

★ Roll Call Number

Agenda Item Number

16

January 28, 2013

Date

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on January 17, 2013, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Bruce and Christy Kennedy (owner) 2824 Southwest 9th Street to vacate a 35-foot segment of 12-foot wide north/south dead-end alley adjoining to the west of the subject property in the block bounded by Creston Avenue, Virginia Avenue, Southwest 9th Street and Southwest 12th Street.

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

FORM APPROVED:



Michael F. Kelley
Assistant City Attorney

(11-2012-1.26)

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.

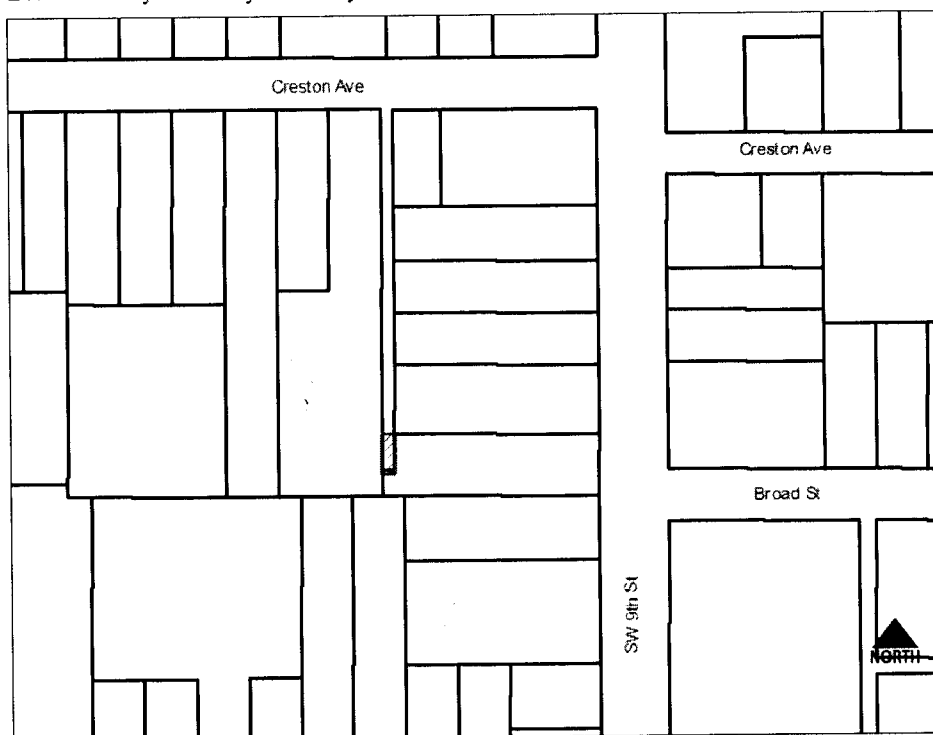
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

