CITY COUNCIL ACTION REPORT

March 13, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Public Hearing – Street Vacation Application (File Number SV 189) – A section of alley, west of Rochester Road between Marengo and DeEtta, abutting Lots 5-13 and 54 of Troy Little Farms Subdivision, Section 3

Background:

- The subject alley is 20 feet wide and 489.5 feet in length.
- The Planning Commission held a public hearing on this item on February 13, 2007, and recommended approval of the proposed street vacation.

Financial Considerations:

- There are no financial considerations associated with this item.

Legal Considerations:

- City Council has the authority to approve the street vacation request.

Policy Considerations:

- The street vacation would not eliminate access for any parcels abutting the alley.
- The item is consistent with City Council Goal III (Retain and attract investment while encouraging redevelopment) and Goal V (Maintain relevance of public infrastructure to meet changing public needs).

Options:

- City Council may approve or deny the street vacation request.
- The Planning Commission recommended approval of the proposed alley vacation.

Attachments:

1. Maps.
2. Minutes from February 13, 2007 Planning Commission Regular meeting.
3. Letter of opposition.

Prepared by RBS/MFM

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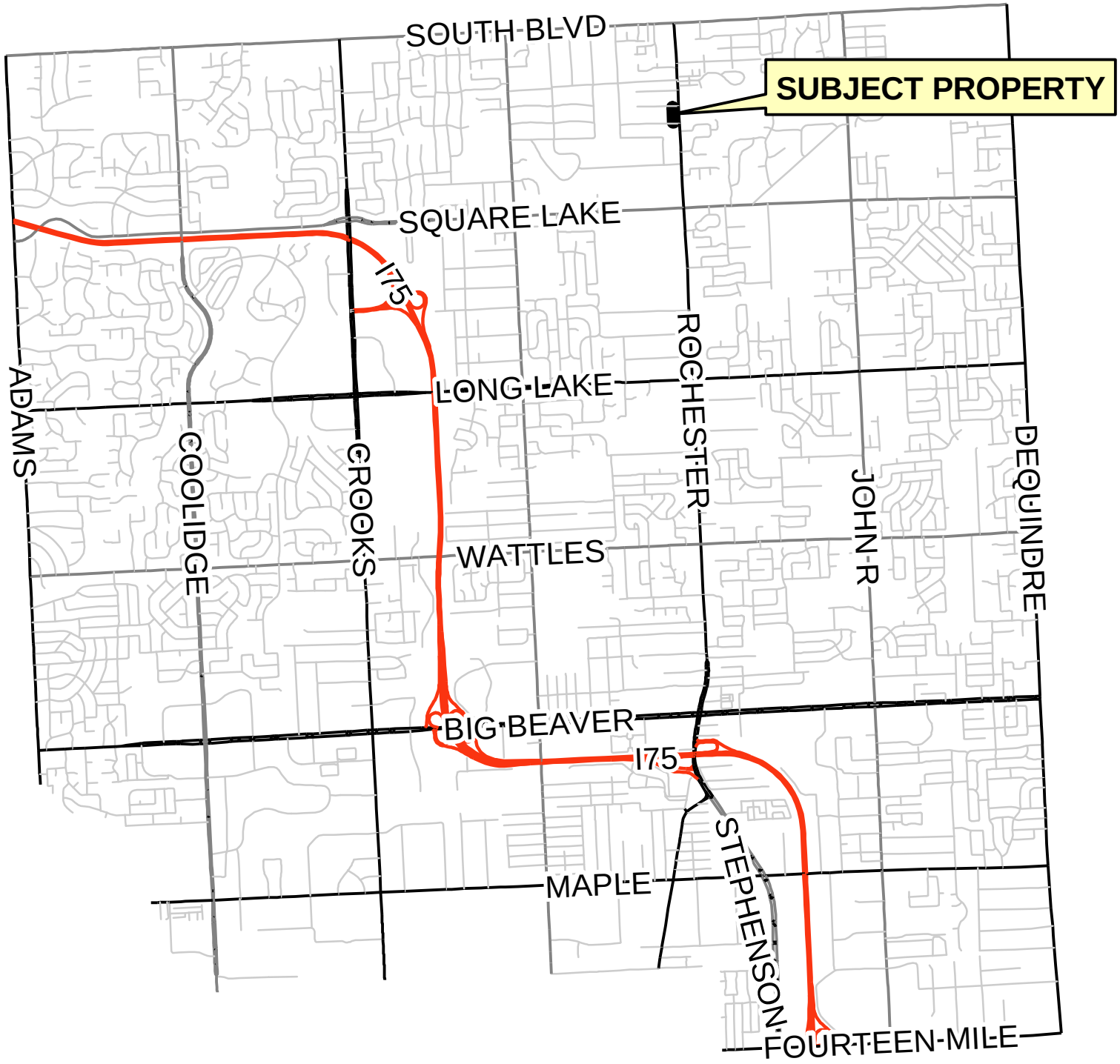
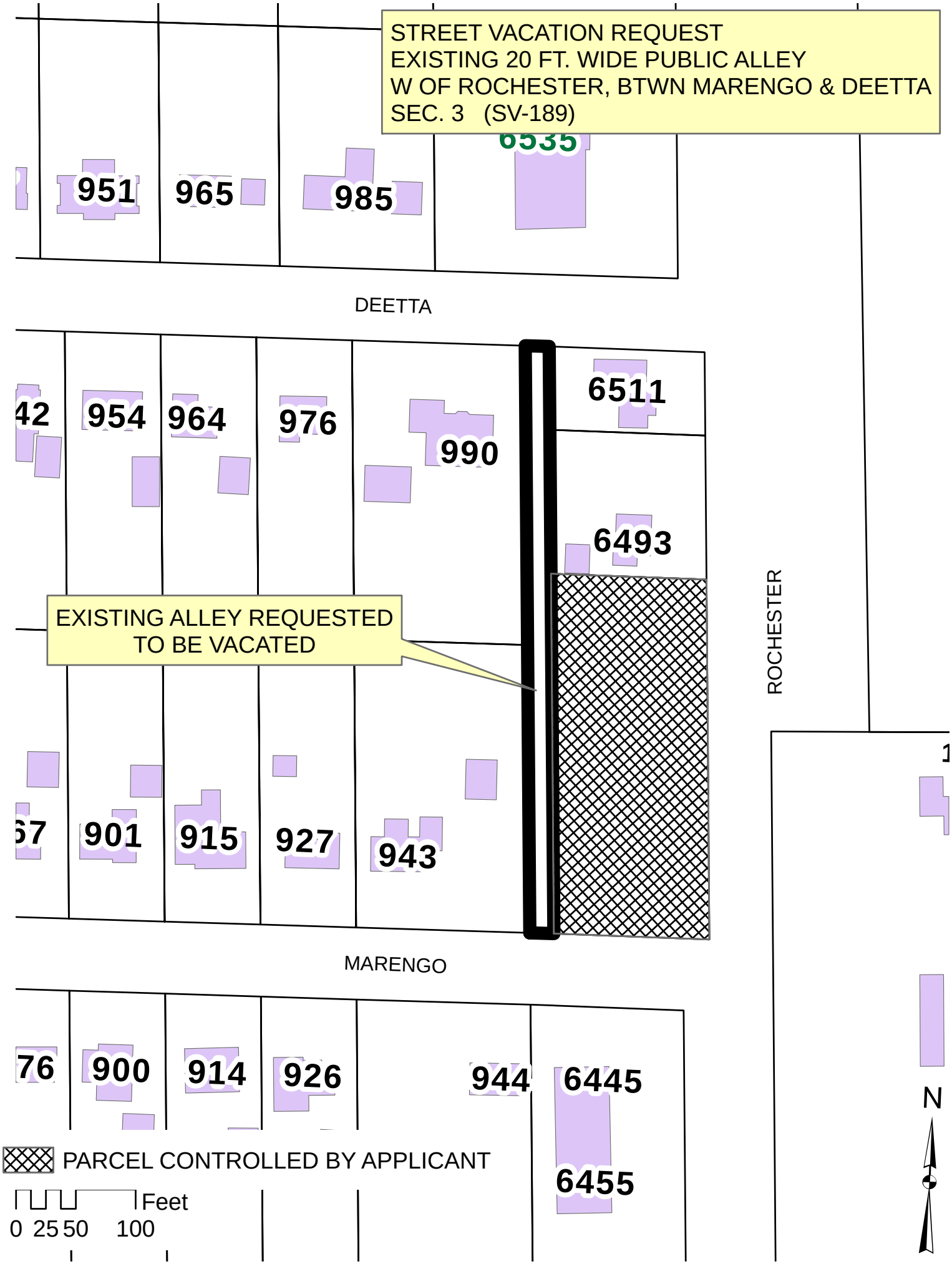
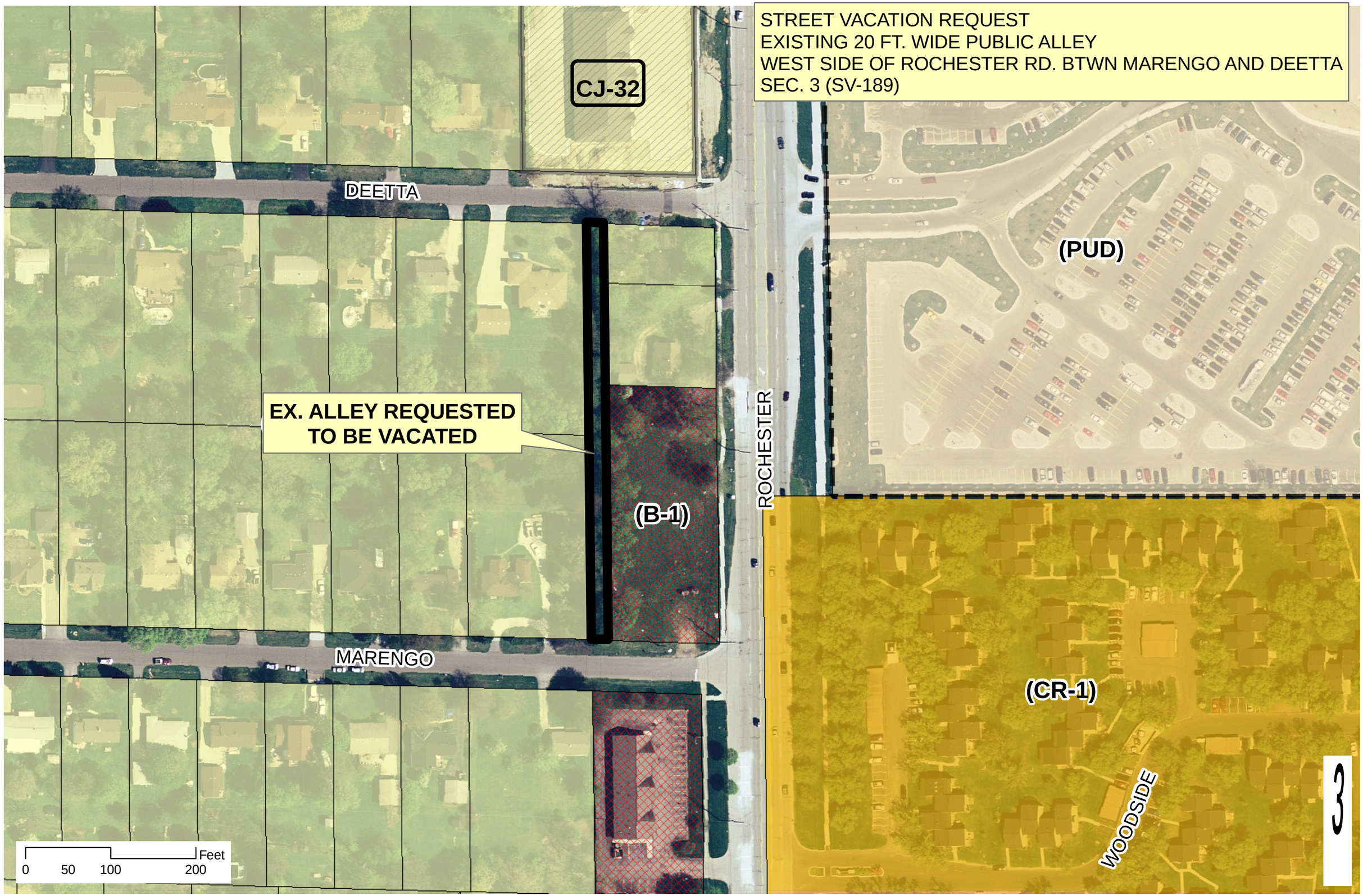
CITY OF TROY



