



Roll Call Number

Agenda Item Number

18

Date June 26, 2017

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING CITY COUNCIL INITIATED REQUEST FOR VACATION OF THE EAST/WEST ALLEY ADJOINING 1212 HUTTON STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 15, 2017, its members voted 13-0 to recommend APPROVAL of a City Council initiated request for vacation of the east/west alley adjoining 1212 Hutton Street from the north/south alley to Hutton Street, subject to reservation of any necessary easements for all existing utilities in place 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, and refer to the Engineering Department, Real Estate Division.

FORM APPROVED:

Glenna K. Frank
Assistant City Attorney

(11-2017-1.07)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and 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

June 20, 2017

Honorable Mayor and City Council
 City of Des Moines, Iowa

Roll Call # _____

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held June 15, 2017, the following action was taken regarding a City Council initiated request for vacation of the east/west alley adjoining 1212 Hutton Street between Garfield Avenue and East University Avenue from the north/south alley to Hutton Street.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 13-0 as follows:

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
Francis Boggus	X			
Dory Briles	X			
JoAnne Corigliano	X			
David Courard-Hauri	X			
Jacqueline Easley	X			
Jann Freed				X
John "Jack" Hilmes	X			
Lisa Howard	X			
Carolyn Jenison	X			
Greg Jones	X			
William Page	X			
Mike Simonson	X			
Rocky Sposato				X
Steve Wallace	X			
Greg Wattier	X			

APPROVAL of the requested vacation subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.
 (11-2017-1.07)

RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation 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 proposed vacation would allow the property owner of 1212 Hutton Street private use of the requested alley right-of-way. The property owner of 1212 Hutton Street could not obtain consent of adjacent property owners. Therefore, the request was initiated by the City.
2. **Size of Site:** Approximately 1800 square feet (0.04 acres).
3. **Existing Zoning (site):** "R-2A" General Residential District.
4. **Existing Land Use (site):** East/west alley right-of-way between East University Avenue and Garfield Avenue.
5. **Adjacent Land Use and Zoning:**
 - North* – "R-2A": Use is single family residential properties.
 - South* - "C-1": Uses are single family residential property and commercial property.
 - East* – "R-2A": Use is single family residential properties.
 - West* - "R-2A": Use is single family residential properties.
6. **General Neighborhood/Area Land Uses:** The subject site is located on the west side of Hutton Street approximately 130 feet from the intersection of Hutton Street and East University Avenue and 360 feet from the intersection of Hutton Street and Garfield Avenue. The surrounding area contains a mix of single-family and commercial uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Martin Luther King Jr. Park Neighborhood area. The neighborhood association was notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhood associations on May 26, 2017 and by mailing of the Final Agenda on June 9, 2017. Additionally, separate notifications of the hearing for this specific item were mailed on June 5, 2017 (10 days prior to the public hearing) to the neighborhood associations and the primary titleholder on file with the Polk County Assessor for each property adjoining or directly across the subject segment of right-of-way.

All agendas and notices are mailed to the primary contact designated by the recognized neighborhood associations to the City of Des Moines Neighborhood Development Division. The Martin Luther King Jr. Park Neighborhood Association notices were mailed to Charice Williams, 1434 East 18th Street, Des Moines, IA 50316.
8. **Relevant Zoning History:** None.
9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** The subject right-of-way is designated Neighborhood Mixed Use on the PlanDSM future land use map. The plan defines this category as "small scale mixed use development typically located at the intersections of collector and/or arterial streets and along transportation corridors. Non-residential development is designed to serve the immediate neighborhood

and include small retail, offices, restaurants, and service oriented development. Low-medium density residential may be included in mixed use development.”

10. 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, or electrical facilities within the right-of-way. Easements must be reserved for any existing utilities until such time that they are abandoned or relocated.
- 2. Street System/Access:** The subject right-of-way does not serve as an 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

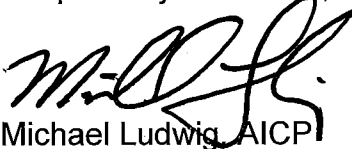
Jacqueline Easley asked if anyone was present to speak on this item. None were present or requested to speak.

