

September 11, 2006

Date

WHEREAS, the City Plan and Zoning Commission has advised in the attached letter that at a public hearing held August 17, 2006, the members recommended by a vote of 12-0 for **APPROVAL** of a request from Hubbell Properties II, L.C. (owner) represented by Jennifer Drake (officer) for vacation and conveyance of all of NE 47th Court lying west of and adjoining Lots 48, 49 and 50 of Glenn Acres within the proposed Summersfield residential development, subject to the following conditions:

1. Provision of easements for any existing utilities.
2. Administrative approval of a minor amendment to the Summersfield PUD Concept Plan to allow inclusion of the right-of-way with the 6 adjoining lots to the east.

MOVED by _____ to receive and file, and to refer to the City Manager for further processing in accordance with standard City property disposition procedures.

FORM APPROVED:

Roger K. Brown
 Roger K. Brown
 Assistant City Attorney

(11-2006-1.22)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

 Mayor

 City Clerk

September 11, 2006

Date _____

Agenda Item 25

Roll Call # _____

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held August 17, 2006, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
David Cupp	X			
Shirley Daniels	X			
Dann Flaherty	X			
Bruce Heilman				X
Jeffrey Johannsen	X			
Greg Jones	X			
Frances Koontz	X			
Kaye Lozier	X			
Brian Meyer	X			
Brian Millard	X			
Brook Rosenberg				X
Mike Simonson				X
Kent Sovern	X			
Tim Urban	X			
Marc Wallace	X			

APPROVAL of a request from Hubbell Properties II, L.C. (owner) represented by Jennifer Drake (officer) for vacation and conveyance of all of NE 47th Court lying west of and adjoining Lots 48, 49 and 50 of Glenn Acres within the proposed Summersfield residential development, subject to the following conditions:

(11-2006-1.22)

1. Provision of easements for any existing utilities.
2. Administrative approval of a minor amendment to the Summersfield PUD Concept Plan to allow inclusion of the right-of-way with the 6 adjoining lots to the east.

Written Responses

0 In Favor

0 In Opposition



CITY PLAN AND ZONING COMMISSION
ARMORY BUILDING
602 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309 -1881
(515) 283-4182

ALL-AMERICA CITY
1949, 1976, 1981
2003

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Staff recommends approval of the requested vacation subject to the following condition:

1. Provision of easements for any existing utilities.
2. Administrative approval of a minor amendment to the Summersfield PUD Concept Plan to allow inclusion of the right-of-way with the 6 adjoining lots to the east.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The requested vacation and conveyance would allow the undeveloped 40'-wide right-of-way to be incorporated into the Summersfield PUD by increasing the lot depths of the 6 single-family residential lots adjacent to the east. Administrative approval of a minor amendment to the Summersfield PUD Concept Plan will be necessary to allow inclusion of the right-of-way with these lots.
2. **Size of Site:** 40' x 300' or 12,000 square feet (0.28 acre).
3. **Existing Zoning (site):** "PUD" Planned Unit Development.
4. **Existing Land Use (site):** Undeveloped street right-of-way recently used in common with the adjoining property for agricultural production.
5. **Adjacent Land Use and Zoning:**
 - East* – "PUD"; Use is an area of the Summersfield Subdivision designated for future single-family residential.
 - West* – "PUD"; Use is an area of the Summersfield Subdivision designated for future open space and stormwater detention.
6. **General Neighborhood/Area Land Uses:** The requested right-of-way extends into the Summersfield PUD, which is currently being graded for development. The Summersfield Subdivision is located in a transitional area between commercial uses to the north and east and residential uses to the south and west.
7. **Applicable Recognized Neighborhood(s):** N/A.
8. **Relevant Zoning History:** On January 9, 2006, the City Council adopted Ordinance 15,535 to rezone the adjoining property from "A-1" Agricultural District to "PUD" Planned Unit Development and approve the Summersfield PUD Concept Plan. The subject right-of-way was included in this rezoning since it is bounded on both sides by the Summersfield PUD.
9. **2020 Community Character Land Use Plan Designation:** Low-Density Residential.
10. **Applicable Regulations:** The Commission reviews all proposals to vacate land dedicated for a specific public purpose, such as for streets and parks, to determine whether the land is still needed for such purpose or may be released (vacated) for other use. The recommendation of the Commission is forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Natural Site Features:** The subject right-of-way is relatively flat and recently used in common with the adjoining property for agricultural production.
2. **Utilities:** Easements must be provided for all existing public utilities in place. No utilities have been identified at this time.
3. **Traffic/Street System:** The requested vacation of conveyance of right-of-way will not impact the traffic system, as it is inaccessible and impassible in its current state.
4. **Access/Parking:** No properties require access from the requested segment of undeveloped right-of-way.

SUMMARY OF DISCUSSION

There was no one in the audience to speak on this item and there was no discussion.

Brian Millard moved to approve the requested vacation subject to the following conditions:

1. *Provision of easements for any existing utilities.*
2. *Administrative approval of a minor amendment to the Summersfield PUD Concept Plan to allow inclusion of the right-of-way with the 6 adjoining lots to the east.*

Motion passed 12-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment

Request from Hubbell Properties II, L.C. (owner) represented by Jennifer Drake (officer) for vacation and conveyance.				File #	
				11-2006-1.22	
Description of Action	Vacate and convey all of NE 47 th Court lying west of and adjoining Lots 48, 49 and 50 of Glenn Acres within the Summersfield subdivision.				
2020 Community Character Plan	Low-Density Residential.				
Horizon 2025 Transportation Plan	No Planned Improvements.				
Current Zoning District	"PUD" Planned Unit Development District.				
Proposed Zoning District	"PUD" Planned Unit Development District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area	0	0	0	<20%	
Plan and Zoning Commission Action	Approval	12-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	N/A

Hubbell Properties II LC - NE 47th Court South of Hubbell Avenue 11-2006-1.22