PREPARED BY CITY OF TROY PLANNING DEPT.


STREET VACATION REQUEST
EXISTING 20 FT. WIDE PUBLIC ALLEY
W OF ROCHESTER, BTWN MARENGO & DEETTA
SEC. 3 (SV-189)
951
965
985
6535
DEETTA
42
954
964
976
990
6511
6493
EXISTING ALLEY REQUESTED
TO BE VACATED
ROCHESTER
67
901
915
927
943
MARENGO
76
900
914
926
944
6445
6455
PARCEL CONTROLLED BY APPLICANT
Feet
0 25 50 100
N

STREET VACATION REQUEST
EXISTING 20 FT. WIDE PUBLIC ALLEY
WEST SIDE OF ROCHESTER RD. BTWN MARENGO AND DEETTA
SEC. 3 (SV-189)


STREET VACATION REQUEST
EXISTING 20 FT. WIDE PUBLIC ALLEY
WEST SIDE OF ROCHESTER RD. BTWN MARENGO AND DEETTA
SEC. 3 (SV-189)
CJ-32
DEETTA
(PUD)
EX. ALLEY REQUESTED
TO BE VACATED
(B-1)
ROCHESTER
MARENGO
(CR-1)
WOODSIDE
3
0
50
100
200
Feet

STREET VACATION

11. PUBLIC HEARING - STREET VACATION REQUEST (SV-189) – Alley, west of Rochester Road between Marengo and DeEtta, approximately 489.50 feet abutting Lots 5 through 13 of Troy Little Farms Subdivision, Section 3 – Zoned B-1 (Local Business) and R-1B (One Family Residential) Districts (the abutting parcels)

Principal Planner Savidant reviewed the Planning Department report pertaining to the Street Vacation Request, SV-189.

David Plunkett, 300 N. Old Woodward, was present on behalf of the petitioner.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Commissioner Vleck asked if the alley is 100% located on the applicant's property?

Principal Planner Savidant responded that because it is an alley, it currently is City property. It abuts the entire plat of the applicant's property.

Chairperson Schultz clarified that the entire 20 feet will go to the petitioner.

Principal Planner Savidant responded yes.

Assistant City Attorney Lancaster noted that the City will look at the plat, and if it is on the plat, it will revert back to the property of the plat. This issue will still need to be researched and verified.

Resolution # PC-2007-02-042
Moved by: Tagle
Seconded by: Vleck

RESOLVED, That the Planning Commission hereby recommends to the City Council that the street vacation request, as submitted, for an alley located west of Rochester Road between Marengo and DeEtta, approximately 489.50 feet abutting Lots 5 through 13 of Troy Little Farms Subdivision, Section 3, be approved.

Yes: All present (5)
No: None
Absent: Littman, Strat, Troshynski, Wright

MOTION CARRIED

Paula P Bratto

From: IRLlene@aol.com

Sent: Friday, February 09, 2007 9:20 PM

To: Paula P Bratto

Subject: Binson's request to vacate a 20 ft. wide alley

Dear Planning Commission members:
I am writing regarding the hearing scheduled for Tuesday, February 13th on the request of Binson's to vacate a 20 ft wide alley abutting lots 5-12 of Troy Little Farms Subdivision. I own the home at 990 De Etta which is located just at the northwest corner of the Binson's property. I want to request that the 20 ft alley be equally divided between the property owners, why would the City grant all of the alley to Binson's? What about the rest of the individuals bordering the alley? Which would be all the property owners on Rochester Road between De Etta and Marengo and myself and the property owner of 943 Marengo. I have always thought that the City would take in consideration their citizens, but time and again I see that is not the case. I have the "lovely" view directly in front of my dining room of a building (Rochester Parc) which is 90% vacant and a dumpster in the parking lot!!! The City signed a Consent Judgment regarding that particular property and the owner built an office building, as if Tory needed more offices!!!! They can't even rent the ones they have.....
Now I have to deal with Binson's wanting to take over the 20ft alley way I'm assuming because they won't have enough room on the property without the alleyway. If that is the case then why are they allowed to even build on the property, is that not an indication that the area is just too small to accommodate the parking etc.? Also, I'm sure they will place their dumpster right in the Northwest corner of their property, which is directly in my backyard. I will not only have a lovely view out my front window but I will be able to look out the french doors of my great room and see another dumpster in my yard. I'm sure you don't care about my situation as that has been evident in the many appearances I have made before you and the City Council. Even though I have made many appearances and objections to this plan and the office on Rochester Road its still proceeding. That's why I stated that the average citizen doesn't have a chance...its very unfortunate!!! People purchase homes in residential communities only to find that these companies request variances and if they don't get their way they threaten lawsuits and the City grants their wishes and leaves their citizens with a mess.
I will be in attendance at the meeting and am requesting that the 20 ft alley way not be granted to Binson's I object strongly and as a citizen of Troy I am requesting my 10 ft. share of the alleyway. Binson's can have their fair share which would be 10ft. I don't want a dumpster in my yard. If this was being done to any of you, I'm sure you would be enraged. If all this somehow does get passed, I will be petitioning the City for a drastic reduction in my taxes, as I will not continue to pay the high taxes on my property which value has been reduced due to the various "Consent Judgments" and variances allowed by the planning commission and the City.
Please consider my request and split the alleyway between all the owners. Also, why is Binson's moving from their present location, I know, I heard it at the former meetings, they need more room. How can they possibly get more room at this location, apparently they can't as they are requesting to take over all the alley!! Well, when there is an alley such as this is has to be split equally between the properties and I am requesting my share.
Thank you,
Eileen