COMMISSION ACTION:

JoAnne Corigliano made a motion to approve the requested vacation 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 13-0. (Rocky Sposato was not present)

Respectfully submitted,



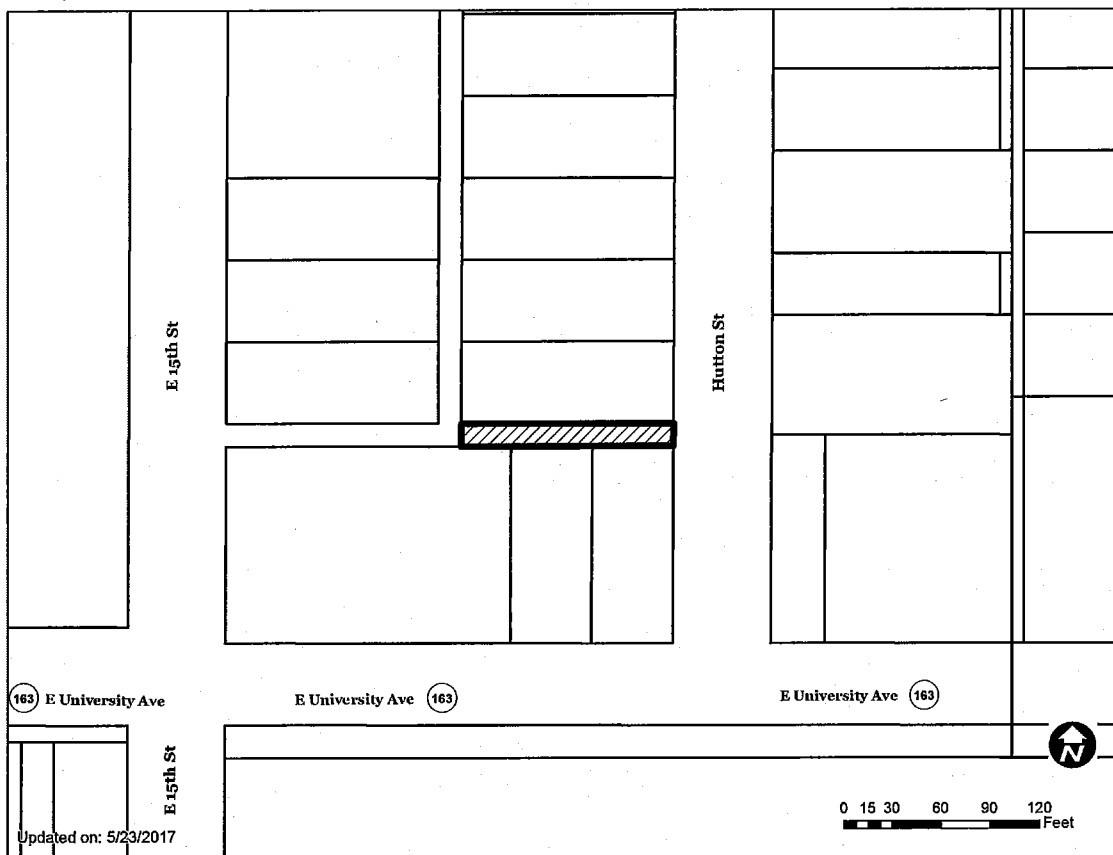
Michael Ludwig, AICP
Planning Administrator

MGL:clw
Attachment

City Council initiated request for Right-of-Way adjoining 1212 Hutton Street.		File #		
		11-2017-1.07		
Description of Action	Approval of the requested vacation of the east/west alley between Garfield Avenue and East University Avenue from the north/south alley to Hutton Street, 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: Neighborhood Mixed Use. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"C-1" Neighborhood Retail Commercial District, "R-2A" General Residential District, and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Subject Property				
Outside Area (200 feet)				
Plan and Zoning Commission Action	Approval	13-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

Katy Brown, Vicinity of 1212 Hutton Street

11-2017-1.07



1 inch = 69 feet