

Date April 25, 2011

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 7, 2011, its members voted 12-0 in support of a motion to recommend **APPROVAL** of request from Dale Jones (owner) for property located at 1520 Maury Street to vacate the north/south alley between Southeast 15th Court and Southeast Astor Street from Shaw Street to Maury subject to the following conditions:

1. The requested right-of-way should be leased to the applicant until the plan for the City's proposed Municipal Services Park (MSP) is completed. If it is determined the right-of-way is not needed for the MSP, the City could then consider selling it to the applicant.
2. Construction of any driveway on the requested right-of-way shall be in compliance with all requirements of the City's Permit & Development Center.
3. The adjacent salvage yard permitted on Lots 1 through 6 of Block 5 of Hawthorne Grove Addition shall be screened on all sides by an opaque fence to the satisfaction of the City's Planning Director. This fence shall be maintained in good condition for the duration of the salvage yard.
4. There shall be no storage or parking of vehicles on the requested right-of-way unless it is rezoned to "M-2" Heavy Industrial District and the Zoning Board of Adjustment has granted a Conditional Use Permit that would allow for salvage yard use.
5. Provision of easements for any existing utilities until such time that they are relocated at the applicant's expense.

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

FORM APPROVED:


 Michael F. Kelley
 Assistant City Attorney

(11-2011-1.02)

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

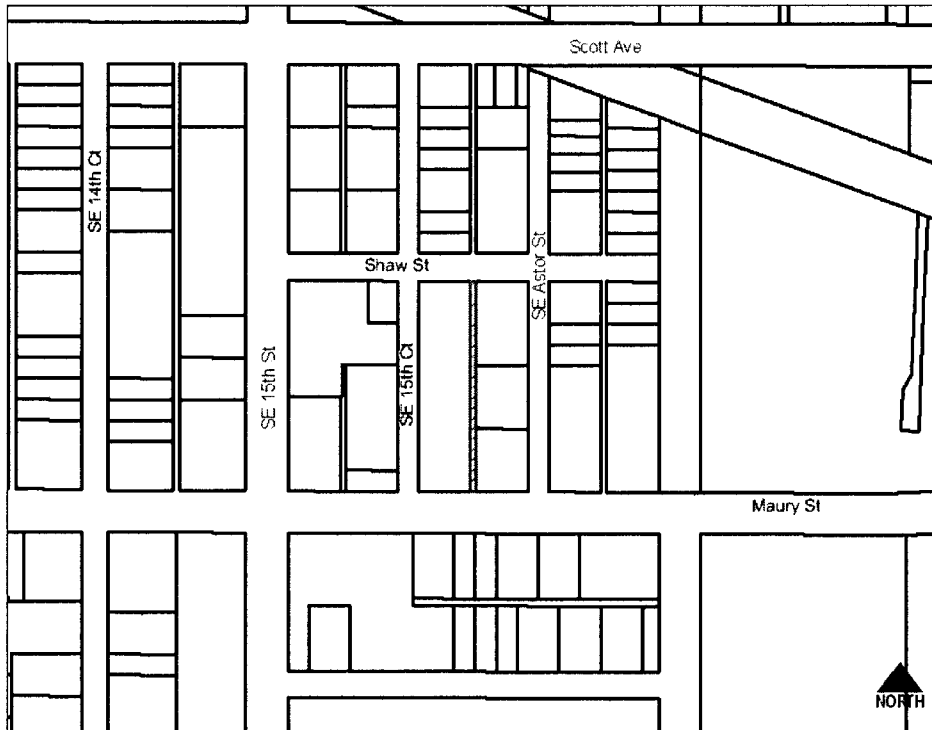
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

_____ City Clerk

Request from Dale Jones (owner) 1520 Maury Street, to vacate the north/south alley between Southeast 15 th Court and Southeast Astor Street from Shaw Street to Maury Street.				File # 11-2011-1.02	
Description of Action	Review and approval to vacate the north/south alley between Southeast 15 th Court and Southeast Astor Street from Shaw Street to Maury Street.				
2020 Community Character Plan	General Industrial				
Horizon 2035 Transportation Plan	SE Diagonal from E 14 th Street to West of SE 30 th Street to add four lanes divided				
Current Zoning District	"M-1" Light Industrial District				
Proposed Zoning District	"M-1" Light Industrial District				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area					
Plan and Zoning Commission Action	Approval	12-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Dale Jones - Vicinity of SE 15th Street and Maury Street

11-2011-1.02



Date April 25, 2011

Agenda Item 24

Roll Call # _____

April 14, 2011

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 April 7, 2011, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
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			
CJ Stephens	X			

APPROVAL of a request from Dale Jones (owner) 1520 Maury Street, to vacate the north/south alley between Southeast 15th Court and Southeast Astor Street from Shaw Street to Maury Street subject to the following conditions: 11-2011-1.02

1. The requested right-of-way should be leased to the applicant until the plan for the City's proposed Municipal Services Park (MSP) is completed. If it is determined the right-of-way is not needed for the MSP, the City could then consider selling it to the applicant.
2. Construction of any driveway on the requested right-of-way shall be in compliance with all requirements of the City's Permit & Development Center.
3. The adjacent salvage yard permitted on Lots 1 through 6 of Block 5 of Hawthorne Grove Addition shall be screened on all sides by an opaque fence to the satisfaction of the City's Planning Director. This fence shall be maintained in good condition for the duration of the salvage yard.



