

★ Roll Call Number

Agenda Item Number

15 ✓

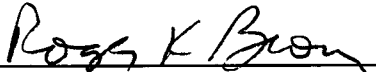
Date February 27, 2012

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 2, 2012, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from St. Anthony's Roman Catholic Church (owner) 1808 Southwest 1<sup>st</sup> Street, represented by Msgr. Frank Chiodo (officer), for the vacation of the requested undeveloped Southwest 1<sup>st</sup> Street rights-of-way subject to the following conditions:

1. Reservation of easements for all utilities in place until such time that they are abandoned or relocated at the applicant's expense.
2. The requested right-of-way should be leased to the applicant until the development plan for the 2 Rivers District is completed. If it is determined the right-of-way is not needed for the 2 Rivers District, the City could then consider selling it to the applicant.

MOVED by \_\_\_\_\_ to receive and file and refer to the Engineering Department, Real Estate Division, and to authorize the City Real Estate Administrator to sign an application to the Zoning Board of Adjustment for any relief necessary for the Church's intended use of the property.

FORM APPROVED:

  
 Roger K. Brown  
 Assistant City Attorney

(11-2012-1.02)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				
MOTION CARRIED			APPROVED	

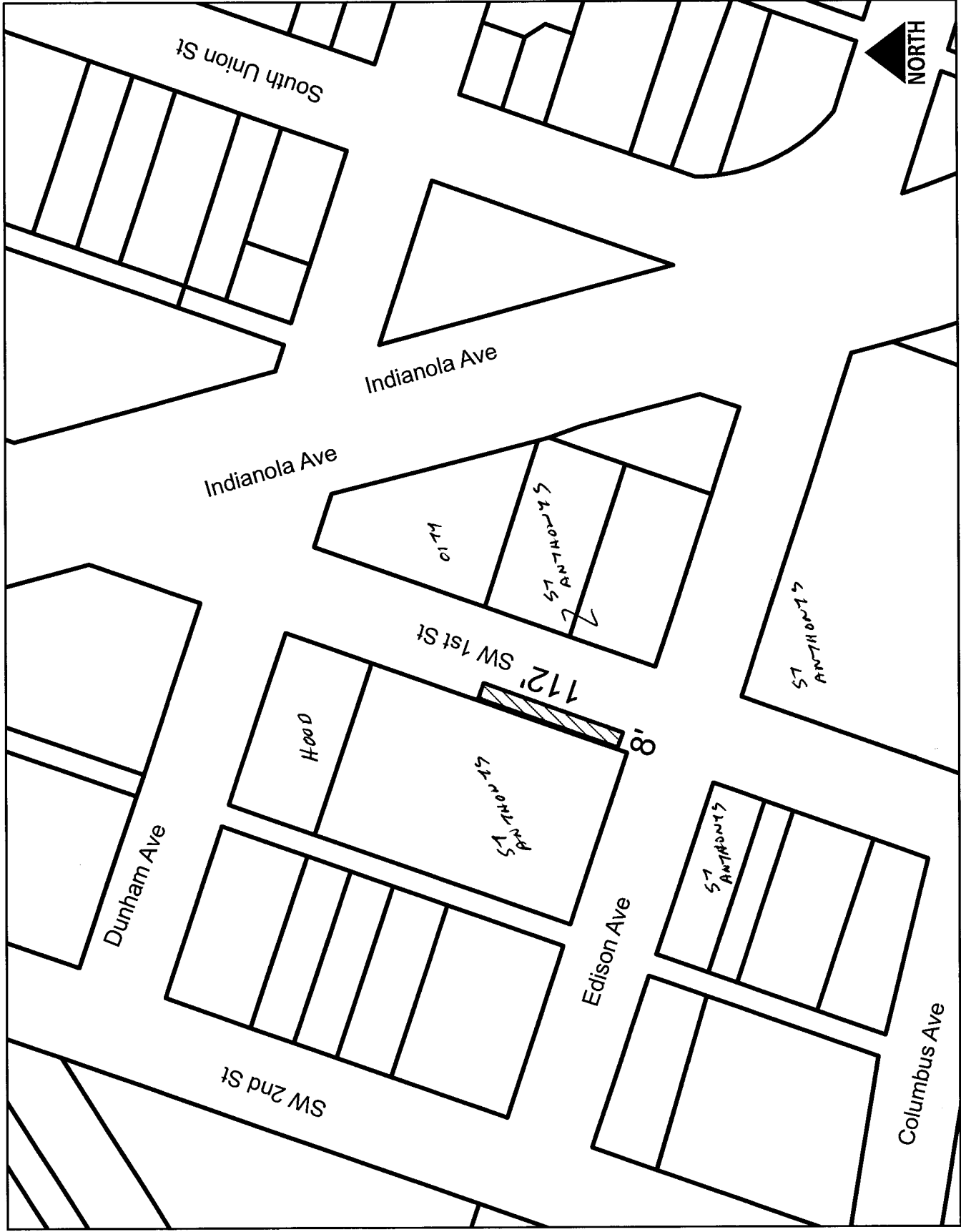
