

CITY COUNCIL

ADJOURNED SESSION

All action of the City Council appearing herein is subject to the approval of the Mayor.

Detroit, Friday, September 24, 1976

Pursuant to adjournment, the Council met at 11:00 A.M., and was called to order by the President, Hon. Carl Levin.

Present — Council Members Browne, Cleveland, Eberhard, Hood, Kelley, Mahaffey, Rogell, and President Levin — 8.

There being a quorum present, the Council was declared to be in session.

Taken from the Table

Council Member Eberhard moved to take from the Table an ordinance to amend District Map No. 70 of Ordinance No. 390-G, the Zoning Ordinance, to show a P1 district classification where an R1 district classification is presently shown on Lots 111-114 inclusive and Lots 155 and 156 of the Ardmore Gardens Subdivision, said lots situated on the west side of Decatur south of Keal Avenue and on the south side of Keal Avenue west of Decatur, laid on the Table August 6, 1976 (JCC p. 1639-40), which motion prevailed.

The Ordinance was then placed on the order of third reading.

THIRD READING OF ORDINANCE.

The title to the Ordinance was read a third time.

The ordinance was then read.

The question being "Shall this Ordinance Now Pass?" The ordinance was passed, a majority of the Council Members present voting therefor as follows:

Yeas — Council Members Browne, Cleveland, Eberhard, Hood, Kelley, Mahaffey, Rogell, and President Levin — 8.

Nays — None.

*RECONSIDERATION (No. 1), per motions before adjournment.

Title to the ordinance was confirmed.

Community and Economic Development Department

September 23, 1976

Honorable City Council:

Re: Industrial Tool Engineering Co. (No. 3987) Change zoning from R1 to P1 Southwesterly of Keal and Decatur.

Submitted herewith is the report of the Community and Economic Development Department relative to the above described petition which requests a change in zoning from an R1 (single family residential) District Classification to a P1 (open parking) District Classification, property lo-

cated on the west side of Decatur Avenue south of Keal Avenue, and on the south side of Keal Avenue west of Decatur. The property involved in this petition has been commonly known as 9961 and 9967 Decatur and 13837 Keal and is more particularly described as Lots 110-114, inclusive, and 155 and 156 of the Ardmore Gardens Subdivision.

By letter dated April 28, 1975, this Department considered this identical proposal and recommended approval with the suggestion that action on the zoning portion of the total request be delayed until Your Honorable Body was prepared to take action on the alley portion. Due to unforeseen delays, the zoning portion was deemed to have been denied (Section 64.0700 of the Zoning Ordinance) even though all indications were that formal approval would eventually be given. The petitioner has now requested that his original proposal be given further consideration because the reasons for the previous "unforeseen delays" have been resolved.

The petitioner presently has a parking lot on a portion of the subject property. A portion of this existing lot (lots 111 through 114) was approved for parking in the R1 zone by the Board of Zoning Appeals in 1952 and a portion of this existing lot (Lots 153 and 154) was approved for parking when Your Honorable Body changed the zoning from R1 to P1 in 1957. Lots 155 and 156 are currently vacant land and this change in zoning has been proposed so that all of the parking area—both the existing and the proposed—will be under one zoning classification.

This petition also requests that the existing alley, which separates Lots 155 and 156 from the existing parking lot, be relocated to the south 20 feet of Lot 156. The report and recommendation by this Department on that portion of the total petition has been previously submitted to Your Honorable Body by separate letter.

After considering the land use and zoning of the subject property and the surrounding area, and after careful consideration of all facts involved, including those obtained by the Staff of the Community and Economic Development Department during its field inspections of the premises in question, it is the opinion of this Department that the proposed change in zoning would be appropriate because it would facilitate the petitioner's parking needs and would provide a logical buffer between the manufacturing and residential areas.

It is further the opinion of this Department that the proposed change in zoning could be accomplished without adversely affecting the surrounding land use and development. Inasmuch as Lot 110 is already zoned in an M4 (intensive industrial) District Classification, which classification allows parking as a matter of

right, no change in zoning is necessary on this lot.

