for: 1. Walkable context and sense of community; Transitional density, by creating housing at densities which fall between traditional single family and multiple family; Smaller, well designed units and efficient use of space; Deemphasizing parking.

2. The proposed rezoning will not cause nor increase any non-conformity.

The proposed rezoning to RT One Family Attached will not cause or increase any non-conformity. Any new development must be in conformity with current City ordinances and Planning Department site plan review and approval as such the development will of necessity continue and transition the current theme of the neighborhood.

3. Public services and facilities affected by a proposed development will be capable of accommodating service and facility loads caused by use of the development.

The subject site is not large in size (1.2 acres) and any proposed development, in compliance with the RT One Family Attached would be easily accommodated by public services and facilities that serve the surrounding commercial and residential developments.

4. The rezoning will not impact public health, safety, or welfare.

The proposed RT designation for this site, and the associated development review process, is intended to ensure that a project does not impact the public health, safety, or welfare. The very designation of the site is intended to provide affordable housing for young families.

5. The rezoning will ensure compatibility with adjacent uses of land.

The rezoning will continue an ongoing theme in the Rochester Road corridor where a number of RT developments have been approved by the city and constructed in recent years in conformity with the Master Plan and its dictates.

ONE (1) CD CONTAINING AN ELECTRONIC VERSION OF THE COMPLETE REZONING APPLICATION

A flash drive with the complete application is provided



117 NORTH FIRST STREET

SUITE 70

ANN ARBOR, MI 48104

734.662.2200 734.662.1935 FAX

Date: September 24, 2019

Rezoning Analysis For City of Troy, Michigan

Project Name:

Sylvanwood Court RT Development

Location:

5395 Rochester Road

Current Zoning:

R-1C, One-Family Residential

Proposed Rezoning:

RT, One-Family Attached Residential

Action Requested:

Rezone to RT, One-Family Attached Residential

Required Information:

As provided within this review

PROJECT AND SITE DESCRIPTION

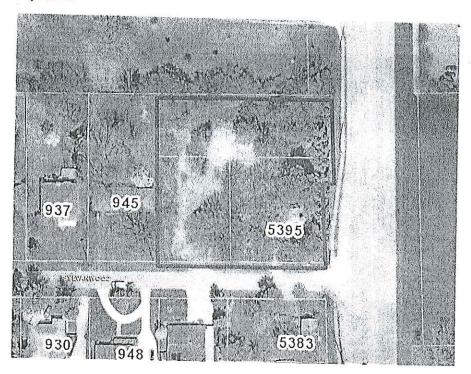
An application was submitted to straight rezone the property at 5395 Rochester Road from one-family residential (R-1C) to one-family attached residential (RT). There are no conditions offered by the applicant for the rezoning. The 1.20-acre site includes three (3) parcels. Two (2) parcels are vacant and one (1) parcel is improved with a single-family home.

In late 2018, the Planning Commission recommended Conditional Rezoning of the site, with the condition of the rezoning to be the site plan. The site plan proposed to construct ten (10) multiple family units, 30-feet in height. If the site was straight rezoned to RT, ten (10) units, 30-feet in height, would still be the maximum density and height.

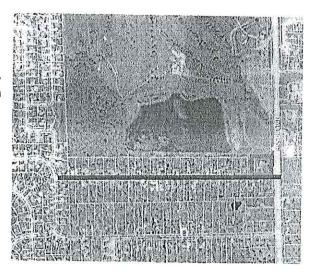
On November 27, 2018, the Planning Commission recommended approval of the proposed conditional rezoning and site plan on a vote of 6-2. On July 8, 2019, the Troy City Council held a public hearing on the meeting. After receiving public comments and City Council deliberation, the City Council voted 7-0 to deny the conditional rezoning.

An aerial image of the subject site is depicted in Figure 1.

Figure 1: Subject Site



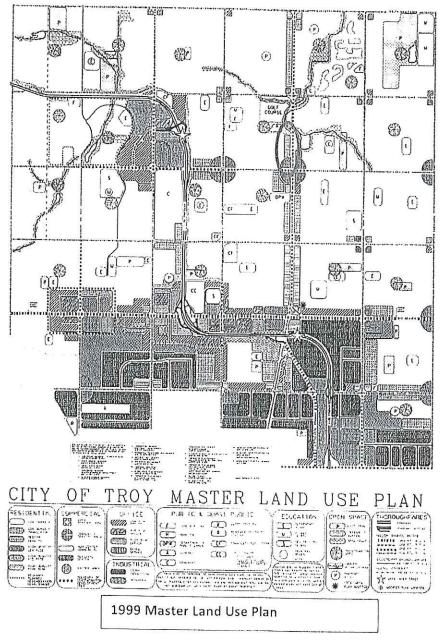
Sylvanwood (outlined in Blue) is a paved street, approximately 22-feet in road paving width, with approximately +/- 53 houses street fronting on it.



