



Roll Call Number

Agenda Item Number

18

Date June 13, 2016

**RECEIVE AND FILE COMMUNICATION FROM THE
PLAN AND ZONING COMMISSION REGARDING REQUEST FROM
RALLY CAP PROPERTIES, LLC FOR VACATION OF SEGMENT OF
EAST/WEST ALLEY ADJOINING 810 26TH STREET**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 2, 2016, its members voted 11-0 to recommend **APPROVAL** of a request from Rally Cap Properties, LLC (owner) for vacation of an east/west segment of alley between Rollins Avenue and Center Street from 26th Street to a point 79.4 feet to the west, adjoining the south property line of 810 26th Street, to allow for incorporation of the right-of-way into the adjoining property in order to mitigate existing gravel driveway and garage encroachments, subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated.

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

Glenna K. Frank
Assistant City Attorney

(11-2016-1.12)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	

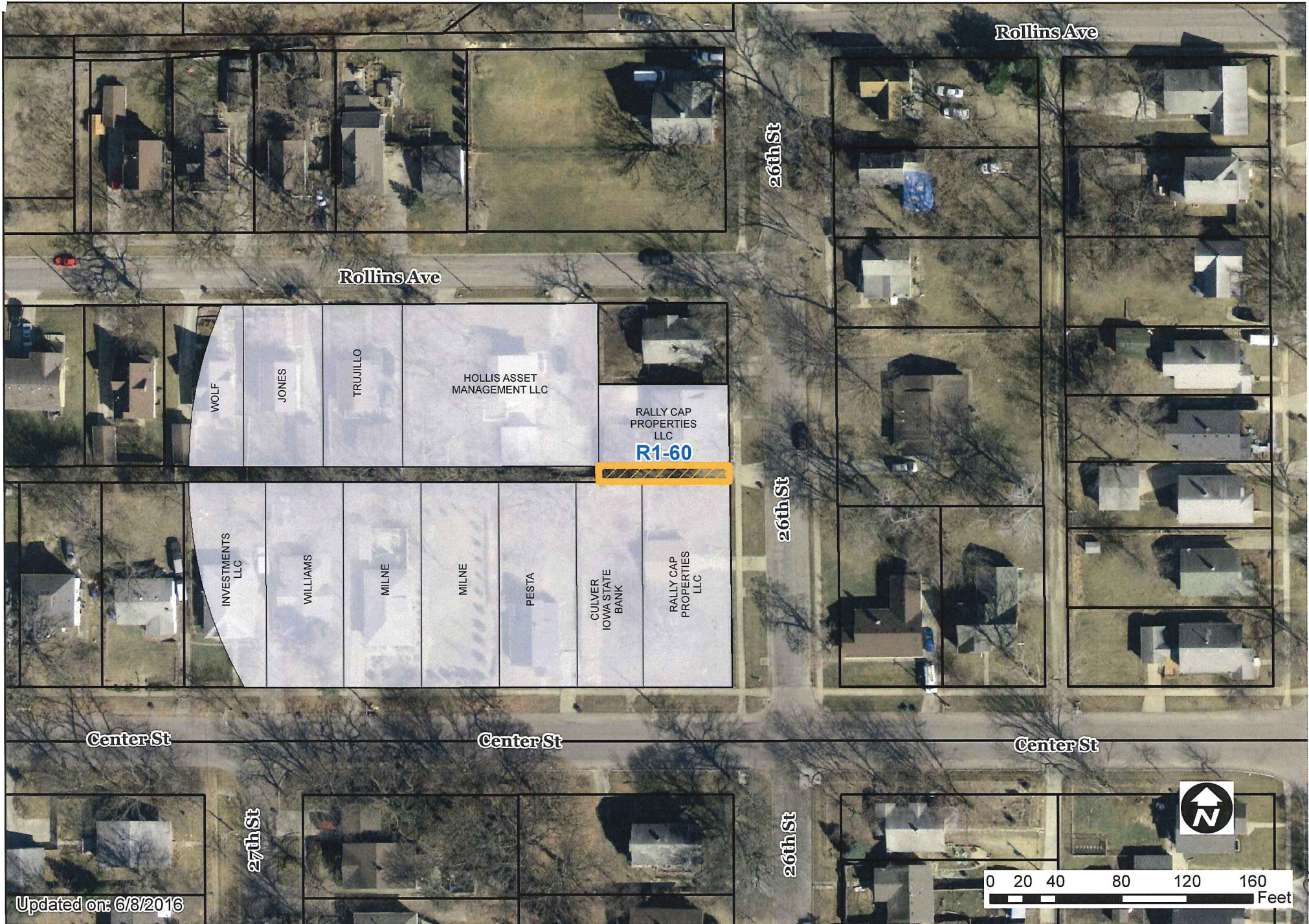
CERTIFICATE

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



Updated on: 6/8/2016

0 20 40 80 120 160 Feet

18



June 8, 2016

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 June 2, 2016, the following action was taken regarding a request from Rally Cap Properties, LLC (owner), 810 26th Street, represented by Ryan Francois (officer) for vacation of an east/west segment of alley between Rollins Avenue and Center Street from 26th Street to a point 79.4 feet to the west.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles	X			
JoAnne Corigliano	X			
David Courard-Hauri	X			
Jacqueline Easley	X			
Tim Fitzgerald				X
Jann Freed	X			
John "Jack" Hilmes	X			
Greg Jones	X			
Sasha Kamper	X			
William Page	X			
Mike Simonson				X
CJ Stephens	X			
Steve Wallace	X			
Greg Wattier				X

APPROVAL for vacation of the requested segment subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated. (11-2016-1.12)

RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval for vacation of the requested segment subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant wishes to acquire the alley segment adjoining the rear (south) property line and combine it with the property addressed 810 26th Street. The proposed vacation will allow the applicant to mitigate existing gravel driveway and garage encroachments into the alley right-of-way.
2. **Size of Site:** 50 feet by 10 feet (500 square feet).
3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District, "FSO" Freestanding Sign Overlay District.
4. **Existing Land Use (site):** Gravel driveway and garage encroachments within alley right-of-way.
5. **Adjacent Land Use and Zoning:**
 - North** – "R1-60", Use is single-family residential.
 - South** – "R1-60", Use is alley right-of-way and single-family residential.
 - East** – "R1-60", Use is 26th Street right-of-way and single-family residential.
 - West** – "R1-60", Use is single-family residential.
6. **General Neighborhood/Area Land Uses:** The subject property is located west of 26th Street between Rollins Ave and Center Street. The area consists of single-family residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Woodland Heights Neighborhood. The neighborhood association was notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhood associations on May 13, 2016 and by mailing of the Final Agenda on May 27, 2016. Additionally, separate notifications of the hearing for this specific item were mailed on May 23, 2016 (10 days prior to the original public hearing) to the primary titleholder on file with the Polk County Assessor for each property adjoining or directly across the subject segment of alley right-of-way.

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 Woodland Heights Neighborhood Association notices were mailed to Laura Tofteland, 2723 High Street, Des Moines, IA 50312.

8. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** The subject property is designated as Low Density Residential in the PlanDSM future land use map. The plan defines this category as “areas developed with primarily single-family and two-family units with up to 6 dwelling units per net acre.”
9. **Applicable Regulations:** The Commission, considering the criteria set forth in Chapter 18B of the Iowa Code, 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 identified sewer, water, and electrical facilities existing within the requested segment for vacation. Easements must be reserved for any existing utilities until such time that they may be abandoned or are relocated.
2. **Street System/Access:** The subject alley segment does not serve as access way for the adjoining properties. The requested vacation would not impact the existing street system, or the vehicular or pedestrian flow in the area.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

John “Jack” Hilmes moved staff recommendation for approval for vacation of the requested segment subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.

Motion passed 11-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:clw
Attachment

Rally Cap Properties, LLC (owner) represented by Ryan Francois (officer) for property located at 810 26th Street.				File #	
				11-2016-1.12	
Description of Action	Approval for vacation of an east/west segment of alley between Rollins Avenue and Center Street from 26th Street to a point 79.4 feet to the west subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.				
PlanDSM Future Land Use	Current: Low Density Residential. Proposed: N/A.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"R1-60" One-Family Low-Density Residential District and "FSO" Freestanding Signs Overlay 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	11-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Rallycap Properties, LLC, 810 26th Street

11-2016-1.12

