



Roll Call Number

Agenda Item Number

37

Date August 20, 2018

An Ordinance entitled, "AN ORDINANCE vacating a portion of alley right-of-way located south of and adjoining 1437 East 14th Street",

which was considered and voted upon under Roll Call No. 18-1367 of August 6, 2018; again presented.

Moved by _____ that this ordinance be considered and given second vote for passage.

(Second of three required readings)

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

★ Roll Call Number

18-1367

Agenda Item Number

50A

37

Date August 6, 2018

An Ordinance entitled, "AN ORDINANCE vacating a portion of alley right-of-way located south of and adjoining 1437 East 14th Street",

presented.

Moved by Westergaard that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)

Lisa A. Wieland
Lisa A. Wieland
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED			APPROVED	

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.

T. M. Franklin
T. M. Franklin
Mayor

Diane Rauh
Diane Rauh
City Clerk

SOA
37

Prepared by: Lisa A. Wieland, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, Iowa 50309 (515) 283-4124
Return to: City Clerk's Office, 400 Robert D. Ray Drive, Des Moines, Iowa 50309

ORDINANCE NO. _____

AN ORDINANCE vacating a portion of alley right-of-way located south of and adjoining 1437 East 14th Street.

WHEREAS, all prior requirements of law pertaining to the vacation of public right-of-way have been fully observed; and

WHEREAS, it is desirable that the public right-of-way herein described be vacated;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Des Moines, Iowa:

Sec. 1. That a portion of alley right-of-way located south of and adjoining 1437 East 14th Street, more specifically described as follows, be and is hereby vacated:

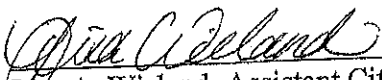
THE SOUTH 20 FEET OF LOT 235, ASHBROOK, AN OFFICIAL PLAT, AND THE NORTH-SOUTH ALLEY LYING EAST OF AND ADJOINING THE SOUTH 20 FEET OF SAID LOT 235, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 3,568 SQUARE FEET.

Sec. 2. The City of Des Moines hereby reserves an easement upon the property described above for the continued use and maintenance of any utilities now in place, with the right of entry for servicing same.

Sec. 3. That the City Clerk is hereby authorized and directed to cause certified copies of this ordinance and proof of publication thereof together with proof of publication of the notice of the public hearing on this matter to be properly filed in the office of the Recorder of Polk County, Iowa.

Sec. 4. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:



Lisa A. Wieland, Assistant City Attorney

HOPE WOOD

Delivered via e-mail as noted below:

Mr. T.M. Franklin County, Mayor: fcownie@dmgov.org
Bill Gray, Council Member: billgray@dmgov.org
Linda Westergaard, Council Member: LindaW@dmgov.org
Josh Mandelbaum, Council Member: joshmandelbaum@dmgov.org
Joe Gatto, Council Member: joegatto@dmgov.org
Christopher Coleman, Council Member: CColeman@dmgov.org
Connie Boesen, Council Member: connieboesen@dmgov.org

August 10, 2018

Dear Mr. Mayor and Members of City Council:

On August 6, 2018, agenda item #50 was before the City Council.

Mr. Moyer, an interested party, was not given notice of the August 6, 2018 hearing to have the opportunity to be heard regarding his views on the ordinance containing the proposed vacation and conveyance of the right-of-way abutting his property.

After communications with Council Member Linda Westergaard, it is Mr. Moyer's understanding that there will be a second consideration of the ordinance at the next City Council meeting. He should be given formal notice of his opportunity to be heard before the City Council for the second consideration of the ordinance.

This letter serves as a written objection to the ordinance based on the following reasons.

1. There is reason to believe members of the Des Moines Planning and Zoning Commission did not receive the written objection from Mr. Moyer prior to their decision to approve the City-initiated vacation of the right-of-way.

Mr. Moyer marked "I am not in favor of the request" and wrote "See Attachment" in response to "Reason for opposing or approving this request may be listed below". Both documents were stamped as received on June 7, 2018 by the City of Des Moines Permit and Development Center.

