

City of Detroit

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Dr. David Cason, Jr., AICP
Thomas Christensen
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John Slater
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Kathleen Wendler
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October 10, 2002

HONORABLE CITY COUNCIL

RE: Petition of Andy's Market (#504), for a hearing relative to alley closure in the area of 20441 James Couzens (DEPARTMENTAL REPORT)

On June 18, 2002, Your Honorable Body requested that the City Planning Commission (CPC) staff report on a request from the above-noted petitioner regarding a hearing relative to hardships experienced as a result of a temporary alley closure in the area of James Couzens and Greenfield (please see Attachment A for a copy of the letter).

The subject request was also referred to the Department of Public Works (DPW) and the Planning & Development Department (P&DD).

NATURE OF REQUEST

On June 3, 2002, Attorney Robert Singer submitted correspondence for his client, Mr. Andy Attisha of Andy's Market at 20441 James Couzens, requesting a hearing before City Council to address problems created by an alley closing behind Andy's Market ("the Market").

Among other things, the letter indicated that on May 24, 2002, the petitioner learned for the first time that the alley behind the market would be closed at the property line of an adjacent business owner (please see Attachment B for a map of the area), preventing the delivery of essential goods to the market. Mr. Attisha contends that the partial alley closure has negatively impacted his business, and that there are alternative solutions to resolving traffic/speeding issues in the alley, and requests that Your Honorable Body reverse the decision to close the alley.

BACKGROUND

In November 1998, the City Planning Commission held a public hearing regarding a proposed amendment to the Zoning Ordinance calling for a reduction in the number of parking spaces required for laundromats. Because of the considerable concern voiced during that public hearing relative to a proposed Laundromat at 20211 Greenfield at

Mr. Attisha concerns:

- stop signs
- speed bumps
- Fargo Trucks unable to negotiate turns.
- distributors cannot/and will not

Note: Fence has been cut since the closure.

Trojan, the Planning Commissioners requested that CPC staff convene a meeting between the representatives of the laundromat and the community. At that meeting, concerns over 24-hour operation, lighting, on-street parking, loitering, and traffic safety were addressed, resulting in a compromise that included, among other things, the following:

1. A limit on the hours of operation for the laundromat (12 midnight) to minimize the potential impacts of increased traffic and need for parking, and
2. Both neighbors and the laundromat owner will seek closure of the alley abutting the laundromat site to curtail traffic on the north/south alley.

In March 2000, Cisneros Properties, (Modesto Cisneros, Managing Member) submitted a petition to the City of Detroit (#4063 – see Attachment C), requesting permission to partially vacate the alley connecting Trojan Avenue and Winthrop Street to permit the Coin-O-Matic Laundromat to fence the northern entry of its parking lot. The petition claimed that customers, not related to the laundromat, had for many years traveled the subject alley at dangerous speeds, imperiling both pedestrians and residents who traveled Trojan Avenue to access their homes. This petition was supported by the Northwest Community Action Organization, who submitted correspondence indicating that the partial closing of the alley would increase the safety of neighborhood pedestrians and motorists and further stated that the petition had widespread community support. (Please see Attachment D for a copy of this letter)

On August 15, 2002, the Department of Public Works, City Engineering Division, submitted a report recommending approval of this request. On September 17, 2001, Your Honorable Body adopted a resolution approving the partial, temporary closing of the subject alley.

FIELD SURVEY

On August 27, 2002, CPC staff visited the subject site and witnessed the following:

- The alley is inaccessible at the southern end; a fence containing a “Road Closed” sign currently blocks the alley;
- To access the market, truck drivers have to use either James Couzens or southbound Winthrop (via the alley);
- Winthrop is a residential street;
- James Couzens is a high traffic street;
- Truck access to Winthrop is complicated by the fact that drivers have to go west on Hessel and then south on Winthrop to access the alley from the north;
- During staff’s visit, seven cars entered the alley at Winthrop to access the market parking lot; six of the cars actually patronized the store and one was a through traffic motorist;
- Relative to the portion of the alley that is still open, two-way traffic is permitted, causing some conflict for egress and ingress in the alley;

- Pedestrian access through the alley is almost impossible from the north end due to the volume of vehicular traffic through the alley;
- The market has two driveways off of James Couzens, which are used to access the adjoining parking lot.