MASTER PLAN (HISTORY AND CURRENT)

In 1999, the city updated the Master Land Use Plan. During the process, the city spent considerable amount of time and input deliberating the future use of key corridors including Big Beaver, Crooks, Maple, and Rochester. Due to traffic volume, noise, and market economics, the Future Land Use Plan recognized parcels that abut major mile corridors such as Rochester would be difficult to develop or redevelop as single-family residential. For this reason, the city considered alternative land use patterns along these corridors that were contextually relevant and compatible with surrounding and adjacent land use.

The 1999 amended Master Land Use Plan , added medium density residential along Rochester Road north of Wattles.



In 2002, the City adopted a Future Land Use Plan, which retained medium density residential along Rochester Road north of Wattles. In 2008, the City comprehensively updated the Master Plan. The process of updating the Master Plan included a significant public participation component that included numerous opportunities for public input. The 2008 comprehensive update to the Master Plan also retained medium density residential along Rochester Road north of Wattles.

The Master Plan was updated in 2017, also retained medium density residential along Rochester Road north of Wattles. From a land use perspective, the updated 2017 Master Plan calls for this site:

North of Long Lake Road, the land use pattern evolves, becoming a mix of commercial and office near the intersections and older single-family homes and multiple-family complexes in between.

Uses along Rochester Road will include a variety of mixed uses, established in a "pulsing" pattern where the most intense mixed-use or exclusively non-residential development will occur near the Neighborhood Nodes situated along its main intersections. Lower-impact uses, such as small scale retail or condominiums should be encouraged along the corridor frontage between these nodes..... The areas between nodes should develop as lower-rise office and multiple-family. The height differences encourage a visual "pulse." (pg. 87-88)

This section of Rochester Road Master Plan also calls for use of innovative stormwater management:

Ultimately, the Rochester Road Corridor will become a regional showcase for effective stormwater management and enhancement of the natural environment, while encouraging a combination of high-quality land uses. Effective landscaping focused on native plantings, and improved land use and access management along Rochester will create a green corridor that provides a high level of service for motorists, and which provides an effective natural buffer between high traffic volumes and people visiting adjacent properties. The creation of this green corridor would occur primarily in the right-of-way along road frontages and in the median of a future boulevard.

New construction along the corridor may include detention and retention basins that work together from site-to-site with other features to create a continuous, linear landscape feature. By connecting properties, the basins create visual relief from traffic. Low impact development methods will be used throughout the corridor to filter stormwater runoff. (pg. 87)

The site has been master-planned for medium density multiple family residential for 20 years. We find that a rezoning to RT, One-Family Attached Residential District complies with the Master Plan.

PROPOSED DEVELOPMENT VS. BY-RIGHT

The stated intent of the RT, One Family Attached Residential is as follows:

SECTION 4.07 RT ONE-FAMILY ATTACHED RESIDENTIAL DISTRICT

A. Intent. The intent of the RT, One-Family Attached Residential District is to provide medium density residential areas in those areas which are served with public sewer and water, and where attached forms of residential development achieves the objectives of the Master Plan. The District is designed primarily to permit attached residential dwellings which may serve as a transition between high intensity or nonresidential use areas, and lower density residential land use areas. The RT District is further intended to provide medium density residential development in compact areas so as to encourage walkability.

The RT, One-family Attached Residential District is consistent with the medium density residential as contemplated in the Master Plan.

The table below outlines the development differences of the proposed plan versus what could be done by-right under the current zoning:

	By-Right R-1C Zoning	Proposed by applicant if rezoned to RT Zoning
Density	4 single-family detached lots via a site condominium	10 multiple family units
Height	2.5 stories and 30 feet	2.5 stories and 30 feet
Setbacks	Front: 30 feet	Front (Rochester): 50 feet
	Sides: 15 feet	Front (Sylvanwood): 25 feet
	Rear: 40 feet	Sides: 5 single / 15 total feet
		Rear: 35 feet
Open	Max % of lot covered by building:	Max % of lot covered by building: 30%
Space	30%	

If rezoned the maximum number and height of units if rezoned would be ten (10) units, 30-feet in height.

SITE ACCESS AND CIRCULATION

Due to intersection distance requirements, access for future development, regardless if rezoned or not, would remain off Sylvanwood.

TRAFFIC STUDY

Based upon the 10-unit plan previously submitted by the applicant, the City's traffic consultant, OHM, conducted a traffic review. See the OHM memo for additional details. OHM's review concludes:

During the morning (AM) peak hour, the proposed Sylvanwood condominium development is expected to generate 5 new trips: 1 inbound (entering the site), and 4 outbound (exiting the site). During the evening (PM) peak hour, the proposed site is expected to generate 8 new vehicle trips: 5 inbound (entering the site) trips, and 3 outbound (exiting the site). This pattern coincides with residents typically leaving in the morning for work, and returning home in the evening.

