

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of December 4, 2007

SUBJECT: Boulevard Heights Alley Vacation (File No. 9302E2.01)

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby rescinds its motion of June 5, 2007 which recommended that the Mayor and City Council approve the Boulevard Heights Alley Vacation, subject to the petitioner obtaining site-plan approval for a redevelopment project on the site which would allow continued access between all neighboring properties on the block equivalent to that existing at the time of the vacation.

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Boulevard Heights Alley Vacation, with the condition that easements are maintained for public utilities.

STAFF RECOMMENDATION

Staff recommends that the previous motion made by Planning Commission on June 5, 2007 on the Boulevard Heights Alley Vacation be **rescinded**, and a new motion **approved**, because the alley is no longer needed for public purposes, and it would not have detrimental effects on the public health, safety, or welfare.

LOCATION

The alley runs between Stadium Boulevard and Collingwood Drive, between and parallel to Jackson Avenue and Abbot Avenue (West Area, Allen Creek Watershed).

BACKGROUND

The City Planning Commission passed the following motion at its meeting of June 5, 2007:

It was moved by Carlberg, seconded by Borum, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Boulevard Heights Alley Vacation, subject to the petitioner obtaining site plan approval for a redevelopment project on the site, and shall allow continued access between all neighboring properties on the block equivalent to that existing at the time of the vacation.

The City Attorney's office, after discussions with Planning staff, has recommended that this application return to the City Planning Commission. This decision should be based on whether the alley is needed for public purposes. The vacation should not be made contingent upon a future redevelopment project taking place, or upon continued access for all neighboring properties (as added to the motion at the June 5 City Planning Commission meeting) or other similar conditions. In order to get this vacation request back on track, staff is requesting that the City Planning Commission rescind the motion made on June 5 and consider a new motion to vacate the alley that has no conditions attached.

If the City Planning Commission does not rescind the motion approved on June 5, 2007, the petition will be forwarded to City Council, and staff will recommend that they approve the vacation without conditions.

This application was re-routed to all of the original reviewers with an explanation about its return to the City Planning Commission. No new comments or concerns were raised. Relevant parts of the earlier staff reports are included in this report.

DESCRIPTION

In order to vacate the alley, City Council must pass a resolution, and the alley is considered vacated at the time the resolution is recorded. The City generally does not go back and fix the plat. There are no requirements that any, or all, abutting property owners agree to the vacation, since it is City property.

The petitioner seeks approval to vacate one block of public alley to facilitate redevelopment of six of the 12 parcels located on the block. The petitioner holds options on the six parcels in the center of the block (but not the parcels associated with the buildings on the four corners), and seeks vacation of the alley as a prerequisite to designing a new commercial development on the site. Original letters from all current property owners abutting the alley in support of vacating were submitted with the petition. Since that time, one of the property owners has withdrawn his letter of support for vacating the alley.

Current land uses with frontage on Jackson Avenue include (from east to west) an office/industrial building, Ann Arbor Muffler Sales, a vacant KFC restaurant, a vacant Schlotsky's Deli, and Midas Muffler. Fronting Abbott Street (from east to west) are a residentially used house, a warehouse, a warehouse/garage, Allan & K.K.'s Company of Hair Design, a parking lot (behind Schlotsky's Deli site), and Portofino Coffee Shop. None of the parcels along the alley rely solely on the alley for access because all have road frontage on Jackson Avenue, Stadium Boulevard, Abbott Avenue, or Collingwood Drive. The alley currently is unevenly graded with numerous large potholes, and is in generally poor condition for vehicle travel.

The entire block is zoned C3 (Fringe Commercial District), with the exception of the house at the northwest corner of Collingwood Drive and Abbott Avenue, which is zoned O (Office District).

If the City vacates the alley, the land area of the alley will be divided and added equitably to the parcels with frontage on either side of the alley. There are existing sewer and storm water lines running beneath the alley. Until such time as these City utilities are relocated (most likely by a future redevelopment project), an easement shall be reserved to access these utilities.

SURROUNDING LAND USES AND ZONING
(Surrounding the alley block)

	LAND USE	ZONING
NORTH	Veteran's Memorial Park	PL (Public Land District)
EAST	Office and Garage/Storage	O (Office District)
SOUTH	Office and Commercial	O and C3 (Fringe Commercial District)
WEST	Commercial (Westgate Shopping Center)	C3

HISTORY

The existing buildings along the alley were built between 1940 and 1953 (along Abbott Avenue), and 1945 and 1983 (Jackson Avenue), in 1984 (the coffeehouse on Stadium Boulevard), and in 1926 (the house at the northwest corner of Collingwood Drive and Abbott Avenue).

PLANNING BACKGROUND

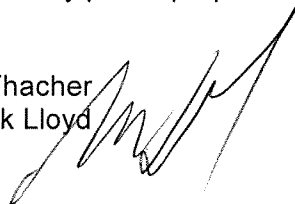
This site is located in the West Area. The *West Area Plan* designates commercial as the appropriate land use for this site, with the exception of the northeast corner of Abbott Avenue and Collingwood Drive, for which single and two-family residential uses are recommended. The Plan also cites this parcel as being located in the Liberty/Stadium Commercial Spine and the Shopping Center District of the West Stadium Boulevard Commercial Corridor and recommends certain streetscape, building and aesthetic improvements to parcels in this area.

COMMENTS PENDING, UNRESOLVED OR NOTED

Systems Planning – Engineering – From the January 18, 2007 Staff Report: There is an existing eight-inch sanitary sewer running the length of the alley and an 18-inch storm sewer in the easterly portion of the alley. If the alley right-of-way is vacated, easements for those utilities shall be reserved. If the alley is vacated and all or a portion of the right-of-way is developed in such a manner that requires relocation of either or both of those utilities, they shall be relocated as part of that development and City standard easements dedicated to the City for those lines.

Planning – No City department has expressed a need or desire to keep the Boulevard Heights Alley open to serve any public purpose. Therefore, staff supports the alley vacation request.

Prepared by Jill Thacher
Reviewed by Mark Lloyd
jsj/11/29/07



c: Petitioner: David Prueter
Agree Realty Corporation
31850 Northwestern Highway
Farmington Hills, MI 48334

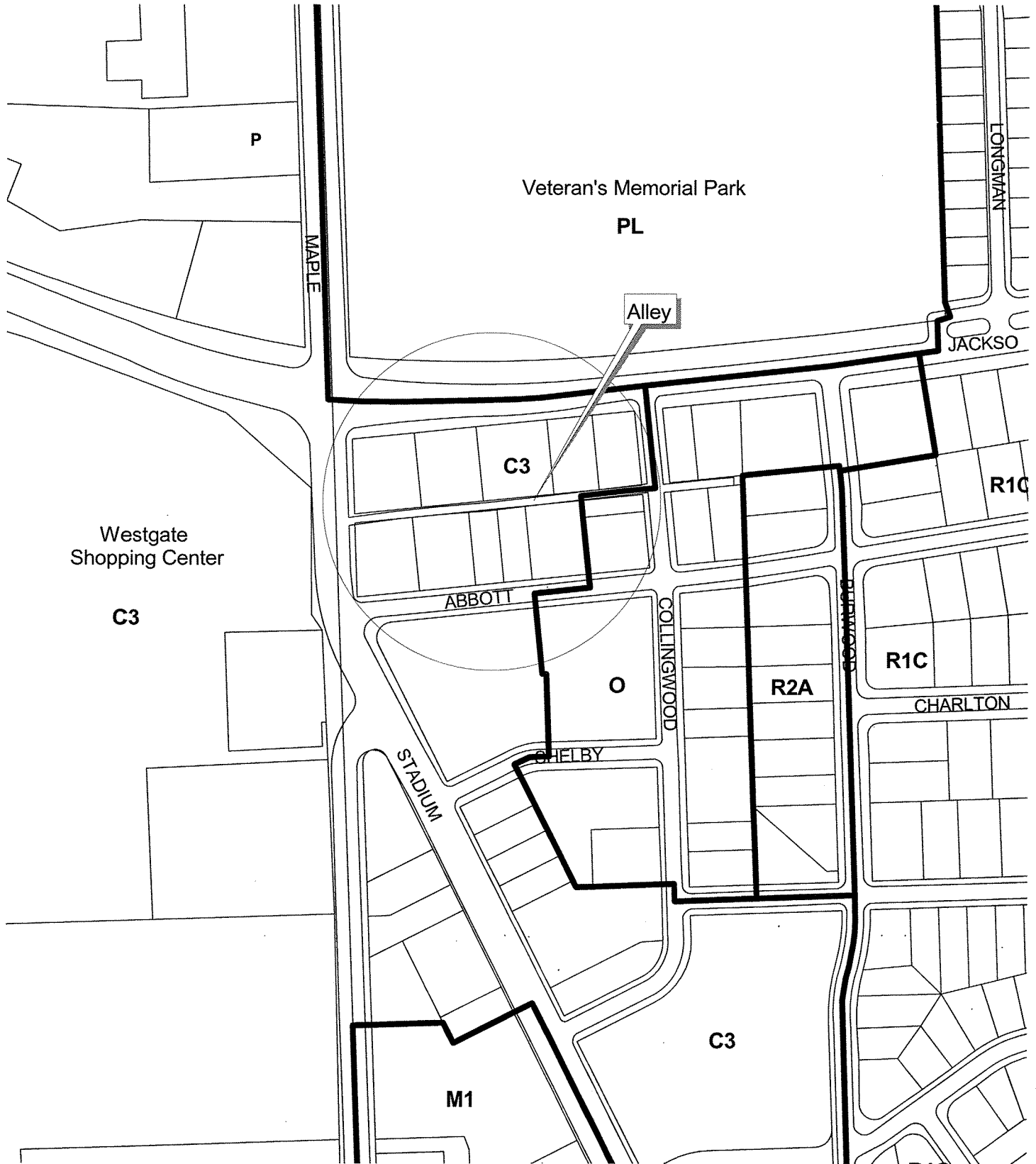
Petitioner's Agent: Tom Covert
Atwell-Hicks, Inc.
500 Avis Drive
Ann Arbor, MI 48108

