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October 23, 2006

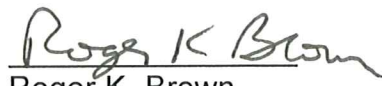
**Date** .....

WHEREAS, the City Plan and Zoning Commission has advised in the attached letter that at a public hearing held October 5, 2006, the members recommended by a vote of 8-0-1 for **APPROVAL** of a request from Neighborhood Development Corporation represented by Carol Bower (officer), as owner of 408 East 30<sup>th</sup> Street, for vacation and conveyance of the east 200' of the adjoining east/west alley extending west from East 30<sup>th</sup> Street between East Grand Avenue and East Capitol Avenue, subject to the following conditions:

1. Reservation of easements for all utilities in place.
2. Provision of a public ingress/egress easement through the applicant's site to either East Grand Avenue or Capitol Avenue from the eastern end of the remaining alley in the block.

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

(11-2006-1.30)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
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

Request from Neighborhood Development Corporation (owner), 408 East 30 <sup>th</sup> Street, represented by Carol Bower (officer), for vacation and conveyance.				<b>File #</b> 11-2006-1.30	
<b>Description of Action</b>	Vacate and convey the east 200' of the east/west alley running west of East 30 <sup>th</sup> Street between East Grand Avenue and East Capitol Avenue.				
<b>2020 Community Character Plan</b>	Low-Density Residential and Commercial: Auto-Oriented Small-Scale Strip Development				
<b>Horizon 2025 Transportation Plan</b>	No Planned Improvements				
<b>Current Zoning District</b>	"R1-60" One-Family Low-Density Residential and "C-2" General Retail and Highway-Oriented Commercial District				
<b>Proposed Zoning District</b>	"R1-60" One-Family Low-Density Residential and "C-2" General Retail and Highway-Oriented Commercial District				
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area	1	1	0	N/A	
<b>Plan and Zoning Commission Action</b>	<b>Approval</b>	8-0-1	<b>Required 6/7 Vote of the City Council</b>	Yes	
	<b>Denial</b>			No	N/A

11-2006-1.30

Neighborhood Development Corp. - Alley Vacation - Vicinity E 30th St and E Grand Ave



October 23, 2006

Date \_\_\_\_\_

Agenda Item 23

Roll Call # \_\_\_\_\_

Honorable Mayor and City Council  
City of Des Moines, Iowa

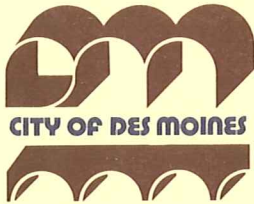
Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held October 5, 2006, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 8-0-1 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			



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 Neighborhood Development Corporation represented by Carol Bower (officer), as owner of 408 East 30<sup>th</sup> Street, for vacation and conveyance of the east 200' of the adjoining east/west alley extending west from East 30<sup>th</sup> Street between East Grand Avenue and East Capitol Avenue, subject to the following conditions: (11-2006-1.30)

1. Reservation of easements for all utilities in place.
2. Provision of a public ingress/egress easement through the applicant's site to either East Grand Avenue or Capitol Avenue from the eastern end of the remaining alley in the block.

Written Responses

- 1 In Favor
- 1 In Opposition

## 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 all utilities in place.
2. Provision of a public ingress/egress easement through the applicant's site to either East Grand Avenue or Capitol Avenue.

## STAFF REPORT

### I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to vacate the east 200' of an alley in order to assemble the alley right-of-way for redevelopment of the adjoining properties with a hotel. Since numerous properties utilize the alley for access, the applicant must provide ingress/egress for the remaining portion of the north/south alley through the commercial site.

The applicant has indicated they intend to apply for vacation and conveyance of the portion of Capitol Avenue to a point 200' west of East 30<sup>th</sup> Street for consideration at a later date.

2. **Size of Site:** 18' x 200' or 3,600 square feet (0.08 acre).
3. **Existing Zoning (site):** "C-2" General Retail and Highway-Oriented Commercial District.
4. **Existing Land Use (site):** East/west alley.
5. **Adjacent Land Use and Zoning:**
  - North* – "C-2", Use is a single-family dwelling slated for demolition.
  - South* – "C-2", Use is an unoccupied commercial structure slated for demolition.
6. **General Neighborhood/Area Land Uses:** The subject alley intersects a block that is predominantly single-family residential with a commercial properties fronting East 30<sup>th</sup> Street directly across from the Iowa State Fairgrounds.
7. **Applicable Recognized Neighborhood(s):** Fairground 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:** Easements must be provided for all existing public utilities in place until such time they are relocated at the applicant's expense. No utilities have been identified at this time.

- 2. **Access/Parking:** In order to maintain appropriate through access for properties adjoining the balance of east/west alley, the requested vacation and conveyance must be subject to provision of a public ingress/egress easement through the applicant's site to either East Grand Avenue or Capitol Avenue.
- 3. **Traffic/Street System:** There are no modifications to the surrounding street network proposed or made necessary by the requested vacation of east/west alley right-of-way.

**SUMMARY OF DISCUSSION**

Jason Van Essen: Presented staff report and recommendation.

