



Roll Call Number

Agenda Item Number

19

Date January 26, 2015

**RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION
REGARDING A CITY-INITIATED REQUEST TO VACATE THE EAST/WEST SEGMENT OF
ALLEY IN THE BLOCK BOUNDED BY FOREST AVENUE, INDIANA AVENUE, 3RD STREET,
AND 4TH STREET, IN THE VICINITY OF 334 FOREST AVENUE**

WHEREAS, on December 8, 2014, by Roll Call No. 14-1887, the City Council referred a request for vacation of alley right-of-way in the vicinity of 334 Forest Avenue to the Community Development Department and Plan and Zoning Commission for review and recommendation as a City-initiated vacation request; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on January 15, 2015, its members voted 10-0 in support of a motion to recommend **APPROVAL** of said City-initiated request to vacate the east/west segment of alley in the block bounded by Forest Avenue, Indiana Avenue, 3rd Street, and 4th Street, in the vicinity of 334 Forest Avenue, subject to the provision of any necessary easements for all existing utilities until such time that they are abandoned or are relocated.

MOVED by _____ to receive and file the attached communication from the Plan and Zoning Commission.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank
Assistant City Attorney

(11-2014-1.17)

| 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

January 21, 2015

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 January 15, 2015, the following action was taken regarding a City initiated request to vacate the east/west segment of alley in the block bounded by Forest Avenue, Indiana Avenue, 3rd Street, and 4th Street, in the vicinity of 334 Forest Avenue.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-0 as follows:

| Commission Action: | Yes | Nays | Pass | Absent |
|---------------------|-----|------|------|--------|
| Dory Briles | X | | | |
| JoAnne Corigliano | X | | | |
| Jacqueline Easley | X | | | |
| Tim Fitzgerald | X | | | |
| Jann Freed | | | | X |
| John "Jack" Hilmes | X | | | |
| Greg Jones | X | | | |
| William Page | X | | | |
| Jonathan Rosenbloom | X | | | |
| Mike Simonson | X | | | |
| CJ Stephens | | | | X |
| Vicki Stogdill | | | | X |
| Greg Wattier | X | | | |

APPROVAL of the requested vacation subject to the provision of any necessary easements for all existing utilities until such time that they are abandoned or are relocated.
(11-2014-1.17)

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval subject to the provision of any necessary easements for all existing utilities until such time that they are abandoned or are relocated.

Written Responses

1 In Favor

0 In Opposition

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed vacation would allow assembly of the segment of alleyway along with adjoining parcels for future use.
2. **Size of Site:** 13 feet by 141 feet (1,833 square feet).
3. **Existing Zoning (site):** "R1-60", One-Family, Low-Density Residential District, "GGP", Gambling Games Prohibition Overlay District.
4. **Existing Land Use (site):** Undeveloped alley way.
5. **Adjacent Land Use and Zoning:**

North – "R1-60", Uses include two (2) single-family residences and a vacant lot owned by Forest Avenue Outreach, a non-profit organization.

East – "R1-60", Use is residential.

South – "R1-60", Uses include three (3) single-family residential buildings.

West – "R1-60", Use is residential.

6. **General Neighborhood/Area Land Uses:** The subject segment of alleyway is located north of Mercy Hospital in a predominantly single-family residential area.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the River Bend Neighborhood. This neighborhood association was notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhood associations on December 24, 2014. Additionally, separate notifications of the hearing for this specific item were mailed on January 5, 2015 (10 days prior to the hearing) to the River Bend Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property adjacent to the requested right-of-way. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on January 9, 2014.

All agendas and notices are mailed to the primary contact person designated to the City of Des Moines Neighborhood Development Division by the recognized neighborhood association. The River Bend Neighborhood Association notices were mailed to Tanya Keith, 1730 7th Street, Des Moines, IA 50314.

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:** Easements must be provided for any existing utilities in place until such time that they may be abandoned or are relocated. No utilities have been identified at this time.
- 2. Street System/Access:** The requested vacation of undeveloped alleyway would not significantly impact the existing surrounding street network.

SUMMARY OF DISCUSSION

Erik Lundy presented the staff report and recommendation.

Ralph Chiodo 1511 12th Street stated he represents an organization called Forest Avenue Outreach that he founded in 2012. The property was given to them by St. Vincent De'Paul earlier this year. They are working to develop a miniature orchard which would consist of 20 trees on the south end of the lot and then the north end would be a gathering place such as an outdoor classroom and possibly an outdoor kitchen for the community as a way to bring the community together. The only way to access this property in a vehicle is through the abandoned alley. They want to turn this alley into a driveway to access the property.

CHAIRPERSON OPENED THE PUBLIC HEARING

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

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

Greg Wattier moved staff recommendation for approval of the requested vacation subject to the provision of any necessary easements for all existing utilities until such time that they are abandoned or are relocated.

Motion passed 10-0.