On Sylvanwood Drive, the development would result in slight increases to traffic volumes, amounting to one additional vehicle every 7-8 minutes during "rush hour". Most drivers would not even notice this additional traffic.

In conclusion, the traffic impacts as a result of the proposed development are very minimal and are not expected to significantly worsen traffic conditions on Sylvanwood Drive or Rochester Road.

REZONING STANDARDS

As set forth in Section 16.03.C, the Planning Commission shall consider the following standards:

- 1. The proposed rezoning is consistent with the Master Plan. If the current zoning is in material conflict with the Master Plan, such conflict is due to one of the following:
 - a. A change in City policy since the Master Plan was adopted.
 - b. A change in conditions since the Master Plan was adopted.
 - c. An error in the Master Plan.
- 2. The proposed rezoning will not cause nor increase any non-conformity.
- 3. Public services and facilities affected by a proposed development will be capable of accommodating service and facility loads caused by use of the development.
- 4. The rezoning will not impact public health, safety, or welfare.
- 5. The rezoning will ensure compatibility with adjacent uses of land.

We find that the rezoning standards have been met:

The site has been master planned for medium density residential for 20 years.

- Rezoning the site that abut Rochester Road from R-1C, One-Family Residential District to RT, One-Family Attached Residential District is consistent with the Master Plan.
- Rezoning the site to RT, One-Family Attached Residential District provides a transition from the heavily traveled Rochester Road arterial to the adjacent neighborhood.
- Innovative stormwater management can be required and confirmed during the site planning process.
- The rezoning will permit a maximum of 10 townhome units, as compared to four (4) single-family homes permitted with the current R-1C Zoning. Six (6) more units than what can be built with the current zoning will not adversely impact the public health, safety, and welfare of the neighborhood.
- Based on the maximum number of ten (10) units that could be constructed if built, the traffic impact analysis concludes that "The traffic impacts as a result of the proposed development are very minimal and are not expected to significantly worsen traffic conditions on Sylvanwood Drive or Rochester Road."

RECOMMENDATIONS

We recommend rezoning of the properties from R-1C, One-Family Residential District to RT, One-Family Attached Residential District

CARLISLE WORTIVIAN ASSOC., INC.

Benjamin R. Carlisle, AICP, LEED AP

PUBLIC HEARING – SYLVANWOOD COURT RT DEVELOPMENT REZONING REQUEST (Z JPLN2019-0015) – Proposed Sylvanwood Court RT Development Rezoning, Northwest Corner of Rochester and Sylvanwood (88-20-10-426-029, 88-20-10-426-030, 88-20-10-426-031), Section 10, From R-1C (One Family Residential) Zoning District to RT (One Family Attached Residential) Zoning District

Mr. Savidant presented a background and history of a previous Conditional Rezoning request for the subject property. He explained the request before the Board this evening is a straight rezoning request with no conditions attached to it. Mr. Savidant reviewed the City's Land Use Policies along Rochester Road dating back to 1999 and stated the City's Land Use Policies for the last 20 years have called for medium density residential along Rochester Road and north of Wattles.

Mr. Carlisle reviewed the rezoning request application and compared what could be developed by-right with R-1C zoning versus what could be developed with the proposed RT zoning. He addressed the traffic review and findings of the City Traffic Consultant (OHM) and the Rezoning Standards for consideration by the Planning Commission. Mr. Carlisle recommended that the Planning Commission recommend to City Council to grant the rezoning request.

Erion Nikolla said the rezoning request is to develop multiple family residential at this site which is consistent with the Master Plan. Mr. Nikolla said the proposed development would be very similar to the conceptual plan submitted in the application.

There was discussion on:

- Master Plan classification along Rochester Road.
- Correlation between previously denied Conditional Rezoning request and traditional Rezoning Request before the Board this evening.
- Proposed development as relates to adjacent single family residential and City right-of-way.
- · Conceptual plan; non-binding.
- Density and building height permitted in RT zoning district.

PUBLIC HEARING OPENED

The following people spoke in opposition expressing concerns with traffic, traffic study results, compatibility with existing neighborhood, property values, density, snow removal, safety of children and pedestrians, access off Sylvanwood and parking.

