

Date October 23, 2017

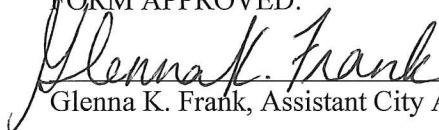
**RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION
REGARDING CITY-INITIATED REQUEST FOR VACATION OF
ALLEY RIGHT-OF-WAY ADJOINING 335 FOREST AVENUE**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 5, 2017, its members voted 11-0 to recommend **APPROVAL** of a City-initiated request for vacation of the north/south and east/west portions of undeveloped alley in the block bounded by Clark Street, 2nd Place, Forest Avenue, and 4th Street, in the vicinity of 335 Forest Avenue, to allow incorporation into the adjoining property for housing redevelopment, subject to the following conditions:

1. Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.
2. Reservation of a vehicular access easement for the east/west portion of Right-of-Way adjoining properties owned by Yuridia Carrasco-Lechuga (1412 2nd Place) and the River Bend Neighborhood Association.

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

(11-2017-1.12)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
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



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CITY OF **DES MOINES**
COMMUNITY DEVELOPMENT

Date October 23, 2017

Agenda Item 21

Roll Call # _____

October 17, 2017

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their October 5, 2017 meeting, the following action was taken regarding a City initiated request to vacate the north/south and east/west portions of undeveloped alley in the block bounded by Clark Street, 2nd Place, Forest Avenue and 4th Street. The affected adjoining owner of 335 Forest Avenue is Galway Homes, Inc. represented by James Postma.

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			
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 the following conditions: (11-2017-1.12)

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



2. Reservation of a vehicular access easement for the east/west portion of Right-of-Way adjoining properties owned by Yuridia Carrasco-Lechuga (1412 2nd Place) and the River Bend Neighborhood Association.

RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation subject to the following conditions:

1. Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.
2. Reservation of a vehicular access easement for the east/west portion of Right-of-Way adjoining properties owned by Yuridia Carrasco-Lechuga (1412 2nd Place) and the River Bend Neighborhood Association.

Written Responses

2 in Favor

0 in Opposition

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed vacation would allow a portion of the existing Right-of-Way with the adjoining parcels that are being redeveloped by Galway Homes within 24 dwelling units within six (6) buildings.
2. **Size of Site:** The north/south segment of Right-of-Way measures 14 feet by 490 feet (6,860 square feet) and the east/west segment of Right-of-Way measures 10 feet by 142 feet (1,420 square feet).
3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District.
4. **Existing Land Use (site):** Unimproved Right-of-Way.
5. **Adjacent Land Use and Zoning:**
 - North** – "R1-60": Uses are single family dwellings.
 - South** – "R1-60" & "PUD": Uses are a single-family dwelling and a multiple-family residential development under construction.
 - East** – "R1-60": Uses are single family dwellings.
 - West** – "R1-60" & "PUD": Uses are the City's Bates Park and a multiple-family residential development under construction.
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 within the River Bend Neighborhood. All neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on September 15, 2017. Additionally, separate notifications of the hearing for this specific item were mailed on September 25, 2017 (10 days prior to October 7, 2017) to the primary titleholder on file with the Polk County Assessor for each property adjacent to the requested rezoning and to the River Bend Neighborhood Association. A Final Agenda was mailed to all the recognized neighborhood associations on September 29, 2017.

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 River Bend Neighborhood Association mailings were sent to Breanne Barnum, 1510 9th Street, Des Moines, IA 50314.

8. Relevant Zoning History: On November 21, 2016, the City Council adopted Ordinance 15,539 to "PUD" Planned Unit Development District to allow for redevelopment of the site with a multiple-family residential use.

9. PlanDSM Land Use Plan Designation: Low Density Residential, Low/Medium Density Residential, and Park Open Space.

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 no identified utilities within the Right-of-Way. However, an easement must be reserved for any existing utilities until such time that they are abandoned or relocated.

2. Street System/Access: The requested vacation would not impact the existing street system or the vehicular or pedestrian flow in the area. However, the east/west segment of subject ROW serves as an access way for the adjoining properties owned by Yuridia Carrasco-Lechuga (1412 2nd Place) and the River Bend Neighborhood Association. Therefore, a vehicular access easement must be provided for the portion of Right-of-Way adjoining these properties.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

Dory Briles moved staff recommendation for approval of the requested vacation subject to the following conditions:

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1. Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.
 2. Reservation of a vehicular access easement for the east/west portion of Right-of-Way adjoining properties owned by Yuridia Carrasco-Lechuga (1412 2nd Place) and the River Bend Neighborhood Association.

Motion passed 11-0.

Respectfully submitted,



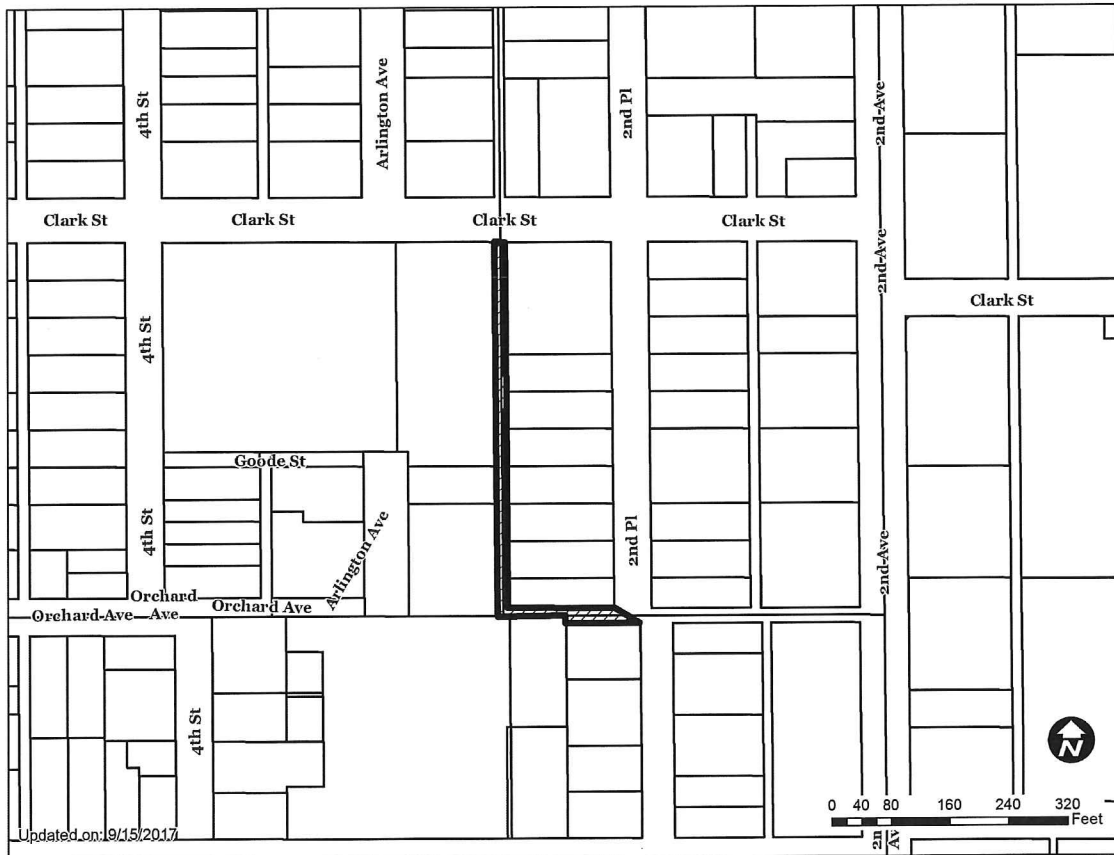
Michael Ludwig, AICP
Planning Administrator

MGL:tjh
Attachments

City initiated The affected adjoining owner of 335 Forest Avenue is Galway Homes, Inc. represented by James Postma.				File #	
				11-2017-1.12	
Description of Action	Approval of requested vacation the north/south and east/west portions of undeveloped alley in the block bounded by Clark Street, 2nd Place, Forest Avenue and 4th Street subject to conditions.				
PlanDSM Future Land Use	Current: Low – Medium Density Residential. Proposed: N/A.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"PUD" Planned Unit Development, "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	
Subject Property	2	0			
Outside Area (200 feet)					
Plan and Zoning Commission Action	Approval	11-0	Required 6/7 Vote of the City Council		Yes
	Denial				No X

City initiated, 335 Forest Avenue

11-2017-1.12



em 11-2017-1.12

Date 9/29/17

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

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(Circle One)

Print Name Layla Kimmel

RECEIVED
COMMUNITY DEVELOPMENT

Signature Layla Kimmel

OCT 03 2017

Address 450 2nd Pl Des Moines 50314

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

em 11-2017-1.12

Date 9-27-17

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

(Circle One) RECEIVED

Print Name Galway Homes, Inc.

COMMUNITY DEVELOPMENT

Signature James Fastina

OCT 02 2017

Address 1247-4th St, P.M., 50311

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



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