



Roll Call Number

Agenda Item Number

14

Date July 9, 2018

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION
REGARDING CITY-INITIATED REQUEST FOR VACATION OF RIGHT-OF-WAY
ADJOINING 1437 EAST 14TH STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 21, 2018, its members voted 11-0 to recommend **APPROVAL** of a City-initiated request for vacation of a segment of City-owned right-of-way south of and adjoining 1437 East 14th Street, to allow for assemblage with the adjoining car wash site for vehicle maneuvering, subject to the following conditions:

- (1) Reservation of any necessary easements, as part of any conveyance of the vacated right-of-way, for all existing utilities in place until such time that they are abandoned or are relocated.
- (2) Reservation of a public ingress/egress easement, as part of any conveyance of the vacated right-of-way, for access to the north/south alley at any point in time that said alley is redeveloped and improved for vehicular use.

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

(11-2018-1.13)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				
MOTION CARRIED		APPROVED		

Mayor

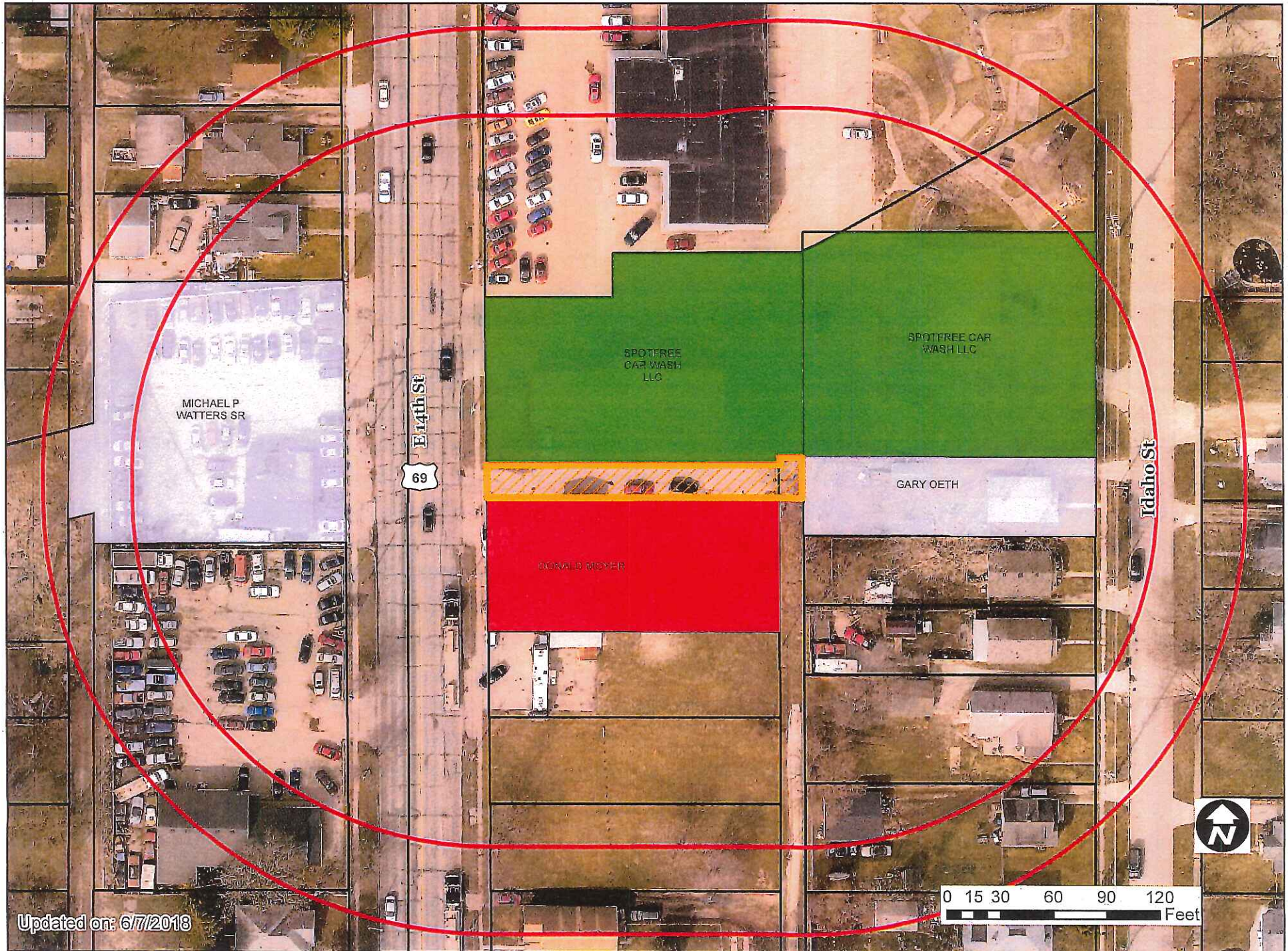
CERTIFICATE

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

14



14



SPOTFREE CAR WASH

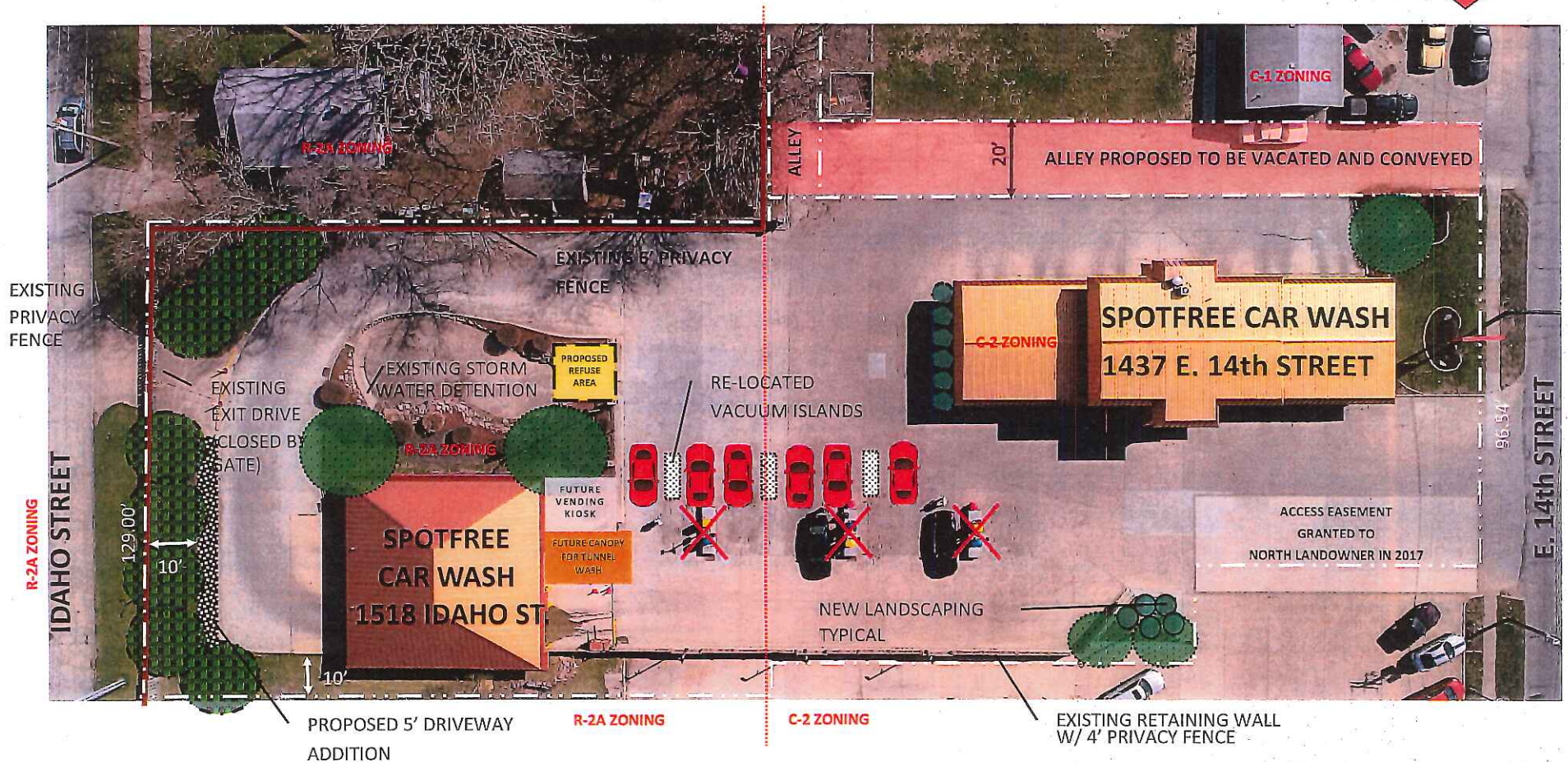
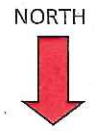
1437 E. 14th St.
Des Moines, IA 50316

515-255-0110 Fax: 515-981-5178
Email: sales@spotfreecarwash.com

PRELIMINARY LAYOUT

Proposal to vacate and convey City of Des Moines alley south of car wash to Spotfree Car Wash

June 21, 2018





SPOTFREE CAR WASH

1437 E. 14th St.

Des Moines, IA 50316

515-255-0110 Fax: 515-981-5178

Email: sales@spotfreecarwash.com

14



July 3, 2018

Date July 9, 2018
Agenda Item 14
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 June 21, 2018 meeting, the following action was taken regarding a City Council initiated request for vacation of a segment of Right-Of-Way adjoining the south of property located at 1437 East 14th Street, to allow the property to be assembled with the adjoining car wash site for vehicle maneuvering. The adjoining subject properties are owned by Spotfree Car Wash, LLC, Donald and Gloria Moyer, and Gary Oeth.

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 the requested vacations subject to the following conditions:

1. Reservation of any necessary easements as part of any conveyance for all existing utilities in place shall be provided until such time that they are abandoned or are relocated.

2. Reservation of a public ingress/egress easement as part of any conveyance for access to the north/south alley at any point in time that it is redeveloped and improved for vehicular use. (11-2018-1.13)

Written Responses

1 in Favor

1 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 as part of any conveyance for all existing utilities in place shall be provided until such time that they are abandoned or are relocated.
2. Reservation of a public ingress/egress easement as part of any conveyance for access to the north/south alley at any point in time that it is redeveloped and improved for vehicular use.

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 access and maneuvering.
2. **Size of Site:** 3,640 square feet (0.08 acres).
3. **Existing Zoning (site):** "C-2" General Retail and Highway-Oriented Commercial District, "C-1" Neighborhood Retail Commercial District, "VDL" Vehicle Display Lot Overlay District and "FSO" Freestanding Sign Overlay District.
4. **Existing Land Use (site):** Developed Right-of-Way (ROW) dedicated for ingress/egress from the north/south alley to East 14th Street.
5. **Adjacent Land Use and Zoning:**

 North – "C-3A": Use is a car wash.
 South - "C-3A": Use is vehicle detailing.
6. **General Neighborhood/Area Land Uses:** The property is located on the U.S. Highway 69/East 14th Street major traffic corridor, with adjoining residential neighborhood areas.
7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Martin Luther King, Jr. Park Neighborhood and within 250 feet of the Capitol Park Neighborhood. All neighborhood associations were notified of the original June 7, 2018 meeting by mailing of the Preliminary Agenda on May 18, 2018. Additionally, separate notifications of the hearing for this specific item were mailed on May 25, 2018 (13 days prior to original hearing due to Memorial Day holiday) 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 for the June 21, 2018 meeting was mailed to all the recognized neighborhood associations on June 15, 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 Martin Luther King, Jr. Park Neighborhood Association mailings were sent to Charice Williams, 1434 East 18th Street, Des Moines, IA 50316. The Capitol Park Neighborhood Association mailings were sent to Todd McBride, 1363 Pennsylvania Avenue, Des Moines, IA 50316.