- Don Tarr, 937 Sylvanwood
- Daniel Levitt, 871 Sylvanwood
- Richard Lisowski, 5697 Wright
- Marcia Bossenberger, 369 Ottawa
- April Orselli, 894 Sylvanwood
- Tara Hulett, 948 Sylvanwood
- Allison Peck, 863 Sylvanwood
- Christine Simancik, 5464 Whitehaven
- Matthew Mikiczenko, 625 Sylvanwood
- David Orselli, 894 Sylvanwood
- Danuta Sitarczyk, 895 Sylvanwood
- Nathaniel Wilkowski, 1396 Byron Lane
- Jeanne Mikiczenko, 625 Sylvanwood
- Chris Sarsfield, 773 Sylvanwood
- Pierre Harik, 692 Sylvanwood
- · Dorothy Clendening, 5371 Rochester
- Mike Donahue, 962 Sylvanwood
- Robert Flora, 607 Sylvanwood
- Surab Shrestha, 674 Sylvanwood

PUBLIC HEARING CLOSED

Discussion continued:

- Role of Planning Commission; recommending body, legal constraints.
- · Rezoning request as relates to Master Plan and Rezoning Standards.
- · City Traffic Consultant findings; trip generations.
- · Access; off Sylvanwood or Rochester.
- Right-of-way acquisition; site plan requirement to meet ultimate right-of-way.
- Existing traffic and safety concerns; speeding, cut-through, no sidewalks.

Mr. Lambert addressed concerns of compatibility with adjacent single family residential, as relates to Rezoning Standard No. 5.

Chair Faison addressed concerns with public health, safety and welfare of potential traffic impact resulting from access off Sylvanwood, as relates to Rezoning Standard No. 4.

Resolution # PC-2019-10-069

Moved by: Hutson Support by: Tagle

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1C to RT rezoning request, as per Section 16.03 of the City of Troy Zoning Ordinance, located on the northwest corner of Rochester and

Sylvanwood, within Section 10, being approximately 1.2 acres in size, be **GRANTED** for the following reasons:

1. The proposed rezoning is consistent with the Master Plan.

2. The proposed rezoning does not appear to cause or increase any nonconformity.

3. If rezoned the property will be capable of accommodating service and facility loads caused by use of the development.

4. The rezoning does not appear to impact public health, safety or welfare.

5. The rezoning will ensure compatibility with adjacent uses of land.

Yes: Apahidean, Crusse, Fowler, Hutson, Tagle

No: Faison, Krent, Lambert, Rahman

MOTION CARRIED

ARCHITECTS. ENGINEERS, PLANNERS.

memorandum

Date: December 6, 2019

To: Bill Huotari, PE

CC: Stephen Dearing, PE, PTOE

From: Stephan Maxe, PE

Re: Speeding/Cut-Through Traffic Concerns on Sylvanwood Drive

Introduction

There are resident concerns related to the development of 10 units of condominiums on Sylvanwood Drive at the intersection with Rochester Road. This is due to the perceived existing issue of speeding along Sylvanwood Drive as well as cut through traffic. In order to address these concerns a speed and volume study was conducted on Sylvanwood Drive, Trinway Road and Creston Road as these are all parallel streets with access to Rochester Road in the area of the proposed development. This study will also investigate if there is cut through traffic and discuss possible countermeasures.

Speed and Volume Study

As requested, speed and volume data has been collected on Sylvanwood Drive, Trinway Road and Creston Road west of Rochester Road. The data has been processed and summarized. Attached to this memo is the actual data collected for both speed and volumes. The posted speed limit is 25 mph on all 3 roads. Data was collected for a time period spanning from October 11, 2019 to October 28, 2019.

Table 1 - Speed Data Results

	Sylvanwood Drive	
Orth D	Westbound	Eastbound
85 th Percentile (MPH)	29	33
Mean Speed (MPH)	24	27
10 MPH Pace Speed (MPH)	21-30	21-30
Percent in Pace (%)	66.7	58.8
Violation Rate (%)	48.0	67.7
	Trinway Road	07.17
O Eth In	Westbound	Eastbound
85 th Percentile (MPH)	30	34
Mean Speed (MPH)	25	28
10 MPH Pace Speed (MPH)	21-30	26-35
Percent in Pace (%)	62.4	59.0
Violation Rate (%)	49.1	71.6
	Creston Road	71.0
	Westbound	Eastbound
85 th Percentile (MPH)	34	
Mean Speed (MPH)	26	36
10 MPH Pace Speed (MPH)	26-35	30
Percent in Pace (%)	48.4	26-35
Violation Rate (%)	60.1	54.9
''	00.1	76.2

Based on Table 1, at all 3 locations, the 85^{th} percentile speed is higher than the posted speed limit of 25 mph for both directions.

Table 2 is a day-by-day summary of the traffic volumes along Sylvanwood Drive, Trinway Road and Creston Road. On average, eastbound traffic volumes (entering the neighborhood) are higher on all the study roadways.