HOPE WOOD

It is believed the City Planning and Zoning Commission did not receive the attachment to Mr. Moyer's response because it is missing from the July 9, 2018 City Council agenda item #14 that included a link to the agenda item communication from the Planning and Zoning Commission to the City Council. The item communication only includes, on page 4 of the July 3, 2018 letter, that Chris Pose spoke on behalf of Spotfree Car Wash.

2. The City Council should have received Mr. Moyer's written objection received on June 7, 2018 that was provided to the Planning and Zoning Commission in addition to their communication to the City Council for the July 9, 2018 agenda item. I am including Mr. Moyer's missing written objection for your review.
3. The City Council's own policy, in part, requires that a public right-of-way proposed to be vacated and conveyed will be divided as equally as possible and a proportionate share of the right-of-way will be offered to each of the property owners abutting the right-of-way. The City will notify by certified mail the abutting property owners of its intent to vacate and convey public right-of-way and the price at which the property owner may purchase his or her proportionate share of the vacated property.

There was no offer to Mr. Moyer from the City Council to comply with this requirement.

The above language is for Residential Zoned Property but is adopted for Commercially and Industrial Zoned Property. A copy of the policy is attached for reference.

The exception to the policy for Commercially and Industrial Zoned Property does not apply in this situation. The applicant, Spotfree Car Wash, provided illustrations highlighting the entire right-of-way as it relates to the surrounding properties. The applicant, however, did not submit a site plan for commercial or industrial development. Even if the graphics were considered a site plan, it is not necessary for the entire right-of-way to be vacated for the applicant to achieve their desired use; a proportionate share of the right-of-way to the applicant and to Mr. Moyer is consistent with the City Council's policy for vacation and conveyance of alleys and streets.

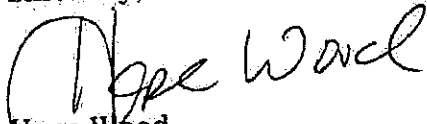
HOPE WOOD

As attorney for Mr. Moyer, I request the following:

1. Include this written objection as part of the City Council agenda item for the second reading of the ordinance;
2. Give formal notice of the hearing on the reading of the ordinance to Mr. Moyer;
3. Vote no on the passage of the ordinance at future readings;
4. Provide an opportunity for Mr. Moyer to purchase his proportionate share of the right-of-way.

I appreciate your time and consideration.

Sincerely,


Hope Wood

Encls

Item 11-2018-1.13

Date 6-6-18

(am) (am not) in favor of the request.
(Circle One)
JUN 07 2018
CITY OF DES MOINES
PERMIT AND BUILDING DEPARTMENT

Print Name DONALD L. MOYER

Signature [Handwritten Signature]

Address 1437 E. 14TH ST.

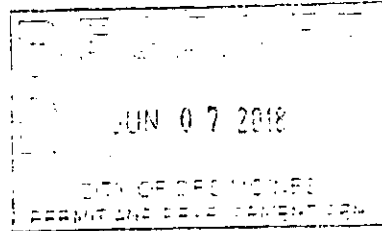
Reason for opposing or approving this request may be listed below.

SEE ATTACHMENT

Don Moyer
3772 River Oaks Drive
Des Moines, IA 50312

June 4, 2018

Planning and Urban Design
Des Moines Community Development
602 Robert D. Ray Drive
Des Moines, IA 50309-9603



Dear Erik Lundy,

I am writing to you in regards to Item 11-2018-1.13 on the June 6, 2018 Plan & Zoning Agenda, a proposal by Alan Hanson for the City of Des Moines to vacate the east-west alleyway between 1437 and 1433 E. 14th Street. I previously owned the north property and currently own the south property adjoined by said alleyway.

I built the car wash in 1989. It used to have a fence along the south lot line until 1998 after I acquired the property south of the alleyway. At that time I removed the fence and used the alleyway for the car wash and the property to the south. This was years ago when self-service car washes were doing far more business than they are today and it worked fine. There is an enclosed trash dumpster for my property (1433 E. 14th), and it is serviced from said alleyway.