**CERTIFICATE**

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

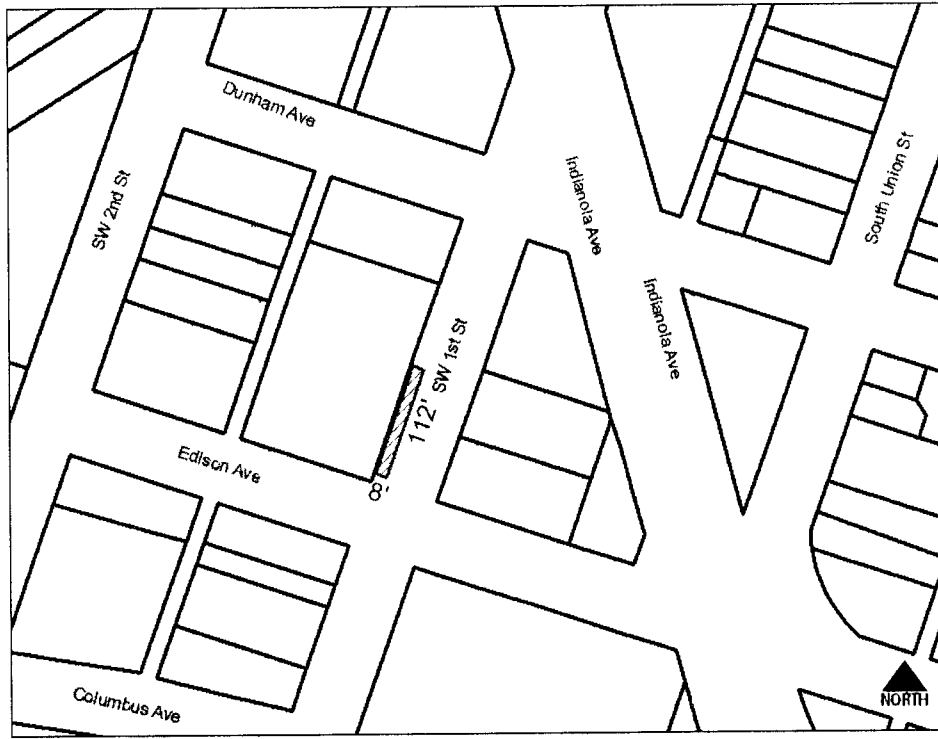
\_\_\_\_\_  
 City Clerk



Request from St. Anthony's Roman Catholic Church (owner) 1808 Southwest 1 <sup>st</sup> Street, represented by Msgr. Frank Chiodo (officer) for vacation of the west eight (8) feet of Southwest 1 <sup>st</sup> Street adjoining the subject property 112 feet north of Edison Avenue.				<b>File #</b> 11-2012-1.02	
<b>Description of Action</b>	Review and approval for vacation of the west eight (8) feet of Southwest 1 <sup>st</sup> Street adjoining the subject property 112 feet north of Edison Avenue to allow for extension of community gardening.				
<b>2020 Community Character Plan</b>	General Industrial				
<b>Horizon 2035 Transportation Plan</b>	No Planned Improvements				
<b>Current Zoning District</b>	"R-3" Multiple-Family Residential District				
<b>Proposed Zoning District</b>	"R-3" Multiple-Family Residential District				
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area					
<b>Plan and Zoning Commission Action</b>	Approval	10-0	<b>Required 6/7 Vote of the City Council</b>	Yes	
	Denial			No	X

St. Anthony Church & School - 16 Columbus Street

11-2012-1.02



Date \_\_\_\_\_

Agenda Item 15

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

February 14, 2012

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 February 2, 2012, the following action was taken:

**COMMISSION RECOMMENDATION:**

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



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

Commission Action:	Yes	Nays	Pass	Absent
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley				X
Tim Fitzgerald	X			
Dann Flaherty	X			
John "Jack" Hilmes	X			
Joel Huston	X			
Ted Irvine				X
Greg Jones	X			
William Page	X			
Christine Pardee	X			
Mike Simonson	X			
CJ Stephens				X

**APPROVAL** of a request from St. Anthony's Roman Catholic Church (owner) 1808 Southwest 1<sup>st</sup> Street, represented by Msgr. Frank Chiodo (officer), for the vacation of the requested undeveloped Southwest 1<sup>st</sup> Street rights-of-way subject to the following conditions: (11-2012-1.02)

1. Reservation of easements for all utilities in place until such time that they are abandoned or relocated at the applicant's expense.
2. The requested right-of-way should be leased to the applicant until the development plan for the 2 Rivers District is completed. If it is determined the right-of-way is not needed for the 2 Rivers District, the City could then consider selling it to the applicant.

**STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Staff recommends approval for vacation of the requested undeveloped Southwest 1<sup>st</sup> Street rights-of-way subject to the following conditions:

1. Reservation of easements for all utilities in place until such time that they are abandoned or relocated at the applicant's expense.

2. The requested right-of-way should be leased to the applicant until the development plan for the 2 Rivers District is completed. If it is determined the right-of-way is not needed for the 2 Rivers District, the City could then consider selling it to the applicant.

## **STAFF REPORT**

### **I. GENERAL INFORMATION**

1. **Purpose of Request:** The requested vacation would allow a segment of undeveloped Southwest 1<sup>st</sup> Street right-of-way to be assembled with parcels adjacent to the west. The resulting property would allow for the extension of a church community garden.
2. **Size of Site:** 8 feet by 112 feet (896 square feet).
3. **Existing Zoning (site):** "R-3" Multiple Family Residential District and "GGP" Gambling Games Prohibition Overlay District.
4. **Existing Land Use (site):** Undeveloped Southwest 1<sup>st</sup> Street right-of-way.
5. **Adjacent Land Use and Zoning:**  
**North** – "R-3", Use is a single-family residential.  
**South** – "R-3", Uses are vacant land and Edison Avenue right-of-way.  
**East** – "R-3", Uses are single-family residential.  
**West** – "R-3", Uses are vacant land and St. Anthony's Grotto.
6. **General Neighborhood/Area Land Uses:** The subject undeveloped street right-of-way is located to the west of Indianola Avenue and north of Edison Avenue at the northern edge of St. Anthony's Catholic Church Campus.
7. **Applicable Recognized Neighborhood(s):** McKinley School/Columbus Park Neighborhood.
8. **Relevant Zoning History:** N/A.
9. **2020 Community Character Land Use Plan Designation:** Medium-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 until such time that they are relocated. No existing utilities have been identified at this time.

2. **Traffic/Street System:** The requested vacation of undeveloped street right-of-way would not adversely impact the surrounding street network.
3. **Future Development:** The importance of the site warrants additional review of any future development on the requested undeveloped street right-of-way. On January 5, 2009, the City Council approved the 2 Rivers District Plan. The “2 Rivers District” study area covers approximately 135-acres of mixed public and private land. The executive summary section of the 2 Rivers District Plan provides the following synopsis of the plan’s overall vision.

*“The 2 Rivers District Land Use and Redevelopment Plan proposes a long-range vision that protects the assets of the area while creating new opportunity for redevelopment. The Plan is organized around three main sub-areas: Riverview, Cityview and Confluence Park. Inter-related streets, streetscapes, trails and open space form the underlying structure of the 2 Rivers District and weave together the sub-areas. For instance, the Cityview area is envisioned as a high-density, mixed-use neighborhood offering river-view and city-view residences with retail uses including restaurants and shopping. The Riverview area is envisioned to have medium density multifamily housing along the river edge and single/multi-family housing adjacent to St. Anthony’s Church. The streets, open spaces and trails in both of these neighborhoods offer physical and viewable connections to the River. Lastly, the 2 Rivers District is designed with a balance of maintaining the current neighborhood charm and the required densities to drive future infrastructure improvements. The 2 Rivers District Plan preserves and celebrates this neighborhoods’ position as the next emerging mixed use district in Des Moines and Iowa.”*

The area currently consists of a mix of light industrial, auto-oriented commercial and residential classifications that do not match up with the vision of an urban mixed-use area containing a mix of pedestrian friendly commercial and residential uses.

Staff recommends that until specific development plans are proposed for the area the undeveloped street right-of-way should be leased to the applicant. If it is determined the undeveloped street right-of-way is not needed for the 2 Rivers District, the City could then consider selling it to the applicant.

## **SUMMARY OF DISCUSSION**

Jason Van Essen presented staff report and recommendation.

Mark Harris, business manager for St. Anthony’s Church stated that he understands that the garden was inadvertently constructed on the City’s right-of-way.

Mike Simonson asked if SW 1<sup>st</sup> Street is paved.

Jason Van Essen clarified that SW 1<sup>st</sup> Street is paved but not to an urban cross-section.

Tim Fitzgerald suggested that St. Anthony’s Church should continue to have dialogue with the neighborhood.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

*There was no one to speak in favor or in opposition of the applicant's request.*

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

Mike Simonson asked if SW 1<sup>st</sup> Street could be closed altogether.

Mike Ludwig stated that the public access must be maintained for now.

JoAnne Corigliano stated that she does not believe there is a traffic issue on this street as referenced by one of the letters the Commission received.

**COMMISSION ACTION:**

Mike Simonson moved staff recommendation to approve the vacation of the requested undeveloped Southwest 1<sup>st</sup> Street rights-of-way subject to the following conditions:

1. Reservation of easements for all utilities in place until such time that they are abandoned or relocated at the applicant's expense.
2. The requested right-of-way should be leased to the applicant until the development plan for the 2 Rivers District is completed. If it is determined the right-of-way is not needed for the 2 Rivers District, the City could then consider selling it to the applicant.

Motion passed 10-0.

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:clw

Attachment

----- Forwarded message -----

From: **Drost, Bert** <[badrost@dmgov.org](mailto:badrost@dmgov.org)>  
Date: Wed, Feb 1, 2012 at 2:06 PM  
Subject: Fwd: St. Anthony's request  
To: "Whitfield, Cathy" <[clwhitfield@dmgov.org](mailto:clwhitfield@dmgov.org)>, "Ludwig, Michael G." <[MGLudwig@dmgov.org](mailto:MGLudwig@dmgov.org)>

Cathy,  
Jim Post called me and asked me to have the email below forwarded to the Commission.  
Bert

----- Forwarded message -----

From: **Jim Post** <[jspost@mchsi.com](mailto:jspost@mchsi.com)>  
Date: Wed, Feb 1, 2012 at 9:47 AM  
Subject: Re: St. Anthony's request  
To: Bert Drost <[badrost@dmgov.org](mailto:badrost@dmgov.org)>

Bert

I would like to make a few comments about this item. I am not in favor of it at all.

This unimproved street is three blocks long, goes from Indianola Ave to Indianola Road. It carries alot of through traffic to avoid the signal light at SE 1st and Indianola. Businesses in the area are Reese Associates that is a 24hr operation working in shifts, and Ironworks. This street is not just a residential neighborhood street. The traffic division installed speed limit signs on the street, so they must think that they were needed.

St Anthony's Church owns property on three sides of of this. The north side, behind the bus garage, is an open parcel that was empty until this summer, when they used it for a staging area for their grotto. They have owned it prior to 1983. The south side across Edison Ave. is an other open parcel that they have owned since 1967.

The east side is their grotto, with city property north of it. Their input on the Two Rivers plan, was planning to increase the footprint of the church-school. I am not sure they are actively pursuing that.

Over time St Anthonys has been good about asking for forgiveness, than permission. They seem to just do what they want, without involving the city. Only to be caught by the city later, without permits or OKs.

Several years ago, when the community garden project started, this garden was one of many. It is now the only one left. When they built it, some of it was on city land. When they fenced it last summer, it was further on city land. The fence is like nothing I have ever seen before. Chain link panels, with structural steel studs screwed sideways. It is a site to behold.

This action was started by a complaint on the fence, surrounding the garden last summer. Plants within the garden grew as high as the fence. With other open parcels of property owned by St Anthonys so close, I do not see a need for them to be granted this.

If this passes P&Z, further action would be needed at the Board of Adjustment to keep it as is. I would not anticipate that BoA would allow any fence that looks like this. If they will be required to rebuild that much of their garden, why not move it to another parcel? They could start from scratch, on another parcel, and build a bigger and better garden.

Jim Post

----- Original Message -----

From: "Bert Drost" <[badrost@dmgov.org](mailto:badrost@dmgov.org)>  
To: [jspost@mchsi.com](mailto:jspost@mchsi.com)