

Date August 24, 2009

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on August 6, 2009, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request by Mid-American Recycling, LLC d/b/a Greenstar (owner), 2744 East Market Street, for vacation of a dead-end segment of Southeast 28<sup>th</sup> Street running north of East Market Street, subject to the following conditions:

1. Reservation of easements for existing utilities in place.
2. Reservation of a public access easement adequate for traffic turning between Southeast 28<sup>th</sup> Street and East Market Street immediately east of the subject property.

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

FORM APPROVED:

  
 Michael F. Kelley  
 Assistant City Attorney

(11-2009-1.11)

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

Date \_\_\_\_\_ 19  
 Approved \_\_\_\_\_  
 Received \_\_\_\_\_

August 14, 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 August 6, 2009, the following action was taken:

**COMMISSION RECOMMENDATION:**

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

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	X			
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Dann Flaherty				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 request from Mid-America Recycling, LLC d/b/a Greenstar (owner) 2744 East Market Street represented by Michael Barry (officer), for vacation of a dead end segment of Southeast 28<sup>th</sup> Street running north of East Market Street subject to the following conditions: 11-2009-1.11

1. Reservation of easements for existing utilities in place.
2. Reservation of a public access easement adequate for traffic turning between Southeast 28<sup>th</sup> Street and East Market Street immediately east of the subject property.

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

Staff recommends approval of the request for vacation of right-of-way subject to the following conditions:

1. Reservation of easements for existing utilities in place.
2. Reservation of a public access easement adequate for traffic turning between Southeast 28<sup>th</sup> Street and East Market Street immediately east of the subject property.



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:** The applicant is requesting the vacation of the dead end segment of Southeast 28<sup>th</sup> Street in order to incorporate it with the existing Greenstar Recycling site.
2. **Size of Site:** 60-foot by 75-foot segment. (4,500 square feet)
3. **Existing Zoning (site):** "M-2" Heavy Industrial District on the West half, and "M-1" Light Industrial District on the East half.
4. **Existing Land Use (site):** Improved paved street. The developed street transitions into the private driveway of the recycling operation.
5. **Adjacent Land Use and Zoning:**
  - North** – "M-2", Use is Greenstar Recycling.
  - South** – "M-1", "M-2", and "R1-60", Uses are single-family dwellings.
  - East** – "M-1", Use is vacant timbered land.
  - West** – "M-2", Use is Greenstar Recycling.
6. **General Neighborhood/Area Land Uses:** The subject property is surrounded by: a low density residential area to the south, a heavy industrial area to north and west, and undeveloped property designated for industrial use to the east.
7. **Applicable Recognized Neighborhood(s):** N/A.
8. **Relevant Zoning History:** N/A.
9. **2020 Community Character Land Use Plan Designation:** General Industrial.
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 identified existing overhead electrical utilities and underground gas main within the requested segment of street right-of-way. Des Moines Waterworks has indicated that there is a 16 inch feeder water main within the requested segment of street. Easements must be maintained for any existing utilities unless other arrangements are approved by the affected utility.
2. **Traffic/Street System:** The proposed vacation will not impact traffic or vehicular access as all the properties that adjoin the street segment are held by a common owner, Mid-America Recycling, LLC. Staff recommends that a public access easement be reserved across the southern 20 feet of the requested right-of-way for traffic in Southeast 28<sup>th</sup> Street to turn onto East Market Street immediately east of the subject right-of-way. The travelled portion of East

Market Street running east of Southeast 28<sup>th</sup> Street physically overlaps onto private property which is also owned by the applicant.

**SUMMARY OF DISCUSSION**

*There was no discussion.*

**CHAIRPERSON OPENED THE PUBLIC HEARING**

*There was no one in the audience to speak in opposition.*

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

*There was no discussion.*

**COMMISSION ACTION**

Jeffrey Johannsen moved staff recommendation to approve the request for vacation of right-of-way subject to the following conditions:

1. Reservation of easements for existing utilities in place.
2. Reservation of a public access easement adequate for traffic turning between Southeast 28<sup>th</sup> Street and East Market Street immediately east of the subject property.

Motion passed 11-0.

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:clw

Attachment

Request from Market Street Properties, Inc. (owner) 2740 East Market Street represented by Michael Barry (officer), for vacation of a dead end segment of Southeast 28 <sup>th</sup> Street running north of East Market Street.				<b>File #</b> 11-2009-1.11	
<b>Description of Action</b>	Vacation of a dead end segment of Southeast 28 <sup>th</sup> Street running north of East Market Street.				
<b>2020 Community Character Plan</b>	General Industrial				
<b>Horizon 2025 Transportation Plan</b>	No Planned Improvements				
<b>Current Zoning District</b>	"M-1" Light Industrial District & "M-2" Heavy Industrial District				
<b>Proposed Zoning District</b>	"M-1" Light Industrial District & "M-2" Heavy Industrial District				
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area				N/A	
Outside Area					
<b>Plan and Zoning Commission Action</b>	Approval	11-0	<b>Required 6/7 Vote of the City Council</b>	Yes	N/A
	Denial			No	N/A

Market Street Properties Inc. - 2742 E Market Street

11-2009-1.11

