

**PLANNING COMMISSION
MEETING MINUTES
JANUARY 19, 2005**

I. CALL TO ORDER

The meeting was called to order at 7:28 p.m.

II. ROLL CALL

Present: F. Davis, R. Johnson, G. Clark, M. Brandt, N. Fosket
S. Schulze, C. McPherson

Absent: None

Staff: N. Voght, City Planner
S. McCoy, Planning Assistant
N. Schuette, Secretary

III. APPROVAL OF MINUTES – December 15, 2004

Commissioner Brandt moved to approve the minutes of December 15, 2004 (Support: F. Fosket) and the motion carried unanimously.

IV. Commissioner Davis welcomed Carolyn McPherson as a new member to the board.

V. AUDIENCE PARTICIPATION

None

VI. OLD BUSINESS

None

VII. NEW BUSINESS

1. Center St. Alley Vacation Application

N. Voght, City Planner, introduced Suzanne McCoy, Planning Assistant, adding that she would present the staff report for this project.

Ms. McCoy stated that the applicant is McDonald's Corporation who is requesting vacation of an alley that runs to the south of their property extending east of Center Street. This is an unimproved east/west alley approximately 33 ft wide and 160 ft in length with an access off Center Street. The alley terminates into the parking lot of an abutting property and there are no physical barriers between the two features.

The process for reviewing alley vacation requests is as follows:

- 1) City Council Motion or Petition by majority of abutting owners initiates process.
- 2) Planning Commission holds public hearing.
- 3) Planning Commission makes recommendation to City Council.
- 4) City Council considers the request in open session and passes a resolution of intent to vacate in the form of an ordinance first reading.
- 5) City council sets a date for a public hearing not less than four weeks thereafter.
- 6) Notice of public hearing published in newspaper at least once per week for two successive weeks, not less than four weeks prior to the hearing.
- 7) Notice of public hearing given to all city departments and to all adjoining property owners and all utilities servicing the city not less than four weeks prior to the public hearing.
- 8) Notice must be posted in at least three different public places in and around the alley not less than four weeks prior to the public hearing.
- 9) City Council decision to either vacate, close the alley, with or without conditions, or take no action.

The process to vacate the alley was initiated by a majority of the abutting property owners through a signed petition.

Ms. McCoy stated that there are five standards in the City Code to be followed for vacating a public alley. Each of these were reviewed with staff comments listed below:

- 1) **Whether the alley services a residential, single-family, multi-family or business area.**

The area in question is zoned B4, General Business District and consists primarily of business establishments. The alley extends east from Center Street between the rear of the McDonald's located on Ecorse Road and a parking lot owned by Washtenaw County. The alley has one means of access off Center Street and terminates at the parking lot adjacent to the former Salvation Army building at 50 Ecorse Road. The alley could be used to gain access to the parking lot and rear of this building for deliveries however, it is currently unpaved. This building at 50 Ecorse is currently vacant. Our department is

unaware at this time of any future plans for the site. The public hearing will provide an opportunity for this adjacent property owner to provide input.

2) Whether the closing will create an undue burden on traffic

The unimproved alley terminates into a parking lot and does not provide through access to another street. The alley has potential to provide access to the adjoining property located at 50 Ecorse. However, 50 Ecorse is currently provided adequate access from Ecorse Road. The vacation will not cause an undue burden on traffic for this neighborhood because it is unimproved and does not serve any traffic need or demand.

3) Whether the closing is necessary to prevent traffic from traveling through the neighborhood to destinations outside the neighborhood or other safety factors such as speed of traffic, frequency of use, the size and condition of the alley.

The applicants claim that because the alley is a dead end and does not provide for through traffic, it collects debris and is being used to dump garbage. There is insufficient evidence that the alley is used to travel through the neighborhood, however, it is possible that it is used in this way if not blocked at the eastern end. The alley is large enough to provide for traffic flow, however, it is unpaved and the City at this time has no plans to improve the alley.

4) The wishes and desires of the majority of the neighborhood.

The petition to vacate the alley was initiated by McDonald's Corporation and signed by Washtenaw County, and both are owners of properties adjacent to the alley. The property owner at 50 Ecorse did not sign the petition, but has been notified of the public hearing. The ownership of the alley upon vacation would be divided evenly between these adjacent property owners, as required in Section 94-297 of the City Code.

5) The present and future interests of the City considering planning for the entire City.

The alley does not appear to serve any public or private purpose. The vacated alley would revert to private ownership, and may be improved under new ownership to expand the uses of adjacent properties. This would provide a more productive use of the alley, as it currently is underutilized.

Staff added that easements may need to be retained within the alley if vacated for water, sewer, electric, phone or other essential services and utilities. Staff has also solicited comments from the Fire Department, Police Department and Department of Public Works. To date, we have received a response from both the Department of Public Works and Police Department who have no objections.

Staff recommends that the Planning Commission hold the public hearing to receive public input from adjoining owners and the neighborhood. This will assist with the evaluation of whether the vacation of the alley is appropriate. The usefulness of the alley depends on the City's intention to improve it, and at this time, there are no plans for such improvements. Staff recommends that the Planning Commission recommend the approval of the alley vacation to City Council.

Commissioner Davis asked if any response had been received from the owner of the former Salvation Army building and N. Voght responded that they had been sent a notice but had not made contact with staff. Commissioner Johnson asked if there was any use for the alley by others and N. Voght responded that George Basar, Chief of Police, had stated that people from the apartments park there. Commissioner McPherson asked why McDonald's was asking for this alley vacation and N. Voght responded that he would allow the representative from McDonald's respond to this.

Commissioner Clark moved to open the public portion of the hearing (Support: M. Brandt) and the motion carried unanimously.

Tom Gergich, McDonald's Site Acquisition Manager – stated that they had recently invested \$1m to build their new store. The reason they are asking for the vacation of the alley is that they have an issue with the driveway given the existing configuration. They would plan to remove the wall, pave for more parking and improve the exit lane. They spoke with Washtenaw County and offered to buy their portion of the alley and it looks positive. They also contacted the owner of the property at 50 Ecorse who stated that he would sign a petition as long as he had access into the McDonalds property. Mr. Gergich responded that this could be a problem.

Commissioner Brandt moved to close the public portion of the hearing (Support: R. Johnson) and the motion carried unanimously.

Commissioner Johnson stated that there is a curb cut at the end of the alley on Center Street and is concerned that in the event the County does not sell their portion if this will be a problem? Mr. Gergich responded that they do not plan to use this for ingress/egress and they would agree to that. They will remove their section of the curb cut or agree to whatever recommendation the City would make.

Commissioner Brandt moved to recommend vacation of this property to City Council (Support: G. Clark). A roll call vote was taken and carried unanimously.

VIII. Miscellaneous

Voght stated that no plans had been received for next month's agenda. We may have a presentation on Ozone House and also a presentation for a church on Monroe Street. They are looking to do an expansion and would like to come before the board to discuss their proposed plans to get some input.

Commissioner Davis stated that there had been some issues regarding the Marsh Plating property. We sent forward zoning recommendations regarding the South Depot Town area in the past to City Council who, for some reason, had sent back a request to Planning Commission to amend the Master Plan first. When Council sends back a Planning Commission recommendation, this does not always go well with some Planning Commission members. However, Davis continued, there are times when City Council feels that it is appropriate for issues to come back to Planning Commission to be re-reviewed and in discussion with N. Voght, there could be a statutory requirement for this. After further discussion on this, Voght agreed to do further research on the interaction of zoning recommendations between Planning Commission and City Council and report back to Planning Commission.

IX. ADJOURNMENT

Since there was no further business, Commissioner Brandt moved to adjourn the meeting (Support: C. McPherson) and the motion carried unanimously. The meeting adjourned at 7:58 p.m.