

Date July 28, 2014

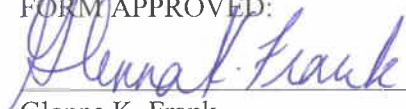
**COMMUNICATION FROM THE PLAN AND ZONING COMMISSION  
REGARDING A REQUEST FROM RANDALL VAN GUNDY  
(OWNER), 2812 INDIANAPOLIS AVENUE, FOR VACATION OF A  
DEAD-END SEGMENT OF EAST/WEST ALLEY BETWEEN KINSEY  
AVENUE AND INDIANAPOLIS AVENUE FROM EAST 28TH STREET  
TO A POINT APPROXIMATELY 190 FEET TO THE EAST**

**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 Randall Van Gundy (owner), 2812 Indianapolis Avenue, for vacation of a dead-end segment of east/west alley between Kinsey Avenue and Indianapolis Avenue from East 28th Street to a point approximately 190' feet to the east, subject to the following conditions:

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

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

FORM APPROVED:

  
\_\_\_\_\_  
Glenna K. Frank  
Assistant City Attorney

(11-2014-1.07)

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

July 23, 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 July 17, 2014, the following action was taken regarding a request from Randall Van Gundy (owner) 2812 Indianapolis Avenue for vacation of a dead-end segment of east/west alley between Kinsey Avenue and Indianapolis Avenue from East 28<sup>th</sup> Court to a point approximately 185 feet to the east.

**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 vacations subject to the following conditions: (11-2014-1.07)

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

**STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Staff recommends approval of 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.

Written Responses

- 3 In Favor
- 1 In Opposition

**STAFF REPORT TO THE PLANNING COMMISSION**

**I. GENERAL INFORMATION**

1. **Purpose of Request:** The applicant is requesting to vacate a dead-end segment of east/west alley between Kinsey Avenue and Indianapolis Avenue from East 28<sup>th</sup> Street to a point approximately 190 feet to the east. The proposed vacation would limit access to the alley and would allow conveyance of sections of the alleyway to adjoining property owners.
2. **Size of Site:** The subject alleyway segment measures 16 feet by 190 feet (3,040 square feet).
3. **Existing Zoning (site):** "R1-60" One-family, Low-Density Residential District.
4. **Existing Land Use (site):** Unimproved alleyway.
5. **Adjacent Land Use and Zoning:**

**North** – "R1-60", One-Family, Low-Density Residential District. Uses include the Faith Tabernacle Church and one privately-owned residential parcel.

**South** – "R1-60", One-Family, Low-Density Residential District. Uses include three privately-owned residential parcels.

**East** – "R1-60", One-Family, Low-Density Residential District. Uses include two privately-owned residential parcels.

**West** – "R1-60", One-Family, Low-Density Residential District. Uses include public right-of-way (East 28<sup>th</sup> Street) owned by the City of Des Moines Real Estate Division with residential parcels to the west of the right-of-way.

6. **General Neighborhood/Area Land Uses:** The subject site is located in a predominantly residential neighborhood generally south of Easton Boulevard. The Faith Tabernacle Church is located at the north of the subject site.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Accent Neighborhood. This neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda 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 7, 2014 (10 days prior to the hearing) to the Accent Neighborhood 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 person designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Accent Neighborhood notices were mailed to Marian Wynn, 2413 Elizabeth Avenue, Des Moines, IA 50317.

8. **Relevant Zoning History:** None.

9. **2020 Community Character Land Use Plan Designation:** Low Density Residential.

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. The subject alleyway is a dead-end segment and any circulation and access that would be removed does not serve any of the adjoining properties. There are no plans to develop the vacated segment.