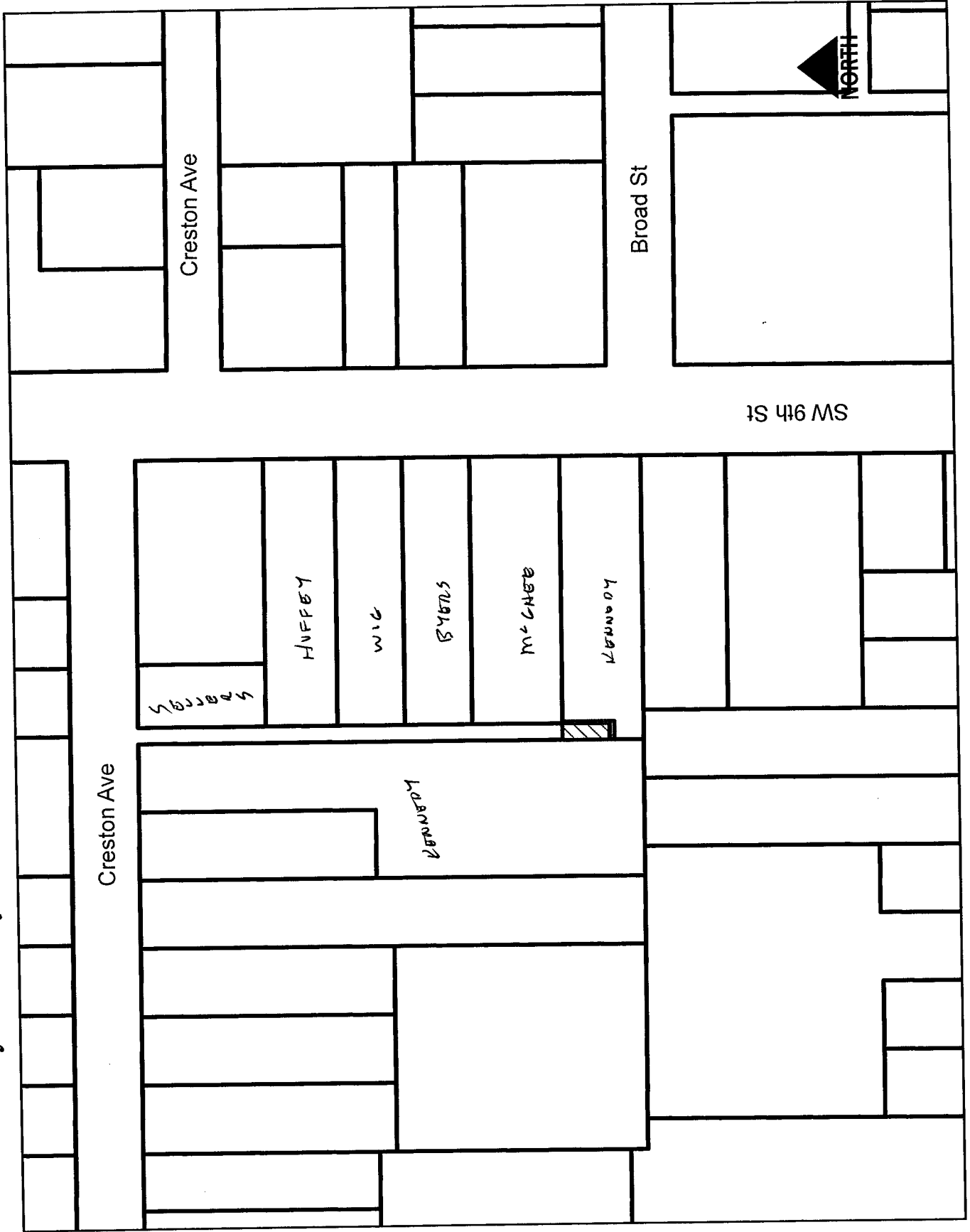
Request from Bruce and Christy Kennedy (owner) 2824 Southwest 9 th Street for vacation of a 35-foot segment of 12-foot wide north/south dead-end alley adjoining to the west of the subject property in the block bounded by Creston Avenue, Virginia Avenue, Southwest 9 th Street and Southwest 12 th Street.				File # 11-2012-1.26	
Description of Action	Approval for vacation of a 35-foot segment of 12-foot wide north/south dead-end alley adjoining to the west of the subject property in the block bounded by Creston Avenue, Virginia Avenue, Southwest 9 th Street and Southwest 12 th Street subject to conditions.				
2020 Community Character Plan	Low-Density Residential				
Horizon 2035 Transportation Plan	No Planned Improvements				
Current Zoning District	"R1-60" One-Family Low-Density Residential District and "C-1" Neighborhood Retail Commercial District				
Proposed Zoning District	"R1-60" One-Family Low-Density Residential District and "C-1" Neighborhood Retail Commercial District				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area					
Plan and Zoning Commission Action	Approval	11-0	Required 6/7 Vote of the City Council	Yes	N/A
	Denial			No	

