


Date October 27, 2008

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 16, 2008, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from Jeff Law (owner), 812 Virginia Avenue for vacation and conveyance of a dead end segment of the east/west alley adjoining the subject property between Virginia Avenue and Pleasant View Drive west of Southwest 7th Street subject to the following conditions:

1. Provision of easements for any existing utilities until such time they are relocated at the applicant's expense.
2. A no-build easement shall be provided on the southernmost 5 feet of the right-of-way if the property owner at 805 Pleasant View Drive does not acquire a portion of the right-of-way adjoining their property in order to preserve the 6-foot building separation required by the Building Fire Code.
3. Construction of any accessory structure on the requested right-of-way and/or on an adjoining property shall be in accordance with all applicable building codes with issuance of all necessary permits by the Permit and Development Center.

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

FORM APPROVED:



Michael F. Kelley
Assistant City Attorney

(11-2008-1.15)

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.

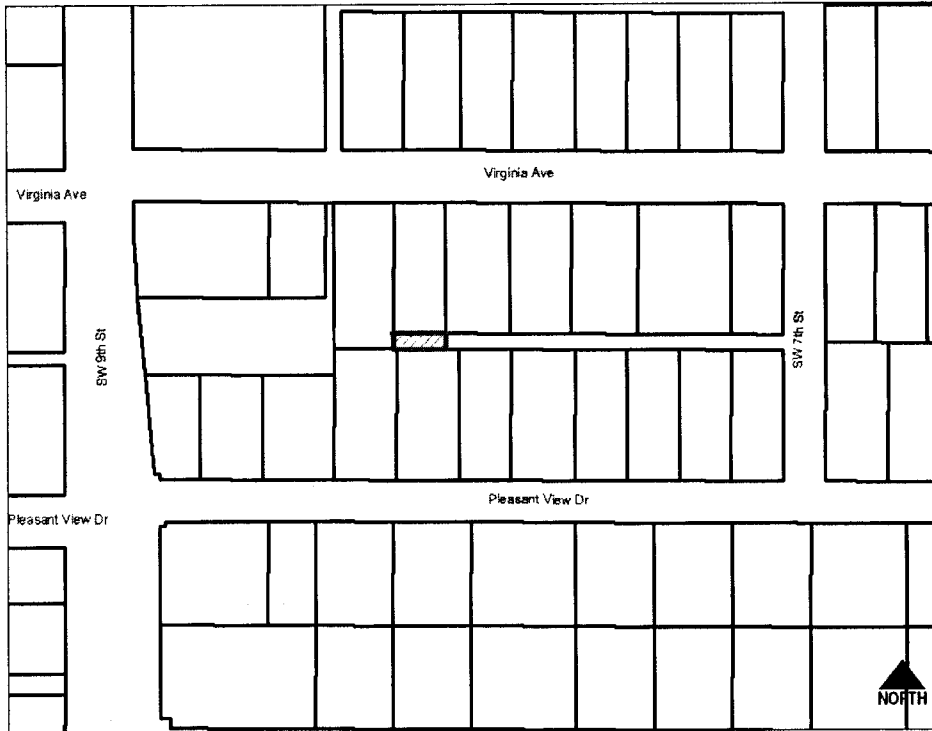
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

Request from Jeff Law (owner), 812 Virginia Avenue, for vacation and conveyance of a dead end segment of the east/west alley adjoining the subject property between Virginia Avenue and Pleasant View Drive west of Southwest 7 th Street.				File # 11-2008-1.15	
Description of Action		Vacation and conveyance of a dead end segment of the east/west alley adjoining the subject property between Virginia Avenue and Pleasant View Drive west of Southwest 7 th Street.			
2020 Community Character Plan		Low-Density Residential			
Horizon 2025 Transportation Plan		No Planned Improvements			
Current Zoning District		"R1-60" One-Family Low-Density Residential District			
Proposed Zoning District		"R1-60" One-Family Low-Density Residential District			
Consent Card Responses		In Favor	Not In Favor	Undetermined	% Opposition
Inside Area		2			N/A
Outside Area					
Plan and Zoning Commission Action		Approval	14-0	Required 6/7 Vote of the City Council	
		Denial		Yes	N/A
				No	N/A

Jeff Law - 812 Virginia Avenue

11-2008-1.15



Date _____

October 22, 2008

Agenda Item 16

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 16, 2008, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 14-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	X			
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Dann Flaherty	X			
Bruce Heilman	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 a request by Jeff Law (owner), 812 Virginia Avenue, for vacation and conveyance of a dead end segment of the east/west alley adjoining the subject property between Virginia Avenue and Pleasant View Drive west of Southwest 7th Street subject to the following conditions. 11-2008-1.15

1. Provision of easements for any existing utilities until such time they are relocated at the applicant's expense.
2. A no-build easement shall be provided on the southernmost 5 feet of the right-of-way if the property owner at 805 Pleasant View Drive does not acquire a portion of the right-of-way adjoining their property in order to preserve the 6-foot building separation required by the Building Fire Code.
3. Construction of any accessory structure on the requested right-of-way and/or on an adjoining property shall be in accordance with all applicable building codes with issuance of all necessary permits by the Permit and Development Center.

