

Date July 28, 2014

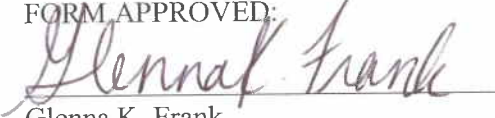
**COMMUNICATION FROM THE PLAN AND ZONING COMMISSION
REGARDING A REQUEST FROM RAYMOND QUIJANO (OWNER), 1440
MAURY STREET, FOR VACATION OF THE WEST SIX (6) FEET OF
SOUTHEAST 15TH STREET EAST OF AND ADJOINING 1440 MAURY STREET**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 17, 2014, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Raymond Quijano (owner), 1440 Maury Street, for vacation of the west six (6) feet of Southeast 15th Street east of and adjoining 1440 Maury Street, 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 commercial reuse of the vacated right-of-way.

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

FORM APPROVED:


Glenna K. Frank
Assistant City Attorney

(11-2014-1.08)

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

Date _____

July 23, 2014

Agenda Item 116

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 July 17, 2014, the following action was taken regarding a request from Raymond Quijano (owner) 1440 Maury Street for vacation of the west six (6) feet of Southeast 15th Street east of and adjoining the subject property.

COMMISSION RECOMMENDATION:

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

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
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: (11-2014-1.08)

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 commercial reuse of the 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 commercial reuse of the vacated right-of-way.

Written Responses

- 1 In Favor
- 0 In Opposition

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is requesting to vacate the west six (6) feet of Southeast 15th Street right-of-way east of and adjoining the property at 1440 Maury Street. The proposed vacation and purchase of the ROW segment will allow the property owner to retain a portion of and expand the existing parking lot, and will also allow it to meet the setback requirements from the east property line along a street right-of-way.
2. **Size of Site:** The right-of-way segment requested for vacation on Southeast 15th Street measures six (6) feet by 173 feet (1,038 square feet).
3. **Existing Zoning (site):** "M-1" Light Industrial District.
4. **Existing Land Use (site):** Parking lot serving the subject property.
5. **Adjacent Land Use and Zoning:**

North – "M-1" Light Industrial District. Use includes an auto service shop (Storm Auto).

South – "M-1" Light Industrial District. Uses include City owned right-of-way for Maury Street and an auto service establishment (Maury Plaza Motors) south of the Maury Street.

East – "M-1" Light Industrial District. Use includes an auto repair shop (South Decorating Inc.).

West – "M-1" Light Industrial District. Uses include an auto repair shop (Dickey Investment LLC), a vacant City of Des Moines owned parcel and a vacant parcel owned by the applicant.

- 6. **General Neighborhood/Area Land Uses:** The subject site is located southeast of Downtown core and south of the proposed Southeast Connector. The area contains a mix of commercial and light industrial uses.
- 7. **Applicable Recognized Neighborhood(s):** The subject property is not within a recognized neighborhood or within 250 feet of a recognized neighborhood. All recognized neighborhoods were notified of the meeting by mailing of the Preliminary Agenda on July 1, 2014 and a Final Agenda on July 11, 2014. Additionally, separate notifications of the hearing for this specific item were mailed on July 11, 2014 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for each adjoining property.
- 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 alleyway segment at this time.
- 2. **Street System/Access:** The requested vacation would not adversely impact the surrounding street network.
- 3. **Future Use:** The applicant proposes to purchase the vacated right-of-way which shall allow the property owner to retain a portion of and expand an existing parking lot. The requested vacation would allow the property to meet the setback requirements of five (5) feet from an adjoining street right-of-way and come into conformance with the City's Zoning Code requirements. The applicant has submitted a Site Plan for review to the City's Permit and Development Center.

SUMMARY OF DISCUSSION

Greg Jones asked if anyone was present to speak on this item. None were present or requested to speak.

CHAIRPERSON OPENED THE PUBLIC HEARING

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

COMMISSION ACTION:

John "Jack" Hilmes moved staff recommendation to approve the requested vacations subject to the following conditions:

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

Motion passed 11-0.