Carol Bower, Executive Director, Neighborhood Development Corporation, 601 Forest Avenue, Des Moines: Explained in 2001 a group approached the NDC and asked them to acquire the property across from the main entrance at the State Fairgrounds to provide a quality project, preferably a limited use hotel. The Board agreed to do the project and research was done and funds were raised. On September 28, 2004 NDC held a public meeting and asked the City for the names of residents that needed to be informed and tied the meeting into the Fairgrounds neighborhood meeting to propose the limited use hotel and a potential pedestrian mall. The response at the meeting was a major concern to storm water runoff and flooding and what would the hotel do to the area. NDC decided to address the issue and they hired Snyder and Associates to study the storm sewer and delineate the flood boundary. Snyder and Associates agreed a letter of map amendment would be completed and sent to FEMA to change the flood plain in the area. Explained the request to reroute the alley and explained there would need to be 12" of fill to bring the area out of the flood plain. Contacted the Polk County Supervisors and the City of Des Moines for additional funding. Polk County agreed to a \$300,000 grant and the City of Des Moines agreed to match those funds. Explained Snyder and Associates have worked with the City to solve the problem of where the water will go. The City has rebuilt the E. 29<sup>th</sup> Street storm sewer and the goal is to route the water down E. 30<sup>th</sup> Street to keep it out of homeowners' yards. NDC will not be the developer it will be LandStar Hotel, who will present the site plan at the next P&Z meeting. She presented a letter of recommendation from the Fairgrounds Neighborhood association and the Eastside Chamber of Commerce. The Conceptual site plan shows the permanent alley exiting on East Grand. Noted if vacation does not go forward there will not be a project.

Roger Brown: Noted as part of this project and other economic development projects, there is a conceptual development plan similar to a site plan that is approved at City Council; expected the conceptual plan will go before the city Council and the vacation of the alley will be approved by City Council as well.

Dann Flaherty: Expressed concern for water and suggested looking at detention basins.

Carol Bower: Noted they are required to do that.

Dann Flaherty: Asked them to look into permeable surfaces while going through the site plan process.

Carol Bower: Noted the architects and engineers have already looked at that.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

*There was no one in the audience to speak in favor of this request.*

*The following individuals spoke in opposition:*

Mike Woods, 2949 Capitol: Expressed concern for water runoff; curbs are higher than normal curbing and the water comes up over the curbs into his yard and driveway. Indicated a member of

City staff said the grade drops 3-4' from up by the grain elevators at about E. 19<sup>th</sup> to East 30<sup>th</sup> Street, which is a minimal grade and causes the water to back up. Noted some residents only have access from the alley. Suggested there needed to be more studies done. Expressed concern for children and traffic on Capitol.

Bruce Heilman: Asked if the problem is strictly storm water runoff. Asked staff why there was flood plain designation.

Mike Ludwig: Suggested there could be more information provided during site plan review.

Larry Hulse: Noted one of the conditions would be to allow cars to continue to access the alley across the hotel property.

Mike Woods: Noted there are fishing boats and motor homes in the neighborhood that would need to cut across the hotel lot.

Larry Hulse: Noted having enough radius so people can make the turn will need to be looked at.

Greg May, 2916 Capitol Avenue: Has a 33' motor home; expressed concern that the alley will go out to Capitol. Indicated the alley is his driveway and the alley is plowed before E. 30<sup>th</sup> is plowed. Indicated he is not against the hotel and noted he buys flood insurance, but raising the subject site will not raise his property. Concerned with where the water will go and how he will get out the other end.

Darlene Jesse, 2621 E. Sheridan: 2905 E. Grand and 415 E. 29<sup>th</sup> Street are her properties. There is a problem with water; up over the curbs. Questioned what would happen when they raise the subject property.

Carol Bower: Noted they have been assured by Snyder and Associates that filling the subject site will have a positive impact on the properties within the block as filling it in will take all the houses on the block out of the flood plain. Blocking the backup coming in will reroute the water down E. 30<sup>th</sup> Street.

Tim Urban: Indicated Snyder will need to explain how the project will divert water in another direction; also asked who the owners will be.

Carol Bower: Noted the owner will be a franchise. NDC has site control of the property and they are requesting the vacation of the alley to begin some grading. The alley would temporarily be rerouted onto Capitol until all the grading is completed. The owner will be LandStar Development out of Coralville, Iowa. They do choice hotels and are proposing a Cambria Suites on the site. NDC will not be developer and will not have any equity interest in the property. They have a passive position; interviewed four developers for the project.

*Kaye Lozer left the meeting at 8:55 p.m.*

David Cupp: Asked if the City has a new infrastructure coming into place as far as the storm water.

Carol Bower: Indicated there is and the 29<sup>th</sup> Street storm sewer has already been replaced.

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

Marc Wallace: Moved staff recommendation.

Larry Hulse: Clarified the action is for vacation of the alley and noting the easements that would need to be set up so the alley could continue to work.

David Cupp: Asked if the neighbors' questions will be addressed at the final site plan stage.

Larry Hulse: Affirmed and noted staff understands the turning radius problems and making sure the residents can get in and out and will be looking at that issue during the site plan, along with the storm water issues.

Motion passed 8-0-1 (Dann Flaherty abstained).

Brian Millard: Asked that Stormwater Management of the Public Works Department attend the meeting when the site plan returns to discuss the storm sewers and the issues in the area and if the storm sewer can handle it.

Motion passed 13-0.

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:dfa

Attachment

Item 11-2006 130

Date 9.26.06 23

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

(Circle One)

RECEIVED

SEP 28 2006

Print Name Stephen R. Smith

Signature [Handwritten Signature]

Address \_\_\_\_\_

COMMUNITY DEVELOPMENT  
DEPARTMENT

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

ABS INC

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Item 11-2006 130

Date 9-26-06

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

(Circle One)

RECEIVED

Print Name

THOMAS C REEVES

SEP 27 2006

Signature

Thomas Reeves

COMMUNITY DEVELOPMENT DEPARTMENT

Address

2908 Capitol Ave

DES MOINES IA 50317

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

Blocking the Alley is no option.  
To Surface for a few when the  
whole block is in need for their  
homes especially during the fair  
for getting in & out of traffic.  
Also for a few to prohibit & the rest not,  
Find another place.