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

4. There shall be no storage or parking of vehicles on the requested right-of-way unless it is rezoned to "M-2" Heavy Industrial District and the Zoning Board of Adjustment has granted a Conditional Use Permit that would allow for salvage yard use.
5. Provision of easements for any existing utilities until such time that they are relocated at the applicant's expense.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

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

1. The requested right-of-way should be leased to the applicant until the plan for the City's proposed Municipal Services Park (MSP) is completed. If it is determined the right-of-way is not needed for the MSP, the City could then consider selling it to the applicant.
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STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant requests the vacation of an irregular shaped segment of right-of-way in order to assemble with the property adjoining to the southwest. The vacation will allow for the reconfiguration of the drop-off lane for the Central Campus site.
2. **Size of Site:** Approximately 4,092 square feet.
3. **Existing Zoning (site):** "C-2" General Retail and Highway Oriented Commercial District.
4. **Existing Land Use (site):** Street right-of-way.
5. **Adjacent Land Use and Zoning:**

West – “M-1”; Use is Des Moines Independent Community School District Central Campus.

East – “C-2 & C-3A”; Uses include Jones Repair & Salvage Yard, and Meredith Corporate Headquarters.

6. **General Neighborhood/Area Land Uses:** The subject street right-of-way is located on the southwest corner of Grand Avenue and Fleur Drive.
7. **Applicable Recognized Neighborhood(s):** N/A.
8. **Relevant Zoning History:** N/A
9. **2020 Community Character Land Use Plan Designation:** Support Commercial.
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:** Easements must be provided for any existing utilities until such time that they are relocated. No existing utilities have been identified at this time.
2. **Traffic/Street System:** The requested vacation of street right-of-way will not adversely impact the surrounding street network. The Traffic & Transportation Division has reviewed the request and is supportive.

SUMMARY OF DISCUSSION

Jason Van Essen presented staff report and recommendation.

Dann Flaherty asked for clarification of whether or not the request is to vacate or lease the alley.

Jason Van Essen stated that the request is to vacate the alley. However, the recommendation of staff is to lease the alley.

Dann Flaherty asked who owns the properties around the alley.

Jason Van Essen stated that the applicant owns all but one corner of the lot on Astor.

Brian Millard asked if notification was sent out to the other owner.

Jason Van Essen stated yes the other owner was notified.

Kent Sovern asked if it functions as an alley.

Jason Van Essen stated that it does not function as an alley.

John "Jack" Hilmes asked about the lots referred to in condition 3.

Jason Van Essen stated the lots referred to are the northern half of one side of the alley where the applicant has a conditional use permit from the Zoning Board of Adjustment to operate an auto salvage business, an auto repair business, and auto sales.

John "Jack" Hilmes asked if staff is making it conditional to update and improve the opaque fencing.

Jason Van Essen stated yes, this is part of an enforcement action.

Brian Millard asked how long the applicant will have to comply with conditions and correct violations if the item is approved.

Mike Ludwig stated that if the Commission wanted to they could suggest a condition that the lease be subject to improvements being completed in "x" number of days.

Dale Jones 3700 Kinsey, president of the company stated they are constructing all new fencing around their property. He has maintained the alley for about 30 years. He does not like that staff is suggesting leasing but the rest of the conditions they are in agreement with.

Brian Millard asked staff if it is decided that the City wants this area for public works yard and then change their minds does the applicant have to come back to change this from a lease to a purchase.

Mike Ludwig stated the Commission is only reviewing if the alley is necessary for public access. He suggested leaving it up to the zoning officer and real estate division to place a time requirement for compliance. The Commission can make a suggestion.

Brian Millard suggested that the applicant works closely with the City.

Will Page asked if the applicant had the choice of not using the alley and leasing the alley, which would he chose.

Dale Jones stated that he had only known about the recommendation of a lease for three (3) days. He is required to have emergency access.

CHAIRPERSON OPENED THE PUBLIC HEARING

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

COMMISSION ACTION

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

1. The requested right-of-way should be leased to the applicant until the plan for the City's proposed Municipal Services Park (MSP) is completed. If it is determined the right-of-way is not needed for the MSP, the City could then consider selling it to the applicant.

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Motion passed 12-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment