

Date May 18, 2015

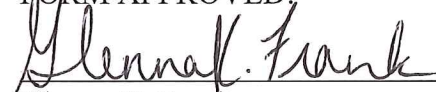
RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST TO VACATE A SEGMENT OF NORTH/SOUTH ALLEY ADJOINING 831 AND 849 16TH STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 7, 2015, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Edward Brafford and Kristen Thede (owners, 849 16th Street), and from Ryan Howell (owner, 831 16th Street), for vacation of a segment of north/south alley adjoining 831 and 849 16th Street, between 15th Street and 16th Street from Crocker to a point 120 feet north of the east/west alley, subject to the following conditions:

1. Provision of any necessary easements for all existing utilities until such time that they are abandoned or relocated.
2. Reservation of an easement for a turnaround to allow continued use of the remaining south portion of the alley.

MOVED by _____ to receive and file the attached communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division.

FORM APPROVED:



 Glenna K. Frank
 Assistant City Attorney

(11-2015-1.06)

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

Date _____

Agenda Item 18

Roll Call # _____



May 14, 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 May 7, 2015, the following action was taken regarding a request from Edward Brafford and Kristen Thede (owners) 849 16th Street and Ryan Howell (owner) 831 16th Street for vacation of a segment of north/south alley between 15th Street and 16th Street from Crocker to a point 120 feet north of the east/west alley.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 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			
Sasha Kamper	X			
William Page	X			
Jonathan Rosenbloom				X
Mike Simonson	X			
CJ Stephens	X			
Vicki Stogdill	X			
Greg Wattier				X

APPROVAL of the requested vacation of a segment of north/south alley between 15th Street and 16th Street from Crocker to a point 120 feet north of the east/west alley subject to the following conditions: (11-2015-1.06)

1. Provision of any necessary easements for all existing utilities until such time that they are abandoned or are relocated.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval subject to the following conditions:

1. Provision of any necessary easements for all existing utilities until such time that they are abandoned or are relocated.
2. ~~Reservation of an easement for a turnaround to allow continued use of the remaining south portion of the alley.~~ (Deleted per attached email from Public Works).

Written Responses

2 In Favor

0 In Opposition

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicants are requesting to vacate a segment of unimproved, north/south alley between 15th Street and 16th Street from Crocker Street to a point 12 feet north of the east/west alley. The vacation will allow the applicants to acquire and improve their properties.
2. **Size of Site:** 2,426 square feet (0.055 acres).
3. **Existing Zoning (site):** "R-HD" Residential Historic District, "D-O" Downtown Overlay District, "GGP" Gambling Games Prohibition Overlay District and "FSO" Freestanding Sign Overlay District.
4. **Existing Land Use (site):** Unimproved alleyway segment.
5. **Adjacent Land Use and Zoning:**
 - North** – "R-3". Use is Edmunds Elementary school.
 - East** – "R-HD". Use is vacant lot and 15th Street, with Oakridge apartments located east of 15th Street.
 - South** – "R-HD". Use is residential and remaining segment of the subject alleyway.
 - West** – "R-HD", Use is residential and includes three single-family dwellings.
6. **General Neighborhood/Area Land Uses:** The subject alleyway segment is located in the northeast area of Sherman Hill Historic Neighborhood, with Edmunds elementary school at the north and Oakridge apartments to the east. The area is made up predominantly of residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in Sherman Hill Neighborhood. The neighborhood association was notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhood associations on April 21, 2015 and by mailing of the Final Agenda on May 1, 2015. Additionally, separate notifications of the hearing for this specific item were mailed on April 27, 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 Sherman Hill Neighborhood Association mailings were sent to David Schlarmann, 1503 Center Street, Des Moines, IA 50314.

8. Relevant Zoning History: None.

9. 2020 Community Character Land Use Plan Designation: Mixed Use and Density Residential. This designation is described as area with 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, in consideration of the criteria set forth in Chapter 18B of the Iowa Code, 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. General Information:** On April 15, 2015, the Historic Preservation Commission approved a motion in support of the applicant's request to vacate of a portion of the undeveloped north/south alley segment adjoining properties at 831, 839, and 849 16th Street to the Plan and Zoning Commission. The application included signatures of the property owners that abut the alley to the south of the proposed vacation. This portion of the alley is developed and will continue to be used by the abutting property owners. A letter of support for the requested vacation was also submitted by the Sherman Hill Association.
- 2. 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.
- 3. Street System/Access:** The requested vacation of undeveloped alley would not significantly impact the existing surrounding street network. The portion of the alley south of the proposed vacation is developed and will continue to be used by the abutting property owners. ~~Any vacation of the requested segment of alley must be subject to provision of an easement for a turnaround to allow the continued use of the remaining south portion of the alley. (Deleted per attached email from Public Works).~~

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

CJ Stephens moved staff recommendation for approval for vacation of a segment of north/south alley between 15th Street and 16th Street from Crocker to a point 120 feet north of the east/west alley subject to the following conditions:

1. Provision of any necessary easements for all existing utilities until such time that they are abandoned or are relocated.

Motion passed 12-0.

Respectfully submitted,



Michael G. Ludwig, AICP
Planning Administrator

MGL:clw
Attachment

Whitfield, Cathy L.

From: Van Essen, Jason M.
Sent: Thursday, May 07, 2015 10:44 AM
To: Whitfield, Cathy L.
Cc: Ludwig, Michael G.; Minhas, Anuprit J.
Subject: Item #3 - Revised Staff Recommendation

Cathy, please forward this email to the Plan and Zoning Commission advising them that we are striking condition #2 from the staff recommendation for item 3.

We will advise the Commission of this change at the meeting, but I thought it would be prudent to given them an advance warning.

Since the staff report was prepared, we have received additional information from the Public Works Department. They have indicated that the subject alley is not on the plow list and that if it is added in the future that they would back out of the remaining alley segment and not use a turnaround. I have called the applicant team and informed them of the new information and of the revised staff recommendation.

Thank you!

Jason

AGENDA ITEM #3 **11-2015-1.06**

Applicant: Edward Bradford and Kirsten Thede (owners) and Ryan Howell (owner).

Requested Action: Vacation of a segment of north/south alley between 15th Street and 16th Street from Crocker to a point 120 feet north of the east/west alley.

Staff recommends approval subject to the following conditions:

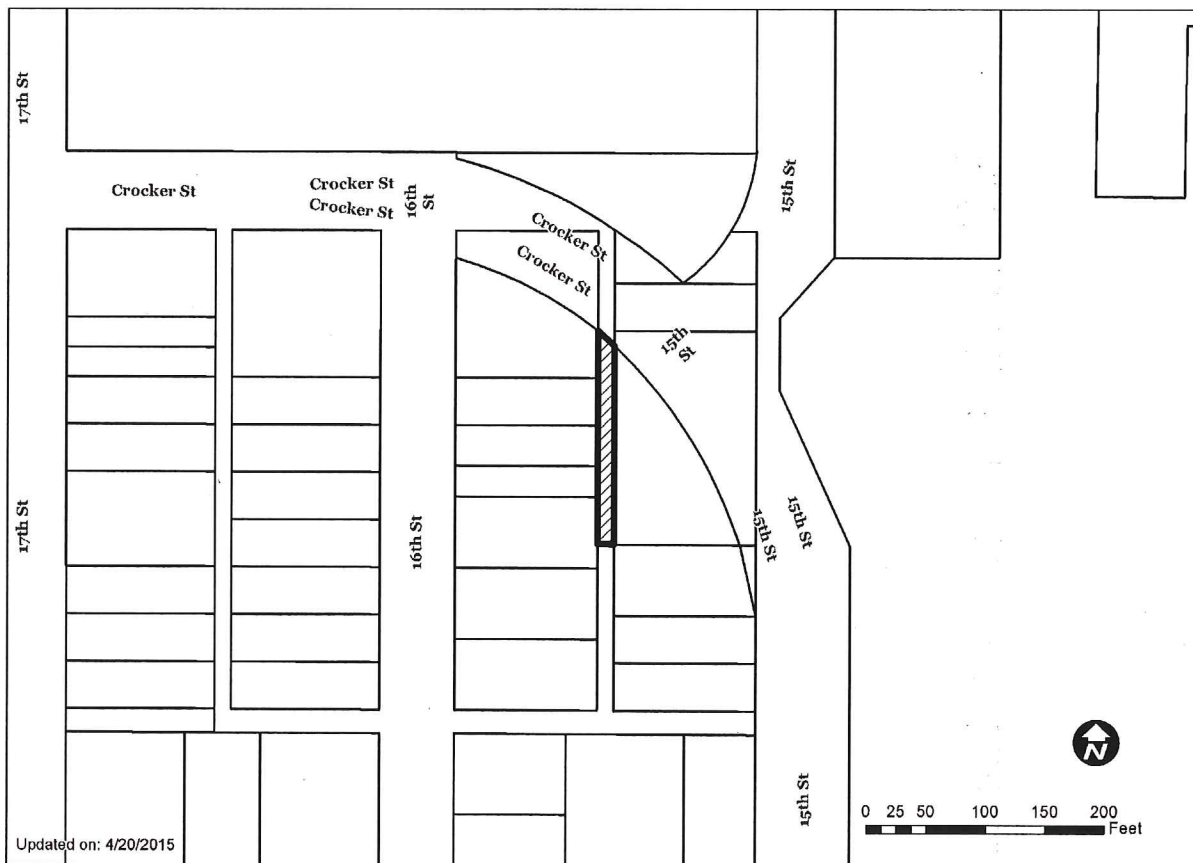
1. Provision of any necessary easements for all existing utilities until such time that they are abandoned or are relocated.
2. ~~Reservation of an easement for a turnaround to allow continued use of the remaining south portion of the alley.~~

Jason Van Essen, AICP
Senior City Planner
Planning and Urban Design Division
Community Development Department
City of Des Moines, Iowa
602 Robert D. Ray Drive

Edward Brafford and Kristen Thede (owners) 849 16th Street and Ryan Howell (owner) 831 16th Street.		File # 11-2015-1.06		
Description of Action	Approval of the requested vacation of a segment of north/south alley between 15th Street and 16th Street from Crocker to a point 120 feet north of the east/west alley subject to conditions.			
2020 Community Character Plan	Current: Mixed-Use and Density. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	No Planned Improvements.			
Current Zoning District	"R-HD" Residential Historic District, "D-O" Downtown Overlay District and "GGP" Gambling Games Prohibition District.			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	2			
Outside Area				
Plan and Zoning Commission Action	Approval	12-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

Edward Brafford & Ryan Howell, 849 16th Street

11-2015-1.06



1 inch = 95 feet

Item 11-2015-1.06 Date 4/29/15
 I (am) (am not) in favor of the request. Neighborhood Assoc
RECEIVED
 (Circle One)
 COMMUNITY DEVELOPMENT Print Name David Schlermann
 MAY 05 2015 Signature David Schlermann
 DEPARTMENT Address 1503 Center St.

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

Item 11-2015-1.06 Date _____
 I (am) (am not) in favor of the request. Applicant
RECEIVED
 (Circle One)
 COMMUNITY DEVELOPMENT Print Name RYAN + KELLEY HOWELL
 MAY 05 2015 Signature [Signature]
 DEPARTMENT Address 831 16th St.

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

Because of the irregular/disruption to the grid, this alley cannot function as an alley. Please allow the neighbors to clean it up and to prevent loitering/unwelcome traffic.
Thank you

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Item 11-2015-1.06 Date 5-1-2015

I (am) (am not) in favor of the request.
RECEIVED
 (Circle One)
 COMMUNITY DEVELOPMENT Print Name Joseph Clark
 MAY 05 2015 Signature [Signature]
 DEPARTMENT Address 818 15th St BSM

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

