

★ **Roll Call Number**

Agenda Item Number

10

.....
Date
May 8, 2006

WHEREAS, the City Plan and Zoning Commission has advised in the attached letter that at a public hearing held April 20, 2006, the members recommended by a vote of 7-4 for **APPROVAL** of a request from Des Moines Public Schools (owner) 1421 Walker Street represented by Duane Van Hemert (officer) for vacation and conveyance of a portion of the east/west alley adjoining the school property between Walker Street and Maple Street from East 14th Street to Johnson Court, subject to the following conditions:

1. Reservation of easements for the continued use and maintenance of all utilities in place;
2. Provision of an access easement for continued vehicular access to the Elks Lodge off-street parking; and
3. Any redevelopment of the subject right-of-way shall be in accordance with an approved Site Plan with additional landscaping and screening of mechanical equipment as determined necessary by the Community Development Director during Site Plan review.
4. That a specific traffic evaluation report should be prepared by the City Traffic Engineer as part of the Site Plan Review, and the information made available to the Commission.

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

(Continued)

★ **Roll Call Number**

Agenda Item Number

10

Date May 8, 2006

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FORM APPROVED:

Roger K. Brown
 Roger K. Brown
 Assistant City Attorney

(11-2006-1.05)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
KIERNAN				
HENSLEY				
MAHAFFEY				
VLASSIS				
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

Request from Des Moines Public Schools for vacation and conveyance of public right-of-way.			File # 11-2006-1.05	
Description of Action	Vacate and convey the east/west alley between Walker Street and Maple Street from East 14 th Street to Johnson Court.			
2020 Community Character Plan	Commercial: Auto-Oriented Small-Scale Strip Development.			
Horizon 2025 Transportation Plan	No Planned Improvements.			
Current Zoning District	"C-2" General Retail and Highway-Oriented Commercial.			
Proposed Zoning District	NA.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area	0	1	0	N/A
Plan and Zoning Commission Action	Approval	7-4	Required 6/7 Vote of the City Council	Yes
	Denial			No

Des Moines Public Schools - E 14th Street and Walker Street

11-2006-1.05



East/West Alley lying between E 14th & E 15th Streets, Walker & Maple Streets

May 8, 2006

Date _____

Agenda Item 10

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 April 20, 2006, the following action was taken:

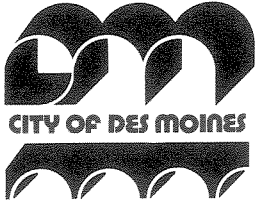
COMMISSION RECOMMENDATION:

After public hearing, the members voted 7-4 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 Des Moines Public Schools (owner) 1421 Walker Street represented by Duane Van Hemert (officer) for vacation and conveyance of a portion of the east/west alley adjoining the school property between Walker Street and Maple Street from East 14th Street to Johnson Court, subject to the following conditions: (11-2006-1.05)

1. Reservation of easements for the continued use and maintenance of all utilities in place;
2. Provision of an access easement for continued vehicular access to the Elks Lodge off-street parking; and
3. Any redevelopment of the subject right-of-way shall be in accordance with an approved Site Plan with additional landscaping and screening of mechanical equipment as determined necessary by the Community Development Director during Site Plan review.
4. That a specific traffic evaluation report should be prepared by the City Traffic Engineer as part of the Site Plan Review, and the information made available to the Commission.



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

Written Responses

0 In Favor

1 In Opposition

This item would not require a 6/7 vote by City Council.

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

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

1. Reservation of easements for location, access to, and maintenance of all utilities in place;
2. Provision of an access easement alternative for the Elks Lodge off-street parking; and
3. Any redevelopment of the subject right-of-way shall be in accordance with additional landscaping and screening of mechanical equipment as determined necessary by the Community Development Director during Site Plan review.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to assemble property for development of a temporary middle school site. The proposal would allow construction of three modular classroom buildings south of the East High School annex.
2. **Size of Site:** 18' x 540' (9,720 square feet) segment of alley right-of-way.
3. **Existing Zoning (site):** "C-2" General Retail and Highway-Oriented Commercial District.
4. **Existing Land Use (site):** Undeveloped alley right-of-way.
5. **Adjacent Land Use and Zoning:**
North - "C-2" Uses are Hawkeye Elks Lodge #160 and East High School Annex.
South - "C-2" Uses are off-street parking for East High School Annex and staging area for IDOT construction.
6. **General Neighborhood/Area Land Uses:** The subject property is located just north of Interstate 235 between the northbound and southbound pair arterials of East 14th Street and Johnson Court. This is an area where the freeway transitions into the East High School campus and commercial uses on the north and west.
7. **Applicable Recognized Neighborhood(s):** Martin Luther King Jr. Park Neighborhood and Capitol East Neighborhood.
8. **Relevant Zoning History:** N/A.
9. **2020 Community Character Land Use Plan Designation:** Commercial: Auto-Oriented, Small-Scale Strip Development.
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:** Mid-American Energy has indicated that there are aerial electric lines and light poles in the alley. Qwest has indicated buried cable and terminals in the alley. Staff recommends that easements be reserved for all utilities in place.
2. **Landscaping & Buffering:** The redevelopment of this block would be highly visible from the freeway. Therefore, staff recommends that landscaping plans and screening of mechanical equipment be provided through the Site Plan review process that are aesthetically appropriate. This may involve more than minimum requirements for plant material, placement, etc. Site plan review is administrative in this instance and would have to be approved by the Community Development Director.
3. **Access or Parking:** A small segment of the alley at the east end is proposed to remain public right-of-way in order to preserve access for an off-premises advertising sign. In addition, staff recommends that access easements be provided on the subject right-of-way so that the Elks Lodge would continue to have access to their off-street parking area.
4. **Urban Design:** The Site Plan approval process would require appropriate screening of refuse containers and mechanical equipment from all public rights-of-way.

SUMMARY OF DISCUSSION

Brook Rosenberg asked to have this item removed for further discussion.

Mike Ludwig: Presented staff report and recommendation.

Brook Rosenberg: Asked what the City's plans for the general area are.

Mike Ludwig: Noted there is private property on both sides of the alley. Explained the reason for the request and noted the Commission can make suggestions on architecture and they can be forwarded to the City Council for consideration when the property is conveyed. Noted the property would be used for modular classrooms units while other facilities are being renovated.

David Cupp: Suggested something should be attached to the Commission's recommendation to enforce the school district's long-range plans.

Brook Rosenberg: Asked if the City has any long-term plans for the "triangle" in tandem with the School District.

Mike Ludwig: Noted there is currently no discussion between the City and the School District regarding the subject site beyond the subject request.

Larry Hulse: Noted there has been no detailed site plan, but likely would have, only know they want to vacate the alley and use it for modular classrooms. Part of the question is if there are any needs for public access. Noted the subject request fits the model of typical vacations.

Duane VanHemert, Executive Director of Facilities Management, DMPS, 1601 18th Street, Des Moines: Explained the history of the building and the current use of the building, indicating the District invested over \$2,000,000 on the facility. Noted some of the air conditioning work done on the south side of the building is unsightly. The grassy area is owned by the IDOT and has been used for dirt from the I-235 construction. Noted the District has a contract to purchase that property, in addition to another piece of property. DMPS will maintain that parcel (west of the parking lot). Indicated the Elks Lodge accesses their

parking lot from the driveway and will continue to use it; the DMPS already has an agreement with them. The District is currently in discussions with the Elks Lodge in an attempt to purchase that parcel as well. The plans are to purchase the entire block for East High usage during construction and to eventually place Scavo alternative school there in 2009. There may be an additional structure built in the rear. Hiatt Middle School will be moving into the building in the near future. Another concern is parking, but there is a site plan showing a parking lot to the north of Walker Street to accommodate the staff. Three 6-plex mobile units are to be placed for classrooms in the next three years.

Brook Rosenberg: Asked about the building being a temporary structure for the freshman of East High and for housing middle school kids. Asked what the drop-off plan is.

Duane VanHemert: Noted the building itself was never intended to be temporary. Explained security guards had to be supplied when the facility was being used for East High students so they could cross E. 14th Street. When the middle school students are there the entire block will have a drop-off lane and there will be no concern with crossing E. 14th because the students will be maintained at the facility. All parking along Walker Street will be eliminated.

Brook Rosenberg: Asked why there was no traffic study from traffic and transportation. Expressed concern for the safety of the kids.

Larry Hulse: Noted the request is for vacation with the alleyway only so there is no traffic study.

Tim Urban: Asked why the School District will have no oversight on the site.

Larry Hulse: Explained and noted when the buildings are placed they will need to meet setback requirements and there will be an administrative review of a site plan.

Dann Flaherty: Expressed concern for the traffic flow down Walker. Asked if the alley would be used to support some traffic flow.

Duane VanHemert: Noted the use of the alley will be to provide walk space. The only traffic is down the north/south driveway to the Elks Lodge. The IDOT has said "no more access off E. 14th". They suggested to T&T about making Walker Street one way and have Buchanan one-way going the other direction. Noted they do not want traffic passing down the alley because there will be auxiliary buildings back there. Noted the tax payers will be paying for the project.

Brian Millard: Expressed interest in the one-way streets and suggested sending a recommendation to the Traffic Department.

Duane VanHemert: City Traffic Department was reluctant to turn the streets into one-way.

Kaye Lozier: Asked if the School District would continue to use the site for the middle school if the Commission did not approve the vacation.

Duane VanHemert: Explained they would use it anyway. Added the City has rigid standards regarding the mobile classrooms and noted there are other areas that have more traffic issues but the schools learn to deal with those issues.

CHAIRPERSON OPENED THE PUBLIC HEARING

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

CHAIRPERSON CLOSED THE PUBLIC HEARING

Tim Urban: Moved staff recommendation with the stipulation that staff review the site plan and require a specific traffic evaluation report be prepared by the City Traffic Engineer and the information be made available to the Commission. Reluctant to bring it up to be picked apart and

agreed the DMPS is a competent applicant regarding traffic issues and suggested the District's competency should be respected as long as there is oversight at the staff level.

David Cupp: Suggested since there are already discussions with the City's Traffic department that the item be continued to allow time for a traffic report.

Tim Urban: Noted the School District is on a tight schedule; did not want to continue.

Bruce Heilman: Concurred with the staff recommendation and commended the school district for their plans.

Dann Flaherty: Expressed concerns; felt the alley to be the perfect opportunity for traffic. Voting against the motion due to safety.

Tim Urban: Noted vacating the alley does not preclude it from being used for circulation.

Motion passed 7-4 (Dann Flaherty, Fran Kontz, Brook Rosenberg & Brian Meyer were in opposition).

Respectfully submitted,


Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment

Item 11-2006-1-05

Date 4/14/06

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

RECEIVED

APR 18 2006

**COMMUNITY DEVELOPMENT
DEPARTMENT**

Print Name PATRICIA L JOHNSON

Signature Patricia L Johnson

Address 14 NB Walker st

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

PLEASE DO NOT CLOSE ALLEY BETWEEN
WALKER & MAPLE ST - IT WILL BLOCK ME IN
PROPERTY OWNER - THANK YOU -