ANALYSIS

To close a commercial alley, the signature of at least two-thirds of the property owners abutting the said alley is required. The signatures obtained by the petitioner of the alley closure included, in addition to its own (lots 54-60), White Castle (lots 61-72), and the property owner of 20266 Winthrop (lot 243). As previously stated, Mr. Attisha claims that he had no knowledge of the alley closure until the erection of the existing fence in the alley. DPW, City Engineering Division advised that the department was not obligated to notify Mr. Attisha because his property does not abut the portion of the alley to be closed. If this is indeed the process, the signature of the property owner of 20266 Winthrop should not be counted, as it also does not abut the affected portion of the said alley.

Mr. Attisha alleges that the closing of the alley was motivated by a desire to restrict competition between the laundromat and the market. Mr. Attisha contends that prior to the closure of the alley, laundromat customers walked to the market, through the alley, to buy both laundry-specific and general goods. Since the closure of the alley, however, pedestrian traffic is said to have significantly declined. While this may be true, CPC staff notes that commercial alleys are not meant to accommodate pedestrian traffic, especially in instances where speeding motorists have been or is a problem. Additionally, laundromat customers desiring to patronize the market may do so via Greenfield and James Couzens.

Mr. Attisha also alleges that the partial closure of the alley makes deliveries almost impossible. The market gets daily deliveries of grocery items between the hours of 9 AM and 5 PM. The delivery trucks range from 60-foot beer trucks to 80-foot semi trailers. Trucks do not have enough room to enter the alley at Winthrop, traveling southbound, and turn left into the parking lot, especially if there are cars parked in the lot. According to Mr. Attisha, prior to the alley closure, drivers mainly entered the alley from Trojan, traveling northbound, and exited at Winthrop. Currently, deliveries are being made on James Couzens, which creates new circulation and access problems in the area. Because of the size of the parking lot driveways and their proximity to parking spaces, it is difficult for delivery trucks to enter the lot from James Couzens, especially if vehicles are parked in the lot. Thus, alley access is essential to the receipt of daily deliveries.

Mr. Attisha further alleges that if traffic was the major concern, there are a number of alternatives that could have been implemented. His recommended alternatives include speed bumps and/or the placement of a stop sign near the rear of the laundromat. Because traffic appears to be the main problem and the driving force behind the request to close the alley, CPC staff agrees that the partial closure of the alley may not have been the

optimal solution to the traffic problems in the area. Other options that could serve to remedy the existing conflicts include the following:

1. Placement of a stop or yield sign at the southern end of the alley.

If the entire alley were open, placement of a stop or yield sign at the southern end of the alley would serve to remedy the conflicts that would exist between motorists exiting the alley and those traveling westbound on Trojan. This option may or may not, however, have an impact on motorist speed in the alley. This option would allow the market to receive deliveries without difficulty.

2. Make the alley one-way, northbound.

Currently, the alley is two-way and conflicts between those entering and exiting the alley exist, specifically at the northern end. If this option were implemented, this conflict would no longer exist. This option would also allow motorists to access both the laundromat and market parking lots from the alley. This option would also retain two points of ingress and egress for the market, and would positively impact the access to the market for delivery trucks.

CONCLUSION

As evidenced in the text above, there are serious problems related to and resulting from traffic in the subject area. As stated above, one of the criteria utilized to analyze the initial request to partially close the alley is the consent of two-thirds of the adjacent property owners. City Planning Commission staff requests an investigation and report as to the eligibility of the signatures contained on the petition submitted by the original petitioner. As these matters relate directly to traffic, prior to making a final recommendation, City Planning Commission staff requests the opportunity to further explore the above-noted alternatives with the Traffic Engineering Division of the Department of Public Works.

Respectfully submitted,


Marcus D. Loper, Deputy Director

Marja M. Winters, Staff

Attachments

cc: James Foster, City Engineering

LAW OFFICES
ROBERT J. SINGER
30300 NORTHWESTERN HIGHWAY
SUITE 317
FARMINGTON HILLS, MICHIGAN 48334
(248) 932 3500
(248) 932-3521 FAX LINE

June 3, 2002

Honorable City Council
Attn: Ms. Jackie L. Currie
1340 Coleman A. Young Building
Detroit, Michigan 48226

62 : 6 20 1997

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RE: REQUEST TO BE PLACED ON AGENDA

Dear Council Members and Ms. Currie:

This is my request to be placed on the agenda at the next available City Council meeting to address a serious problem created by an alley closing behind my client's business.

I represent Andy's Market which has been located at 20441 James Couzens, Detroit, Michigan, since 1987. On May 24, 2002, my client learned for the first time that the alley behind him would be closed at the next door owner's property and thereby prevent him from getting essential deliveries to the market.