Table 2 – Traffic Volumes

	Sylvanwood Driv	ve	
Day	Westbound	Eastbound	Total
Saturday 10/12	213	209	422
Sunday 10/13	209	195	404
Monday 10/14	246	284	530
Tuesday 10/15	268	288	556
Wednesday 10/16	249	270	519
Thursday 10/17	263	297	560
Average Weekday Daily Traffic*	261	285	546
Average Weekend Daily Traffic	211	202	413
	Trinway Road		410
Day	Westbound	Eastbound	Total
Saturday 10/12	216	269	485
Sunday 10/13	174	224	398
Monday 10/14	206	294	500
Tuesday 10/15	239	324	563
Wednesday 10/16	213	316	529
Thursday 10/17	246	336	582
Average Weekday Daily Traffic*	133	325	558
Average Weekend Daily Traffic	195	247	442
	Creston Road	211	442
Day	Westbound	Eastbound	Total
Tuesday 10/22	151	293	444
Wednesday 10/23	128	404	532
Thursday 10/24	138	327	465
Friday 10/25	148	278	426
Saturday 10/26	123	194	
Sunday 10/28	103	134	317
Average Weekday Daily Traffic*	139	341	237
Average Weekend Daily Traffic	113	164	480 277

Table 3 shows the percentage of the total traffic in each speed range.



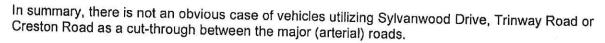
Table 3 -Percent Traffic Volume in Each Speed Range

	Sylvanwood Drive	
Speed Range	Westbound	Eastbound
1-15	9.8%	7.7%
16-20	6.4%	5.6%
21-25	31.3%	19.0%
26-30	35.4%	35.2%
31-35	9.8%	23.6%
36-40	2.1%	7.5%
41-45	0.3%	1.4%
	Trinway Road	1.470
Speed Range	Westbound	Earth a
1-15	7.8%	Eastbound
16-20	12.4%	6.9%
21-25	30.7%	5.0%
26-30	31.7%	16.4%
31-35	14.3%	32.0%
36-40	2.7%	27.0%
41-45		10.4%
1110	0.3%	1.9%
Speed Range	Creston Road	
1-15	Westbound	Eastbound
	11.7%	6.6%
16-20	9.0%	3.8%
21-25	19.3%	13.4%
26-30	27.7%	26.3%
31-35	20.7%	28.6%
36-40	8.8%	16.3%
41-45	2.4%	3.9%

Cut-Through Traffic

There are over 200 single-family homes in the southeast quadrant of the square mile bounded by Long Lake Road, Livernois Road, Rochester Road and Square Lake Road. There are even more in the western part of this square mile as the lots are more compact. This southeast quadrant has access to/from Rochester Road via Sylvanwood Drive, Trinway Road and Creston Road as well as to/from Long Lake Road via Somerton Drive and Falmouth Drive.

The ITE trip generation manual: 10th Edition was used to determine the expected number of vehicle trips to/from the neighborhood. This number can be compared to the volume data collected to see if there is a higher number of trips which would imply that there is cut through traffic occurring. According to the ITE trip generation manual a single-family home generates 9.44 trips per weekday. 200 homes would be expected to generate 1,888 trips in an average weekday. The number of vehicle trips counted on an average weekday for Sylvanwood Drive, Trinway Road and Creston Road was 1,584. This is less than the projected number of trips generated by the houses. While many of these houses may be accessed from Long Lake Road via Somerton Drive and Falmouth Drive, there are also many other houses in the neighborhood that could be using these routes.



Traffic Calming

Traffic calming measures are used to reduce vehicle speeds, volumes, or both to improve the safety and comfort of pedestrians and bicyclists. Lower traffic volumes reduce the number of potential conflicts between pedestrians or bikes and vehicles, while lower rates of speed reduce the likelihood of severe injury in the event a crash occurs, as well as provide more time to perceive and react to potential conflicts, such as a pedestrian crossing the road. However, installing calming measures remains a trade-off, as it reduces the efficient travel of vehicles — including essential public services like police, fire trucks, school buses, snow removal, and trash collection.

Most traffic calming measures include physical alterations intended to slow traffic, by forcing vehicles to maneuver around or over obstacles. These alterations may consist of center islands, curb bulb-outs, chicanes, mini roundabouts, and speed tables, to name a few. Calming measures to reduce traffic volumes involve restricting vehicle access, such as installing barriers or by street closures. However, because these also impact emergency vehicles, DPW maintenance, and other essential services, proposed measures must judiciously consider overall public safety and mobility needs.

Resident concerns and the speed study conducted do show that speeds on all 3 streets have high violation rates with speeds over 25 mph on average. All 3 streets are straight roadways with no horizontal or vertical curves or traffic control measures between their end points.