City Attorney
Systems Planning
File No. 9302E2.01

Boulevard Heights Alley

Between South Maple Road and Collingwood Drive,
south of Jackson Avenue and north of Abbot Avenue

LOCATION MAP



200 0 200 400 Feet



Boulevard Heights Alley Vacation

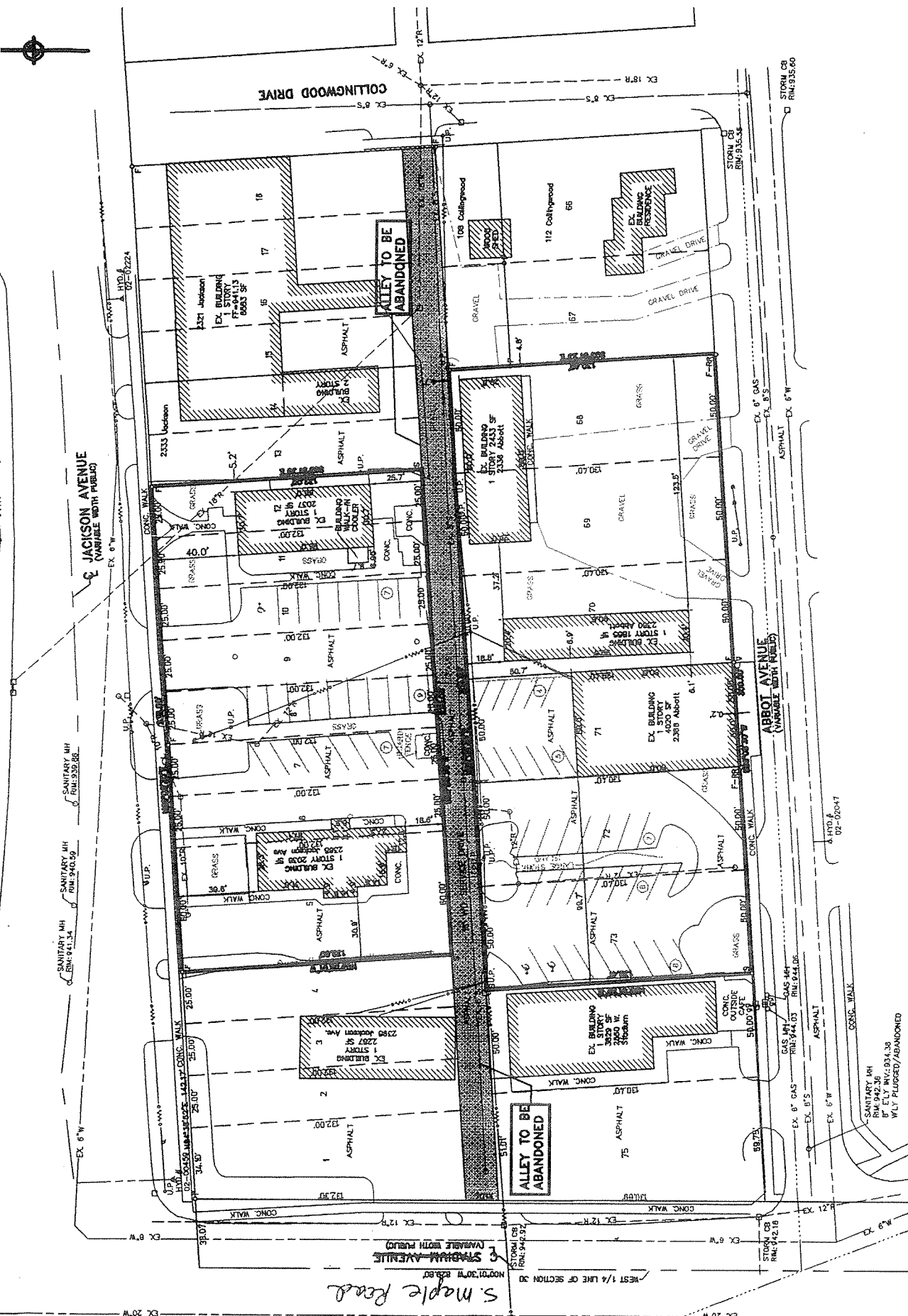
Aerial Photo



250 0 250 Feet

2002 Aerial Photo





LEGEND

- CONTOUR
- EXIST. SPY BLVD
- EXIST. STURM WALK
- EXIST. WATER MAIN
- EXIST. SANITARY MAIN
- EXIST. WATER MAIN
- EXIST. SEWER
- EXIST. LIGHT POLE
- EXIST. UTILITY POLE
- EXIST. POWER TELEPHONE
- EXIST. GAS
- EXIST. CEMENT DRIVE
- EXIST. DRIVE
- EXIST. UTILITY ABANDONED
- BOUNDARY CORNER

S. Maple Road

WEST 1/4 CORNER
TOWNSHIP 10 N
RANGE 43 E
COUNTY OF WASHINGTON
WASHINGTON COUNTY