The resolution, based on Petition 4063, temporarily closed the alley between Winthrop and Trojan near James Couzens. A copy of the Plan and the Resolution are enclosed for your review. The request was initially made by an adjoining property owner who complained about speeding vehicles in the alley. We believe that the closing of the alley was to restrict competition from Andy's Market and that there were other alternatives to closing the alley if traffic was a concern.

There are a number of good reasons why the resolution should be rescinded. Had my client been given any opportunity to comment, you would have been given crucial information upon which to base your decision.

1. Andy's Market which predated the other businesses in the area by 10 years, gets daily deliveries of grocery items including beverages, laundry detergent and carry out foods. Delivery trucks range from beer trucks of 60 feet to semi trailers of 80 feet. They cannot enter the alley and turn in Andy's Market parking lot if any car is in the lot. The drivers have had to resort to making deliveries while standing on the Lodge

Service Driver which can't help traffic and safety at all.

2. The petitioner, a Laundromat two doors down and the White Castle, next door wanted the alley closed. Why? They say because of speeders from the neighborhood who want to shop at the Market. In truth, the visitors who use the Laundromat were able to easily shop at the Market for detergent and food while they were waiting for their self service laundry to be finished instead of buying it at a higher price at the Laundromat.

3. If speeding were a problem it could easily be addressed by (a) putting in a speed bump and/or (b) placing a stop sign near the rear of the laundry. Closing off the alley prevents competition from Andy's Market, makes it harder to local residents to reach the Market and absolutely makes deliveries to the store impossible, despite what Traffic and Engineering casually observed.

Testimony from delivery drivers and local residents who object to the closing can be given at the Council's request.

In summary, a businessman who has been serving the community for over 15 years asks the Council to reconsider its decision and reject the petition or in the alternative to at least allow us with other interested parties to appear before the Council and be heard.