Initially, we recommend first applying education & enforcement strategies that do not physically modify the street, such as supplementing law enforcement patrols with a neighborhood speed watch program or a neighborhood awareness campaign. If speeding concerns persist, we suggest consideration of a horizontal deflection, such as a chicane or reducing the width of the street through the installation of a median island or curb modifications.

Weather. Various Serial Number: 32214 Instatled by: Matt Clark Other Notes: None

OHM Advisors
Advancing Communities

Sylvanwood W of Rochester

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Advancing Communities

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Sylvanwood W of Rochester

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Advancing Communities

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OHM Advisors

Advancing Communities

Number 17 Pace 20-29 14-23 14-23 15-24 21-30 26-35 21-30 0200480422222552244 18:00 0.0% 659 %0.0 14:00 Weather: Various Serial Number: 32214 Installed by: Matt Clark Other Notes: None WB Time 10/12/19 01:00 02:00 03:0

OHM Advisors

K		Sylvanwood W of Rochester	Number	in Pace	2	m	•	-	7	-	-	ო	4	7	7	ဖ	භ	o	4	4	15	4	10	^	4	∞	ო	က						
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	Weather: Various Serial Number: 32214	Installed by: Matt Clark Other Notes: None WB	Start	Time	10/13/19	01:00	02:00	03:00	04:00	02:00	00:00	00:70	08:00	09:00	10:00	11:00	12 PM	13:00	14:00	15:00	16:00	17:00	18:00	00:61	20:00	20.12	22:00	23:00					YM Peak Vol.	

OHM Advisors

Advancing Communities

Weather. Various Serial Number. 32214 Installed by: Matt Clark Other Notes: None

Number in Pace 00000v8881417588880v Pace Speed 15-24 16-25 20-29 20-29 21-30 08:00 21 17:00 27 0.4% 0.0% %0.0 14:00 004-40-040-0404-0+ 21 8.5% 06:00 13:00 3 75 30.5% 08:00 7 15:00 Start Time 10/14/19 01:00 02:00 03:00 04:00 05:00 05:00 05:00 05:00 05:00 11:0

OHM Advisors

Advancing Communities

Weather: Various Serial Number: 32214 Installed by: Matt Clark Other Notes: None

Number in Pace Pace Speed 13-22 21-30 21-30 21-30 21-30 20-23 20-23 20-23 20-23 21-30 6 2 4 4 1 0 8 4 8 2 2 2 8 4 6 i 08:00 21 18:00 25 0.0% 655 %0.0 03:00 1.9% 07:00 13:00 91 34.0% 08:00 29 WB Start Time 10/15/19 02:00 02:00 04:00 0

OHM Advisors

Weather: Various Serial Number: 32214 Installed by: Matt Clark Other Notes: None

Advancing Communities

Number in Pace E 8 6 9 E 5 2 5 5 1 1 8 E 5 5 5 2 E 8 2 4 Pace 21-30 21-30 21-30 22-30 22-30 22-30 21-30 15-24 08:00 18 15:00 24 0.0% - \$\frac{1}{2} \cdot \frac{1}{2} \cdot \frac{1}{ %0.0 %0.0 0.0% 0.0% 0.4% 15:00 0.4% 16:00 1.2% 87 34.9% 08:00 6 17:00 25 10.0% 07:00 4 15:00 6 17:00 18:00 19:00 20:00 21:00 22:00 23:00 Total PM Peak Vol. Time 10/16/19 01:00 02:00 02:00 04:00 05:00 06:00 07:00 08:00 08:00 11:00 12 PM 12 PM 13:00 14:00 16:00 AM Peak WB

OHM Advisors
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Livonta Pels C. Advancing Communities

Advancing Communities 16	### Communities ### Co	Sylvanwood W of Rochester	Pace	75	0	0 0 0 1 14-23 1	0 0 0 0	0 0 0 2 14-23 2	0 0 0 1 14-23 1	0 0 0 2 . 1	0 0 0 4 19-28 4	0 0 12 21-30 10	0 16	6 0	2 0	0 15 21-30	0 0 0 18 21-30 12	0 0 9 3140	0 23 20-29	0 0 22 21-30	0 0 20 21-30	0 0 31 21-30	0 18 21-30	0 14 16-25	0 23 21-30	0 10 21-30	0	0 0 2 20-29	0	%0'0 %0'0	08:00	16	47.00
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Weather. Various Serial Number. 32214 Installed by: Matt Clark Other Notes: None

Advancing Communities 7.