There are neighbors who use the north/south alley that connects to the east/west alley, and there are more who would like to use it from E. 14th, but it has not been maintained for years and years. Consequently, they have taken to driving through the yard behind my building, causing ruts and dragging mud onto the pavement to the north (the car wash alley). So I outlined my back yard with landscape timbers, which stopped this for the most part.

Approximately twenty years ago I requested the vacation of this same alley. I was told that the property owners on both sides of the north-south alley that turns into this alley would need a way to turn around; therefore the City would consider selling the east west portion to me only if I would build a "hammer head" at the north end of the north-south alley on my property. That would take up a lot of property, so I did not pursue the offer at that time. Also Approximately six years ago, the city, by abuse of the VDL Overlay Project, drastically reduced the value (and use) of my property at 1433 E. 14th.

Most important to me at this time is that I have an offer to purchase the property south of the alleyway by the Dollar General Discount Store chain. They tell me that their offer is null and void if the alley cannot remain as is for their use. They need it to back their inventory supply trucks down to deliver inventory to the store; I think this is a couple of times a month for approximately three hours at a time. Now, I at least have a chance to sell said property and recover some of my losses. I don't see any

urgency in making these changes today or any time real soon on an alley that has been in place for 50+ years and has served property owners on both sides of it all along.

In conclusion, I am requesting that this issue be tabled until General Dollar completes their purchase, and then they can sort out what they need. This will result in a more practical use of the property at 1433 E. 14th Street, higher value, more tax revenue for all, and more business conducted as a whole to contribute to the economy. Thank you for your time and consideration in this matter.

Sincerely,
Don Moyer

Don Moyer

RIGHT - OF - WAY REQUEST

APPLICATION DUE ___ or ___ FOR THE ___ or ___ PLAN & ZONING COMMISSION MEETING

Case No. 11 - ___ -- 1 . _____

INSTRUCTIONS: Complete all the required information listed below for each application to be processed.

APPLICANT NAME: _____

MAILING ADDRESS: _____

_____ CITY STATE ZIP CODE: _____

TELEPHONE NUMBER: _____ / _____
AREA CODE

DATE REQUESTED: _____ SIGNATURE: _____

TYPE OF REQUEST: (Check Applicable Items Below)

- Vacation & Conveyance of Street or Alley (Provide all applicable items below)
- Vacation & Lease of Street or Alley (Provide all applicable items below)
 - Air Rights (Provide all applicable items below)
 - Surface Rights (Provide all applicable items below)
 - Subsurface Rights (Provide all applicable items below)
- Termination of Easement Rights (Provide all applicable items below)

ATTACHED REQUIRED INFORMATION: (Provide all applicable items below)

- Legal Description of Requested Street or Alley Property
(Provide if legal requires metes and bounds survey description)
- Site Drawing
(Provide if legal requires metes and bounds survey description)
- Elevational Drawings
(Only for air rights request)
- Written Statement of Purpose for Request
(Required for all requests)
- Written Consents of all Adjoining Property Owners
(Must have their signature, address and date for all requests)

FILING FEE

- \$ 100.00 (RECEIPT FOR PAYMENT ATTACHED)
(Filing Fee, does not include purchase price or lease payment)

SUBMIT REQUEST TO:

COMMUNITY DEVELOPMENT DEPARTMENT
Planning & Urban Design Division
602 Robert D Ray Drive
Des Moines, Iowa 50309
Phone: (515) 283 - 4182

Policy for Vacation & Conveyance of Alleys and Streets

By Roll Call No. 3352, June 21, 1976, the City Council adopted a formal policy for street and alley vacations and conveyances. Following are excerpts from that Roll Call:

The purpose is to establish a uniform method of placing value on streets and alleys. Vacating and conveying these unneeded and in many instances unused parcels to the abutting property owners would save the City miscellaneous maintenance costs and also put the land back on the tax rolls. The majority of the conveyances will be in residential areas. However, occasionally there will be parcels zoned commercial and industrial. The City would issue Quit Claim Deeds. The deeds would contain a clause restricting subsequent building or lot improvements (additional parking). In residential alleys, in most cases, we would not use a deed restriction - but in some cases, when necessary, we would reserve easement rights. The purchaser would have the option of having the deed restriction removed by paying the fair market value at the time of his original purchase or at any time in the future. The fair market value would be established as of the date the request was made to remove the deed restriction.

