

Date..... May 23, 2011

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 5, 2011, its members voted 12-0 in support of a motion to recommend **APPROVAL** of request from Michael Baldus (owner) 1135 10th Street, for vacation of a segment of north/south alley between 9th Street and 10th Street from Stone Lane north adjoining the east of the subject property subject to 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

(11-2011-1.06)

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

May 11, 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 May 5, 2011, the following action was taken:

COMMISSION RECOMMENDATION:

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

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
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			
Brian Millard	X			
William Page	X			
Mike Simonson	X			
Kent Sovern	X			
CJ Stephens	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 Michael Baldus (owner) 1135 10th Street, for vacation of a segment of north/south alley between 9th Street and 10th Street from Stone Lane north adjoining the east of the subject property subject to provision of easements for any existing utilities until such time that they are relocated at the applicant's expense. 11-2011-1.06

Written Responses

- 1 In Favor
- 0 In Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation subject to provision of easements for any existing utilities until such time that they are relocated at the applicant's expense.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The request would allow the undeveloped right-of-way to be assembled with the adjacent single-family residential property at 1135 10th Street.
2. **Size of Site:** 9 feet by 38 feet (266 square feet).
3. **Existing Zoning (site):** "R-4" Multiple-Family Residential District.
4. **Existing Land Use (site):** Undeveloped right-of-way.
5. **Adjacent Land Use and Zoning:**
 - North** – "R-4"; Use is single-family residential.
 - South** – "R-4"; Use is an east/west alley recognized as Stone Lane.
 - East** – "R-4"; Use is single-family residential.
 - West** – "R-4"; Use is single-family residential.
6. **General Neighborhood/Area Land Uses:** The subject right-of-way is located in a residential area.
7. **Applicable Recognized Neighborhood(s):** Cheatom Park Neighborhood.
8. **Relevant Zoning History:** NA.
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:** No utilities have been identified within the right-of-way at this time. However, easements must be provided for any existing utilities until such time they are relocated at the applicant's expense.
2. **Street System/ Access:** The vacation of undeveloped right-of-way would not impact the surrounding street network. The requested 38-foot long segment of right-of-way is located north of the east/west alley known as Stone Lane, which runs between 9th and 10th Streets. No properties require this right-of-way for access.

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.

COMMISSION ACTION

Kent Sovern moved staff recommendation to approve the requested vacation subject to provision of easements for any existing utilities until such time that they are relocated at the applicant's expense.

Motion passed 12-0.

Respectfully submitted,



Jason Van Essen, AICP
Senior City Planner

JMV:clw

Attachment

Item 11-2011-1.06

Date 5/4/11

I (am) (am not) in favor of the request. See Below -

(Circle One)

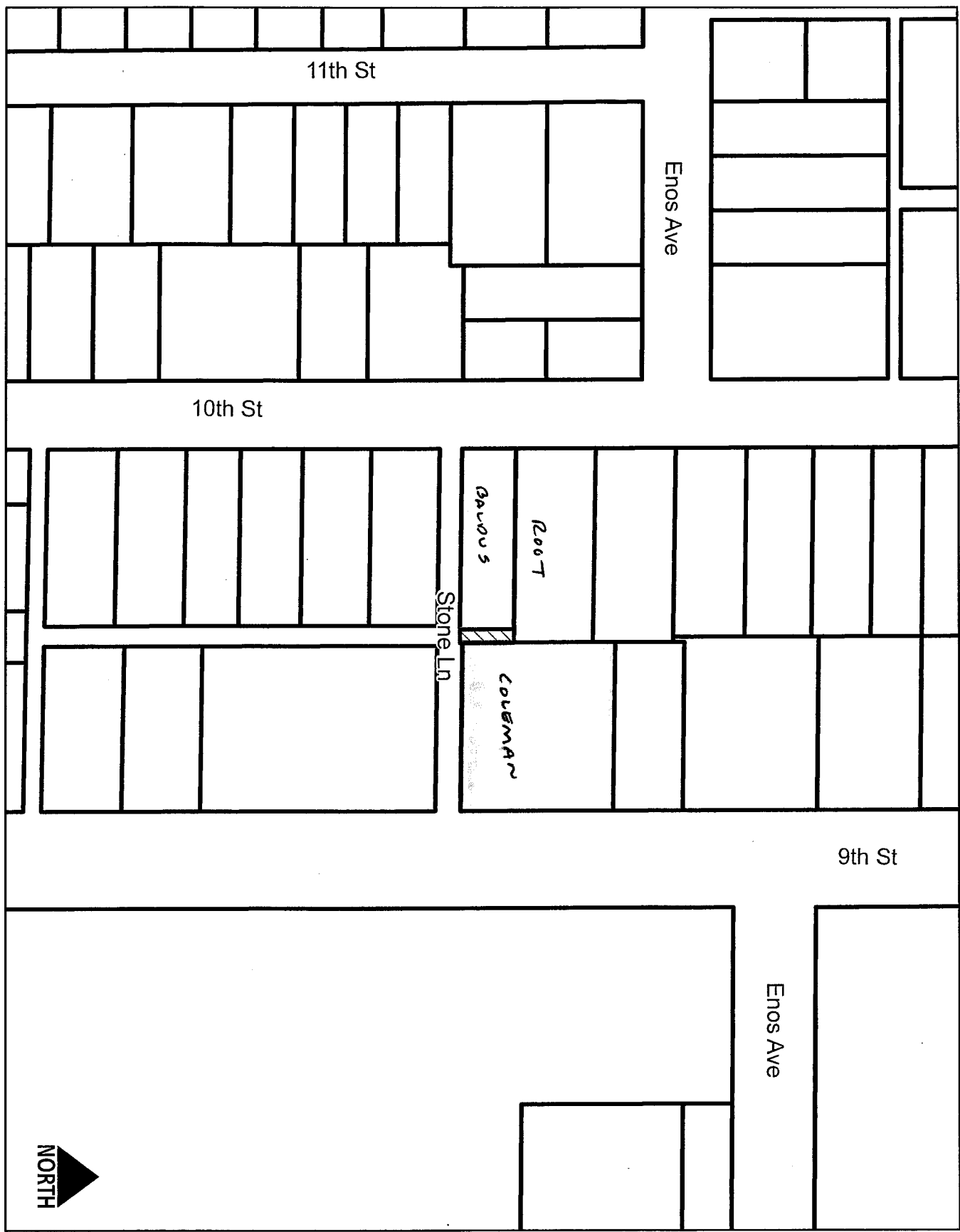
Print Name Victor Coleman, Jr.; Sheila A. Mason

Signature Victor Coleman, Jr.; Sheila A. Mason

Address 1138 9th St. DM, FL. 50314

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

We would like to request a meeting with the Real Estate division and Mike Baldus to discuss options to divide segment of the north/south alley between 9th St. + 10th St. from Stone Lane north adjoining the east of the subject property. Thank you.



Request from Michael Baldus (owner) 1135 10 th Street, for vacation of a segment of north/south alley between 9 th Street and 10 th Street from Stone Lane north adjoining the east of the subject property.				File # 11-2011-1.06	
Description of Action	Review and approval of vacation of a segment of north/south alley between 9 th Street and 10 th Street from Stone Lane north adjoining the east of the subject property.				
2020 Community Character Plan	Low-Density Residential				
Horizon 2035 Transportation Plan	No Planned Improvements				
Current Zoning District	"R-4" Multiple-Family Residential District				
Proposed Zoning District	"R-4" Multiple-Family Residential 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

Michael Baldus - Vicinity of 1135 10th Street

11-2011-1.06

