



Roll Call Number

Agenda Item Number

22

Date August 14, 2017

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM ADJOINING OWNERS FOR VACATION OF A PORTION OF CITY RIGHT-OF-WAY BETWEEN 24TH STREET AND 23RD STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on August 3, 2017, its members voted 11-0 to recommend APPROVAL of a request from David Lohner (owner), 2327 Franklin Avenue, Martin Stoner (owner), 1915 24th Street, Leopoldo Alonso (owner), 1921 24th Street, and Corey De Heer (owner), 1925 24th Street, for vacation of the west 16.5 feet of the 33-foot wide half-street Right-Of-Way (ROW) adjoining the subject properties running from Franklin Avenue to a point 309.4 feet to the North, subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated, and reservation of shared vehicular access easement for adjoining properties.

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

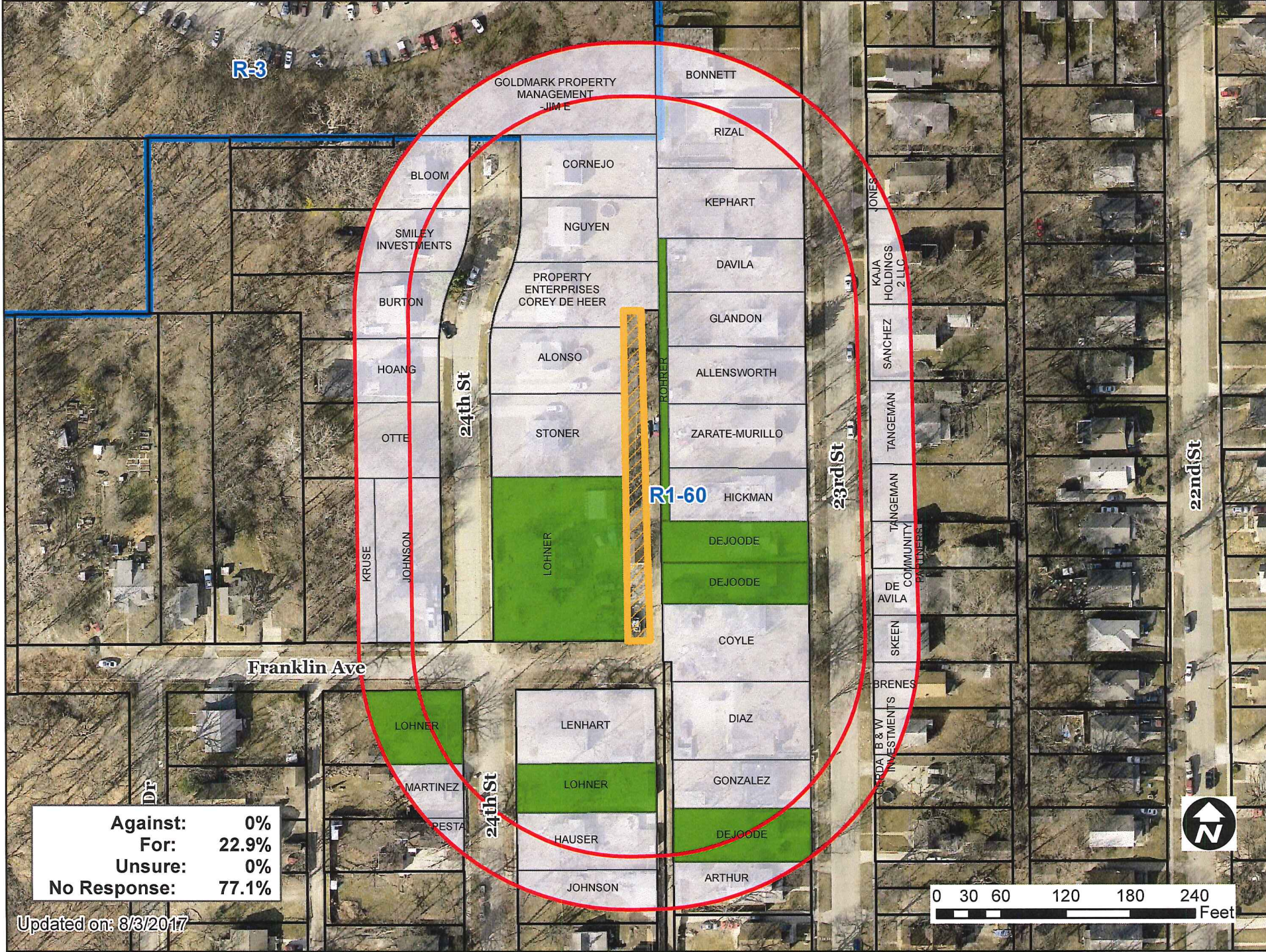
FORM APPROVED:

Glenna K. Frank Assistant City Attorney

(11-2017-1.10)

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



Against:	0%
For:	22.9%
Unsure:	0%
No Response:	77.1%

Updated on: 8/3/2017

cc



August 11, 2017

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from Plan and Zoning Commission regarding request from David Lohner (owner) 2327 Franklin Avenue, Martin Stoner (owner) 1915 24th Street, Leopoldo Alonso (owner) 1921 24th Street, and Corey De Heer (owner) 1925 24th Street, for vacation of the West 16.5 feet of the 33-foot wide half-street Right-Of-Way (ROW) adjoining the subject properties running from Franklin Avenue to a point 309.4 feet to the North.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
JoAnne Corigliano	X			
David Courard-Hauri	X			
Jacqueline Easley	X			
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 easement for all existing utilities in place until such time that they are abandoned or are relocated, and reservation of shared vehicular access easement for adjoining properties.

(11-2017-1.10)

Written Responses

3 in Favor

0 in Opposition

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, and reservation of shared vehicular access easement for adjoining properties.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed vacation would accommodate the existing encroachments of two detached garages at 2327 Franklin Avenue (built circa 1950) and 1921 24th Street (built circa 1986). It would also retain 16.5 feet of Right-Of-Way (ROW) to the east for continued access to properties and overhead utilities.
2. **Size of Site:** Approximately 5,105 square feet of existing ROW.
3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District.
4. **Existing Land Use (site):** Semi-improved ROW.
5. **Adjacent Land Use and Zoning:**
 - North – **"R1-60": Uses are single family dwellings.**
 - South - **"R1-60": Uses are single family dwellings.**
 - East – **"R1-60": Uses are single family dwellings.**
 - West - **"R1-60": Uses are single family dwellings.**
6. **General Neighborhood/Area Land Uses:** The surrounding neighborhood is primarily developed with single-family dwellings. The Drake University campus is approximately four blocks to the south or 0.40 Miles.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Drake Neighborhood area. The neighborhood association was notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhood associations on July 14, 2017 and by mailing of the Final Agenda on July 28, 2017. Additionally, separate notifications of the hearing for this specific item were mailed on July 24, 2017 (10 days prior to the public hearing) to the neighborhood association contact and the primary titleholder on file with the Polk County Assessor for each property adjoining or directly across the subject segment of ROW.

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 Drake Neighborhood Association notices were mailed to Kristina Johnson, 3523 University Avenue, Unit #12A, Des Moines, IA 50311.
8. **Relevant Zoning History:** None.

9. **PlanDSM Future Land Use Designation:** The subject ROW is designated Low Density Residential on the PlanDSM future land use map.
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:** There are existing aerial electrical utility lines within the ROW. There are no identified public sewer or water facilities within the ROW. An easement must be reserved for any existing utilities until such time that they are abandoned or relocated.
2. **Street System/Access:** The subject ROW serves as an access way for several of the adjoining properties. There would be a remaining 16.5-foot wide portion of ROW left in place for the continued access to adjoining properties. The requested vacation would not impact the existing street system or the vehicular or pedestrian flow in the area.

SUMMARY OF DISCUSSION

Jaqueline Easley asked if anyone was present to speak on this item. There was someone in the audience that asked to speak.

Erik Lundy presented the staff report and recommendation.

CHAIRPERSON OPENED THE PUBLIC HEARING

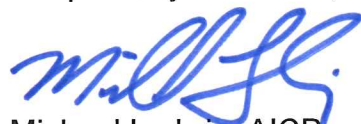
David Lohner 2327 Franklin Avenue, shared photos of the existing area and stated the four neighbors wish to potentially buy this property.

CHAIRPERSON CLOSED THE PUBLIC HEARING

John "Jack" Hilmes moved staff recommendation for approval of the requested vacation subject to reservation of any necessary easement for all existing utilities in place until such time that they are abandoned or are relocated, and reservation of shared vehicular access easement for adjoining properties. JoAnne Corigliano seconded the motion.

THE VOTE: 12-0

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:ked
Attachments

David Lohner (owner) 2327 Franklin Avenue, Martin Stoner (owner) 1915 24th Street, Leopoldo Alonso (owner) 1921 24th Street, and Corey De Heer (owner) 1925 24th Street.				File #	
				11-2017-1.10	
Description of Action	Vacation of the West 16.5 feet of the 33-foot wide half-street Right-Of-Way (ROW) adjoining the subject properties running from Franklin Avenue to a point 309.4 feet to the North.				
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	
Subject Property	3	0			
Outside Area (200 feet)					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council		Yes
	Denial				No X

Lohner, Stoner, Alonso, De Heer, Vicinity of 2327 Franklin Avenue

11-2017-1.10



Updated on: 7/13/2017

1 inch = 118 feet

Item 11-2017-1.10

Date 7/29/2017

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

(Circle One)

COMMUNITY DEVELOPMENT

Print Name DelWayne Rohrer

Signature _____

AUG 03 2017

Address 18635 U.S. Hwy. 63
Caddyville La 52553

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

I approve because I no longer
live in that area & would love
for someone else to have
the alleyway on my property
that pertains to us.

Item 11-2017-1.10

Date 7-26-17

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

COMMUNITY DEVELOPMENT

Print Name David Lohner

Signature David Lohner

AUG 01 2017

Address 2327 Franklins
D.M. FA. 50310

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

However though I own this part of this property
has my old garage on it found out I don't
own this land! But been paying taxes
on it for about 48 years!! I would like
to buy this piece of land right away
with my old garage on it David Lohner
Thank you

Item 11-2017-1.10

Date 7/30/17

22

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

RECEIVED

COMMUNITY DEVELOPMENT

Print Name Dennis DeJode

AUG 01 2017

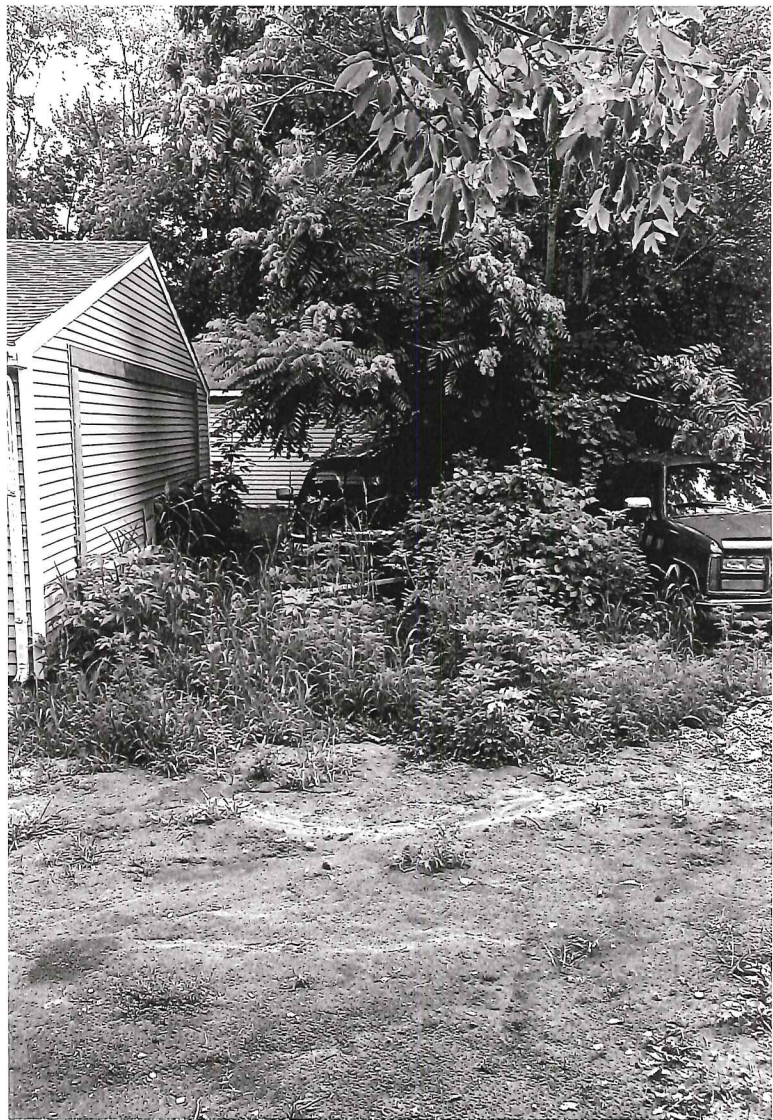
Signature Dennis DeJode

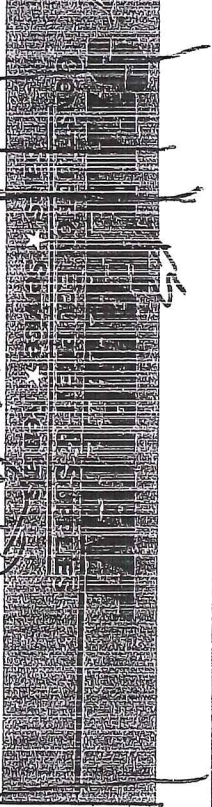
Address 1904/08 23rd -

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

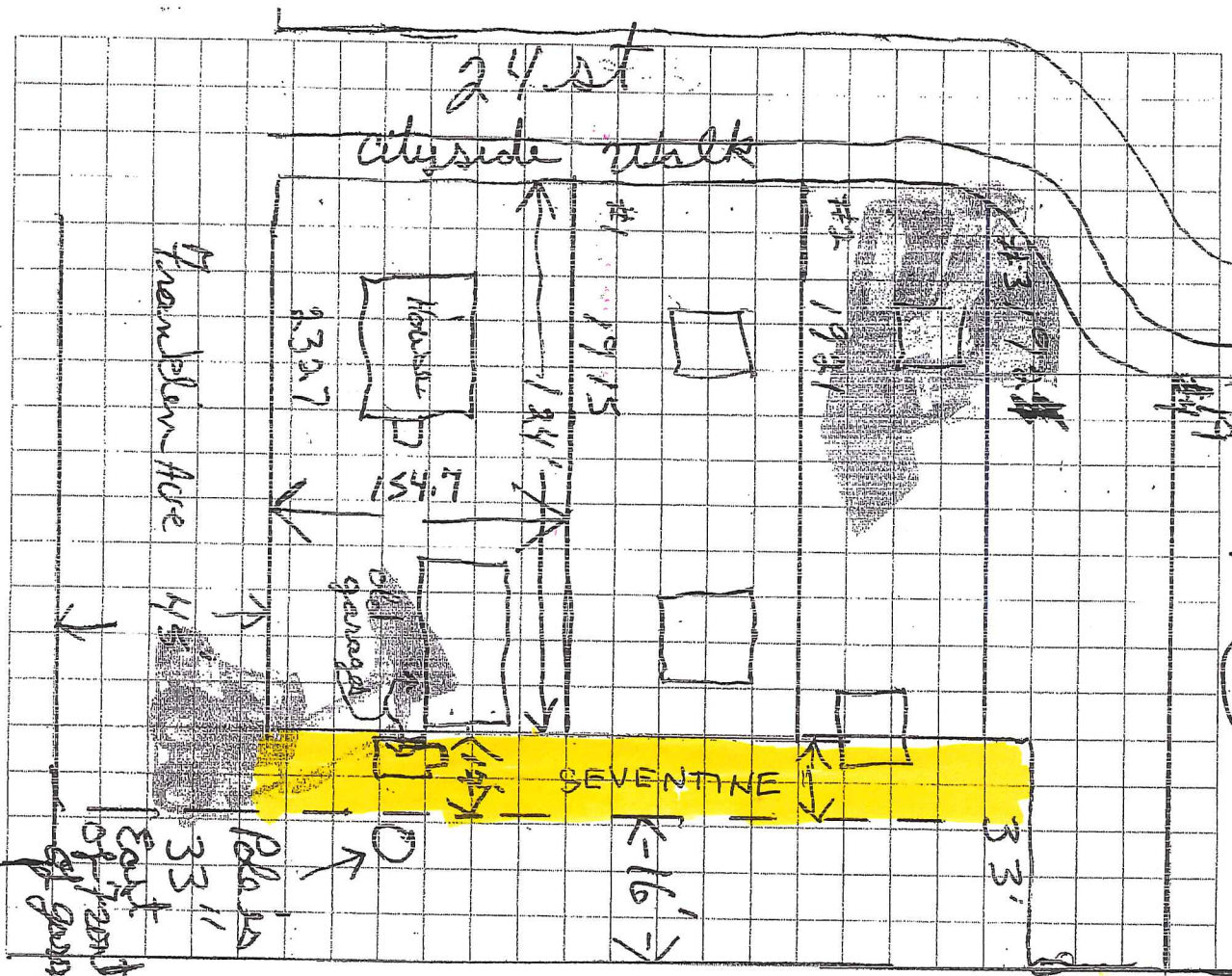
City has been lacking in maintaining
EAST Franklin Ave. Several properties
access their driveways from
Franklin. Take care of the huge
holes.







877-267-7203



Des Moines 515-283-2215

Annes 515-233-9500

Cedar Rapids 319-365-5139

Waterloo 319-236-6830