



PLAN COMMISSION AGENDA
 Wednesday, September 23, 2020
 6:00 P.M.

Virtual Meeting

Watch: <https://www.youtube.com/user/westalliscitychannel>

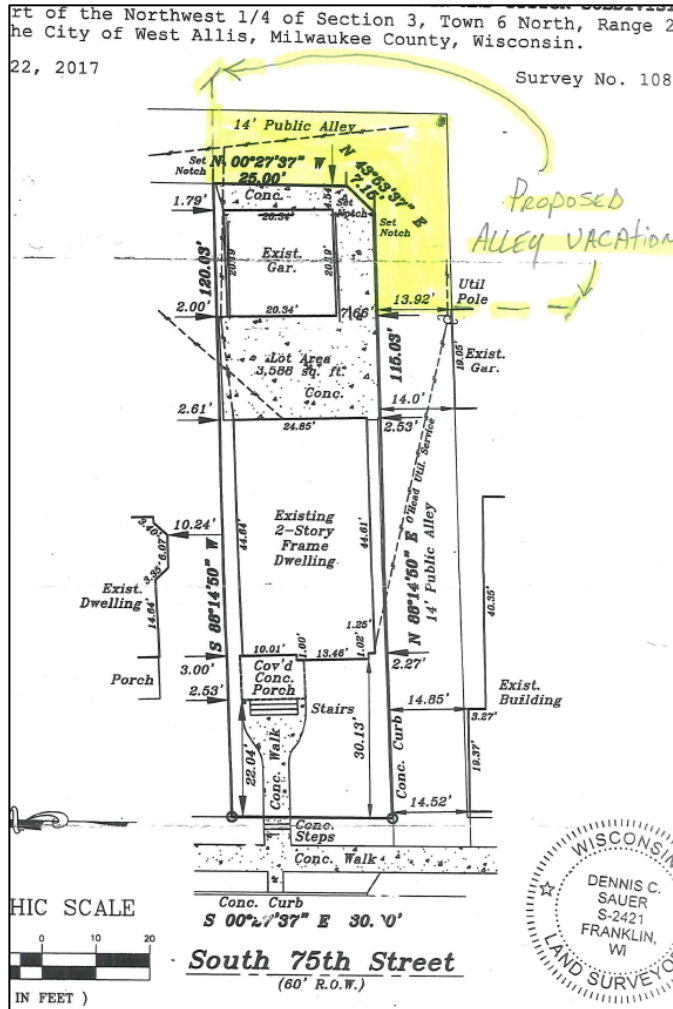
- Vacation and discontinuance of a portion of public alleyway between S. 74 and S. 75 St. north of W. National Ave. submitted by Paul and Lisa Quesnell, property owners (1616 S. 75 St.)

Overview & Zoning

The City has received a request for an alley vacation between S. 74-75 Streets (just north of W. National Ave.). The applicant is seeking to vacate a portion of the alley near/behind his property, but in doing so would result in creating a dead end segment off of S. 75 St. and another dead end segment off of W. Lapham St. See attached map and aerial view - the yellow highlighted area is the subject area requested by the Quesnell's (property owners of 1616 S. 75 St.).

[google/alley-view](#)

The property owner would like to rebuild his garage without reducing the area of his backyard. Zoning code requires a 5-ft setback from the alley way and 3-ft from side yards. Given the alley corner at the SE side of the property, the setback requirement would be about 7-ft at the corner. While there is room to move the garage back to the proper setbacks, the applicant doesn't want to reduce the area of his backyard.



If vacated half of the alley frontage would go to the abutting property owners (in this case a commercial use fronting W. National Ave. and the applicant/property owner of 1616 S 75 St.

There are a total of 8 property owners on the block that reply upon alley way access.

Applicant Rationale:

The applicant has shared perspectives as to why they think the alley should be vacated: Snow removal would still be possible, cars parked along the existing alleyway often encroach into the

alleyway, sanitation trucks currently back down the alley to service refuse and recycling services, safety measure (by vacating alley reducing conflicts) – children at play observed using the alley to do laps around the block.

Staff notes: The Department of Development, Department of Public Works and Engineering Department does not support the requested right-of-way discontinuance. Staff would recommend maintaining this ROW for continued use.

- While DPW/sanitation has indicated the turning radius is difficult for the larger vehicles to make the turn, snowplowing does enter and go through the alley to adequately clear.
- The resulting alley vacation would be a permanent obstruction to any possible future access and maintenance operations.
- In some cases street and alley vacations are warranted as it serves the public interest, but in this matter staff doesn't agree that the alley vacation would result in a collective public benefit for a majority of residents and property owners of the affected block.
- The Board of Appeals would be a more appropriate route for the applicant to explore.



Schedule:

- Plan Commission consideration on 9/23
- Council introduction on 10/6 - may decide if they want to authorize staff to proceed with publishing notice or not. If not the item is placed on file.

- If we proceed with a public hearing other property owners on the block would be notified of a public hearing (likely in November or December).

On October 6 the Common Council will consider if the requested right-of-way vacation should proceed to a public hearing. If so, a hearing would be scheduled for March 3. Prior to a public hearing, State Statutes requires publishing a class 3 notice and personal service on abutting landowners at least 30 days before a public hearing (potentially November 17 or December 1) or, if they can't be personally served, the notice needs to be mailed to them at least 30 days ahead of time. Any abutting owner can object to discontinuance by filing a written objection; it would then take a 2/3 vote by the council to override that objection. Should the Council vacate this portion of street, the abutting property owners would receive their abutting portion of land.

Recommendation: Common Council denial of the requested Vacation and discontinuance of a portion of public alleyway between S. 74 and S. 75 St. north of W. National Ave. submitted by Paul and Lisa Quesnell, property owners (1616 S. 75 St.).