



Roll Call Number

Agenda Item Number

52A

Date November 23, 2015

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM BRYAN SCHNELL FOR VACATION OF A SEGMENT OF THE UNIMPROVED EAST/WEST ALLEY (KNOWN AS OVID AVENUE) FROM 12TH STREET TO A POINT 330.2 FEET TO THE WEST

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on November 5, 2015, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Bryan Schnell (adjoining owner) for vacation of a segment of the unimproved east/west alley (known as Ovid Avenue) from 12th Street to a point 330.2 feet to the west.

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:



Lawrence R. McDowell
Deputy City Attorney

(11-2015-1.23)

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.

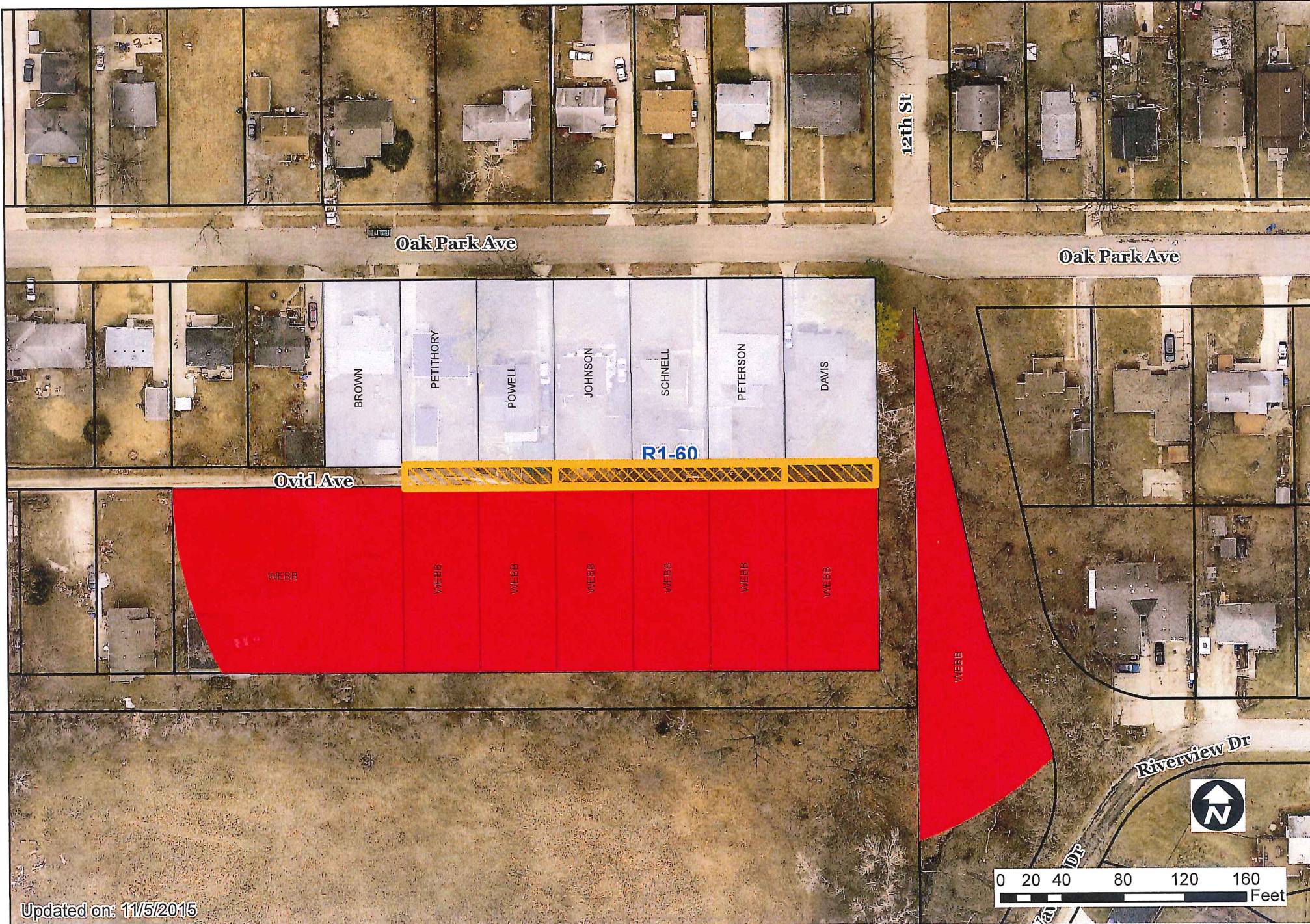
Mayor

City Clerk

S2A

Schnell, 1210 Oak Park Avenue

11-2015-1.23



Updated on: 11/5/2015

52A



November 18, 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 November 5, 2015, the following action was taken regarding a request from Bryan Schnell (owner) 1210 Oak Park Avenue for vacation of the north 7-foot segment of the unimproved east/west alley (known as Ovid Avenue) adjoining the south of the subject property.

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			
Sasha Kamper	X			
Brian Millard	X			
William Page				X
Jonathan Rosenbloom				X
Mike Simonson				X
CJ Stephens	X			
Greg Wattier	X			

APPROVAL of the requested vacation subject to the following:

1. Provision of any necessary easements for any existing utilities.
2. Conveyance of Right-of-Way to ensure access for the owner of 1305 Ovid Avenue to maintain driveway to the existing detached private garage, or reservation of an access easement for the same. (11-2015-1.23)

Written Responses

- 0 In Favor
- 1 In Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of requested vacation subject to the following:

1. Provision of any necessary easements for any existing utilities.
2. Conveyance of Right-of-Way to ensure access for the owner of 1305 Ovid Avenue to maintain driveway to the existing detached private garage, or reservation of an access easement for the same.

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. Staff has expanded the length of the unimproved segment being considered based on observed encroachments of fences and accessory structures.
2. **Size of Site:** 14 feet by 330.2 feet (4,623 square feet).
