

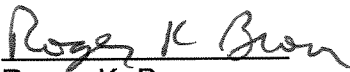
September 11, 2006

Date

WHEREAS, the City Plan and Zoning Commission has advised in the attached letter that at a public hearing held August 17, 2006, the members recommended by a vote of 12-0 for **APPROVAL** of a request from Oscar Padilla, owner of 605 Scott Street, for vacation and conveyance of a segment of the adjoining dead-end north/south alley extending south from Scott Street between SE 6th and SE 7th Streets, subject to the provision of easements for all existing utilities.

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

FORM APPROVED:


 Roger K. Brown
 Assistant City Attorney

(11-2006-1.20)

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

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.

MOTION CARRIED APPROVED

 Mayor

 City Clerk

September 11, 2006

Date _____

Agenda Item 22

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 August 17, 2006, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 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			
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 Oscar Padilla, owner of 605 Scott Street, for vacation and conveyance of a segment of the adjoining dead-end north/south alley extending south from Scott Street between SE 6th and SE 7th Streets, subject to the provision of easements for all existing utilities. (11-2006-1.20)

Written Responses

0 In Favor

1 In Opposition

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Staff recommends approval of the requested vacation and conveyance subject to the provision of easements for all existing utilities.



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 owns property on both sides of most of the subject alley, which are used in common for his contracting business. The applicant wishes to assemble the alley as part of his site. Staff has received signed consent forms from the adjoining property owners.
2. **Size of Site:** 18' x 224'.
3. **Existing Land Use (site):** Gravel alley.
4. **Existing Zoning (site):** "M-1" Light Industrial District, "R1-60" One Family Low-Density Residential and Gambling Games Prohibition Overlay District.
5. **Adjacent Land Use and Zoning:**
 - North* - "M-1", Uses are light industrial.
 - East* - "M-1" & "R1-60", Uses are contractor storage and automotive repair.
 - South* - "R1-60" & "M-1", Use is a civil engineering testing laboratory.
 - West* - "M-1" & "R1-60", Uses are contractor's office and single-family residential.
6. **General Neighborhood/Area Land Uses:** The requested right-of-way is located in a transitional area between the East Village and the Des Moines River consisting of a mix of residential, industrial and commercial uses.
7. **Applicable Recognized Neighborhood(s):** None.
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:** MidAmerican Energy has a gas main in a portion of the alley and is requesting the reservation of an easement to allow for its continued operation and maintenance. Qwest has multiple buried cables in the subject alley and has requested that the alley not be vacated unless the applicant pays for the relocation of the facilities. Staff believes that the reservation of an easement for the continued operation and maintenance of these facilities is sufficient.
2. **Access/Traffic:** The subject alley is a dead-end and does not appear to be utilized for access to any of the adjoining properties other than the applicant's. Staff believes that the requested vacation and conveyance will have no impact on the street system or traffic in the area.

- 3. Additional Information:** The subject alley is split zoned. The northern 112' is zoned "M-1" and the southern 112' is zoned "R1-60". The residentially zoned portion of the alley can not be used for any commercial functions associated with the applicant's property.

SUMMARY OF DISCUSSION

There was no one in the audience to speak on this item and there was no discussion.

Brian Millard moved to approve the requested vacation and conveyance subject to the provision of easements for all existing utilities. Motion passed 12-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:dfa