Sylvanwood W of Rochester

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Stats

21-30 MPH 1160 66.7% 835 48.0% 24 MPH

10 MPH Pace Speed:
Number in Pace:
Percent in Pace:
Number of Vehicles > 25 MPH:
Percent of Vehicles > 25 MPH:
Mean Speed(Average):

Advancing Communities

Number in Pace Sylvanwood W of Rochester Pace 25-34 26-35 26-35 21-30 21-30 21-30 21-30 21-30 21-30 21-30 21-30 21-30 Total 18:00 26 0.0% 65 %0.0 0.0% %0.0 0.0% %0.0 13:00 2.6% 18:00 6 37 23.1% 15:00 37.5% 18:00 8 35 21.9% 16:00 Weather: Various Serial Number: 32214 Installed by: Matt Clark Other Notes: None EB 1 0 0 14 14 8.8% 13:00 Start Time 10/11/19 01:00 02:00 03:00 05:00 05:00 05:00 05:00 05:00 05:00 05:00 05:00 11:00 11:00 11:00 11:00 11:00 15:0

OHM Advisors

36184 120

Advancing Communities

Number in Pace 7 T 0 E 0 T T T 0 P 0 8 8 8 5 5 8 8 Pace 19-28 19-28 20-35 20-35 26-36 26-36 11:00 15:00 19:00 0.0% 0.0% 0.0% 14:00 15:00 17:00 16.7% Weather: Various Serial Number: 32214 Installed by: Matt Clark Other Notes: None EB Start 1 Time 15 10/12/19 01:00 02:00 02:00 04:00 06:00 06:00 07:00 07:00 08:00 08:00 08:00 08:00 08:00 11:00 13:00 14:00 15:00 15:00 16:00 17: Total Percent AM Peak Vol. PM Peak Vol.

OHM Advisors

Advancing Communities

Weather. Various Serial Number: 32214 Installed by: Matt Clark Other Notes: None EB

Number in Pace Pace Speed 26-35 11:00 16 13:00 21 195 %0.0 0.0% 0.0% 0.00 3.6% 10:00 13:00 2 9.2% 08:00 19:00 4 54 27.7% 09:00 5 13:00 10 10/13/19
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28:30 AM Peak Vol. PM Peak Vol.

1000054100V0042V

OHM Advisors

Advancing Communities

Number in Pace 19-28 16-25 Pace 33 17:00 35 0.0% %0.0 0.0% 13:00 12:00 21 7.3% 08:00 50.8% 07:00 8 17:00 8 0000000484-40-80-0121-0100 29 10.1% 07:00 Weather: Various Serial Number: 32214 Installed by: Matt Clark Other Notes: None EB Time 10/15/19 07:00 03:00 05:00 05:00 05:00 05:00 05:00 05:00 05:00 05:00 05:00 17:0

Weather: Various Serial Number: 32214 Installed by: Matt Clark

Advancing Communities

Sylvanwood W of Rochester

Number in Pace Pace 20-29 29-38 26-35 26-35 26-35 26-35 26-35 21-30 07:00 25 15:00 28 0.0% %0.0 0.0% 16:00 21.1% 07:00 Other Notes: None EB Start Time 10/16/19 01:00 03:0

OHM Advisors

Advancing Communities ----::

Number in Pace Pace Speed 19-28 08:00 29 17:00 29 297 %0.0 0.0% 15:00 110 37.0% 07:00 12:00 10 61 20.5% 07:00 Weather: Various Serial Number: 32214 Installed by: Matt Clark Other Notes: None Time 10/17/19 01:00 02:00 03:0

OHM Advisors

Advancing Communities

Weather: Various Serial Number: 32214 Installed by: Matt Clark Other Notes: None

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26-35 MPH 1088 58.8% 1252 67.7% 27 MPH

10 MPH Pace Speed:
Number in Pace:
Percent in Pace:
Number of Vehicles > 25 MPH:
Percent of Vehicles > 25 MPH:
Mean Speed(Average):

Stats

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OHM Advisors

Weather: Various Serial Number: 32213 Installed by: Matt Clark Other Notes: None EB

Advancing Communities

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OHM Advisors

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Advancing Communities

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OHM Advisors

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Advancing Communities

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OHM Advisors

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Number of Vehicles > 25 MPH:
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Stats

OHM Advisors
Advancing Communities

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OHM Advisors

Street Street

Advancing Communities

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OHM Advisors

Local Advancing Communities

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Weather. Various Serial Number: 32213 Installed by: Matt Clark Other Notes: None

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Weather: Various Serial Number: 32213 Installed by: Matt Clark Other Notes: None

OHM Advisors

Advancing Communities

Trinway W of Rochester

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Weather: Various Serial Number: 32213 Installed by: Matt Clark Other Notes: None

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OHM Advisors
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Weather. Various Serial Number: 32213 Installed by: Matt Clark Other Notes: None