- a. **Vacation** (Revised by Roll Call 89-2058, May 15, 1989)
Request for the vacation and conveyance of public right-of-way shall be reviewed by the Plan and Zoning Commission and the Commission shall make recommendation to the City Council on the matter.
Community Development Department Policies for Vacation and Conveyance Request.
- Alley has no than one (1) ownership developed land passage way use of the requested area of the alley right of way
 - Street has no developed land passage way use of the requested area of the street right of way.
 - Street and alley that have developed land passage way use of the requested right of way required to provide written consents from all adjoining property owners along with the Right of Way Request Form.

Streets and alleys will be vacated if no access problems result therefrom. Vacation will not be tied directly to receiving the purchase price or waivers from the abutters, although every effort will be made to collect same.

- b. **Conveyance** (Revised by Roll Call 89-2058, May 15, 1989)
Residential Zoned Property
The public right-of-way proposed to be vacated and conveyed will be divided as equally as possible and a proportionate share of the right-of-way will be offered to each of the property owners abutting the right-of-way. The City will notify by certified mail the abutting property owners of its intent to vacate and convey public right-of-way and the price at which the property owner may purchase his or her proportionate share of the vacated property. The City will also inform the abutting owners that an affirmative response including the purchase amount must be received by the City within a stated period of time (usually 30 days). If an abutting property owner does not wish to purchase, lease or otherwise obtain an interest in his or her proportionate share of such right-of-way, or if the City receives no response from its notification, the City may offer and convey that proportionate share of the vacated property to an interested party such as an adjoining abutter so long as the property of any abutters is not damaged by loss of access thereto. If an abutting property is owned by any government entity or a railway, the City staff may determine whether it is in the City's best interest to offer and convey all the vacated property to the government entity or railway. In the event certain portions of such vacated right-of-way are not purchased, leased or otherwise conveyed, same will remain as City-owned property.
Commercially and Industrial Zoned Property
The same policy as applies to residentially zoned property shall apply to commercial and industrial zoned property unless an abutting property owner desires to use more than his or her proportionate share of the vacated right-of-way for purposes of development. In the event a property owner abutting City right-of-way requests that such right-of-way be vacated in order that such vacated property, in whole or in part, may be used to facilitate commercial or industrial development and said property owner has submitted a site plan for said development, the proportion of such vacated property needed for that development shall be offered and conveyed to such property owner, as long as no loss of access to an abutting property results. If such property owner does not purchase, lease, or otherwise obtain an interest in such property, or if less than all of the vacated right-of-way is so conveyed, the City may offer and convey such vacated property in proportionate shares to property owners abutting such vacated property.
U-1 & FW Zoned Property
Streets and alleys located in U-1 Flood Plain District will be vacated but not sold.



Consent to Vacation and Sale of Alley or Street Right-of-Way

REGARDING the East/West | North/South alley or street right-of-way in the block bounded by the following Streets:

The undersigned owners hereby consent to the City of Des Moines vacating (closing) the alley or street described above and to the City offering such alley or street for sale to the owner(s) of the adjoining property(s).

The undersigned represent and warrant that they are the owners of property at the address identified below which adjoins such alley or street.

Date: _____

(Signature)

(Signature of 2nd Owner)

(Printed Name)

(Printed Name)

Address of adjoining Property:

Mailing Address-if different:

Des Moines, IA _____
(Zip Code)

Legal Description of Adjoining Property (if known):

✓ Check applicable line:

- I/We are interested in purchasing the adjoining portion of the alley or street. This is not a commitment to purchase.
- I/We are **not** interested in purchasing the adjoining portion of the alley or street and consent to the sale of the entire alley to the owner of the property on the other side of the alley or street.

