

★ Roll Call Number

Agenda Item Number

13A


Date.....October 11, 2010.

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 7, 2010, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Anawim Housing (developer) represented by Russ Frazier (officer) for vacation of a segment of north/south alley adjoining the west of the property at 2201 Forest Avenue, with provision of an ingress/egress easement for traffic using the remaining portion of alley to the north subject to the following:

1. Reservation of easements for all existing public utilities in place.
2. Provision of an ingress/egress easement to allow public access from the remaining portion of the north/south alley through the adjoining property to 22nd Street and 23rd Street.

MOVED by _____ to receive and file.

FORM APPROVED:


 Michael F. Kelley
 Assistant City Attorney

(11-2010-1.11)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
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

October 8, 2010

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 7, 2010, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus				X
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley				X
Dann Flaherty	X			
John "Jack" Hilmes	X			
Joel Huston	X			
Ted Irvine				X
Greg Jones	X			
Jim Martin	X			
Brian Millard				X
William Page	X			
Mike Simonson	X			
Kent Sovern	X			

APPROVAL of a request from Anawim Housing (developer) represented by Russ Frazier (officer) for vacation of a segment of north/south alley adjoining the west of the property at 2201 Forest Avenue, with provision of an ingress/egress easement for traffic using the remaining portion of alley to the north subject to the following conditions 11-2010-1.11

1. Reservation of easements for all existing public utilities in place.
2. Provision of an ingress/egress easement to allow public access from the remaining portion of the north/south alley through the adjoining property to 22nd Street and 23rd Street.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

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

1. Reservation of easements for all existing public utilities in place.



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

2. Provision of an ingress/egress easement to allow public access from the remaining portion of the north/south alley through the adjoining property to 22nd Street and 23rd Street.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant proposes to assemble the requested alley right-of-way with the adjoining properties on the east and west. This will allow development of a 16 unit row house development fronting Forest Avenue, with off-street parking located to the north rear of the site. The applicant has agreed to provide an ingress-egress easement for traffic using the remaining portion of the alley to the north.
2. **Size of Site:** A 110.64 feet long segment of 16-foot wide segment of alley (1,770.24 square feet).
3. **Existing Zoning (site):** "NPC" Neighborhood Pedestrian Commercial District.
4. **Existing Land Use (site):** Unpaved semi-improved alley right-of-way.
5. **Adjacent Land Use and Zoning:**
 - West* – "R1-60"; Use is vacant land.
 - East* – "R1-60"; Use is vacant land.
6. **General Neighborhood/Area Land Uses:** The subject alley is located on the north side of the Forest Avenue mixed use corridor east of Drake University campus.
7. **Applicable Recognized Neighborhood(s):** Drake Park Neighborhood Association and Drake Neighborhood Association.
8. **Relevant Zoning History:** On July 14, 2003, the City Council approved Ordinance No. 14,252 to rezone the subject property from "C-2" General Retail and Highway Oriented Commercial District to "NPC" Neighborhood Pedestrian Commercial District.
9. **2020 Community Character Land Use Plan Designation:** Commercial: Pedestrian-Oriented, Commercial Corridor.
10. **Applicable Regulations:** The Commission reviews all proposals to remove land from the public right-of-way that is dedicated for a specific public purpose, such as for streets, sidewalks and parks, to determine whether the land is still needed for such purpose or may be released for other use.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Utilities:** No existing utilities have been identified at this time. Easements must be provided for any existing utilities.

- 2. **Street System:** The requested vacation of alley will not adversely impact the surrounding street network. Public Works staff has indicated that the proposed layout of the parking area would be adequate to accommodate the maintenance equipment.
- 3. **Access:** Because Amazing Grace Ministries church and other single-family residential properties access onto the alley to the north. Therefore the remaining portion of the subject alley must be kept open for public access purposes. In order to maintain the remaining portion of the alley, Public Works staff requires access through the applicant's site as a condition of any vacation. The applicant has agreed to provide ingress/egress easements through the site to 22nd and 23rd Streets.
- 4. **Development Requirements:** Any Site Plan for the proposed row house development must be reviewed and approved by the Plan and Zoning Commission under design guidelines in NPC Districts and design guidelines for multiple-family residential uses.

SUMMARY OF DISCUSSION

There was no discussion.

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one to speak in support or opposition of applicant's request.

CHAIRPERSON CLOSED THE PUBLIC HEARING


COMMISSION ACTION

Greg Jones moved staff recommendation to approve the requested vacation subject to the following conditions:

- 1. Reservation of easements for all existing public utilities in place.
- 2. Provision of an ingress/egress easement to allow public access from the remaining portion of the north/south alley through the adjoining property to 22nd Street and 23rd Street.

Motion passed 10-0

Respectfully submitted,


 Michael Ludwig, AICP
 Planning Administrator

MGL:clw

Attachment

Request from Anawim Housing (developer) represented by Russ Frazier (officer) for vacation of a segment of north/south alley adjoining the west of the property at 2201 Forest Avenue, with provision of an ingress/egress easement for traffic using the remaining portion of alley to the north.				File # 11-2010-1.11	
Description of Action	Vacation of a segment of north/south alley adjoining the west of the property at 2201 Forest Avenue, with provision of an ingress/egress easement for traffic using the remaining portion of alley to the north.				
2020 Community Character Plan	Commercial: Pedestrian-Oriented Commercial Corridor				
Horizon 2035 Transportation Plan	No Planned Improvements				
Current Zoning District	"NPC" Neighborhood Pedestrian Commercial				
Proposed Zoning District	"NPC" Neighborhood Pedestrian Commercial				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area					
Plan and Zoning Commission Action	Approval	10-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	

Anawim Housing - 2201 Forest Avenue

11-2010-1.11