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Advancing Communities

Weather. Various Serial Number. 32213 Installed by: Matt Clark Other Notes: None

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OHM Advisors

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Advancing Communities

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OHM Advisors

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OHM Advisors

South Server

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Advancing Communities

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OHM Advisors

Weather. Various Serial Number: 32213 Installed by: Matt Clark Other Notes: None

Advancing Communities

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OHM Advisors

Advancing Communities

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Weather: Various Serial Number: 32213 Installed by: Matt Clark

Other Notes: None

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26-35 MPH 442 48.4% 549 60.1% 26 MPH

10 MPH Pace Speed:
Number in Pace:
Percent in Pace:
Number of Vehicles > 25 MPH:
Percent of Vehicles > 25 MPH:
Mean Speed(Average):

Stats

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Weather: Various Serial Number: 32213	arious ser. 32213								- countrie 18 cm.) -							•
installed by: Matt Clark Other Notes: None EB	Matt Clark						Adva	Advancing Communities	ommur	rities						W of Roc	Creston Dr W of Rochester Rd
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OHM Advisors

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OHM Advisors) . True

Advancing Communities

Weather: Various Serial Number: 32213 Installed by: Matt Clark Other Notes: None

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26-35 MPH 1065 54.9% 1479 76.2% 30 MPH Number in Pace:

Percent in Pace:

Number of Vehicles > 25 MPH:

Percent of Vehicles > 25 MPH:

Mean Speed(Average):



memorandum

Date: September 24, 2018

To: Bill Huotari, PE

From: Sara Merrill, PE, PTOE

Re: Sylvanwood Condominium

PCR 2018-002

The purpose of this memorandum is to provide an overview of anticipated traffic impacts resulting from the proposed Sylvanwood Condominium development.

The preliminary site plan for the proposed Ottawa residential cluster development was prepared by Urban Land Consultants and dated August 30th, 2018. The site plan depicts a 10-unit attached residential site condominium project, with a single driveway access point off Sylvanwood Drive. Sylvanwood Drive is located on the west side of Rochester Road, approximately halfway between Square Lake Road and Long Lake Road. Rochester Road is a 5-lane roadway, with two through lanes in each direction, a center left turn lane and a right turn deceleration taper at Sylvanwood Drive.

The Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition, provides trip generation rates for numerous land uses, based on thousands of studies throughout the United States and Canada. This data can then be used to estimate the number of vehicle trips generated by a development. For residential housing, traffic impacts are usually most noticeable during the peak hour of adjacent street traffic – that is, during morning and evening "rush hour", when traffic on the roads is most congested. In most areas, the morning (AM) peak is a one hour period that occurs between 7 am – 9 am, and the evening (PM) peak is a one hour period usually between 4 pm – 6 pm.

The table below provides the calculated number of trips generated for the proposed Ottawa Cluster Development, based on the ITE Trip Generation Manual for Multi-Family Housing (Low Rise) (ITE Land Use Code #220). Low-Rise Multi-Family housing includes townhouses and condominiums located within the same building with at least three other dwelling units, and have one or two floors.

			Nu	ımber of S	ite-Gen	erated Tr	ips		
Number of Dwelling Units	AM	Peak H	our	РМ	Peak H	our		Daily	
	Total	In	Out	Total	In	Out	Total	ln	Out
10 Units	5	1	4	8	5	3	35	17	18



During the morning (AM) peak hour, the proposed Sylvanwood condominium development is expected to generate 5 new trips: 1 inbound (entering the site), and 4 outbound (exiting the site). During the evening (PM) peak hour, the proposed site is expected to generate 8 new vehicle trips: 5 inbound (entering the site) trips, and 3 outbound (exiting the site). This pattern coincides with residents typically leaving in the morning for work, and returning home in the evening.

The traffic generated by the proposed condo is quite minimal, adding just a handful of vehicle trips during the peak ("busiest") hour. The traffic impact of this site on the adjacent road network is negligible, and would be imperceptible to other road users.

As a point of comparison, Rochester Road (between Long Lake Road and Square Lake Road) carries over 3,500 vehicles during the PM peak hour, and averages approximately 40,000 vehicles per day. Even amongst typical weekdays, traffic volumes during the peak hours alone often vary by 5-10% from one day to the next. These day-to-day fluctuations are on orders of magnitude measuring in hundreds of vehicles (per hour). Sylvanwood condominiums are expected to generate fewer than 10 new vehicle trips during the peak hour.

On Sylvanwood Drive, the development would result in slight increases to traffic volumes, amounting to one additional vehicle every 7-8 minutes during "rush hour". Most drivers would not even notice this additional traffic.

In conclusion, the traffic impacts as a result of the proposed development are very minimal and are not expected to significantly worsen traffic conditions on Sylvanwood Drive or Rochester Road.