8. Relevant Zoning History: N/A.

9. PlanDSM Land Use Plan Designation: Low-Medium Density Residential.

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. Easements should be reserved for any that may be in place.
- 2. Street System/Access:** The requested vacation would not impact the existing public street system. The purpose for the ROW dedication was to provide ingress/egress for the north/south alley after a previous vacation of a segment of that alley to the north. The existing conditions indicate that the northern dead end of the north/south alley is currently impassible for vehicular traffic. Public Works Street Superintendent has indicated that the Department's operations do not include maintaining that portion of the alley for public vehicular use.

Traffic Engineering staff have indicated that the commercial property at 1433 East 14th Street would have the ability to improve the impassible segment of the north/south alley with any potential redevelopment. At such a time, the ability to ingress/egress would be necessary. Therefore, any conveyance of the requested segment of ROW should be conditioned upon reservation of a public ingress/egress easement to allow access at any point in time as the north/south alley would be improved for use by vehicular traffic.

- 3. Additional Information:** The owner of the car wash property at 4137 East 14th Street was not able to secure consents of the remaining adjoining property owners to make application for the ROW vacation. Therefore, he petitioned the City Council and on May 7, 2018 by Roll Call No. 18-0795, a request was initiated for the Commission to consider the vacation of the ROW with the intent to convey the entire alley to the owner of the car wash at 4317 East 14th Street, Spot Free Car Wash, LLC. At the June 7, 2018 hearing, that owner further requested a continuance of the item to the June 21, 2018 meeting, which was approved by the Commission.

SUMMARY OF DISCUSSION

Jason Van Essen presented the staff report and recommendation.

CHAIRPERSON OPENED THE PUBLIC HEARING

Chris Pose, 317 6th Ave, representing the applicant, noted that use of the alley for vehicle parking is creating access issues for his client who is the owner of the car wash. Vacating the alley and conveying it to his client subject to provision of an access easement would enable his client to grant an access easement but would allow private signage to be installed that prohibits vehicle parking on the area. He stated that creating the access easement will be good for everyone, not just the car wash.

CHAIRPERSON CLOSED THE PUBLIC HEARING

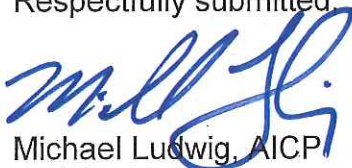
COMMISSION ACTION:

Greg Jones made motion for approval of the requested vacation subject to the following conditions:

1. Reservation of any necessary easements as part of any conveyance for all existing utilities in place shall be provided until such time that they are abandoned or are relocated.
2. Reservation of a public ingress/egress easement as part of any conveyance for access to the north/south alley at any point in time that it is redeveloped and improved for vehicular use.

Motion passed: 11-0

Respectfully submitted,



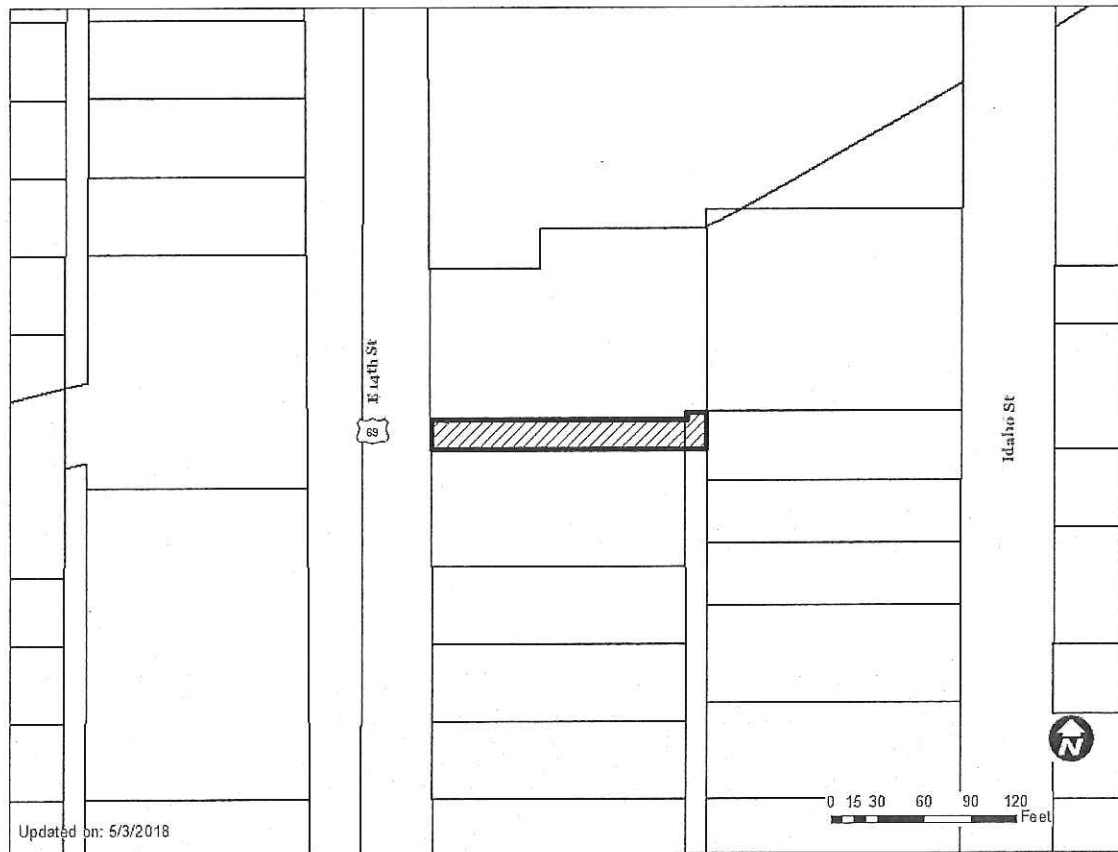
Michael Ludwig, AICP
Planning Administrator

MGL:tjh
Attachments

City Council initiated request. The adjoining properties are owned by Spotfree Car Wash, LLC, Donald and Gloria Moyer, and Gary Oeth.					File #	
					11-2018-1.13	
Description of Action		Vacation of a segment of Right-Of-Way adjoining the south of property located at 1437 East 14th Street, to allow the property to be assembled with the adjoining car wash site for vehicle maneuvering.				
PlanDSM Future Land Use		Current: Low-Medium Density Residential. Proposed: N/A.				
Mobilizing Tomorrow Transportation Plan		2025-2034 Widen US 69/East 14 th Street from 4 lanes to 5 lanes.				
Current Zoning District		"C-2" General Retail and Highway-Oriented Commercial District, "C-1" Neighborhood Retail Commercial District, "VDL" Vehicle Display Lot 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		1	1			
Outside Area (200 feet)						
Plan and Zoning Commission Action		Approval	X	Required 6/7 Vote of the City Council		Yes
		Denial				No

City Council initiated, 1437 East 14th Street

11-2018-1.13



1 inch = 73 feet

11-2018-1.13

tem

Date

6/4/18

14

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

(Circle One)

RECEIVED
IMUNITY DEVELOPMENT

JUN 07 2018

Print Name

ALLEN HANSEN DBA NOTRE DAME

Signature

Allen Hansen

Address

1437 E 14TH ST.

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

11-2018-1.13

tem

Date

6-4-18

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

(Circle One)

RECEIVED
JUN 07 2018
CITY OF DES MOINES
HERMIT AND DEVELOPMENT CEN

Print Name

DONALD L. MOYER

Signature

DMoyer

Address

1433 E. 14TH ST.

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

SEE ATTACHMENT: