

★ **Roll Call Number**

27  
**Agenda Item Number**

27A

Date January 26, 2009

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on January 15, 2009, its members voted 10-1 in support of a motion to recommend **APPROVAL** of the requested vacation of the following segments of right-of-way adjoining the 1301 block of Keosauqua Way subject to provision of easements for any existing utilities and request that the City Council refer any site plan for development of the property to Plan & Zoning for review and approval:

- A) 13<sup>th</sup> Street from Keosauqua Way to School Street (except the north 26 feet).
- B) North/south alley from Keosauqua Way to School Street (except the north 26 feet).

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

FORM APPROVED:

  
 Roger K. Brown  
 Assistant City Attorney

(11-2008-1.19)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLAŠSIS				
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.

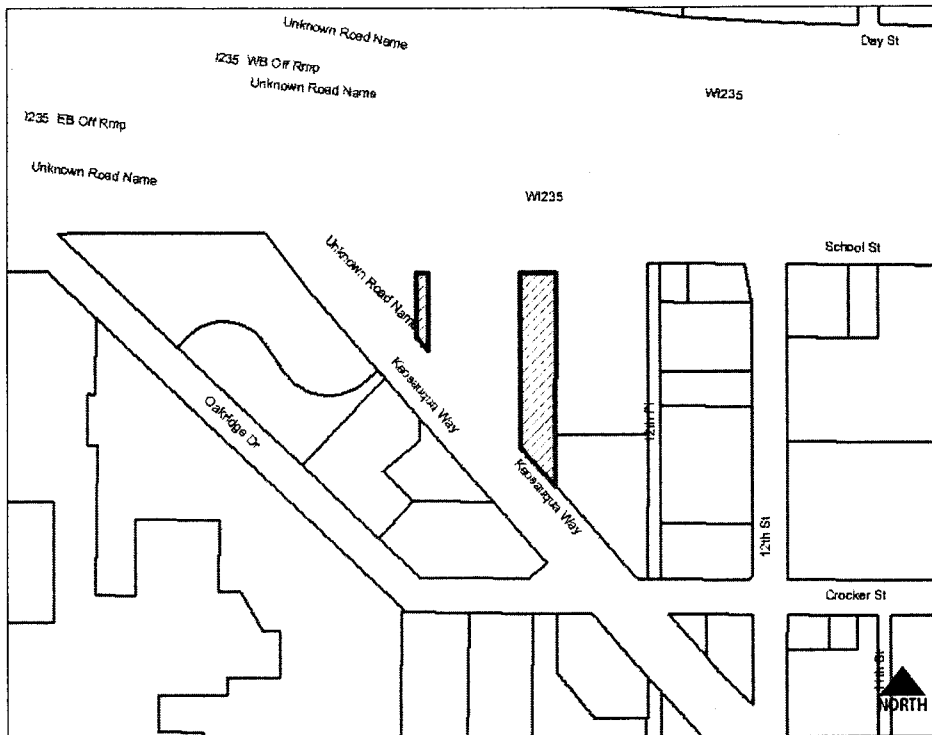
\_\_\_\_\_  
 City Clerk

27A

City Council initiated request for vacation and conveyance of the following segments of right-of-way adjoining the 1301 block of Keosauqua Way: A) 13 <sup>th</sup> Street from Keosauqua Way to School Street (part of Interstate 235). B) North/south alley from Keosauqua Way to School Street (part of Interstate 235).				<b>File #</b> 11-2008-1.19	
<b>Description of Action</b>	Vacation and conveyance of the following segments of right-of-way adjoining the 1301 block of Keosauqua Way: A) 13 <sup>th</sup> Street from Keosauqua Way to School Street (part of Interstate 235). B) North/south alley from Keosauqua Way to School Street (part of Interstate 235).				
<b>2020 Community Character Plan</b>	Downtown: Support Commercial				
<b>Horizon 2025 Transportation Plan</b>	No Planned Improvements.				
<b>Current Zoning District</b>	"R-3" Multiple-Family Residential District				
<b>Proposed Zoning District</b>	"R-3" Multiple-Family Residential District				
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area		3		N/A	
Outside Area					
<b>Plan and Zoning Commission Action</b>	Approval	10-1	<b>Required 6/7 Vote of the City Council</b>	Yes	N/A
	Denial			No	N/A

City Council Initiated - 1301 block of Keosauqua Way

11-2008-1.19



Date \_\_\_\_\_  
 Agenda Item 27A  
 Roll Call # \_\_\_\_\_

January 16, 2009

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 January 15, 2009, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 10-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
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 the requested vacation of the following segments of right-of-way adjoining the 1301 block of Keosauqua Way subject to provision of easements for any existing utilities and a request that the City Council refer any site plan for development of the property to the Plan & Zoning for review and approval.