**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,

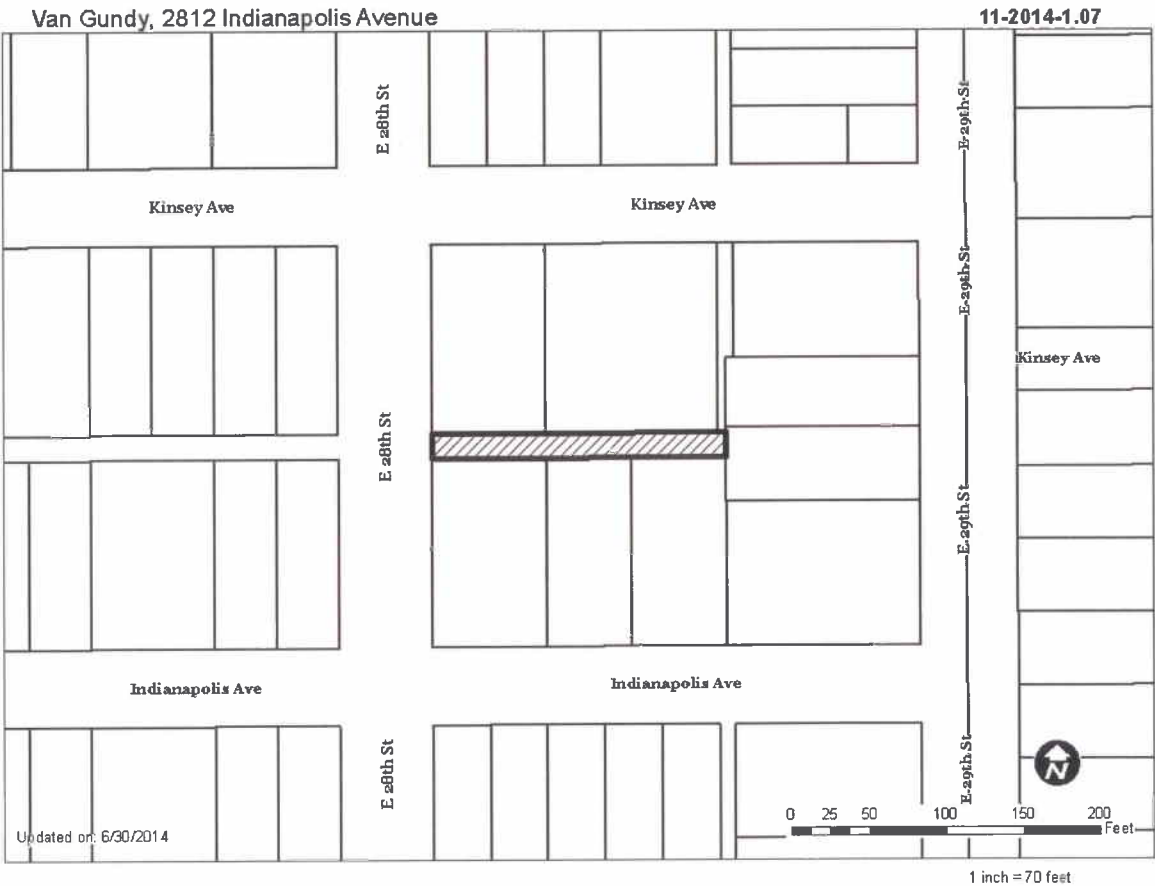


Erik Lundy, AICP  
Senior City Planner

EML:clw

Attachment

Request from Randall Van Gundy (owner) 2812 Indianapolis Avenue.				<b>File #</b>	
				11-2014-1.07	
<b>Description of Action</b>	Approval for Vacation of a dead-end segment of east/west alley between Kinsey Avenue and Indianapolis Avenue from East 28th Street to a point approximately 1990 feet to the east subject to conditions.				
<b>2020 Community Character Plan</b>	Low Density Residential. (current).				
<b>Horizon 2035 Transportation Plan</b>	No planned improvements.				
<b>Current Zoning District</b>	"R1-60" One-Family Low-Density Residential District.				
<b>Proposed Zoning District</b>	"R1-60" One-Family Low-Density Residential District.				
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	3	1			
Outside Area					
<b>Plan and Zoning Commission Action</b>	Approval	11-0	<b>Required 6/7 Vote of the City Council</b>	Yes	
	Denial			No	X



1 inch = 70 feet

Item 11-2014-1.07

Date 7/9/14

17

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

Applicant

**RECEIVED**

COMMUNITY DEVELOPMENT

Print Name Randall Van Gundy

JUL 14 2014

Signature [Handwritten Signature]

DEPARTMENT

Address 2812 Indianapolis Ave  
Des Moines

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

Vacating and selling the dead-end alley will  
allow me to secure my property helping me  
prevent thefts, Trespassing, vandalism, and access  
to my property. I currently maintain the alley  
between Faith Tabernacle and My property.



Item 11-2014-1.07

Date 7-9-14

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

COMMUNITY DEVELOPMENT  
(Circle One)

JUL 16 2014

DEPARTMENT

Print Name Robert D. Henderson Sr.

Signature Robert D. Henderson Sr.

Address 2800 Kijow Ave.

*owner of 2800 Indianapolis Ave.*

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

*fence it off to cut down on possible theft. Also we the people maintain it anyway.*

Item 11-2014-1.07

Date 7-10-14

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

COMMUNITY DEVELOPMENT  
(Circle One)

JUL 14 2014

DEPARTMENT

Print Name Iva N. Knowles

Signature Iva N Knowles

Address 1516 E. 29th St, D.M.S

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

*The Church people try to take over every thing in our area.*

Item 11-2014-1.07

Date

July 14, 2014

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



RECEIVED

(Circle One)

COMMUNITY DEVELOPMENT

Print Name Esther Halterman

JUL 21 2014

Signature *Esther Halterman*

DEPARTMENT

Address 2806 Indianapolis Ave  
Des Moines IA 503178323

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

It would be less chance for someone coming into my yard and vandalism <sup>occurring</sup>

I would also be allowed to add more land to my property!

Item 11-2014-1.07

Date

7-10-2014

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



RECEIVED

COMMUNITY DEVELOPMENT

Print Name Rev. Timothy Hartman

JUL 18 2014

Signature *Rev Timothy Hartman*

DEPARTMENT

Address 2811 Kansley Ave

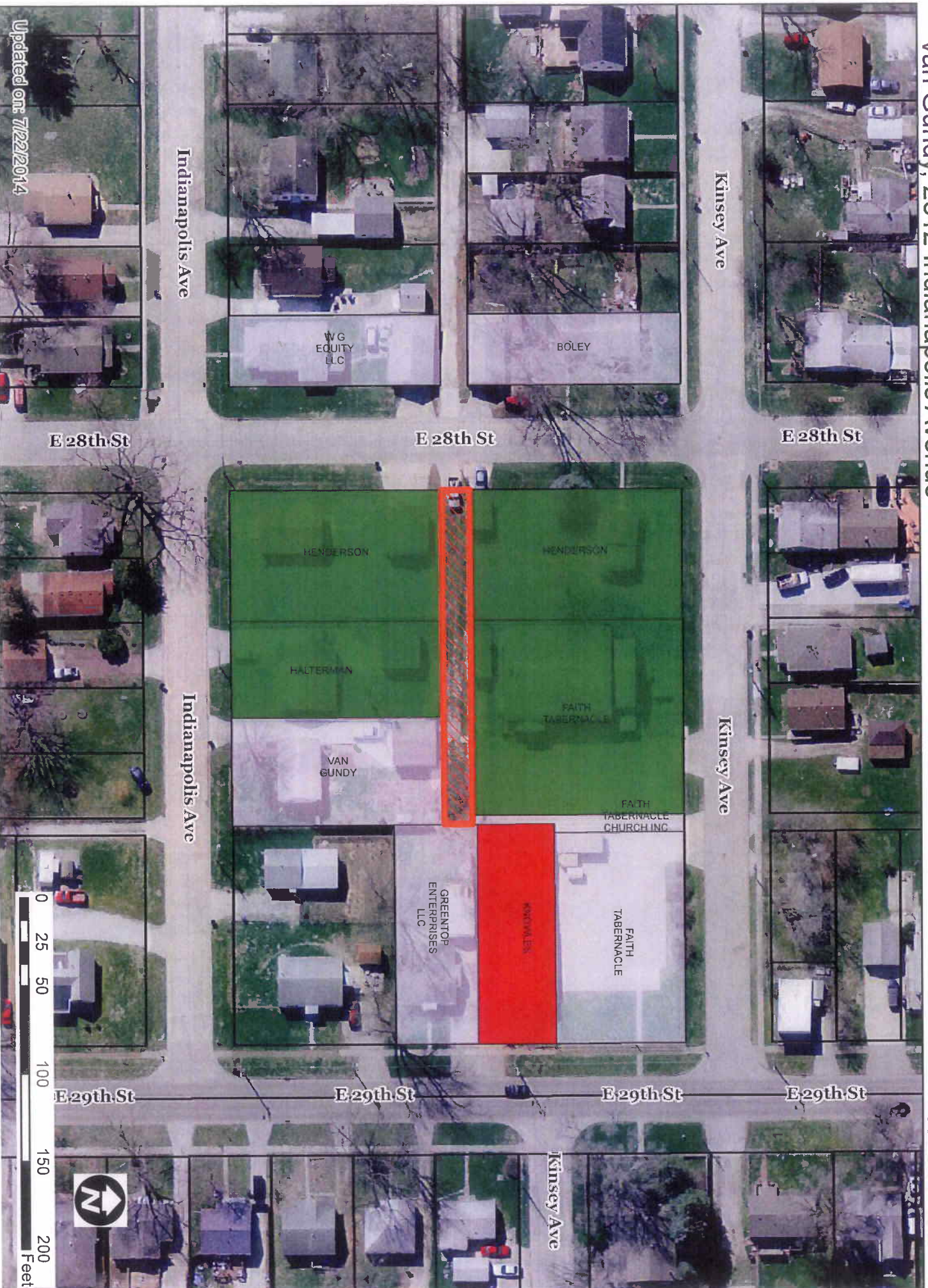
Reason for opposing or approving this request may be listed below:

Security, to help prevent unwanted access to church and parking lot.



Van Gundy, 2812 Indianapolis Avenue

11-2014-1.07



Updated on: 7/22/2014