

★ Roll Call Number

Agenda Item Number

49C

.....  
Date May 21, 2007  
.....

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 3, 2007, its members voted 14-0 in support of a motion to recommend approval of a request from Cottage Grove Homes, L.C., represented by Larry James, Jr. (officer), as owner of the adjoining property at 1011 24<sup>th</sup> Street, for vacation and conveyance of the west 15 feet of a segment of Cottage Grove Avenue where it connects to Interstate 235 east of and adjoining 2325 School Street, 1005 24<sup>th</sup> Street, 1009 24<sup>th</sup> Street, and 1011 24<sup>th</sup> Street subject to any required release of the property by the Iowa DOT based on the 28E agreement with the City for the Interstate 235 reconstruction project.

MOVED by \_\_\_\_\_ to receive and file, and refer to the City Manager for implementation in accordance with the City's standard property disposition procedures.

FORM APPROVED:

Roger K. Brown  
Roger K. Brown  
Assistant City Attorney

(11-2007-1.10)

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

MOTION CARRIED APPROVED

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.

\_\_\_\_\_  
Mayor

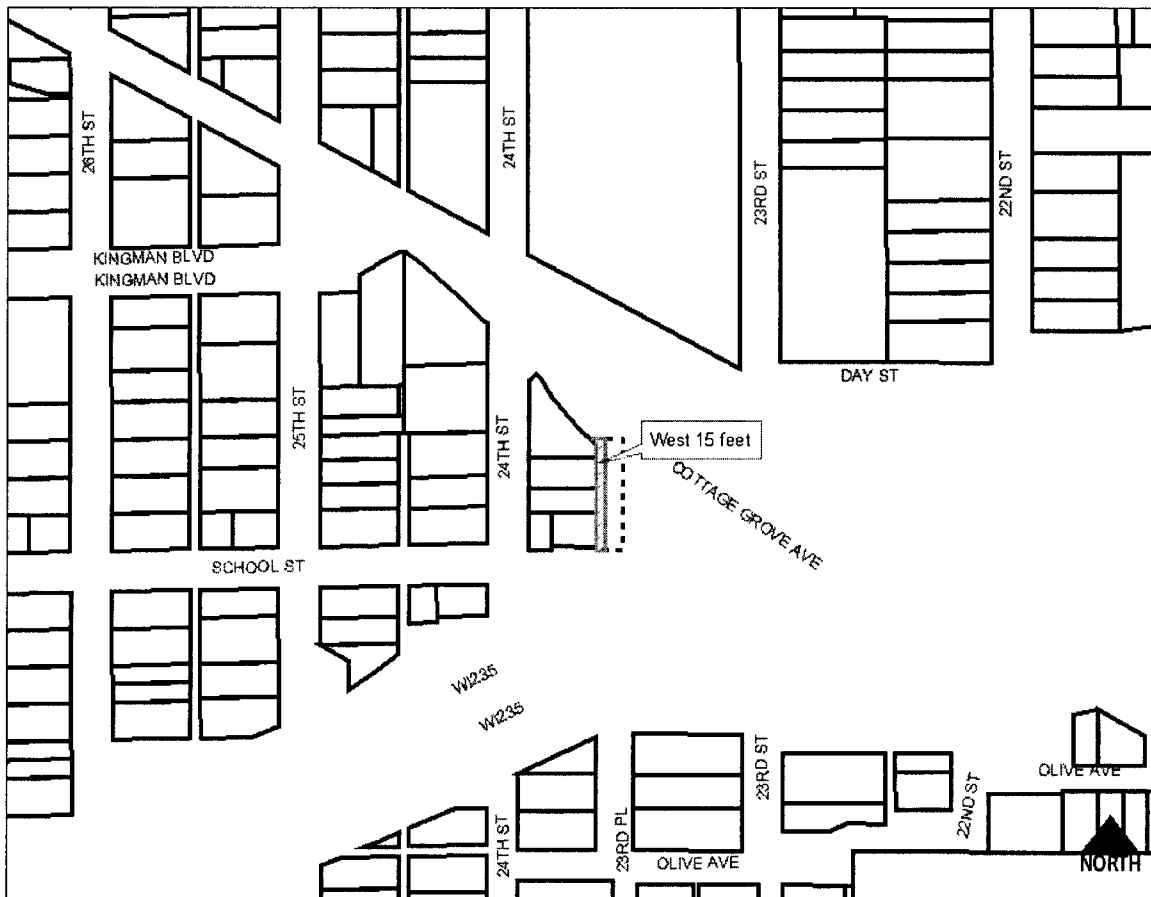
\_\_\_\_\_  
City Clerk

49C

Request from Cottage Grove Homes, L.C. (owner) 1011 24 <sup>th</sup> Street, for vacation and conveyance.				File #	
				11-2007-1.10	
<b>Description of Action</b>	Vacate and convey the west 15 feet of a segment of Cottage Grove Avenue where it connects to Interstate 235 east of and adjoining 2325 School Street, 1005 24 <sup>th</sup> Street, 1009 24 <sup>th</sup> Street, and 1011 24 <sup>th</sup> Street.				
<b>2020 Community Character Plan</b>	Low/Medium Density Residential				
<b>Horizon 2025 Transportation Plan</b>	No Planned Improvements				
<b>Current Zoning District</b>	"R1-60" One-Family Low-Density Residential				
<b>Proposed Zoning District</b>	N/A				
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area	0	0	0	N/A	
<b>Plan and Zoning Commission Action</b>	<b>Approval</b>	14-0	<b>Required 6/7 Vote of the City Council</b>	Yes	
	<b>Denial</b>			No	N/A

Cottage Grove Homes, LC - 1011 24th Street

11-2007-1.10



May 21, 2007

Date \_\_\_\_\_

Agenda Item 49C

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 May 3, 2007, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 14-0 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			
Jim Martin	X			
Brian Millard	X			
Brook Rosenberg	X			
Mike Simonson	X			
Kent Sovern	X			
Tim Urban	X			
Marc Wallace	X			



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

**APPROVAL** of a request from Cottage Grove Homes, L.C., represented by Larry James, Jr. (officer), as owner of the adjoining property at 1011 24<sup>th</sup> Street, for vacation and conveyance of the west 15 feet of a segment of Cottage Grove Avenue where it connects to Interstate 235 east of and adjoining 2325 School Street, 1005 24<sup>th</sup> Street, 1009 24<sup>th</sup> Street, and 1011 24<sup>th</sup> Street subject to any required release of the property by the Iowa DOT based on the 28E agreement with the City for the Interstate 235 reconstruction project. (11-2007-1.10)

Written Responses

