

Date May 5, 2014

**COMMUNICATION FROM THE PLAN AND ZONING COMMISSION
REGARDING THE REQUEST FROM RANDY WEIGEL FOR THE VACATION
OF E. GRANGER AVENUE EXTENDING FROM SE 15TH STREET TO
SE 15TH COURT**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 17, 2014, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Randy Weigel, owner of the property at 1700 SE 15th Court, for the vacation of the adjoining segment of East Granger Avenue extending from SE 15th Street to SE 15th Court, subject to the following conditions:

1. Reservation of necessary easements for all existing utilities in place until such time that they are relocated.
2. Approval of a Site Plan by the Permit and Development Center for any reuse of vacated right-of-way.

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

FORM APPROVED:

Roger K Brown

(11-2014-1.02)

Roger K. Brown
Assistant City Attorney

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|----------|------|--------|
| COWNIE | | | | |
| COLEMAN | | | | |
| GATTO | | | | |
| GRAY | | | | |
| HENSLEY | | | | |
| MAHAFFEY | | | | |
| 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.

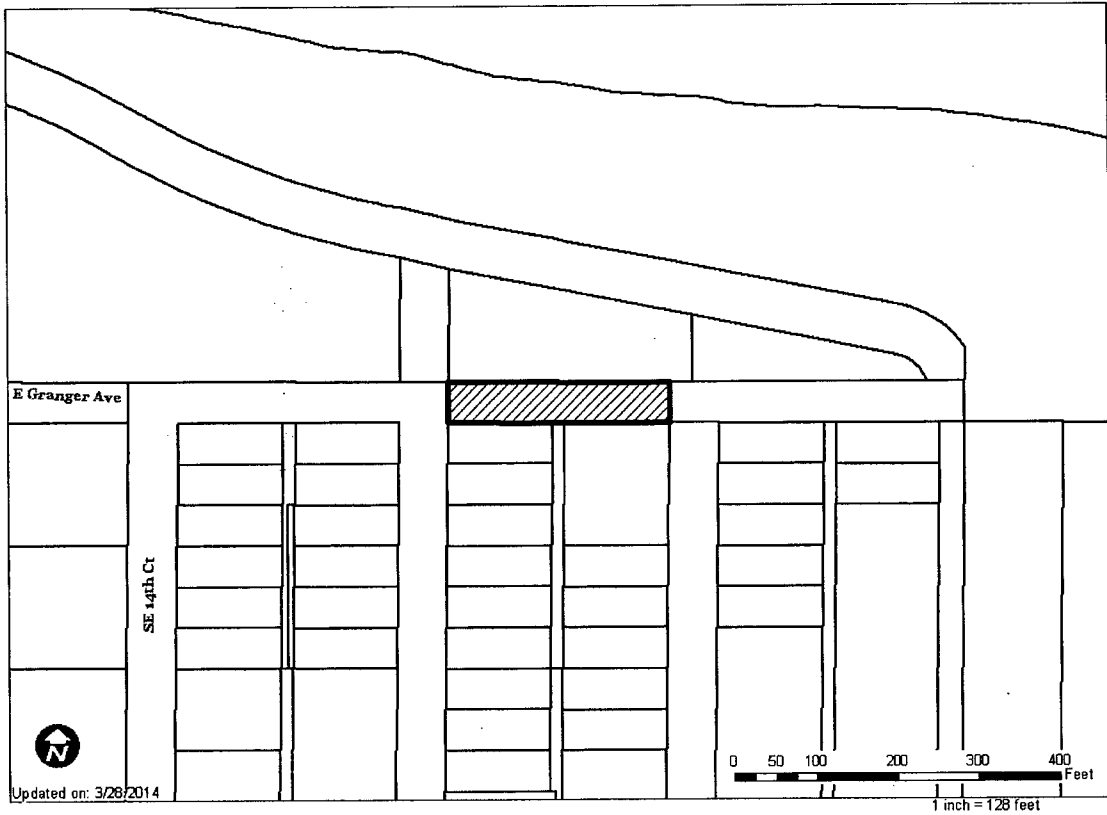
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

_____ City Clerk

| | | | |
|--|--|---------------|--|
| Randy Weigel (owner) on property located at 1700 Southeast 15 th Court. | | File # | |
| | | 11-2014-1.02 | |
| Description of Action | Approval of a request to vacate right-of-way for East Granger Avenue from Southeast 15th Street to Southeast 15th Court subject to conditions. | | |
| 2020 Community Character Plan | General Industrial (current & no change proposed). | | |
| Horizon 2035 Transportation Plan | No planned improvements. | | |
| Current Zoning District | "M-1" Light Industrial District. | | |
| Proposed Zoning District | N/A. | | |
| Consent Card Responses | In Favor | Not In Favor | Undetermined |
| Inside Area | | | |
| Outside Area | | | |
| Plan and Zoning Commission Action | Approval | 11-0 | Required 6/7 Vote of the City Council |
| | Denial | | Yes |
| | | | No |
| | | | X |

Weigel, 1700 SE 15th Ct

11-2014-1.02





April 25, 2014

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 April 17, 2014, the following action was taken regarding a request from Randy Weigel (owner) 1700 Southeast 15th Court for vacation of East Granger Avenue from Southeast 15th Street to Southeast 15th Court.

COMMISSION RECOMMENDATION:

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

| Commission Action: | Yes | Nays | Pass | Absent |
|--------------------|-----|------|------|--------|
| Dory Briles | X | | | |
| JoAnne Corigliano | X | | | |
| Jacqueline Easley | X | | | |
| Tim Fitzgerald | | | | X |
| Dann Flaherty | X | | | |
| Jann Freed | 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 of the requested vacation subject to the following conditions: (11-2014-1.02)

1. Reservation of necessary easements for all existing utilities in place until such time that they are relocated.

2. Approval of a Site Plan by the Permit and Development Center for any reuse of vacated right-of-way.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation subject to the following conditions:

1. Reservation of necessary easements for all existing utilities in place until such time that they are relocated.
2. Approval of a Site Plan by the Permit and Development Center for any reuse of vacated right-of-way.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is requesting to vacate a segment of right-of-way on East Granger Avenue from Southeast 15th Street to Southeast 15th Court. The proposed vacation will allow assembly of the right-of-way along with adjoining parcels for future development and use.
2. **Size of Site:** The right-of-way segment on Granger Avenue from Southeast 15th Street to Southeast 15th Court measures 50 feet by 273 feet (13,650 square feet).
3. **Existing Zoning (site):** "M-1" Light Industrial District.
4. **Existing Land Use (site):** Unimproved right-of-way.
5. **Adjacent Land Use and Zoning:**
 - North** – "M-1", Light Industrial District. Uses are vacant parcel owned by the City of Des Moines and Raccoon River.
 - East** – "M-1", Light Industrial District. Uses are vacant parcels and vacated alleyway owned by Cyrano LC.
 - South** – "M-1", Light Industrial District. Uses are vacant parcels owned by the applicant.
 - West** – "M-1", Light Industrial District. Uses public right-of-way owned by the City of Des Moines Real Estate Division and vacant parcels owned by Polk County.
6. **General Neighborhood/Area Land Uses:** The subject right-of-way is located south of the Raccoon River and east of Southwest 14th Street. The area is predominantly vacant property. There is a concrete recycling operation to the southeast.

7. **Applicable Recognized Neighborhood(s):** The subject property is not within a recognized neighborhood area, nor within 250 feet of any recognized neighborhood association. Notifications of the hearing for this specific item were mailed on April 7, 2014 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for each property adjoining the site. A preliminary agenda was mailed to all recognized neighborhoods on March 28, 2014 and final agenda on April 11, 2014.
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

1. **Utilities:** There are no public utilities identified within the requested right-of-way segment at this time.
2. **Street System/Access:** The requested vacation would not adversely impact the surrounding street network, and allows for larger areas for redevelopment. The circulation and access that would be removed only serves the properties proposed to be redeveloped. Access easements must be reserved for existing uses of property until they are redeveloped.
3. **Future Use:** The applicant has also requested to purchase other intervening right-of-way which has already been vacated. It should be noted that the applicant's other adjoining properties are not developed for any recognized use. Any proposed use of the property or development of the property is subject to Site Plan review or review of a grading plan.

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:

Ted Irvine moved staff recommendation to approve requested vacation subject to the following conditions:

1. Reservation of necessary easements for all existing utilities in place until such time that they are relocated.

2. Approval of a Site Plan by the Permit and Development Center for any reuse of vacated right-of-way.

Motion passed 11-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment