



Roll Call Number

Agenda Item Number

COA

Date June 11, 2018

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING CITY-INITIATED REQUEST FOR VACATION OF EAST/WEST ALLEY RIGHT-OF-WAY ADJOINING 215 SOUTHWEST 9TH STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 17, 2018, its members voted 11-0 to recommend APPROVAL of a City-initiated request for vacation of an irregular portion of the east/west alley adjoining the south of 215 Southwest 9th Street, to allow for assemblage with the adjoining property for redevelopment with a 6-story multiple-family residential dwelling, 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; and
(2) Any conveyance of the vacated right-of-way shall be subject to approval of a redevelopment plan by the City Council that includes the requested alley and adjoining property.

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

(11-2018-1.12)

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

MOTION CARRIED APPROVED

Mayor

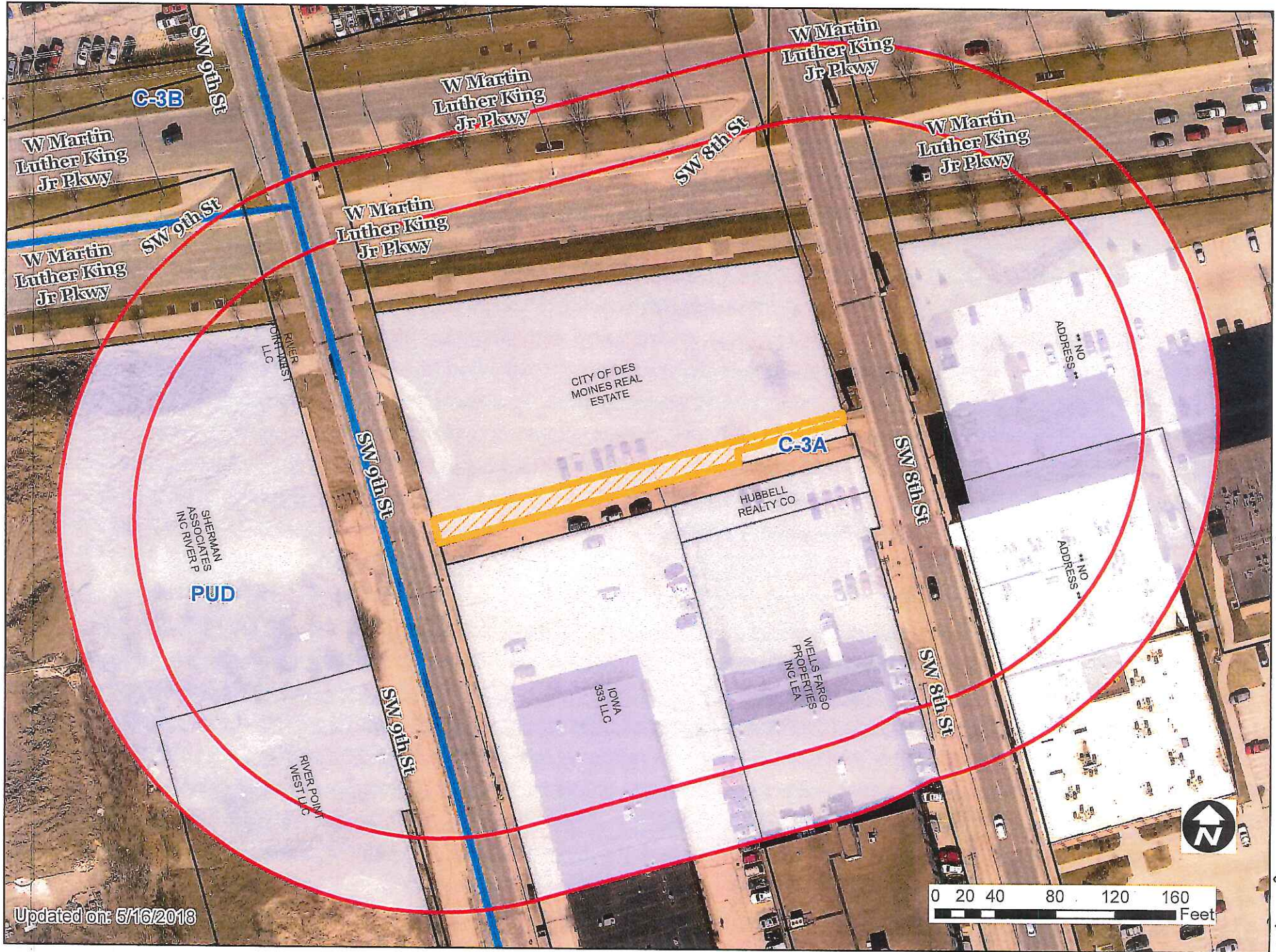
CERTIFICATE

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





Updated on: 5/16/2018

607





June 5, 2018

Date \_\_\_\_\_  
 Agenda Item 60A  
 Roll Call # \_\_\_\_\_

Honorable Mayor and City Council  
 City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their May 17, 2018 meeting, the following action was taken regarding a City Council initiated request for vacation of an irregular part of the east/west alley adjoining the south of property located at 215 Southwest 9<sup>th</sup> Street, to allow the property to be assembled for redevelopment with a 6-story multiple-family residential dwelling.

**COMMISSION RECOMMENDATION:**

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

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles	X			
Chris Cutler				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 requested vacation subject to the following conditions:

1. Reservation of any necessary easements for all existing utilities in place shall be provided until such time that they are abandoned or are relocated.
2. Any conveyance shall be subject to approval of a redevelopment plan by City Council that includes the requested Right-of-Way and adjoining property.

(11-2018-1.12)

## Written Responses

0 in Favor

0 in opposition

## **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 shall be provided until such time that they are abandoned or are relocated.
2. Any conveyance shall be subject to approval of a redevelopment plan by City Council that includes the requested Right-of-Way and adjoining property.

## **STAFF REPORT TO THE PLANNING COMMISSION**

### **I. GENERAL INFORMATION**

1. **Purpose of Request:** The proposed vacation would allow assembly of the existing Right-of-Way with the adjoining parcels for redevelopment.
2. **Size of Site:** 3,826 square feet (0.088 acres).
3. **Existing Zoning (site):** "C-3A" Central Business District Support Commercial District, "GGP" Gambling Games Prohibition District, "D-O" Downtown Overlay District and "FSO" Freestanding Sign Overlay District.
4. **Existing Land Use (site):** Developed alley Right-of-Way (ROW) adjoining property along West Martin Luther King, Jr. Parkway.
5. **Adjacent Land Use and Zoning:**  
  
North – **"C-3A": Use is vacant land.**  
South - **"C-3A": Use is off-street parking lot.**
6. **General Neighborhood/Area Land Uses:** The surrounding neighborhood is within the area of Downtown south of the West Martin Luther King, Jr. Parkway.
7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Downtown Des Moines Neighborhood. All neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on April 27, 2018. Additionally, separate notifications of the hearing for this specific item were mailed on May 7, 2018 (10 days prior) to the neighborhood associations and to the primary titleholder on file with the Polk County Assessor for each property adjacent to the subject alley Right-of-Way. A Final Agenda was mailed to all the recognized neighborhood associations on May 11, 2018.

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 Downtown Neighborhood Association mailings were sent to Austin Lewis, 915 Mulberry Street, #504, Des Moines, IA 50309.

**8. Relevant Zoning History:** NA.

**9. PlanDSM Land Use Plan Designation:** Downtown Mixed Use.

**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:** No utilities are identified within the subject alley segment. However, there are existing public sanitary sewer mains in close proximity which would require that necessary easements be determined and reserved. These would likely only involve a portion of the ROW necessary for typical easement width based on the size and depth of the sanitary sewer facilities.
- 2. Street System/Access:** The requested vacation would not impact the existing street system or the vehicular or pedestrian flow in the area. Southwest 8<sup>th</sup> Street and Southwest 9<sup>th</sup> Street are viaducts in this location. The subject ROW currently connects the at-grade portions of these streets. A remaining segment of 15-foot wide alley would remain adjoining to the south to continue to allow for that movement. Additionally, an 8-foot by 82.5-foot segment has been deducted from the requested ROW to allow for existing off-street parking lot maneuvering on property to the south.
- 3. Additional Information:** The proposed vacation would allow assembly of the existing ROW with the adjoining parcels for future redevelopment. Staff recommends that any conveyance of the ROW should be subject to approval of a redevelopment plan by City Council that includes the requested ROW and the adjoining property.

## **SUMMARY OF DISCUSSION**

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

## **COMMISSION ACTION:**

Carolyn Jension made a motion to recommend approval of the requested vacation subject to the following conditions:

1. Reservation of any necessary easements for all existing utilities in place shall be provided until such time that they are abandoned or are relocated.
2. Any conveyance shall be subject to approval of a redevelopment plan by City Council that includes the requested Right-of-Way and adjoining property.

Motion passed: 11-0

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:tjh  
Attachments

City Council initiated request for property located at 215 Southwest 9th Street.		File #		
		11-2018-1.12		
<b>Description of Action</b>	Vacation of an irregular part of the east/west alley adjoining the south of the subject property, to allow the property to be assembled for redevelopment with a 6-story multiple-family residential dwelling			
<b>Plan/DSM Future Land Use</b>	Current: Downtown Mixed Use. Proposed: N/A.			
<b>Mobilizing Tomorrow Transportation Plan</b>	No planned improvements.			
<b>Current Zoning District</b>	"C-3A" Central Business District Support Commercial District, "GGP" Gambling Games Prohibition Overlay District, "D-O" Downtown Overlay District, and "FSO" Freestanding Signs Overlay District.			
<b>Proposed Zoning District</b>	N/A.			
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition
<b>Subject Property</b>	0	0		
<b>Outside Area (200 feet)</b>				
<b>Plan and Zoning Commission Action</b>	Approval	X	<b>Required 6/7 Vote of the City Council</b>	Yes
	Denial			No

City Council initiated, 215 Southwest 9th Street

11-2018-1.12



1 inch = 85 feet