


Date October 7, 2013

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 3, 2013, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a City initiated request represented by the City Engineer Jeb Brewer for vacation of a segment of Southeast 4th Street running 100 feet north of Shaw Street, east of and adjoining property located at 626 Southeast 4th Street, to allow construction of the South East Fourth Street Storm Pump Station project.

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

FORM APPROVED:



 Michael F. Kelley
 Assistant City Attorney

(11-2013-1.16)

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 _____

October 4, 2013

Agenda Item 15

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 October 3, 2013, the following action was taken regarding a City initiated request represented by the City Engineer Jeb Brewer for vacation of a segment of Southeast 4th Street running 100 feet north of Shaw Street, east of and adjoining property located at 626 Southeast 4th Street.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 13-0 as follows:

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

APPROVAL for vacation of the requested segment of right-of-way to allow construction of the South East Fourth Street Storm Pump Station project.
(11-2013-1.16)

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation of right-of-way.

STAFF REPORT

I. GENERAL INFORMATION

1. Purpose of Request: The proposed vacation is necessary to provide adequate space for the construction of a pump station along the east bank of the Des Moines River.



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

2. **Size of Site:** 85 feet by 100 feet (85,000 square feet).
3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District and "M-1" Light Industrial District.
4. **Existing Land Use (site):** Semi-developed right-of-way consisting of a narrow gravel drive path.

5. **Adjacent Land Use and Zoning:**

North – "M-1", Uses are automotive repair and vacant land.

East – "M-1"; Use is vacant land.

South – "R1-60", Uses are vacant land and the Des Moines River.

West – "R1-60"; Uses are vacant land and the Des Moines River.

6. **General Neighborhood/Area Land Uses:** The subject site is located near the southern perimeter of the downtown along the east bank of the Des Moines River. The area contains a mix of commercial, light industrial and residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Historic East Village Neighborhood. This neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on September 13, 2013 and a Final Agenda on September 27, 2013. Additionally, separate notifications of the hearing for this specific item were mailed on September 23, 2013 (10 days prior to the hearing) to the Historic East Village Association and to the primary titleholder on file with the Polk County Assessor for each adjoining property.

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 Historic East Village Association notices were mailed to Josh Garrett, P.O. Box 1782, Des Moines, IA 50305.

8. **Relevant Zoning History:** None.
9. **2020 Community Character Land Use Plan Designation:** General Industrial.
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**

Street System/Access: The requested vacation would not adversely impact the surrounding street network. The only parcels that rely on the subject right-of-way for access are City-owned parcels that will become a part of the pump station site.

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:

Greg Jones moved staff recommendation to approve the requested vacation of right-of-way.

Motion passed 13-0.

Respectfully submitted,



Jason Van Essen, AICP
Senior City Planner

JMV:clw
Attachment

Request from the City Engineer Jeb Brewer for vacation of a segment of Southeast 4th Street running 100 feet north of Shaw Street, east of and adjoining property located at 626 Southeast 4th Street.				File # 11-2013-1.16	
Description of Action	Approval for vacation of a segment of Southeast 4th Street running 100 feet north of Shaw Street, east of and adjoining property located at 626 Southeast 4th Street to allow construction of the South East Fourth Street Storm Pump Station project.				
2020 Community Character Plan	Park/Open Space and General Industrial (current & no change proposed)				
Horizon 2035 Transportation Plan	No Planned Improvements				
Current Zoning District	"R1-60" One-Family Low-Density Residential District and "M-1" Light Industrial District				
Proposed Zoning District	"R1-60" One-Family Low-Density Residential District and "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	13-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

City of Des Moines Engineering Department - vicinity of SE 4th Street and Shaw Avenue

11-2013-1.16

