

MINUTES

CITY PLANNING COMMISSION

Thursday, September 11, 2008

Municipal Building Conference Room

MEMBERS PRESENT: Mayor Sehnert
Bruce Hardy
Joe Opperman
Thom Hershey
Tom Joseph

STAFF ATTENDING: Matt Carpenter, Assistant Chief Engineer.
Judy Scrimshaw, HRPC Staff
Dave Hackenberg, Law Director
Matt Pickett, Fire Prevention

GUESTS: 1

CALL TO ORDER

ROLL CALL

The following members were present:

Mayor Pete Sehnert
Bruce Hardy, Service Director
Joe Opperman
Thom Hershey
Tom Joseph

SWEARING IN

All those planning to give testimony were sworn in by the Clerk.

APPROVAL OF MINUTES

Thom Hershey moved to approve the minutes of the August 14, 2008. Joe Opperman seconded the motion. Motion carried 5-0.

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NEW ITEMS

HRPC

- 1. ALLEY VACATION PETITION filed to vacate a north/south alley between Lot numbers 16839-16842 and Lot numbers 16851-16854 in the Lincoln Park Subdivision.**

General Information

The alley in this request is located off the south side of W. McPherson Avenue. It is the first north/south alley west of Douglas Parkway. It dead ends into the right of way of Lake Cascades Parkway to the south.

The application was filed by Jane Powell, owner of 211 W. McPherson. The owner of 215 W. McPherson has not signed the petition

Parcel History

None

Staff Analysis

This is an unimproved alley right of way. Currently it is the location of a gravel driveway used by 211 and 215 W. McPherson Avenue as access to their respective garages.

Lake Cascades Parkway was platted as a limited access roadway meaning that no curb cuts would be permitted directly onto that right of way. For that reason, Staff is confident that this alley would probably never be developed by the City.

Staff's only concern with the vacation request is the fact that one of the owners refused to sign the petition. Without a survey to locate current property lines and the center of the alley right of way it is not known where the driveway location falls in relation to either lot. The City can certainly justify vacating this unused right of way. However, if the two homes are to share an access, there will need to be a recorded agreement that should also include shared maintenance. Will this be possible if one of the applicants may be opposed to the vacation?

ENGINEERING

The Engineering Department is not aware of any existing utilities in the alley. Since both abutting properties are currently utilizing the alley for access, a shared drive agreement would be recommended if the vacation is approved. However, since both of the abutting property owners have not signed the petition, the Engineering Department would recommend denying the request at the present time.

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STAFF RECOMMENDATIONS

HRPC Staff recommends approval of the vacation of the right of way subject to approval of the City Engineer and if the homeowners can come to terms on a shared access and maintenance agreement.

ACTION

Thom Hershey moved to recommend denial of the alley vacation petition on the basis that all affected parties had not signed the petition. Joe Opperman seconded the motion. Following is the roll call vote: Mr. Hershey, aye; Mr. Opperman, aye; Mr. Joseph, nay; Mr. Hardy, nay; Mayor Sehnert, aye. Motion carried 3-2.

Pete Sehnert
Mayor

Bruce Hardy
Service Director