Written Responses

- 2 In Favor
- 0 In Opposition



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 RECOMMENDATION TO THE P&Z COMMISSION

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

1. Provision of easements for any existing utilities until such time they are relocated at the applicant's expense.
2. A no-build easement shall be provided on the southernmost 5 feet of the right-of-way if the property owner at 805 Pleasant View Drive does not acquire a portion of the right-of-way adjoining their property in order to preserve the 6-foot building separation required by the Building Fire Code.
3. Construction of any accessory structure on the requested right-of-way and/or on an adjoining property shall be in accordance with all applicable building codes with issuance of all necessary permits by the Permit and Development Center.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to vacate the westernmost 50 feet of the undeveloped alley right-of-way that adjoins the properties located at 812 Virginia Avenue and 805 Pleasant View Drive.
2. **Size of Site:** 15 feet by 50 feet or 750 square feet (0.02 acre).
3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District.
4. **Existing Land Use (site):** Undeveloped alley 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 right-of-way is within a block that predominately contains single-family residential dwellings with commercial properties oriented toward SW 9th Street.
7. **Applicable Recognized Neighborhood(s):** Indianola Hills Neighborhood Association.
8. **Relevant Zoning History:** On May 15, 2008, the Commission recommended approval of a request to vacate a 58-foot segment of right-of-way directly to the west of the current request. That right-of-way has since been conveyed to the property at 816 Virginia Avenue.
9. **2020 Community Character Land Use Plan Designation:** Low-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:** Easements must be provided for any existing utilities in place until such time they are relocated at the applicant's expense. No existing utilities have been identified at this time.
- 2. **Traffic/Street System:** The requested segment of right-of-way can be conveyed without having an impact on the adjoining street system. A portion of the previous alley adjoining the subject request has already been vacated and conveyed to adjoining properties.

Only the easternmost 200 feet of the 375-foot long alley is developed for access to adjoining properties. It is not anticipated that the requested dead-end segment of alley right-of-way will ever be developed due to the topography of the area.

- 3. **Permit and Development Center Comments:** There is an accessory structure on the property at 805 Pleasant View Drive that is within 1 foot of the requested right-of-way. Therefore, if the property owner at 805 Pleasant View Drive does not acquire a portion of the right-of-way adjoining their property, a 5-foot-wide no-build easement must be provided on the southernmost 5 feet of the right-of-way to preserve the 6-foot building separation required by the Building Fire Code.

SUMMARY OF DISCUSSION

CHAIRPERSON OPENED THE PUBLIC HEARING

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

CHAIRPERSON CLOSED THE PUBLIC HEARING

Mike Simonson moved staff recommendation of the requested vacation and conveyance subject to the following conditions:

- 1. Provision of easements for any existing utilities until such time they are relocated at the applicant's expense.
- 2. A no-build easement shall be provided on the southernmost 5 feet of the right-of-way if the property owner at 805 Pleasant View Drive does not acquire a portion of the right-of-way adjoining their property in order to preserve the 6-foot building separation required by the Building Fire Code.
- 3. Construction of any accessory structure on the requested right-of-way and/or on an adjoining property shall be in accordance with all applicable building codes with issuance of all necessary permits by the Permit and Development Center.

Motion passed 14-0.

Respectfully submitted,


 Michael Ludwig, AICP
 Planning Administrator

MGL:clw

Attachment

Item 11-2008-1.15 Date 10/8/08 **16**

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

(Circle One)

Remarks
Below

Print Name JANICE A. JONES

Signature JANICE A. JONES

Address 706 Virginia

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

I would like to make sure that
the other end of the alley is
not ever closed - enter from SW 7th
I need this access for my
own driveway behind my home
Thank-You

Item 11-2008-1.15 Date 10-7-08

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

RECEIVED

OCT 09 2008

COMMUNITY DEVELOPMENT
DEPARTMENT

Print Name SAM FUCALORO

Signature Sam Fucaloro

Address 810 SW VIRGINIA AVE, IDUA
50315

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

CLEAN IT UP- GO FOR IT SEFF!