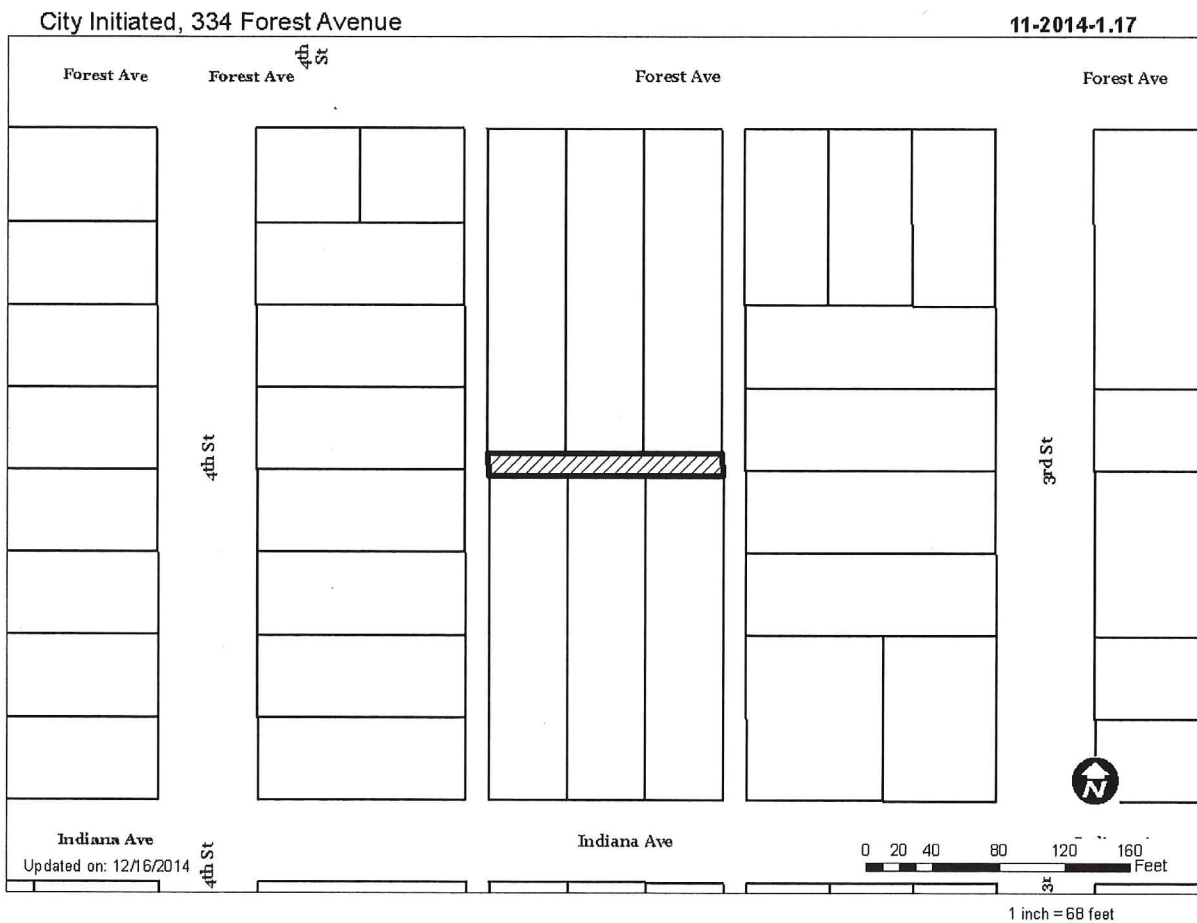
Respectfully submitted,



Michael G. Ludwig, AICP
Planning Administrator

MGL:clw
Attachment

| | | | | | |
|--|---|--------------|--|---------------|---|
| City-initiated request in the vicinity of 334 Forest Avenue. | | | | File # | |
| | | | | 11-2014-1.17 | |
| Description of Action | Approval to vacate the east/west segment of alley in the block bounded by Forest Avenue, Indiana Avenue, 3rd Street, and 4th Street, subject to the provision of any necessary easements for all existing utilities until such time that they are abandoned or are relocated. | | | | |
| 2020 Community Character Plan | Current: Low-Density Residential. Proposed: N/A. | | | | |
| Horizon 2035 Transportation Plan | No planned improvements. | | | | |
| Current Zoning District | "R1-60" One-Family Low-Density Residential District. | | | | |
| Proposed Zoning District | N/A. | | | | |
| Consent Card Responses | In Favor | Not In Favor | Undetermined | % Opposition | |
| Inside Area | 1 | | | | |
| Outside Area | | | | | |
| Plan and Zoning Commission Action | Approval | 10-0 | Required 6/7 Vote of the City Council | Yes | |
| | Denial | | | No | X |



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Date 1/8/15

☒ (am) ☐ (am not) in favor of the request.

(Circle One)

Print Name Ralph Chiodo

Signature [Signature]

Address Forest Ave Outreach 1511 12th St DSM, IA

50314

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

The orchard needs Access from the alley
to get vehicles in due to the grade on
Forest being too steep. It will also serve as a
handicap accessible entrance to the orchard.