(11-2008-1.19)

- A) 13<sup>th</sup> Street from Keosauqua Way to School Street (except the north 26 feet).
- B) North/south alley from Keosauqua Way to School Street (except the north 26 feet).

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

Staff recommends approval of the requested vacation subject to provision of easements for any existing utilities.

Written Responses

- 0 In Favor
- 3 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 REPORT**

**I. GENERAL INFORMATION**

- 1. **Purpose of Request:** On December 22, 2008 the City Council voted to receive and file a communication from the City Manager regarding a recommended process and timeline for the site selection, building project and appropriate support services for the Central Iowa Shelter and Services Project on the subject property and adjoining vacant property. The City Council referred to the Plan and Zoning Commission the request to vacate the subject street and alley right-of-way with direction to return their recommendation to the City Council for the January 26, 2009 Council meeting.
- 2. **Size of Site:** The 13<sup>th</sup> Street right-of-way is approximately 23,444 square feet (0.54 acre) in size and the alley right-of-way is approximately 2,127 square feet (0.05 acre) in size.
- 3. **Existing Zoning (site):** "R-3" Multiple-Family Residential District.
- 4. **Existing Land Use (site):** Unimproved right-of-way previously used for an off-ramp from eastbound I-235 to northbound Keosauqua Way.
- 5. **Adjacent Land Use and Zoning:** Unimproved land previously used for an off-ramp from eastbound I-235 to northbound Keosauqua Way
- 6. **General Neighborhood/Area Land Uses:** I-235 is to the north; Keo Way and C-2 office, business service, retail and warehouse uses are to the west (Homes of Oakridge Health Clinic, Hott Off The Presses Printing Company, Iowa Orthotic and Prosthetic); M-1 light industrial uses are to the south and east (Owen Crist Auto Service Repair and Municipal Housing Agency parking lot).
- 7. **Applicable Recognized Neighborhood(s):** N/A. The subject property is located north of the Downtown Neighborhood Association boundary (Center Street), south of the Cheatom Park Neighborhood Association boundary (Interstate 235) and east of the Sherman Hill Association boundary (15<sup>th</sup> Street).
- 8. **Relevant Zoning History:** N/A.
- 9. **2020 Community Character Land Use Plan Designation:** Downtown Support Commercial.
- 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. **Utilities:** No existing utilities have been identified at this time. Easements must be provided any existing utilities should they be identified.
- 2. **Traffic/ Access:** The requested vacation of right-of-way will not impact the surrounding street network since the segments of right-of-way dead end at Interstate 235 right-of-way. There are not any existing or planned street improvements within the subject right-of-way. No properties utilize the right-of-way for access.

## **SUMMARY OF DISCUSSION**

Bert Drost presented staff report and recommendation.

Dann Flaherty asked staff if this request is for the vacation of right-of-way only and has nothing to do with any proposed project the City is instituting with respect to this property.

Bert Drost stated that the Commission is only charged with determining whether or not this right of way is needed for a public purpose such as streets.

Brian Millard stated that he understands that the commission review has nothing to do with what potentially will go on the site, but in many cases the staff as well as the Plan & Zoning Commission has withheld a recommendation to vacate an alley or something causing the property assemblage to force a site plan to come before the Commission first.

Bert Drost acknowledged that staff has recommended that in the past but in this instance staff did not feel it was necessary.

Dann Flaherty asked if there has been any concrete poured for any of these roads that are going to be abandoned.

Bert Drost answered no all of the right-of-ways are "paper" streets/alleys. The North 26 feet of the right-of-ways are actually being excluded since they are close to the I-235 on-ramp.

Dann Flaherty asked if School Street had ever been extended and taken out as the result of the freeway or was that a dead end as it is now.

Bert Drost stated that original cloverleaf ramp had been there since 1960's and School Street had been removed prior to that, and the recent improvement had not changed that.

## **CHAIRPERSON OPENED THE PUBLIC HEARING**

*The following individuals spoke in favor*

Tony Timm, Executive Director of Central Iowa Shelters and Services stated that they have been going through this process to relocate their shelter and this is the first step in getting the land to move forward.

Lynn Fallon, 752 16<sup>th</sup> Street, stated she is in favor.

*The following individuals spoke in opposition*

Lawrence Crist, 3601 Caulder, stated he is in opposition to vacating the property until the Commission knows the proper use. He does not agree with the use.

Greg Mace, 1959 Arlington Avenue, representing some of the members of River Bend Association stated that since the Council recommendation for a process timeline is not being discussed today, they are not necessarily opposed to it.

Jacqueline Easley asked for clarification of whether he and the people he is representing are opposed to the vacation of this property.

Greg Mace stated that it does not make sense to keep streets that are no longer used. However, they are not in support of it because of the underlying project at this time.

Dann Flaherty asked if the members of the River Bend Association would raise their hands so the Commission would have an idea of how many members Greg was representing.

Laura Graham, 1721 7<sup>th</sup> Street, stated that until a site plan or actual development is established she cannot support the vacation.

Donna Beary, 1339 19<sup>th</sup> Street, on the executive board of the King Irving Association stated that she is against anything that speeds the process for placing a homeless shelter on these lots.

Dann Flaherty asked for an explanation of why they should keep these properties instead of vacating them.

Donna Beary stated in order to slow down the City.

Debra Carr, 1105 14<sup>th</sup> Place, asked that the Commission delay the vacation until there is more information about the proposed project that is going to be on this land.

Bruce Heilman asked what she means by more information, are there specifics that she would like to hear.

Debra Carr stated that based on some of the protocols that have happened in the past (process and how things work, vacations, site plans, development issues) concern her. That is why consideration of this item should be delayed at this moment until more information about the plans and development of that area is available.

Dann Flaherty asked if there should be reason for the vacation before it happens.

Debra Carr stated there should be not only a reason but also an understanding about what is going to be developed on the land because there are some other ideas that could potentially be presented. Vacating now would be premature.

### **CHAIRPERSON CLOSED THE PUBLIC HEARING**

Kent Sovern asked who would receive site plans.

Bert Drost stated that a site plan for a homeless shelter would be reviewed administratively.

Greg Jones stated he would support a motion to ask that the site plan come back to the Plan and Zoning Commission for review and approval.

Dann Flaherty asked legal counsel if the Commission can request that any site plan be sent back to them for review and approval.

Mike Kelley stated that the Commission can ask that the site plan be sent back to them for review and approval.

Greg Jones stated he would have no problem in vacating this property, therefore, would like to make the motion to approve the vacation and request that City Council refer any site plan for development of the property to the Plan and Zoning Commission for review and approval.

Brian Millard gave a brief synopsis of the history of the homelessness issue and how he was involved in the Mayor's task force to look at the issues. He stated there are questions remaining such as if this is the best usage of this property and is there a better location. He feels that since the incidence of the recent accident in a homeless camp, there is this huge push to locate something right in our gateway where thousands of cars go by every day. It is a prime

development corridor and he is not sure it is the right thing to do and that he will oppose it because of reasons listed.

Bruce Heilman asked about the consultant study.

Chris Johansen Assistant City Manager gave a brief update on the status of the study. He stated the study is looking at the homeless population throughout the whole community and will be completed in about 6 to 7 months. The task of the study is not to look solely at where to place a shelter or specifically about this project. It is looking at the way leadership over the homeless issues is done in the community; how the City organizes and structures the homeless services; duplication of services; the inventory of what is available for the homeless; what is not available for the homeless; and the resources that are available.

Bruce Heilman asked if there is any part of the study that will address location.

Chris Johansen stated there was no part of the study that will address location.

Dann Flaherty asked if this particular location initiated the study.

Chris Johansen stated there was a Churches United facility planning group that the Des Moines Community Foundation sponsored. As a part of that group, I think they reviewed nine potential sites and out of the nine potential sites they did select this as the site to move forward with.

Dann Flaherty asked if there have been any studies regarding roadways, traffic and transportation on the alleys and roadways, or any future plans for the City to expand into these areas to create additional businesses by opening 13<sup>th</sup> Street.

Chris Johansen stated that he was not aware of any roadway studies on this site.

Brian Millard asked what happened to the Mayor's task force.

Chris Johansen stated that after the trip to Davenport there were a lot of concerns raised from the neighborhood. At that time the shelter looked at what they were proposing for the site as far as services. They did expand the services quite a bit. There was a fundamental change in the project. They initially were looking at doing more of a permanent supportive housing program, and they applied and received a federal grant from HUD. However, after looking at the plans and how they really want to operate, they chose to develop an emergency shelter and they turned down the HUD money.

Brian Millard stated that the citizens had brought forth a lot of issues about this site and the issues have not been addressed.

Dann Flaherty stated that he is not certain if that street would have some benefit or if it could open up some additional businesses along that particular avenue. There has been no study in front of them to indicate that. So maybe the item should be tabled until we get a study that says there's no reason for this.