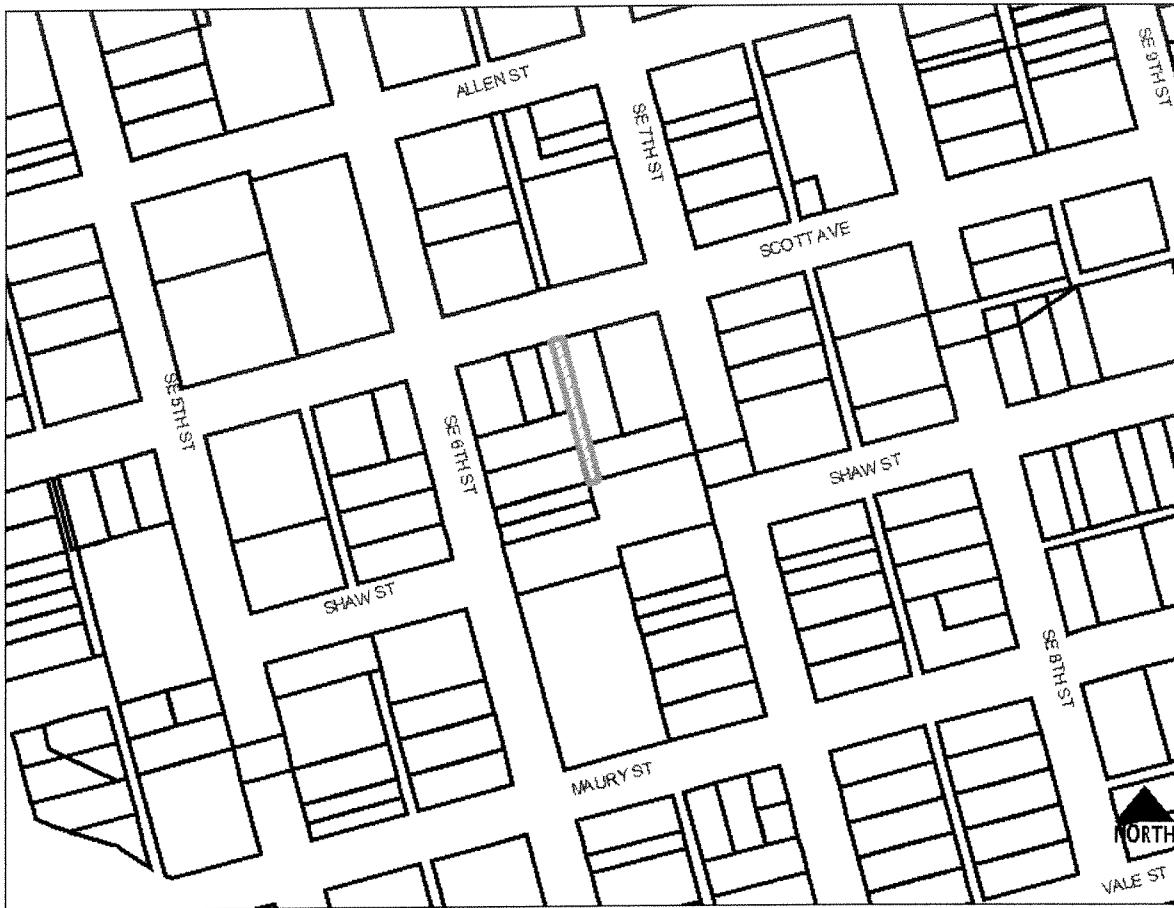
Attachment

22

Request from Oscar Padilla (owner) 605 Scott Street, for vacation and conveyance.			File #	
			11-2006-1.20	
Description of Action	Vacate and convey a segment of dead-end alley adjoining the subject property running north/south between SE 6 th Street and SE 7 th Street extending from Scott Street.			
2020 Community Character Plan	General Industrial.			
Horizon 2025 Transportation Plan	No Planned Improvements.			
Current Zoning District	"R1-60" One-Family Low-Density Residential and "M-1" Light Industrial Districts.			
Proposed Zoning District	"R1-60" One-Family Low-Density Residential and "M-1" Light Industrial Districts.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area	0	1	0	<20%
Plan and Zoning Commission Action	Approval	12-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

Oscar Padilla - 605 Scott Avenue

11-2006-1.20



Item 11-2006-1-20 Date 8-14-06

I (am) (am not) in favor of the request
(Circle One)

RECEIVED

AUG 15 2006

COMMUNITY DEVELOPMENT
DEPARTMENT

Print Name Harvey Hascall

Signature Harvey Hascall

Address 623 SE 6th St.

Om IA.

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

I need to use alley to get to my home and park my vehical, my parking in the back of my home is the only place for me to park, There is no parking in the front of my home on SE-6th St.