Respectfully submitted,

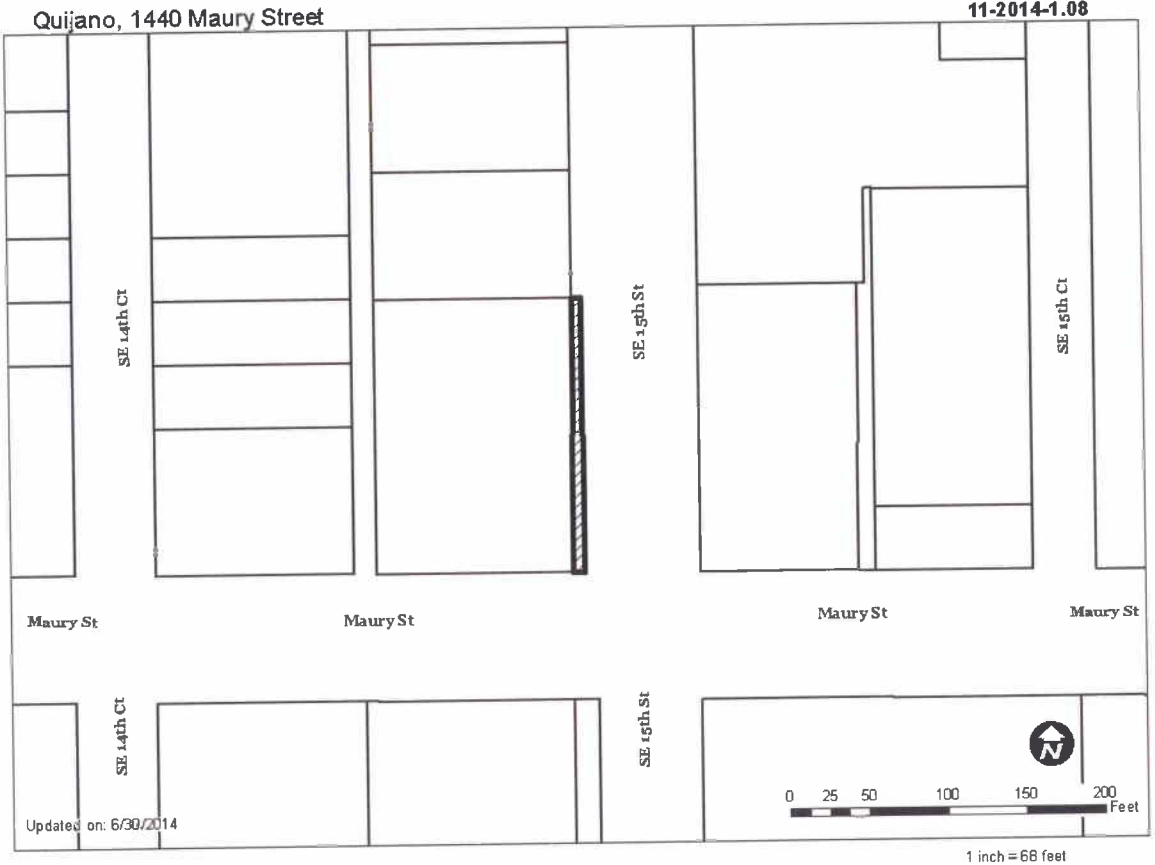


Erik Lundy, AICP
Senior City Planner

EML:clw

Attachment

Request from Raymond Quijano (owner) 1440 Maury Street.				File #	
				11-2014-1.08	
Description of Action	Approval for Vacation of the west six (6) feet of Southeast 15th Street east of and adjoining the subject property subject to conditions.				
2020 Community Character Plan	General Industrial (current).				
Horizon 2035 Transportation Plan	No planned improvements.				
Current Zoning District	"M-1" Light Industrial District.				
Proposed Zoning District	"M-1" Light Industrial District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	1	0			
Outside Area					
Plan and Zoning Commission Action	Approval	11-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X



1 inch = 68 feet

Item 11-2014-1.08

Date

7/11/14

16

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

RECEIVED

Post Pk 2

COMMUNITY DEVELOPMENT

South Decorating Inc

Print Name

By THOMAS SOUTH

JUL 18 2014

Signature

[Handwritten Signature]

