



Roll Call Number

Agenda Item Number

15

Date July 9, 2018

**RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION
REGARDING CITY-INITIATED REQUEST FOR VACATION OF EAST 47TH COURT
BETWEEN AND ADJOINING 4755 AND 4805 HUBBELL AVENUE**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 21, 2018, its members voted 11-0 to recommend **APPROVAL** of a City-initiated request for vacation of a segment of East 47th Court right-of-way between and adjoining 4755 and 4805 Hubbell Avenue, to allow for assemblage with the adjoining property for secondary fire access and pedestrian access from Hubbell Avenue for the Summersfield single-family residential subdivision, subject to the following conditions:

- (1) Vacation of only that portion of right-of-way outside the Hubbell Avenue frontage road system.
- (2) Any conveyance shall be subject to reservation of access easements for emergency vehicles and pedestrians/bicycles.

MOVED by _____ to receive and file the attached communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division.

FORM APPROVED:



Glenna K. Frank, Assistant City Attorney

(11-2018-1.14)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				

MOTION CARRIED APPROVED

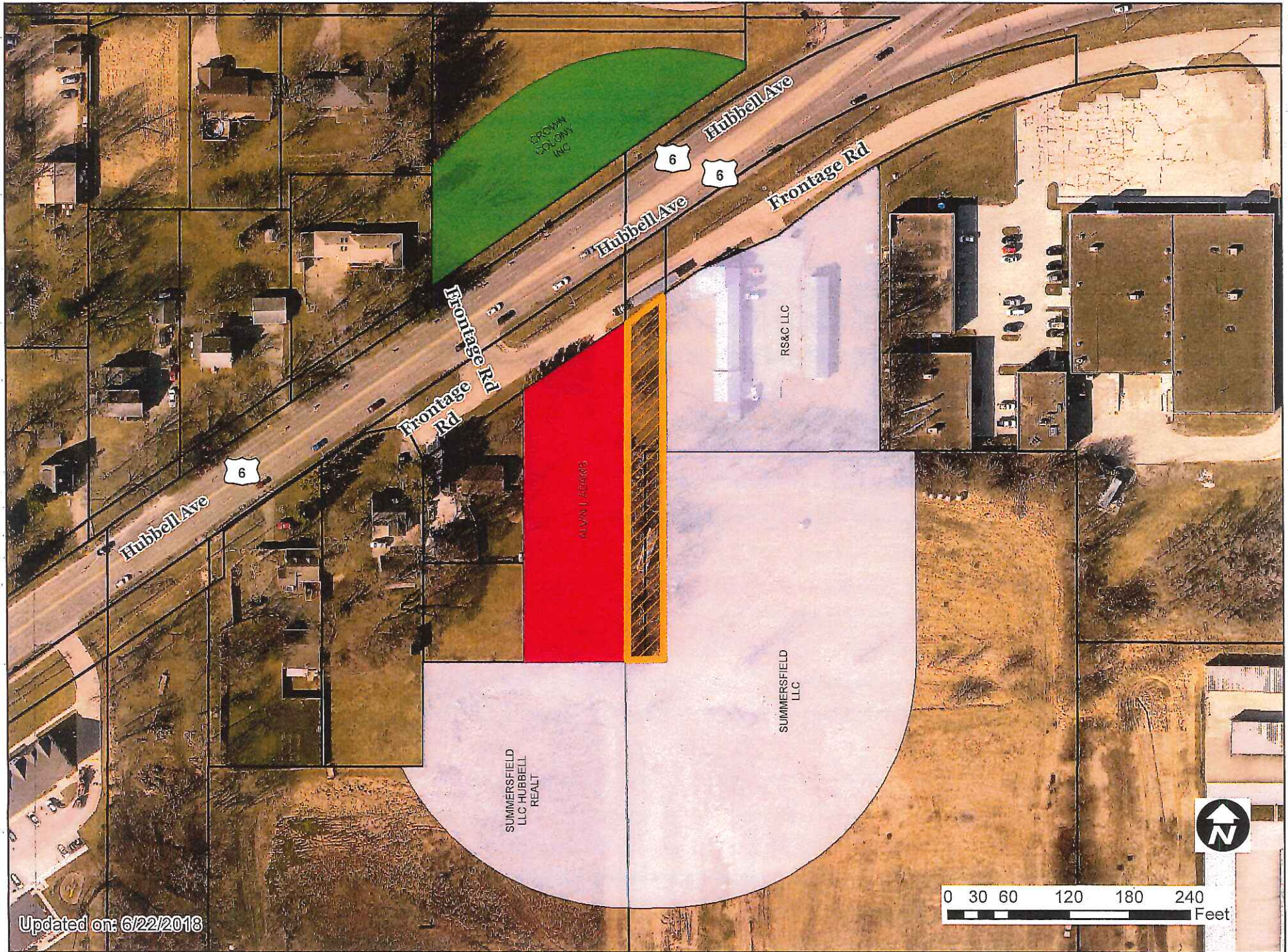
Mayor

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



Date July 9, 2018
 Agenda Item 15
 Roll Call # _____

July 3, 2018

Honorable Mayor and City Council
 City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their June 21, 2018 meeting, the following action was taken regarding a City Council initiated request for vacation of a segment of East 47th Court Right-Of-Way (ROW) between and adjoining the properties located at 4755 and 4805 Hubbell Avenue, to allow development of secondary fire access and pedestrian access from Hubbell Avenue for the Summersfield single-family residential subdivision.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
Chris Cutler	X			
David Courard-Hauri	X			
Jacqueline Easley	X			
Jann Freed				X
John "Jack" Hilmes	X			
Lisa Howard				X
Carolyn Jenison				X
Greg Jones	X			
William Page	X			
Mike Simonson				X
Rocky Sposato	X			
Steve Wallace	X			
Greg Wattier	X			

APPROVAL of the requested vacation subject to the following conditions:

1. Vacation of only that portion of ROW outside the Hubbell Avenue frontage road system.
2. Any conveyance shall be subject to reservation of access easements for emergency vehicles and pedestrians/bicycles. (11-2018-1.14)

Written Responses

1 in Favor

1 in opposition

RECOMMENDATION TO THE P&Z COMMISSION

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

1. Vacation of only that portion of ROW outside the Hubbell Avenue frontage road system.
2. Any conveyance shall be subject to reservation of access easements for emergency vehicles and pedestrians/bicycles.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed vacation would allow provision of a necessary secondary emergency access to the Summersfield development to allow the final platting of lots. Currently the 2015 International Fire Code (IFC) adopted by the City of Des Moines would only allow a maximum of 30 single-family dwellings to be developed with a single emergency access road.
2. **Size of Site:** 16,999 square feet (0.39 acres).
3. **Existing Zoning (site):** "A-1" Agricultural District, "PUD" Planned Unit Development, and "FSO" Freestanding Sign Overlay District.
4. **Existing Land Use (site):** Undeveloped ROW adjoining property along Hubbell Avenue.
5. **Adjacent Land Use and Zoning:**

East – "A-1" & "PUD": Uses are vacant land and motel.
West - "A-1": Use is single-family dwelling.
6. **General Neighborhood/Area Land Uses:** The surrounding neighborhood is a mix of residential and commercial/industrial uses on the Hubbell Avenue/US Highway 6 corridor.
7. **Applicable Recognized Neighborhood(s):** The subject property is not located within a recognized neighborhood. All neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on June 1, 2018. Additionally, separate notifications of the hearing for this specific item were mailed on June 11, 2018 (10 days prior) to the neighborhood associations and to the primary titleholder on file with the Polk County Assessor for each property adjacent to the subject Right-of-Way. A Final Agenda was mailed to all the recognized neighborhood associations on June 15, 2018.

All agendas and notices are mailed to the primary contact designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Downtown Neighborhood Association mailings were sent to Austin Lewis, 915 Mulberry Street, #504, Des Moines, IA 50309.

8. **Relevant Zoning History:** The affected Summersfield PUD was rezoned by the City Council on September 26, 2005 by Ordinance No. 14,497. The Summersfield PUD allowed for single-family residential subdivision with 55-foot wide lots at a minimum of 7,150 square feet as well as a tract along Hubbell allowing "C-2" District Uses which was subsequently developed with row house townhomes.
9. **PlanDSM Land Use Plan Designation:** Community Mixed Use and Low Density Residential.
10. **Applicable Regulations:** In consideration of the criteria set forth in Chapter 18B of the Iowa Code, 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. **Utilities:** No utilities are identified within the subject alley segment. However, there are existing public water and storm sewer mains in close proximity within the frontage road system on Hubbell Avenue which would require that necessary easements be determined and reserved. In order to ensure these are protected by the ROW, staff recommends that only the portion of the requested ROW outside of the frontage road be vacated.
2. **Street System/Access:** The requested vacation would allow development of access from the Summersfield residential neighborhood to the frontage road system on Hubbell Avenue. This would be developed with a paved surface by the developer to handle pedestrian and bicycle traffic along with secondary emergency vehicle access.

SUMMARY OF DISCUSSION

Jacqueline Easley asked if anyone was present to speak on this item. None were present or requested to speak.

COMMISSION ACTION:

John "Jack" Hilmes made a motion for approval of the requested vacation subject to the following conditions:

1. Vacation of only that portion of ROW outside the Hubbell Avenue frontage road system.
2. Any conveyance shall be subject to reservation of access easements for emergency vehicles and pedestrians/bicycles.

Motion passed: 11-0

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "M. Ludwig".

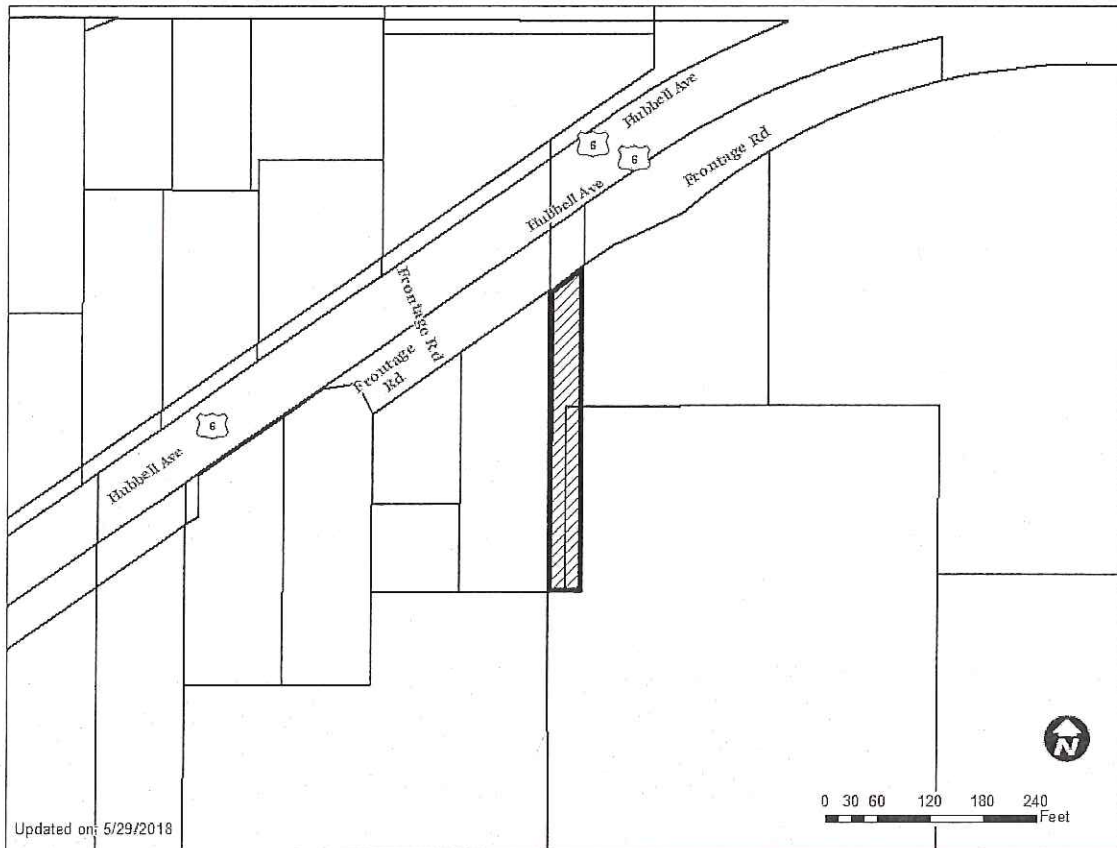
Michael Ludwig, AICP
Planning Administrator

MGL:tjh
Attachments

City Council initiated request for property located at 4755 and 4805 Hubbell Avenue.				File #	
				11-2018-1.14	
Description of Action	Vacation of a segment of East 47 th Court Right-Of-Way (ROW) between and adjoining the subject properties, to allow development of secondary fire access and pedestrian access from Hubbell Avenue for the Summersfield single-family residential subdivision.				
Plan/DSM Future Land Use	Current: Community Mixed Use and Low Density Residential. Proposed: N/A.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"PUD" Planned Unit Development, "A-1" Agricultural District, and "FSO" Freestanding Signs Overlay District.				
Proposed Zoning District	N/A.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Subject Property	1	1			
Outside Area (200 feet)					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

City Council initiated, Vicinity of 4755 and 4805 Hubbell Avenue

11-2018-1.14



1 inch = 128 feet

11-2018-1.14

Date 6/19/18

(am) (am not) in favor of the request.

(Circle One)

RECEIVED

Print Name John W. Grubb

COMMUNITY DEVELOPMENT

Signature

JUN 22 2018

Address 14914 Brookview Drive 50323

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

11-2018-1.14

Date 6-16-2018

(am) (am not) in favor of the request.

(Circle One)

Community Development Department

Print Name

ALVIN L. ADAMS

JUN 20 REC'D

Signature

Alvin Adams

RECEIVED

Address

4755 HUBBELL AVE
DES MOINES IA 50317

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

When we moved into this house in 1976 we were told that the easement for access had been vacated. Now we were told that the fire dept needed access nothing was mentioned about pedestrian access. We don't need more traffic beside our houses. I guess the city would do whatever they want anyway.