Very truly yours,

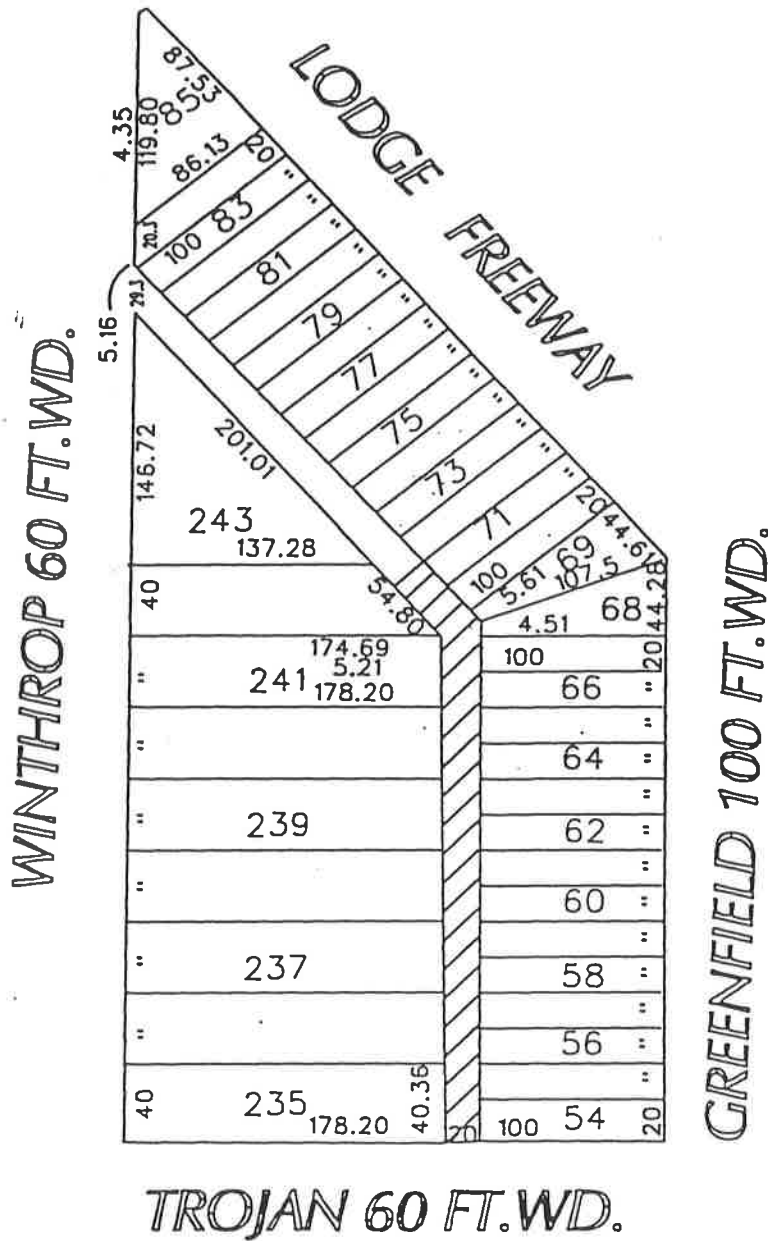


Robert J. Singer

RJS:es
Encl.
cc: Andy's Market

PETITION NO. 4063
 MODESTO CISNEROS
 17903 WINCHESTER
 PHONE NO. 248.348.3856

REVISION !!!




 TEMPORARY CLOSING

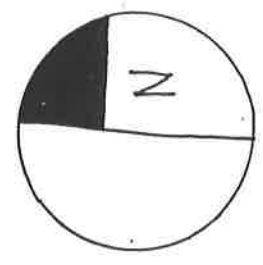
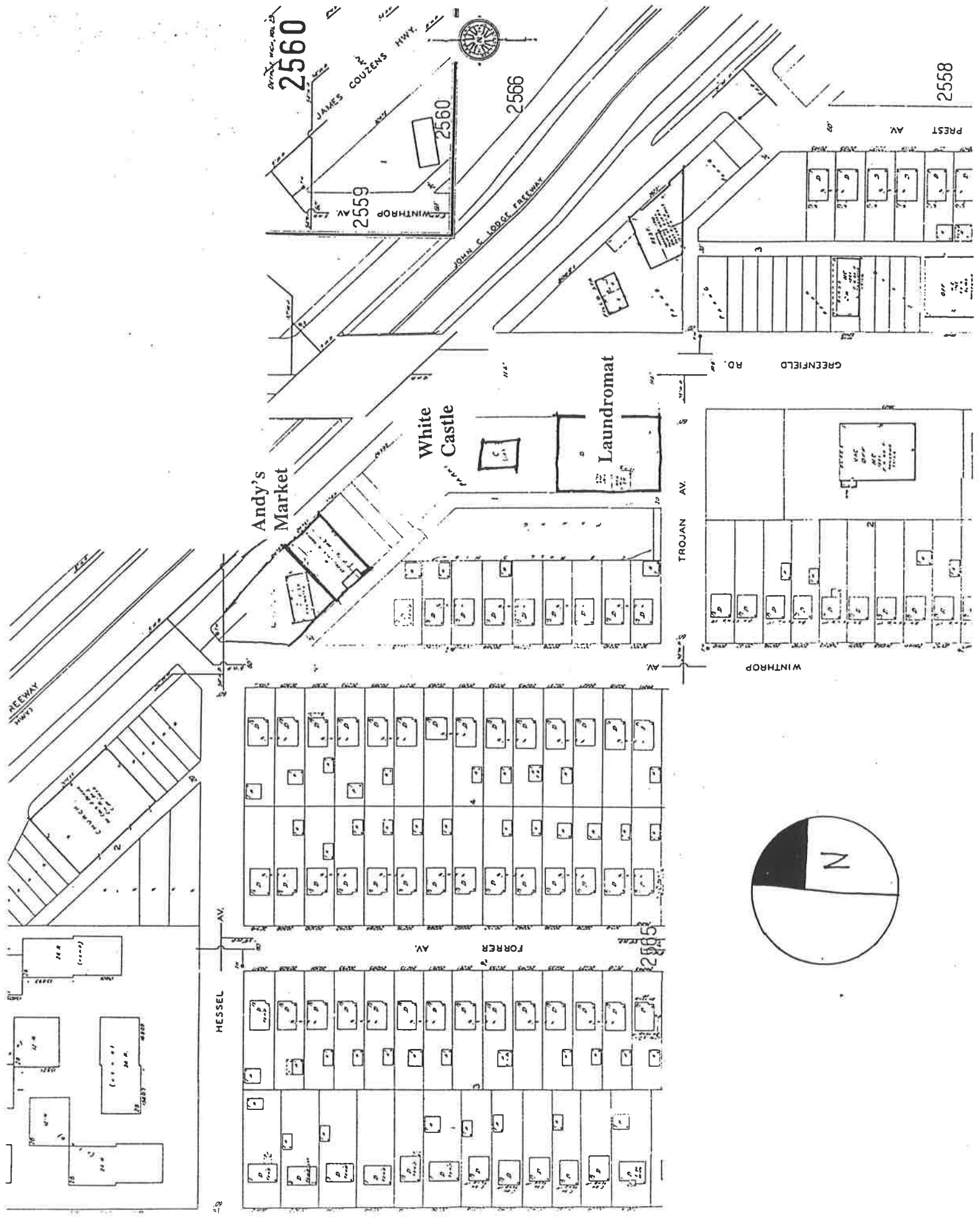
MALONEY PARK SUB'N
 CARTO. 105A