3. **Existing Zoning (site):** "R1-60", One-Family, Low-Density Residential District, "GGP", Gambling Games Prohibition Overlay District, and "FSO" Freestanding Signs Overlay District.
4. **Existing Land Use (site):** Undeveloped alley way.
5. **Adjacent Land Use and Zoning:**

North – "R1-60", Uses include six (6) single-family dwellings.

South – "R1-60", Uses include a detached residential garage and five (5) additional undeveloped parcels.
6. **General Neighborhood/Area Land Uses:** The subject segment of alleyway is located in a primarily single-family residential area.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Oak Park Neighborhood. This neighborhood association was notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhood associations on October 20, 2015. Additionally, separate notifications of the hearing for this specific item were mailed on October 26, 2015 (10 days prior to the hearing) to the Oak Park 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 October 30, 2015.

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 Oak Park Neighborhood Association notices were mailed to Viola Christenson, 3615 8th Street, Des Moines, IA 50313.

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

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

10. **Applicable Regulations:** In consideration of the criteria set forth in Chapter 18B of the Iowa Code, 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:** There is undeveloped property on the south side of the undeveloped alley segment along with a private garage that accesses through the end of the developed portion of the alley. This property also has frontage on an undeveloped Right-of-Way on the south. Either enough of the vacated Right-of-Way should be conveyed to that adjoining owner to ensure access is maintained, or an access easement should be provided for the benefit of access to the private garage. The requested vacation of undeveloped alleyway would not impact the existing surrounding street network.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

Sasha Kamper moved staff recommendation for approval subject to the following:

1. Provision of any necessary easements for any existing utilities.
2. Conveyance of Right-of-Way to ensure access for the owner of 1305 Ovid Avenue to maintain driveway to the existing detached private garage, or reservation of an access easement for the same.

Motion passed 10-0 (Jacqueline Easley was not yet present).

Respectfully submitted,



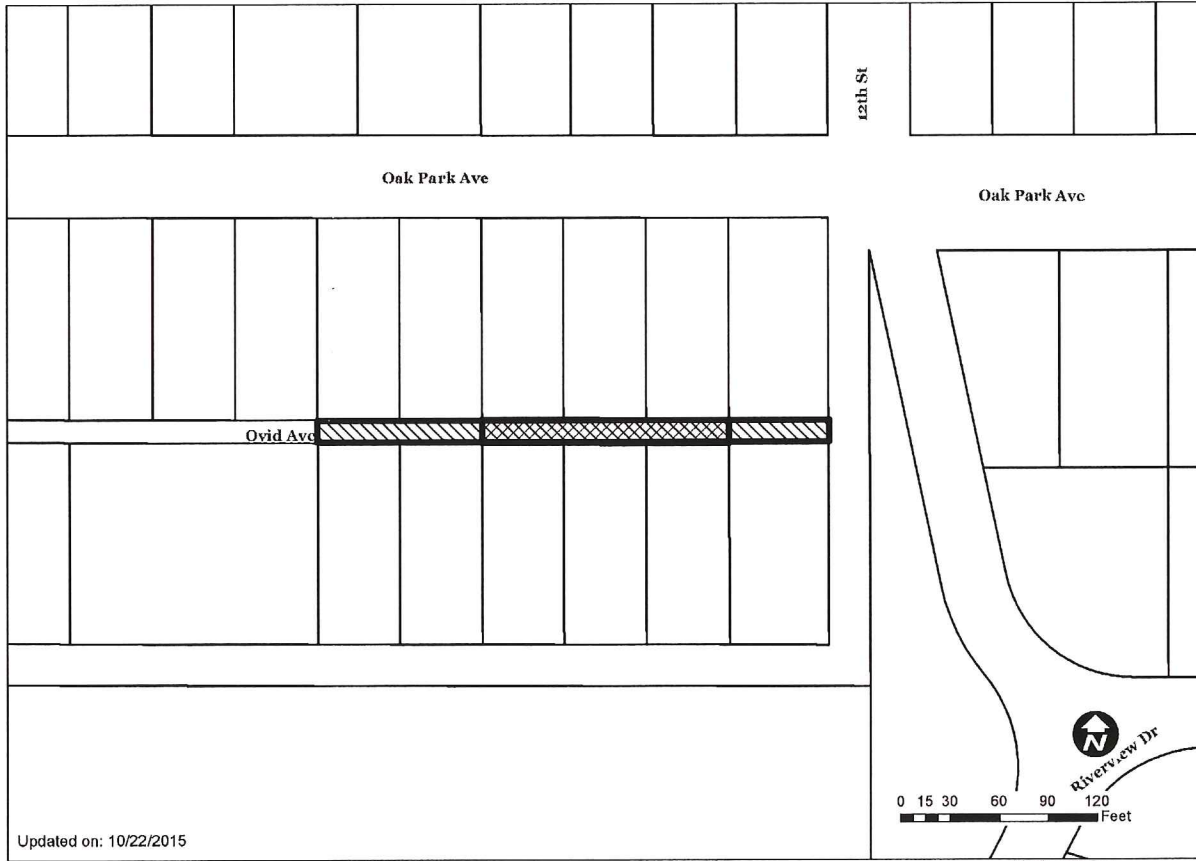
Michael Ludwig, AICP
Planning Administrator

MGL:clw
Attachment

Bryan Schnell (owner) on property located at 1210 Oak Park Avenue.		File #		
		11-2015-1.23		
Description of Action	Approval of vacation of a segment of unimproved, east/west alley (known as Ovid Avenue) from 12th Street to a point 330.2 feet to the west subject to conditions.			
2020 Community Character Plan	Current: Low Density Residential. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	N/A			
Current Zoning District	"R1-60" One-Family Low-Density Residential District, "GGP" Gambling Games Prohibition Overlay District, and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	0	1		
Outside Area				
Plan and Zoning Commission Action	Approval	10-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

Schnell, 1210 Oak Park Avenue

11-2015-1.23



1 inch = 68 feet

52A

Item 11-2015-1.23

Date 10-28-15

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

(Circle One)

It is ~~RECEIVED~~
ONLY ~~RECEIVED~~
RAIR
COMMUNITY DEVELOPMENT
NOV 03 2015
DEPARTMENT

Print Name Steve Webb

Signature Steve D. Webb

Address 1305 Ovid Ave, IA

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

ALL the way down that
part of my property
all the holes on oak park that
Back up to the property
Built fences so I can hardly drive
down Ovid Ave