The Community and Economic Development Department therefore recommends that District Map No. 70 of Detroit's Official Zoning Ordinance be amended to show a P1 District Classification where an R1 District Classification is presently shown on Lots 111-114, inclusive, and Lots 155 and 156 of the Ardmore Gardens Subdivision, such property being located on the west side of Decatur Avenue south of Keal Avenue and on the south side of Keal Avenue west of Decatur.

You are reminded that the total petition involves alley changes as well as zoning changes and it is therefore recommended that formal action be taken on two parts simultaneously.

Respectfully submitted,

RONALD J. HEWITT,

Director

City Engineering Division, EPMD

September 23, 1976

Honorable City Council:

Re: Petitions No. 1463 and 3987. Industrial Tool Engineering Co. Vacation and Conversion to Easement of portions of alleys south of Keal Avenue between Volte and Decatur Avenues.

The above petition requests the vacation and conversion to easement of portions of the alleys 20 and 16 feet wide in the above described block. The requested vacation and conversion into easement for public utilities was approved by the Community and Economic Development Department with the recommendation that sufficient land be dedicated for a new alley outlet into Decatur Avenue.

The petition was then referred to us for investigation and report. Our report, accompanied by the original petition, is as follows:

The petitioner has requested that the paved return at the entrance to the alley to be vacated remain in its present status as the petitioner plans to utilize same, and has agreed by letter filed with the original petition to pay all costs incidental to the removal of same whenever the discontinuance of use makes such removal necessary.

A deed has been received from the petitioner, deeding to the City of Detroit, land for the new alley outlet into Decatur Avenue. This deed was approved as to form and execution by the Law Department and as to description by the City Engineer, and is attached for your Honorable Body's acceptance.

The petitioner has requested that the grading and stoning and construction of a concrete alley return on the newly dedicated alley be done by private contract, the Environmental Protection and Maintenance Department has no objection providing the work is done under City permit and inspection and according to En-

vironmental Protection and Maintenance Department specifications with the entire cost borne by the petitioner.

All other involved City departments and privately-owned utility companies reported that they have no objection to the proposed vacation or that they have reached satisfactory agreements with the petitioner regarding their installations therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,

JAMES W. WATTS,

Director

By Council Member Eberhard:

RESOLVED, That all that part of the east-west public alley, 20 feet wide, in the block bounded by Volte, Decatur, Orangelawn, and Keal Avenues, having been platted originally as the southerly 20 feet of lot 154 of the Ardmore Gardens Subdivision No. 1 of Lot 4 of the John Keal Estate of the east ½ of the northeast ¼ of Section 31, T. 1 S., R. 11 E., Detroit, Wayne County, Michigan, as recorded in Liber 36, Page 6, Plats, Wayne County records;

Be and the same is hereby vacated to become a part and parcel of the abutting property; and further

RESOLVED, That all that part of the north-south public alley, 16 feet wide, in the block bounded by Volte, Decatur, Orangelawn, and Keal Avenues, abutting the rear line of the southerly 20 feet of lots 154 and 159, all of lots 155 and 158, and the northerly 18.93 feet of lots 156 and 157 all inclusive of the Ardmore Gardens Subdivision No. 1 as recorded in Liber 36, Page 6, Plats, Wayne County records;

Be and the same is hereby vacated as a public alley and is hereby converted into a public easement of the full width of the alley, which easement shall be subject to the following covenants and agreements, uses, reservations and regulations, which shall be observed by the owners of the lots abutting on said alley and by their heirs, executors, administrators and assigns, forever to wit:

FIRST, said owners hereby grant to and for the use of the public an easement or right of way over said vacated public alley hereinabove described for the purposes of maintaining, installing, repairing, removing, or replacing public utilities such as water mains, sewers, gas lines or mains, telephone, electric light conduits or poles or things usually placed or installed in a public alley in the City of Detroit, with the right to ingress and egress at any time to and over said easement for the purpose above set forth.

SECOND, said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever including but not limited to concrete slabs or driveways, retaining or partition walls