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Date February 25, 2013

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 7, 2013, its members voted 15-0 in support of a motion to recommend **APPROVAL** of a request from Susan and Brent Soddors (owners) 2223 East 21<sup>st</sup> Street for vacation of the south 69.2 feet of Guthrie Avenue adjoining the subject property subject to the following:

1. Provision of easements for all existing utilities until such time they are relocated at the applicant's expense.
2. Retention of right-of-way within 12 feet of the south curb line along Guthrie Avenue.

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

FORM APPROVED:



Michael F. Kelley  
Assistant City Attorney

(11-2013-1.01)

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

Date \_\_\_\_\_

February 13, 2013

Agenda Item 17

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

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 7, 2013, the following action was taken regarding a request from Susan and Brent Sodders (owners) 2223 East 21<sup>st</sup> Street for vacation of the south 69.2 feet of Guthrie Avenue adjoining the subject property.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 15-0 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 easements for all existing utilities until such time they are relocated at the applicant's expense.
2. Retention of right-of-way within 12 feet of the south curb line along Guthrie Avenue. (11-2013-1.01)

Written Responses

- 2 In Favor
- 1 In Opposition



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 easements for all existing utilities until such time they are relocated at the applicant's expense.
2. Retention of right-of-way within 12 feet of the south curb line along Guthrie Avenue.

## STAFF REPORT

### I. GENERAL INFORMATION

1. **Purpose of Request:** The request would allow an undeveloped portion of 2227 East 21<sup>st</sup> Street to be assembled with the adjacent residential property.
2. **Size of Site:** 53.5 feet by 121.4 (6,494.9 square feet).
3. **Existing Zoning (site):** "R1-60" One-Family Low Density Residential District.
4. **Existing Land Use (site):** Undeveloped land.
5. **Adjacent Land Use and Zoning:**
  - North** – "R1-60", "C-2" & "M-1", Uses are Kum & Go, vacant land, and Guthrie Avenue right-of-way.
  - South** – "R1-60", Use is a single-family dwelling.
  - East** – "R1-60", Use is vacant land.
  - West** – "R1-60", Use is vacant land.
4. **General Neighborhood/Area Land Uses:** The surrounding neighborhood area provides a transition between the commercial/industrial uses to the north, west and east and residential uses to the south.
5. **Applicable Recognized Neighborhood(s):** The subject property is located in the Fairmont Park Neighborhood. The Fairmont Park Neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on January 22, 2013. Additionally, separate notifications of the hearing for this specific item were mailed on January 28, 2013 (10 days prior to the hearing) to the Fairmont Park Neighborhood Association and the primary titleholder on file with the Polk County Assessor for each property adjacent to the subject property. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on February 1, 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 Fairmont Park Neighborhood Association notices were mailed to Steve Walter, 314 East 24<sup>th</sup> Street, Des Moines, IA 50317.

**6. Relevant Zoning History:** N/A.

**7. 2020 Community Character Land Use Plan Designation:** General Industrial.

**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:** Mid-American Energy has an electric transmission and distribution facility and a gas distribution facility within the subject property. Public Works Department has also indicated there is an existing 24-inch storm sewer located along the front (north) property line. Staff recommends that any vacation be subject to reservation of necessary easements for all utilities in place.

**2. Traffic/Street System:** The requested vacation would not adversely impact the surrounding street network so long as adequate right-of-way is maintained between the resulting property line and the existing curbs along Guthrie Avenue. The City's Traffic & Transportation Division has indicated the need to retain the right-of-way within 12 feet of the south curb line along Guthrie Avenue.

## **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:**

CJ Stephens moved staff recommendation to approve the requested vacation subject to the following:

1. Provision of easements for all existing utilities until such time they are relocated at the applicant's expense.

2. Retention of right-of-way within 12 feet of the south curb line along Guthrie Avenue.

Motion passed 15-0.

Respectfully submitted,

  
Michael Ludwig, AICP  
Planning Administrator

MGL:clw  
Attachment

Brent/Susan Sodders - Vicinity of 2223 E 21st Street 11-2013-1.01

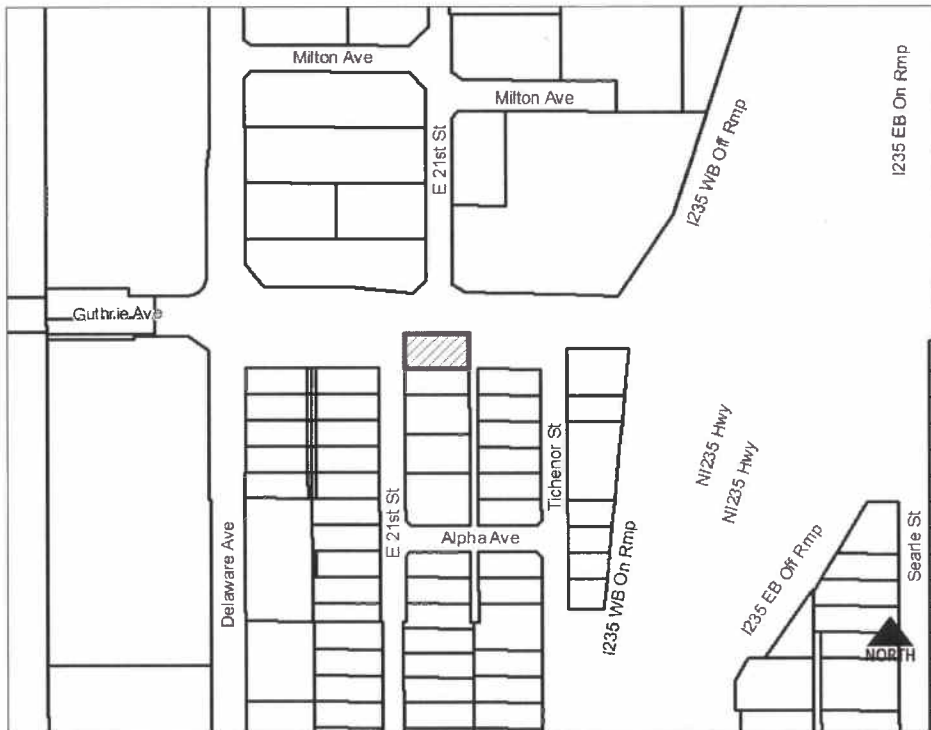


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Request from Susan and Brent Sodders (owners) 2223 East 21 <sup>st</sup> Street for vacation of the south 69.2 feet of Guthrie Avenue adjoining the subject property.				File #	
				11-2013-1.01	
Description of Action	Approval to vacate the south 69.2 feet of Guthrie Avenue adjoining the subject property subject to conditions.				
2020 Community Character Plan	General Industrial				
Horizon 2035 Transportation Plan	No Planned Improvements				
Current Zoning District	"R1-60" One-Family Low-Density Residential District				
Proposed Zoning District	"R1-60" One-Family Low-Density Residential District				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
	Inside Area	2	1		
Outside Area					
Plan and Zoning Commission Action	Approval	15-0	Required 6/7 Vote of the City Council	Yes	N/A
	Denial			No	

Brent/Susan Sodders - Vicinity of 2223 E 21st Street

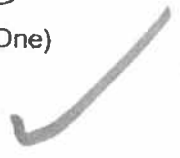
11-2013-1.01



Item 11-2013-1.01 Date 2-1-13

I (am) (am not) in favor of the request.

(Circle One)



Print Name Greg DAVIS

Signature Greg DAVIS

Address 2224 Tichenor DM #A 50317

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

I DONT KNOW WHO MOVES THAT PROPERTY AND THE NEXT ONE TO  
ME AT 2224 TICHENOR BUT THEY DO A VERY BAD JOB. ITS NOT DONE  
VERY OFTEN AND THEY DONT GET CLOSE TO POLES, SIGNS ECT. I MOSTLY  
GESSING BUT IF THEY GET IT AND PUT UP A FENCE THEN WILL BE MORE  
WEEDS LEFT AROUND FENCE. AND IF SOMEONE BUYS THE LOT NEXT TO ME  
IT WILL MAKE IT IMPOSSABLE TO USE THE ALLEY.



Item 11-2013-1.01 Date 2-3-13

I  (am) (am not) in favor of the request.

(Circle One)

Print Name Merion Morris

Signature Merion Morris

Address 2228 E. 21<sup>st</sup> St DMIT

50317

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

they mow land every year.

it would also like information on property next to me.

Item 11-2013-1.01 Date 2-1-13

I  (am) (am not) in favor of the request.

(Circle One)

Print Name Susan & Brent Sodders

Signature Susan Sodders

Address 2223 E. 21<sup>st</sup> St DSM

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

I have maintained the tree line and the grass on the property in question since I bought the neighboring property Oct 2002. I also clean up the garbage that blows across the street from Kum & Go as needed.

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ADJACENT TO  
SUBJECT PROPERTY