*****Community Development Department Use Only *****

Case No. 11-20__ - 1. __

Received: _____

Applicant: _____

★ 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)

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

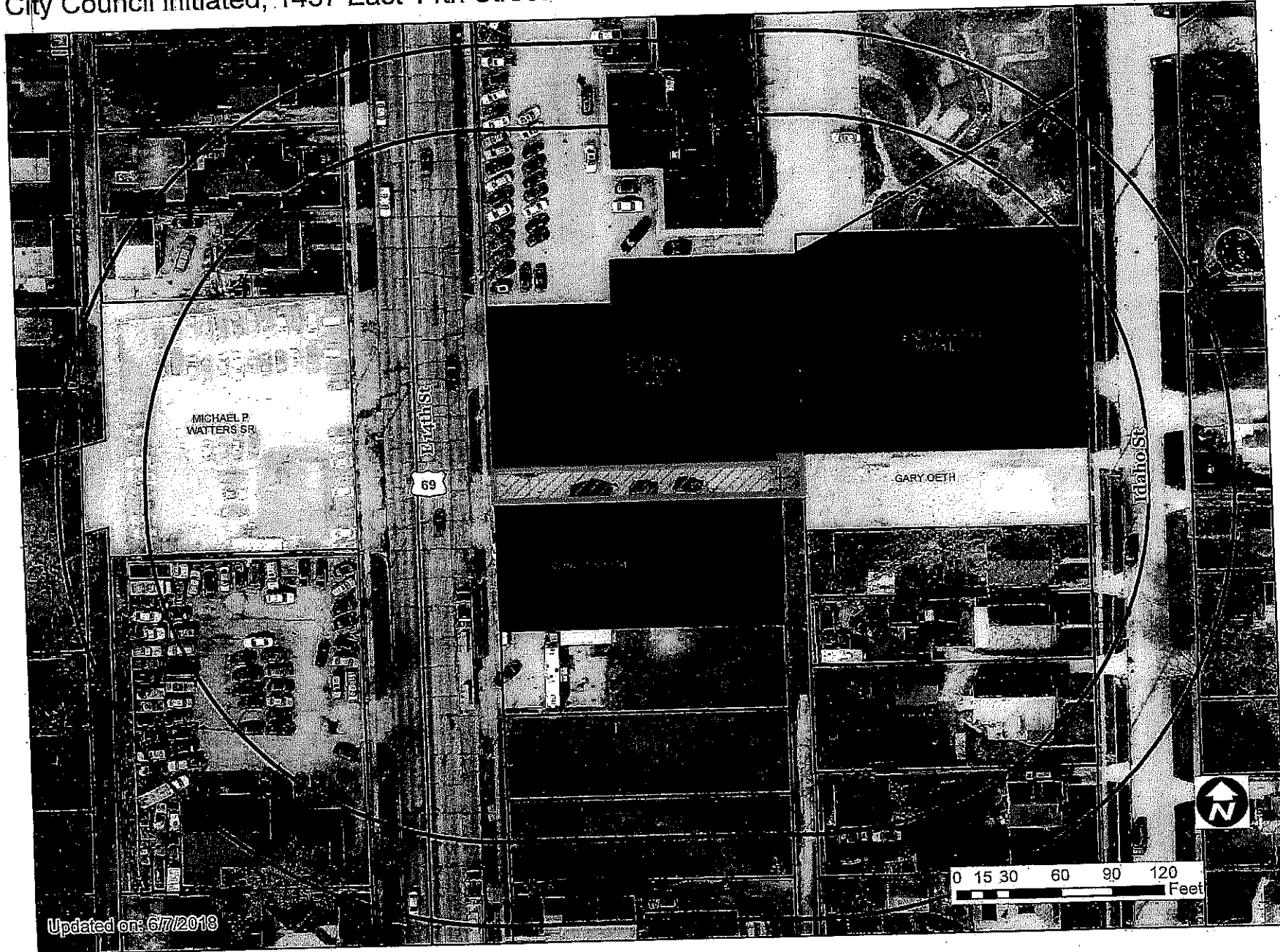
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

