

Date March 23, 2015

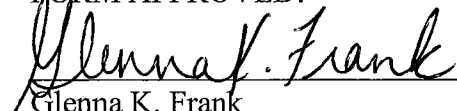
**RECEIVE AND FILE COMMUNICATION FROM THE
PLAN AND ZONING COMMISSION REGARDING REQUEST TO
VACATE 27TH STREET FROM FOREST AVENUE TO CARPENTER AVENUE
AND ALLEY IN THE VICINITY THEREOF**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on March 5, 2015, its members voted 8-0-1 in support of a motion to recommend **APPROVAL** of a request from Drake University (owner), represented by Jolene Schmidt (officer), for vacation of 27th Street from Forest Avenue to Carpenter Avenue, and of the 16-foot wide north/south alley from Forest Avenue to a point 320.5 feet to the south, subject to the following conditions:

1. Reservation of any necessary easements for all existing utilities in place until such time as they are abandoned or are relocated.
2. Installation of required paved fire apparatus turnaround on the remaining dead-end public segment of Carpenter Avenue.
3. Review and approval of a Site Plan by the City's Permit and Development Center for all related site and landscaping improvements.

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

FORM APPROVED:



 Glenna K. Frank
 Assistant City Attorney

(11-2015-1.01)

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.

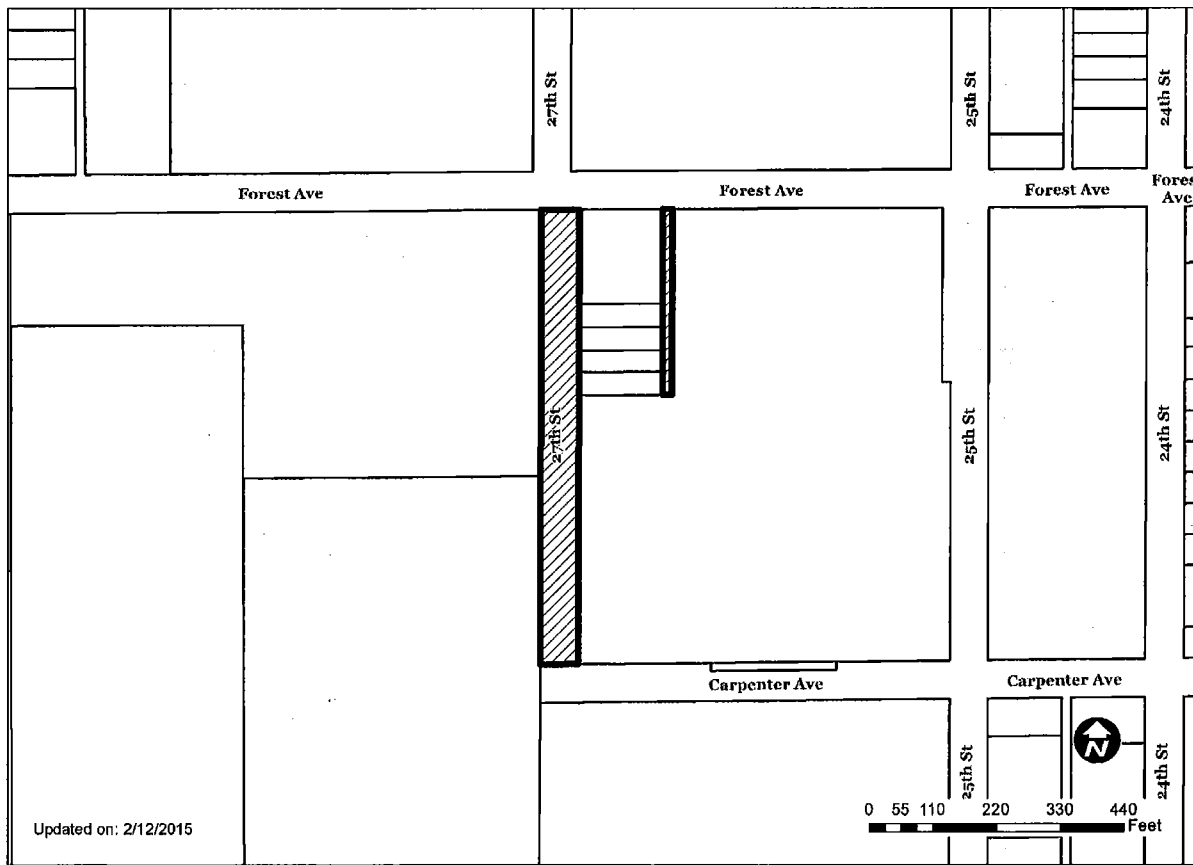
_____ Mayor

_____ City Clerk

Drake University (owner) represented by Jolene Schmidt (officer) for property located at 1363 27 th Street		File #		
		11-2015-1.01		
Description of Action	Approval of request to vacate 27 th Street from Forest Avenue to Carpenter Avenue and to vacate a 16-foot wide North/South alley from Forest Avenue to a point 320.5 feet to the South subject to conditions.			
2020 Community Character Plan	Current: Public/Semi-Public. Proposed: N/A.			
Horizon 2035 Transportation Plan	No planned improvements.			
Current Zoning District	"R-3" Multiple-Family Residential District & "C-1" Neighborhood Retail Commercial District.			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area				
Plan and Zoning Commission Action	Approval	8-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

Drake University, 1363 27th Street

11-2015-1.01



1 inch = 194 feet



March 17, 2015

Date _____

Agenda Item 14

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 March 6, 2015, the following action was taken regarding a request from Drake University (owner) 1363 27th Street represented by Jolene Schmidt (officer) to vacate 27th Street from Forest Avenue to Carpenter Avenue and 16-foot wide North/South alley from Forest Avenue to a point 320.5 feet to the South.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 8-0 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				
Mike Simonson	X			
CJ Stephens	X			
Vicki Stogdill	X			
Greg Wattier	X			

APPROVAL of the requested vacation of street and alley rights-of-way subject to the following conditions: (11-2015-1.01)

1. Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.
2. Installation of required paved fire apparatus turnaround on the remaining dead-end public segment of Carpenter Avenue.

3. Review and approval of a Site Plan for by the City's Permit and Development Center for all related site and landscaping improvements.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation of street and alley rights-of-way subject to the following conditions:

1. Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.
2. Installation of required paved fire apparatus turnaround on the remaining dead-end public segment of Carpenter Avenue.
3. Review and approval of a Site Plan for by the City's Permit and Development Center for all related site and landscaping improvements.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed vacation would allow Drake University to assemble land required to renovate existing facilities, add two new facilities and expand the existing parking lot. The vacated segment of 27th Street will become a walkway or plaza and the alleyway would be incorporated into an expanded parking lot.
2. **Size of Site:**
 - A) 27th Street right-of-way - 65 feet by 780 feet (50,700 square feet).
 - B) North/South alley segment - 16 feet by 320.5 feet (5,128 square feet).
3. **Existing Zoning (site):** "R-3" Multiple-Family Residential District, "C-1" Neighborhood Retail Commercial District.
4. **Existing Land Use (site):** Developed right-of-way and alley segment.
5. **Adjacent Land Use and Zoning:**

North – "PUD" & "R-3". Use is Educational. The properties to the north are part of Drake University and include the Drake Stadium, Fieldhouse and Knapp and Bell Center.

East – "R-3" & "C-1". Use is Educational. The properties to the east are part of Drake University and include a parking lot, Harmon Fine Arts Center and the Drake University Law School.

South – "R-3". Use is Educational. The properties to the south are part of Drake University and include the Carnegie Hall and Cowles Library.

West – “R-3”, Use is Educational. The properties to the west are part of Drake University and include the Olin Hall, Medbury Hall, Jewett Residence Hall and a parking lot.

6. **General Neighborhood/Area Land Uses:** The subject segments of right-of-way and alleyway are located in the northern portion of the Drake University campus on the north side of the Forest Avenue corridor.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in Drake Neighborhood. The neighborhood association was notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhood associations on February 13, 2015 and by mailing of the Final Agenda on February 27, 2015. Additionally, separate notifications of the hearing for this specific item were mailed on February 23, 2015 (10 days prior) to the neighborhood associations and to the primary titleholder on file with the Polk County Assessor for each property adjacent to the requested right-of-way and alley.

All agendas and notices are mailed to the primary contact designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Drake Neighborhood Association mailings were sent to Deric Gourd, 2422 Drake Park Avenue, Des Moines, IA 50311.

8. **Relevant Zoning History:** None.
9. **2020 Community Character Land Use Plan Designation:** Public/Semi-Public for the area around the requested vacation. The 2020 Community Character Plan states the following regarding this land use designation.

PUBLIC/SEMI-PUBLIC

Uses such as government facilities, schools, and hospitals

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:** The subject right-of-way contains water and sanitary sewer lines. Easements must be reserved for any existing utilities until such time that they may be abandoned or are relocated.
2. **Street System/Access:** The requested vacation right-of-way and alleyway segments would not significantly impact the existing surrounding street network. All adjoining parcels requiring access are owned by Drake University and both requested segments provide vehicular access within the campus. A paved fire apparatus turnaround must be provided for the remaining dead-end public segment of Carpenter Avenue resulting from the vacation.

3. Future Use: The proposed vacation would allow Drake University to assemble land required to renovate existing facilities, add two new facilities and expand the existing parking lot. The vacated segment of 27th Street will become a walkway or plaza and the alleyway would be incorporated into an expanded parking lot. The applicant has not provided a Site Plan. The proposed improvements will require a Site Plan for review and approval by the City's Permit and Development Center.

SUMMARY OF DISCUSSION

Greg Jones asked if anyone was present to speak on Items 1, 2 and 3. None were present or requested to speak.

CJ Stephens moved approval of consent agenda Items 1 and 3. Motion for Items 1 and 3 carried 9-0. Motion for Item 2 carried 8-0-1 (Jonathan Rosenbloom abstained).

A citizen who arrived late asked why Item 2 was not discussed. He stated that he and a few others have been waiting out in the hall for the meeting to begin.

Jacqueline Easley moved to reconsider Item 2. Motion carried 7-1-1 (Tim Fitzgerald voted in opposition and Jonathan Rosenbloom abstained).

Jacqueline Easley moved to reconsider Item 2. Motion carried 7-1-1 (Tim Fitzgerald voted in opposition and Jonathan Rosenbloom abstained).

Jonathan recused himself from discussion of the item.

Jason Van Essen presented the staff report and recommendation.

Greg Wattier asked if the area proposed to be vacated is maintained by the City of Des Moines or by Drake University.

Jason Van Essen stated the street is the City's responsibility, the alley is not maintained as the same level as the street.

Jolene Schmidt Drake University, Director of Operations & Support Services and Mark Chambers Drake University Director of Facilities. Ms. Schmidt stated that currently the City of Des Moines maintains the alley. The reason they did not ask to purchase this before is there were three homes that were demolished in the last 18 months. They hope in the future that they are able to expand their parking lot. 27th Street has always been a little of a nuisance for the City and Drake University. In the winter time it's very difficult for the snow plows to come down the street. A time and date must be coordinated with the City for the snow plow to come down the street. There is parking on both sides of that street, it is also difficult to get a garbage truck down the street and she has seen winters when they could hardly get a fire truck or ambulance down that street.

Greg Jones asked if parked vehicles move when it snows like the rest of the residential streets.

Jolene Schmidt stated when she took the pictures showing the amount of parking on the street it was three days after the snow. She also pointed out that Drake University is getting ready to build a couple of buildings and what they would be. They are hoping that 27th Street will be a landscape walk area and it will continue to be a fire lane because they will continue to have four-story buildings. One of the reason this happening is because they are going to add some new programs and they are currently out of building space.

Vicki Stogdill asked if a parking garage has been considered.

Jolene Schmidt stated they did look at it and the cost is significant. When they met with the City they were told they would have to identify in all of their parking lots, how many spaces they currently have so they can meet all of the requirements.

Mark Chambers stated that 27th Street is one way going north. At this point it services Drake University anyway. It is somewhat of a liability for them right now. Even on a good day it can be a struggle so on a snow day it is nearly impossible. Their request will help facilitate ambulance, and fire service on that street because the parking will go away. Drake will flank both the Forest Avenue entrance and the Carpenter entrance with removable bollards. They plan on improving this poorly kept street into a pedestrian walkway. The enhancement of this space is to include a new walking and landscaping. Their request helps to facilitate the new buildings. Those buildings and programs are an improvement to Drake University and the City of Des Moines.

Mike Ludwig stated the Des Moines Water Works did indicate that there are existing utilities in that right-a-way and those either have to be preserved and an easement provided or they have to be relocated at Drake University's expense.

Mark Chambers stated they are working with the Des Moines Water Works. The water main on that street was installed in 1898 and Drake is probably going to make an investment in that depending on how the negotiations go with DMWW. They do not feel that the water main is going to be dependable for the life of their buildings.

CHAIRPERSON OPENED THE PUBLIC HEARING

Harlan Donaldson 4143 Knob Hill Drive also has a house at 1439 29th which is two blocks west and first block north of the proposed street closure. He is not for or against but wanted to know what Drake University plans to do with the parking that is currently being provided for 65 vehicles.

Jolene Schmidt stated they are working with Confluence to expand existing parking lots to add 122 parking spots.

Jacqueline Easley asked if Mr. Donaldson attended the Drake Neighborhood Association meeting.

Harlan Donaldson stated no he did not attend. His biggest concern was the parking.

COMMISSION ACTION:

Mike Simonson moved approval of the requested vacation of street and alley rights-of-way subject to the following conditions:

1. Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.
2. Installation of required paved fire apparatus turnaround on the remaining dead-end public segment of Carpenter Avenue.
3. Review and approval of a Site Plan for by the City's Permit and Development Center for all related site and landscaping improvements.

Motion passed 8-0. (Jonathan Rosenbloom recused himself from the discussion)

Respectfully submitted,



Michael G. Ludwig, AICP
Planning Administrator

MGL:clw
Attachment