

Date October 27, 2008

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 16, 2008, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from Leonard and Sheryl Ballard (owners), 2342 Thornton Drive for vacation and conveyance of Birch Lane from Thornton Drive to Southwest 24<sup>th</sup> Street and the east half of Southwest 24<sup>th</sup> Street from Thornton Avenue to Watrous Avenue subject to reservation of necessary public utility and drainage easements.

MOVED by \_\_\_\_\_ to receive and file and refer to the Engineering Department, Real Estate Division.

FORM APPROVED:

  
 \_\_\_\_\_  
 Michael F. Kelley  
 Assistant City Attorney

(11-2008-1.16)

| COUNCIL ACTION | YEAS | NAYS | PASS     | ABSENT |
|----------------|------|------|----------|--------|
| COWNIE         |      |      |          |        |
| COLEMAN        |      |      |          |        |
| HENSLEY        |      |      |          |        |
| KIERNAN        |      |      |          |        |
| MAHAFFEY       |      |      |          |        |
| MEYER          |      |      |          |        |
| VCLASSIS       |      |      |          |        |
| <b>TOTAL</b>   |      |      |          |        |
| MOTION CARRIED |      |      | APPROVED |        |
| _____ Mayor    |      |      |          |        |

**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.

\_\_\_\_\_ City Clerk

|                                                                                                                                                                      |                                                                                                                                                                      |              |                                              |               |     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|----------------------------------------------|---------------|-----|
| Request from Leonard and Sheryl Ballard (owners), 2342 Thornton Drive, for vacation and conveyance of the following:                                                 |                                                                                                                                                                      |              |                                              | <b>File #</b> |     |
| A) Birch Lane from Thornton Drive to Southwest 24 <sup>th</sup> Street.<br>B) East half of Southwest 24 <sup>th</sup> Street from Thornton Avenue to Watrous Avenue. |                                                                                                                                                                      |              |                                              | 11-2008-1.16  |     |
| <b>Description of Action</b>                                                                                                                                         | Vacation and conveyance of the following:                                                                                                                            |              |                                              |               |     |
|                                                                                                                                                                      | A) Birch Lane from Thornton Drive to Southwest 24 <sup>th</sup> Street.<br>B) East half of Southwest 24 <sup>th</sup> Street from Thornton Avenue to Watrous Avenue. |              |                                              |               |     |
| <b>2020 Community Character Plan</b>                                                                                                                                 | Low-Density Residential                                                                                                                                              |              |                                              |               |     |
| <b>Horizon 2025 Transportation Plan</b>                                                                                                                              | No Planned Improvements.                                                                                                                                             |              |                                              |               |     |
| <b>Current Zoning District</b>                                                                                                                                       | "R1-80" One-Family Residential District                                                                                                                              |              |                                              |               |     |
| <b>Proposed Zoning District</b>                                                                                                                                      | "R1-80" One-Family Residential District                                                                                                                              |              |                                              |               |     |
| <b>Consent Card Responses</b>                                                                                                                                        | In Favor                                                                                                                                                             | Not In Favor | Undetermined                                 | % Opposition  |     |
| Inside Area                                                                                                                                                          | 1                                                                                                                                                                    |              |                                              | N/A           |     |
| Outside Area                                                                                                                                                         |                                                                                                                                                                      |              |                                              |               |     |
| <b>Plan and Zoning Commission Action</b>                                                                                                                             | Approval                                                                                                                                                             | 14-0         | <b>Required 6/7 Vote of the City Council</b> | Yes           | N/A |
|                                                                                                                                                                      | Denial                                                                                                                                                               |              |                                              | No            | N/A |

Leonard Ballard - 2342 Thornton Drive

11-2008-1.16



Date \_\_\_\_\_

Agenda Item 17

Roll Call # \_\_\_\_\_

October 22, 2008

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 October 16, 2008, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 14-0 as follows:

| <u>Commission Action:</u> | <u>Yes</u> | <u>Nays</u> | <u>Pass</u> | <u>Absent</u> |
|---------------------------|------------|-------------|-------------|---------------|
| Leisha Barcus             | X          |             |             |               |
| JoAnne Corigliano         | X          |             |             |               |
| Shirley Daniels           | X          |             |             |               |
| Jacqueline Easley         | X          |             |             |               |
| Dann Flaherty             | X          |             |             |               |
| Bruce Heilman             | X          |             |             |               |
| Ted Irvine                | X          |             |             |               |
| Jeffrey Johannsen         | X          |             |             |               |
| Greg Jones                | X          |             |             |               |
| Frances Koontz            | X          |             |             |               |
| Jim Martin                | X          |             |             |               |
| Brian Millard             | X          |             |             |               |
| Mike Simonson             | X          |             |             |               |
| Kent Sovern               | X          |             |             |               |

**APPROVAL** of a request from Leonard and Sheryl Ballard (owners), at 2342 Thornton Drive, for vacation and conveyance of the following rights of way subject to reservation of necessary public utility and drainage easements: (11-2008-1.16)

A) Birch Lane from Thornton Drive to Southwest 24<sup>th</sup> Street.

B) East half of Southwest 24<sup>th</sup> Street from Thornton Avenue to Watrous Avenue.

Written Responses

1 In Favor

0 In Opposition

**STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Staff recommends approval of the requested vacation and conveyance subject to reservation of necessary public utility and drainage easements.



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 REPORT

### I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to vacate and acquire undeveloped right-of-way adjoining their property. This will add area to a triangular shaped parcel that is awkward in terms of the allowed building envelope.
2. **Size of Site:** 42,475 square feet (0.975 acres).
3. **Existing Zoning (site):** "R1-80" One Family Residential District.
4. **Existing Land Use (site):** Undeveloped right-of-way.
5. **Adjacent Land Use and Zoning:**
  - East – "R1-80", Uses are a single-family dwelling and the Iowa Seventh Day Adventists Association.*
  - West – "R1-80", Uses are a single-family dwelling and Jefferson Elementary School.*
6. **General Neighborhood/Area Land Uses:** The subject right-of-way is within a primarily single-family residential neighborhood with adjoining neighborhood institutional uses, including an elementary school and a church.
7. **Applicable Recognized Neighborhood(s):** Southwestern Hills Neighborhood.
8. **Relevant Zoning History:** N/A.
9. **2020 Community Character Land Use Plan Designation:** Low-Density Residential and Public/Semi-Public.
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:** There is significant vegetation including mature trees growing within a majority of the requested right-of-way requested for vacation.
2. **Drainage/Grading:** No grading is proposed. The segment of Birch Lane and portions of the SW 24<sup>th</sup> Street right-of-way appear to serve as natural drainage ways. Conveyance may be subject to reservation of surface water flowage easements based on review by the Public Works Department staff.
3. **Utilities:** There is an existing public sanitary sewer within the requested Birch Lane segment and across a small segment of the SW 24<sup>th</sup> Street right-of-way. This will require reservation of a 30-foot wide public utility easement over this facility.
4. **Traffic/Street System:** Neither segment of right-of-way has been developed as an open street for public use.

5. **Access or Parking:** Neither segment of right-of-way is used actively for vehicular access by any adjoining property.

**SUMMARY OF DISCUSSION**

**CHAIRPERSON OPENED THE PUBLIC HEARING**

*There was no one in the audience to speak on this item.*

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

Mike Simonson moved staff recommendation to approve the requested vacation and conveyance subject to reservation of necessary public utility and drainage easements.

Motion passed 14-0.

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:clw

Attachment

Item 11-2008-1.16 Date 10-9-08

I  (am) in favor of the request.

**RECEIVED**

OCT 14 2008

COMMUNITY DEVELOPMENT  
DEPARTMENT

Print Name STEVEN CURTIS

Signature Steven Curtis

Address 2240 Thornton Dr

Reason for opposing or approving this request may be listed below:

Our property borders what is shown  
as Birch Lane from Thornton Dr to Southwest  
24th Street. It is my understanding this  
portion would be available for purchase at  
\$725.00, to meet with that owned by the Ballards