



MEMORANDUM

To: City of Madison Heights City Council
From: Matt Lonnerstater, AICP – City Planner
Memo Date: August 2nd, 2023
Council Meeting: August 14th, 2023
Subject: Alley Vacation Request #PEE 23-0001 – Alley between 601 W. 12 Mile Road and 28767 Dartmouth Road.

Please be advised of the following action of the Planning Commission at their July 18th, 2023 meeting:

Motion by Grant, seconded by Graettinger to recommend to Council to postpone action on the alley vacation at 601 W. 12 Mile Road until the Planning Commission has further information based on the following conditions:

- 1. A minimum 15-foot-wide public utility easement shall be dedicated and recorded on the property benefiting the City of Madison Heights and utility companies for underground facilities such as water, sanitary sewer, and natural gas lines.**
- 2. Prior to formal approval of the alley vacation, the applicant shall coordinate with DTE Energy, Comcast, and any other remaining utility companies with facilities in the existing alley regarding necessary easements or facility relocation. Correspondence from such companies shall be provided to the City Planner prior to the alley vacation being recorded at Oakland County.**
- 3. Submittal of a concept plan for the proposed development, including information pertaining to traffic circulation.**

Motion carries unanimously.

Introduction

The Community & Economic Development Department has received a request to vacate a 17 ft.-wide improved alley right-of-way located between 601 W. 12 Mile Rd. and 28767 Dartmouth Rd. The alley also provides access to the property at 611 W. 12 Mile Road. All adjacent property owners have signed the petition. Please note that while the plans depict a 20 ft.-wide alley, the southern 3 feet of the alley were previously vacated and adjoined to the 28767 Dartmouth Street property. The remaining alley is 17 feet in width.

The aerial and street view images below depict the location and conditions of the alley.

Aerial View



Street View



Source: Google Streetview

Background

Per Section 23-109 (*Vacation of Streets, Alleys, Etc.*) of Chapter 23 of the Code of Ordinances (*Streets and Sidewalks and Other Public Places*), City Council may consider petitions to vacate a street, alley, or right-of-way. When a right-of-way is vacated, the new property is split and allocated to adjacent properties. At their July 10th, 2023 meeting, City Council set a public hearing date for the August 14th meeting, but referred the alley vacation request to the Planning Commission for study and a recommendation prior to the hearing. At the July 18th, 2023 meeting, the Planning Commission reviewed the alley vacation request and recommended that City Council postpone action until the following action items are addressed:

1. A minimum 15-foot-wide public utility easement shall be dedicated and recorded on the property benefiting the City of Madison Heights and utility companies for underground facilities such as water, sanitary sewer, and natural gas lines.
2. Prior to formal approval of the alley vacation, the applicant shall coordinate with DTE Energy, Comcast, and any other remaining utility companies with facilities in the existing alley regarding necessary easements or facility relocation. Correspondence from such companies shall be provided to the City Planner prior to the alley vacation being recorded at Oakland County.
3. Submittal of a concept plan for the proposed development, including information pertaining to traffic circulation.

Project Area and Utilities

The existing alley abuts three (3) properties:

- **601 W. 12 Mile Rd.** is improved with a gas station (zoned B-3, General Business)
- **28767 Dartmouth Rd.** is improved with a single-family residence and detached garage (Zoned R-3, One-Family Residential)
- **611 W. 12 Mile Rd.** is vacant (zoned B-3, General Business)

The public alley is denoted in the recorded plat of Assessors Plat No. 2 and serviced the rear of the lots adjacent to W. 12 Mile Road. The alley first appears in historic aerial photographs in 1974, as shown below. Based on the photograph from 1974, the alleyway historically appears to service the commercial property at 611 W. 12 Mile Road (formerly Marinelli's Restaurant).

Historic Aerial Imagery (1974)



Source: Oakland County

An eight-inch (8") water line and a twelve-inch (12") sanitary sewer line are located within the existing alley right-of-way. The Department of Public Services (DPS) has reviewed the vacation request and requests the dedication of an easement. Therefore, if vacated, the City should retain a public utility easement over the property benefitting both the City and utility companies.

The alley vacation request has been sent to DTE Energy, Consumers Energy, ATT, WOW Net, and Comcast for their input and approval. To date, the City has received responses from DTE, Consumers Energy, and Comcast, who have all indicated that they have facilities located within the easement.

DTE: DTE has responded that they have utility equipment in the public alley in the form of overhead telephone poles/wires. However, in their response letter, DTE states that they are open to relocation options. Per the applicant, they have been working with DTE to relocate the overhead power lines to the south.

Consumers Energy: Consumers Energy stated that they have underground natural gas facilities located within the alley. However, they do not object to the vacation if a 12-foot-wide easement is dedicated.

Comcast: Comcast responded that they have aerial facilities within the alley, likely collocated on the DTE Energy overhead poles. Therefore, relocation of comcast facilities would likely be contingent upon the DTE relocation plans.

Concept Plan

The applicant has submitted a concept plan for a proposed renovation of the existing gas station at 601 W. 12 Mile Road. This plan is provided for informational purposes and is not the subject of this review. The applicant intends to use the vacated alley and the adjacent residential property to the south for a drive-through lane and additional parking. As proposed, the applicant will need to obtain a subsequent rezoning and site plan approval for the proposed redevelopment.

City Council Action

Per Section 23-109 of the Streets and Sidewalk and Other Public Places Ordinance, after the required public hearing, City Council may by resolution confirm or reject the alley vacation request. City Council may also refer the petition back to the Planning Commission for further study. Approval and denial resolutions are attached. If City Council moves to refer the petition back to the Planning Commission, City Council shall appoint a time not less than four weeks thereafter for a new public hearing.

Approval: Refer to draft approval resolution

Denial: Refer to draft denial resolution

Postponement: Move to set a new public hearing date for September 25th, 2023. In conjunction, City Council may refer the alley vacation request and concept site plan back to the Planning Commission for review and recommendation.