Bruce/Christy Kennedy - vicinity of 2824 Southwest 9th Street

11-2012-1.26



Bruce/Christy Kennedy - vicinity of 2824 Southwest 9th Street 11-2012-1.26



January 23, 2013

16

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 January 17, 2013, the following action was taken regarding a request from Bruce and Christy Kennedy (owner) 2824 Southwest 9th Street for vacation of a 35-foot segment of 12-foot wide north/south dead-end alley adjoining to the west of the subject property in the block bounded by Creston Avenue, Virginia Avenue, Southwest 9th Street and Southwest 12th Street.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 as follows:

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

APPROVAL of the requested vacation subject to the following:

1. Provision of a 12-foot by 25-foot public turnaround easement west and north of the requested vacation.
2. Reservation of any necessary easements for all utilities in place until such time that they are abandoned or relocated. (11-2012-1.26)



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 subject to the following:

1. Provision of a 12-foot by 25-foot public turnaround easement west and north of the requested vacation.
2. Reservation of any necessary easements for all utilities in place until such time that they are abandoned or relocated.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed vacation will allow the applicant to assemble the land of the intervening dead-end alley segment between two ownership parcels.
2. **Existing Zoning (site):** "C-1" Neighborhood Retail Commercial District and "R1-60" One-Family Low Density Residential District.
3. **Existing Land Use (site):** Unpaved, 12-foot wide segment of alley.
4. **General Neighborhood/Area Land Uses:** The surrounding area is primarily used for single-family residential uses where they adjoin the Southwest 9th Street neighborhood commercial corridor.
5. **Applicable Recognized Neighborhood(s):** The subject property is located in the Gray's Lake Neighborhood. This neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on December 21, 2012. Additionally, separate notifications of the hearing for this specific item were mailed on January 7, 2013 (10 days prior) to the neighborhood association and to the primary titleholder on file with the Polk County Assessor for each property adjacent to the affected alley right-of-way. A Final Agenda was mailed to the neighborhood association on January 11, 2013. All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Gray's Lake Neighborhood Association notices were mailed to Evan Shaw, 2615 Druid Hill Drive, Des Moines, IA 50315.
6. **Relevant Zoning History:** N/A.
7. **2020 Community Character Land Use Plan Designation:** Auto-Oriented: Community Commercial Small-Scale Strip Development and Low Density Residential District.
8. **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:** There are not any identified public utilities within the requested rights-of-way. Easements must be provided for all utilities in place unless they are abandoned or relocated.
- 2. Traffic/Street System:** The subject alley right-of-way is used in conjunction with the surrounding public street network entering to the north onto Creston Avenue. The remaining portion of the dead-end alley would continue to be necessary for access to off-street parking for residences fronting Southwest 9th Street and Creston Avenue. Only the property at 2822 Southwest 9th Street has developed driveway access to Southwest 9th Street.
- 3. Access:** While there is not a legally recognized drive access from the dead-end portion of the alley to a drive approach on Southwest 9th Street, there is physical evidence that access has been semi-improved and used over time across the applicant's property to the east of the requested alley segment.

Public Works staff has indicated that the overall affected alley is not on the routes for standard snow removal and solid waste pick-up. It was further indicated that when dead-end alleys, such as the one in question, are serviced for snow removal, specialized maintenance equipment is used that is designed for narrow rights-of-way with limited turnaround. It was determined that reducing the length of the dead-end alley would not impair the necessary maintenance for the remaining portion of the affected alley.

Staff believes there needs to be a turnaround accommodation for the public motorist that will continue to use the remaining portion of the alley. The outlet used on the private property for several years will be removed with the vacation. Therefore an alternate means for the public to turn around and exit back onto Creston Avenue is necessary.

SUMMARY OF DISCUSSION

There was no discussion.

CHAIRPERSON OPENED THE PUBLIC HEARING

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

COMMISSION ACTION:

JoAnne Corigliano moved staff recommendation to approve the requested vacation subject to the following:

1. Provision of a 12-foot by 25-foot public turnaround easement west and north of the requested vacation.

2. Reservation of any necessary easements for all utilities in place until such time that they are abandoned or relocated.

Motion passed 11-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:clw
Attachment