DEPARTMENT

Address

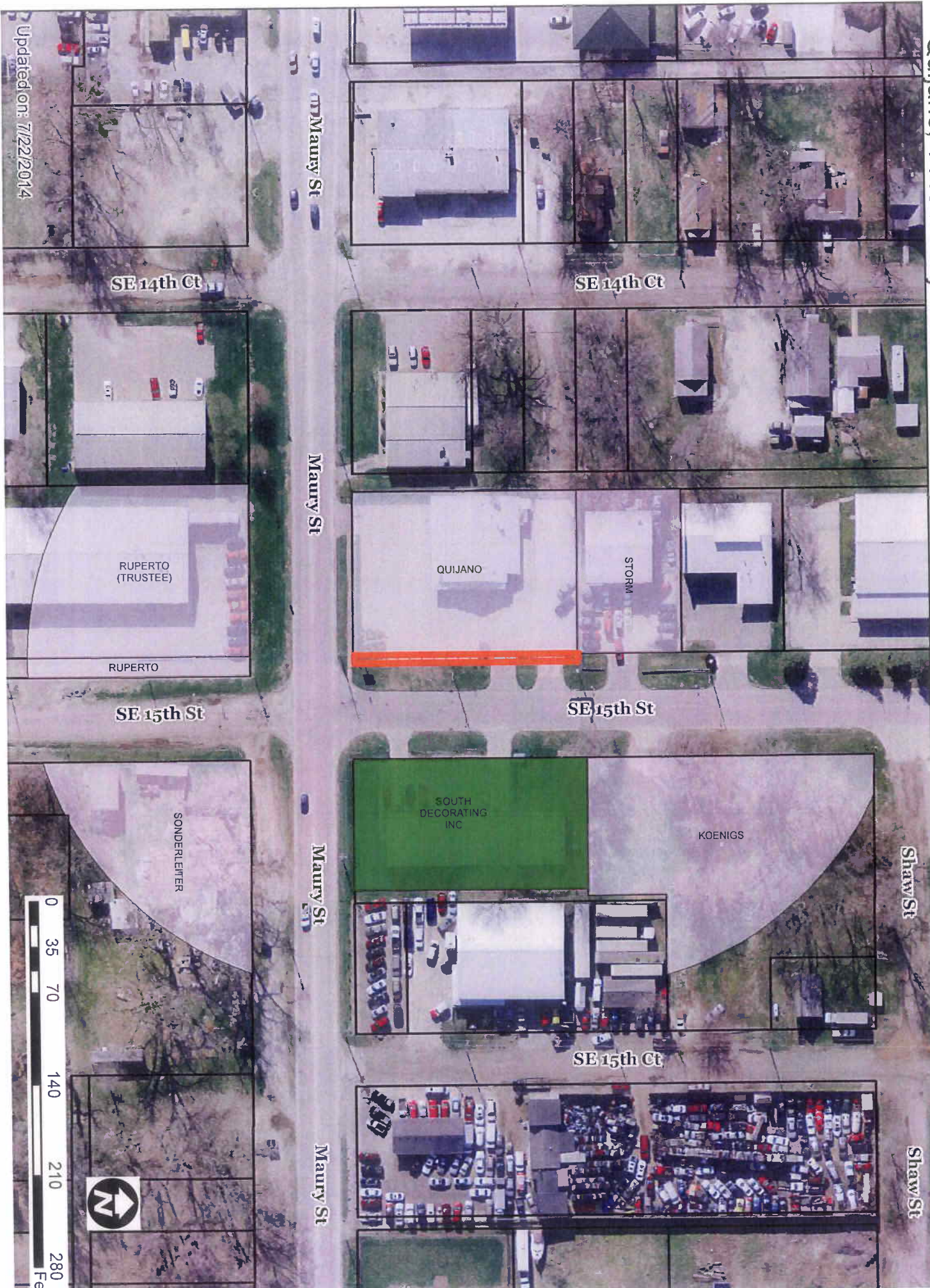
6834 Tailfeatherway Bandawton Fl

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

16

Quijano, 1440 Maury Street

11-2014-1.08



Updated on: 7/22/2014

0 35 70 140 210 280
 Feet