Larry Hulse stated that the Commission does not receive a study on where every street needs to be. There may be an area such as an alley and often times it includes a rezoning or some other action, such as a site plan. In this case it was looked at whether this right-of-way has ever been used and will it be used in the future. Staff believes the answer is no. A private street would likely be used if future development of the site required that level of access.

Brian Millard stated he would entertain the idea of tabling the motion to vacate.

Z7A

Bruce Heilman stated that this would have stayed on the consent agenda if they did not know the intention of this site, so he will support the motion to vacate.

Dann Flaherty stated that he misled Brian Millard when he suggested that the motion could be tabled. You are allowed to bring forth a motion to continue a debate until the next meeting but not to table a debate.

Brian Millard moved to continue the debate until the February 5, 2009 meeting because he would like to get some information back to issues that have been brought up.

Leisha Barcus asked Chris Johansen that if the Commission supports Greg's motion that this vacation go through with the understanding that we would like the development to come back to the Plan and Zoning Commission for site plan review, would we have the support of the City Manager's Office.

Chris Johansen stated that is hard to answer because it is going to be up to the Council.

Larry Hulse clarified that the Council's direction to the Commission was to give them a recommendation of should it be vacated or not. They did not ask if it should be sold or not. They asked if the public right-of-way is needed for a public purpose.

Mike Simonson stated that he supports the vacation, but he does think there should be a public forum where neighbors have the opportunity to speak about the development of this property. He likes Leisha's question and would like to know if the City Manager's Office would support bringing a site plan to the Commission for review to allow some public dialogue about what it happening on the property.

Chris Johansen stated that he cannot answer that right now and would need to talk to the City Manager.

Bruce Heilman stated he is supporting this tonight not because he wants to limit public input, but that the opportunity will be at the City Council level and the same things can and will be said. We are not limiting opportunity for public debate. We were asked to do this one little piece and at the Council level they get to make the decision and that is where the debate needs to be carried out. He believes the property should be vacated.

Larry Hulse stated that he thinks the debate is best at the Council meeting because they are the ones that are going to make the decision if they are going to fund this project, how it is going to be done, what the design is going to be, and what those issues are. The best discussion will take place there.

### **COMMISSION ACTION**

Greg Jones moved staff recommendation to the requested vacation subject to provision of easements for any existing utilities and request that City Council refer it back to Plan & Zoning for site plan review and approval.

Motion passed 10-1 (Brian Millard in opposition)



Respectfully submitted,

*Bert Drost*  
Bert Drost, AICP  
Senior Planner

BAD:clw

Attachment

Item 11-2008-1.19 Date JAN 9, 2009

I  (am not) in favor of the request.

**RECEIVED**  
(Circle One)

Print Name LAWRENCE H. CRIST  
Signature Lawrence H. Crist  
Address 3601 CAULDER D.W. 50324  
1221 KEOWAY D.W. 50309

JAN 15 2009

COMMUNITY DEVELOPMENT DEPARTMENT

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

THE REASON FOR ACTION IS TO ALLOW  
A SHED TO BE LOCATED ON THIS  
PROPERTY - I DO NOT THINK THIS IS  
THE PROPER PLACE FOR A SHED.  
WAIT FOR THE \$48,000. CONSULTANT.

Item 11-2008-1.19 Date 1/8/09

I  (am not) in favor of the request.

**RECEIVED**  
(Circle One)

Print Name WILLIAM L. CRIST  
Signature William L. Crist  
Address 6749 CARDIFF CT. (JOHNSTON)

JAN 15 2009

COMMUNITY DEVELOPMENT DEPARTMENT

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

THE I-235 INTERCHANGE @ KEOWAY IS ONE OF  
THE LARGEST & MOST HEAVILY TRAVELED  
TO DOWNTOWN DES MOINES. WITH HOPEFUL GROWTH  
COMING TO DOWNTOWN DES MOINES, IT WOULD BE  
SILLY @ THIS TIME TO VACATE THESE RIGHT-OF-WAY.  
LEAVING SOME FLEXIBILITY FOR GROWTH IN THE FUTURE.

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

Item 11-2008-1.19 Date 1.8.09  
I  (am not) in favor of the request.  
(Circle One)  
**RECEIVED**  
Print Name Leah McWilliams  
Signature Leah McWilliams  
Address 950 13th Street

I believe the money that the city  
is proposing to spend to develop  
that land can be better used  
by the purchase and renovation  
of existing buildings that are  
sitting empty in the city.

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