(FOR OFFICE USE ONLY)

B					
A					
DESCRIPTION	DRAWN	CHEK	APPO	DATE	
REVISIONS					
DRAWN BY	N.P.		CHECKED		
DATE	07-17-01		APPROVED		

REQUESTING TEMPORARY CLOSURE A PORTION OF
 THE 20 FT. WD. OPEN PUBLIC ALLEY BLOCK BOUNDED
 BY WINTHROP, TROJAN, GREENFIELD AND JOHN
 C. LODGE FREEWAY.

CITY OF DETROIT	
CITY ENGINEERING DEPARTMENT	
SURVEY BUREAU	
JOB NO.	01-01
DRWG. NO.	x4063.dgn



2558

HESSEL AV

FORRER AV

TROJAN AV

WINTHRUP AV

GREENFIELD RD

PREST AV

Andy's Market

White Castle

Laundromat

2560

2560

2566

2559

REWEWAY

25

2565

LAW OFFICES OF
CURTIS B. BLESSING, P.C.
4300 PENOBSCOT BUILDING
645 GRISWOLD STREET
DETROIT, MICHIGAN 48226-4211
—
(313) 963-3344
FAX (313) 963-6000

June 27, 2001

Via Hand Delivery/Facsimile

Mr. James D. Foster
Supervisor of Maps & Records
City of Detroit
Department of Public Works
City Engineering Division
65 Cadillac Square, Ste. 1000
Detroit, Michigan 48226

Re: Amended Petition for Conversion of Alley Easement
Detroit, Michigan
Petition No. 0591 [Re: Alley between Trojan and Winthrop,
Just West of Greenfield]
Sponsoring Petitioner: Cisneros Properties, LLC
Attorney for Petitioner: Curtis B. Blessing, P.C.
4300 Penobscot Building
645 Griswold Street
Detroit, Michigan 48226
Tel: (313) 963-3344

Dear Mr. Foster:

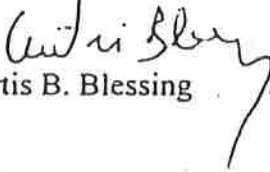
This letter will serve to confirm that the sponsoring petitioner of the referenced petition, Cisneros Properties LLC is agreeable to a modification in the possible approval of the petition to change the use of the referenced alley to provide for a five-year temporary closure of the referenced alley.

You have explained to me that such approval, if granted by City Council, could be renewed by a similar approval sought by a petition in the fifth year of the temporary closing, and that the temporary closing is specific to the current owner, Cisneros Properties LLC, and not automatically transferred to a new owner of the real estate if the sponsoring petitioner sells the real estate it currently owns adjoining the subject alley.

Mr. James Foster
June 27, 2001
Page -2-

Thank you very much for your cooperation and assistance.

Very truly yours,


Curtis B. Blessing

CBB/mmp

cc: Modesto Cisneros, Cisneros Properties, LLC
Sheila Peterson, City Clerks Office, City of Detroit
(By Hand Delivery)

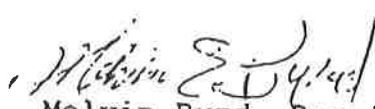
NORTHWEST COMMUNITY ACTION COMMUNITY

Re: Petition for Conversion
of Alley Easement
(No. 0591) to Permit
Petitioner Cisneros
Properties LLC to fence
off the alley between
Trojan and Winthrop at
the Northwest corner of
Lot 60 or the Northeast
corner of Lot 242.

TO THE HONORABLE CITY COUNCIL:

The members of the Northwest Community Action Organization strongly support the referenced Petition. The partial closing of the alley would increase the safety of the neighborhood residents walking or driving on Trojan, which is a key gateway to our neighborhood. The closing off of this alley at the boundary of the Coin-O-Matic parking lot has widespread community support.

Sincerely,


Melvin Byrd, President
Northwest Community
Action Organization