0 In Favor  
0 In Opposition

**STAFF RECOMMENDATION AND BASIS FOR APPROVAL**

Staff recommends approval of the requested vacation and conveyance subject to any required release of the property by the Iowa DOT based on the 28E agreement with the City for the Interstate 235 reconstruction project.

## STAFF REPORT

### I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to assemble land to provide a shared private access to garages accessory to three (3) single-family detached dwelling lots. Two homes have recently been moved to these lots from the neighborhood west of the Drake University Campus being redeveloped with student apartments.
2. **Size of Site:** Approximately 2,625 square feet.
3. **Existing Zoning (site):** "R1-60" One-Family Low Density Residential District.
4. **Existing Land Use (site):** Undeveloped right-of-way.
5. **Adjacent Land Use and Zoning:**
  - East* – "R1-60", Use is undeveloped right-of-way.
  - West* – "R1-60", Uses are single-family dwellings and vacant land.
6. **General Neighborhood/Area Land Uses:** The subject property is within the transition area between I-235 at Cottage Grove bridge and the residential neighborhood south of Drake University/University Avenue pedestrian commercial corridor.
7. **Applicable Recognized Neighborhood(s):** Drake Neighborhood Association and Drake Park Neighborhood Association.
8. **Relevant Zoning History:** N/A.
9. **2020 Community Character Land Use Plan Designation:** Low/Medium Density Residential
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 utilities have been identified within the subject right-of-way area requested for vacation.
2. **Traffic/Street System:** Comments from Iowa DOT indicate the need to maintain the portion east of the 2325 School Street property, to accommodate noise wall installation as part of the remaining Interstate 235 improvements. Staff recommends that this portion be removed from consideration for vacation at this time. The City has entered into a 28E agreement to provide City owned property for right-of-way needs for the I-235 project. Portions of this property may require a release from the Iowa DOT prior to final conveyance.
3. **Access or Parking:** The proposal would provide access to three single-family lots fronting 24<sup>th</sup> Street to rear yard accessory garages. Shared access easements in favor of those property owners would be put in place

### SUMMARY OF DISCUSSION

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

Fran Koontz: Moved for approval of the requested vacation and conveyance subject to any required release of the property by the Iowa DOT based on the 28E agreement with the City for the Interstate 235 reconstruction project.

Motion approved 14-0.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Erik Lundy". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Erik Lundy, AICP  
Senior Planner

EML:dfa

Attachment