City Council initiated, 1437 East 14th Street

14
11-2018-1.13



Updated on: 6/7/2018

hl



SPOTFREE CAR WASH

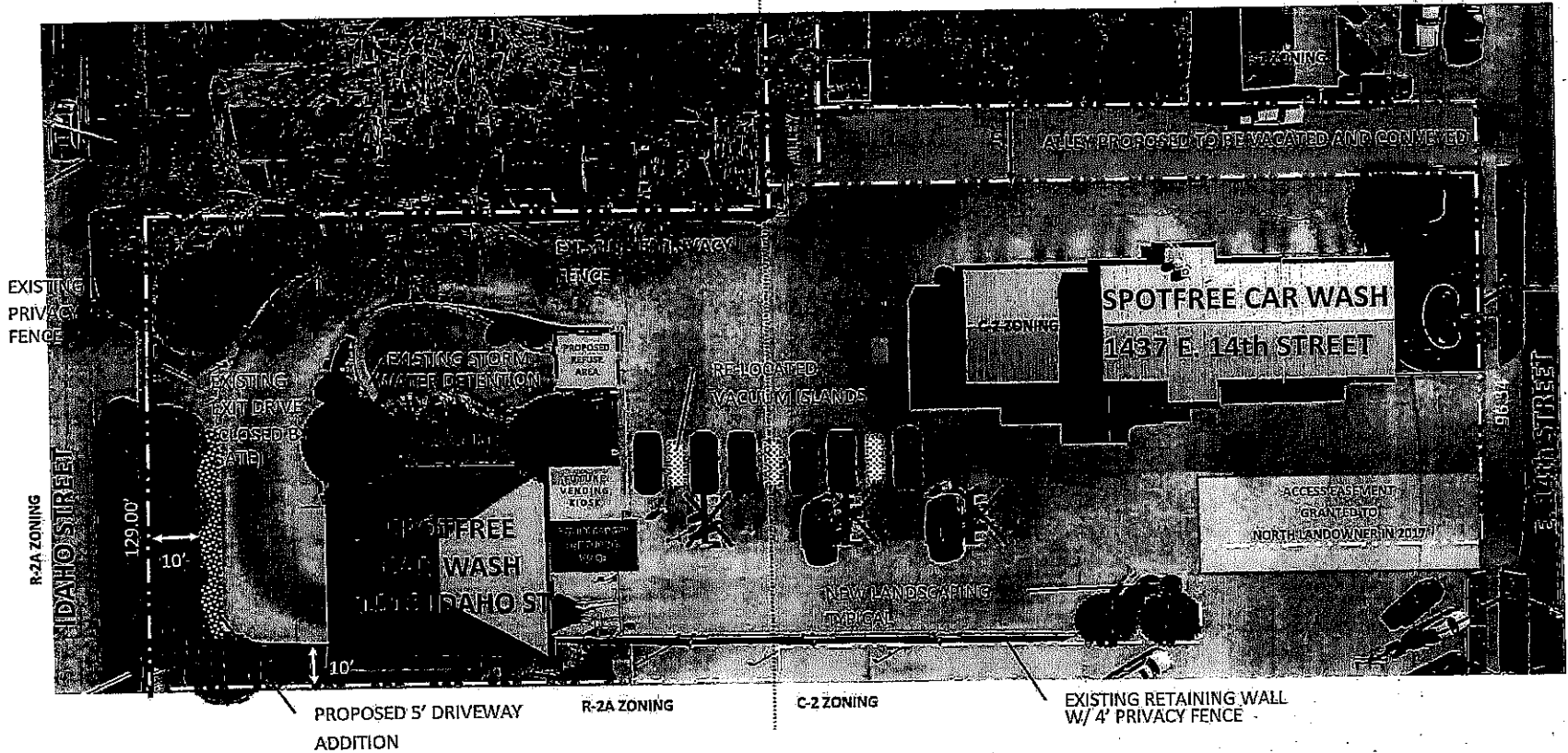
1437 E. 14th St.
Des Moines, IA 50316

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

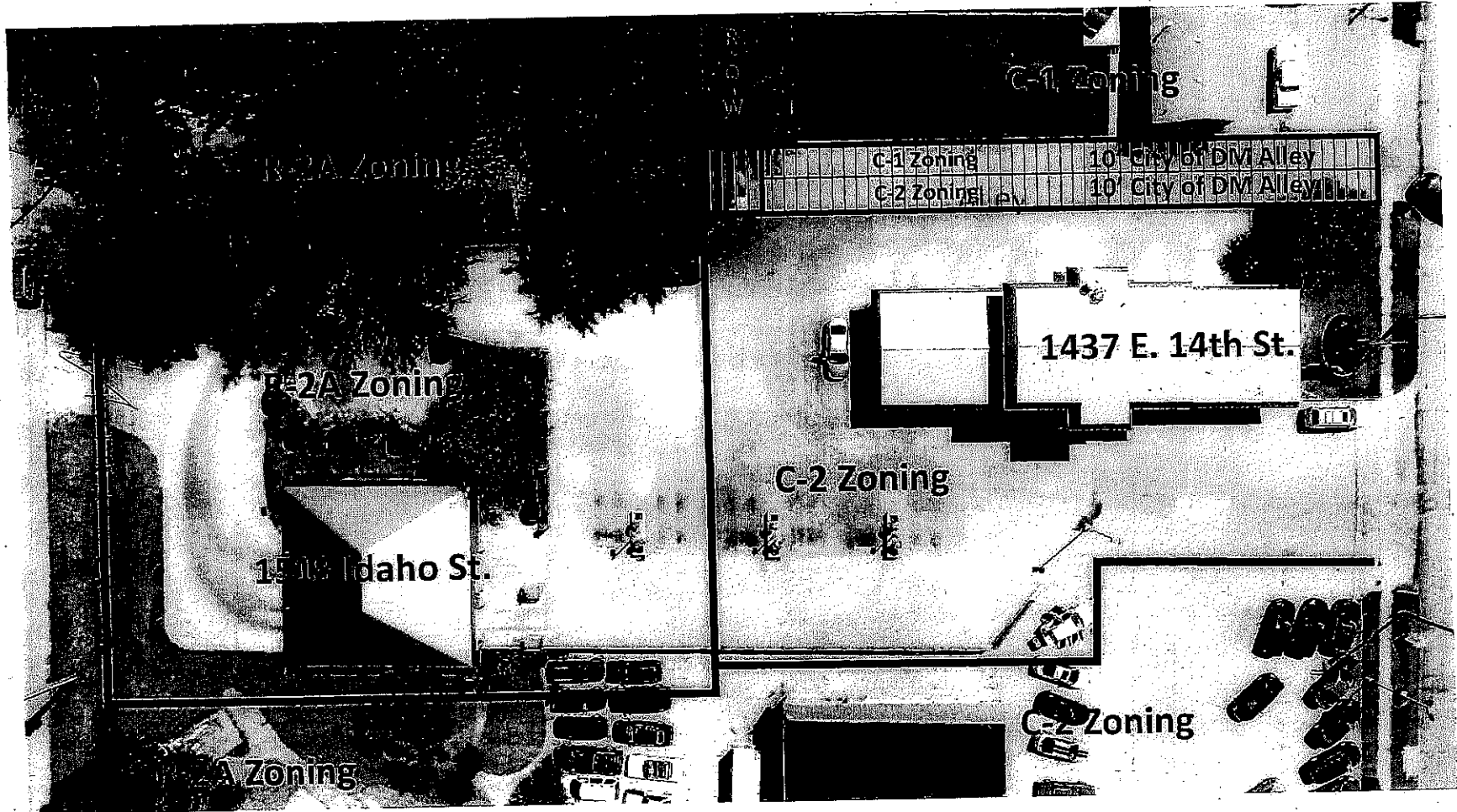


14



SPOTFREE CAR WASH

1437 E. 14th St.
Des Moines, IA 50316
515-255-0110 Fax: 515-981-5178
Email: sales@spotfreecarwash.com





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			X
Jann Freed				
John "Jack" Hilmes	X			X
Lisa Howard				X
Carolyn Jenison				
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

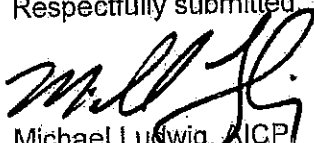
COMMISSION ACTION:

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,

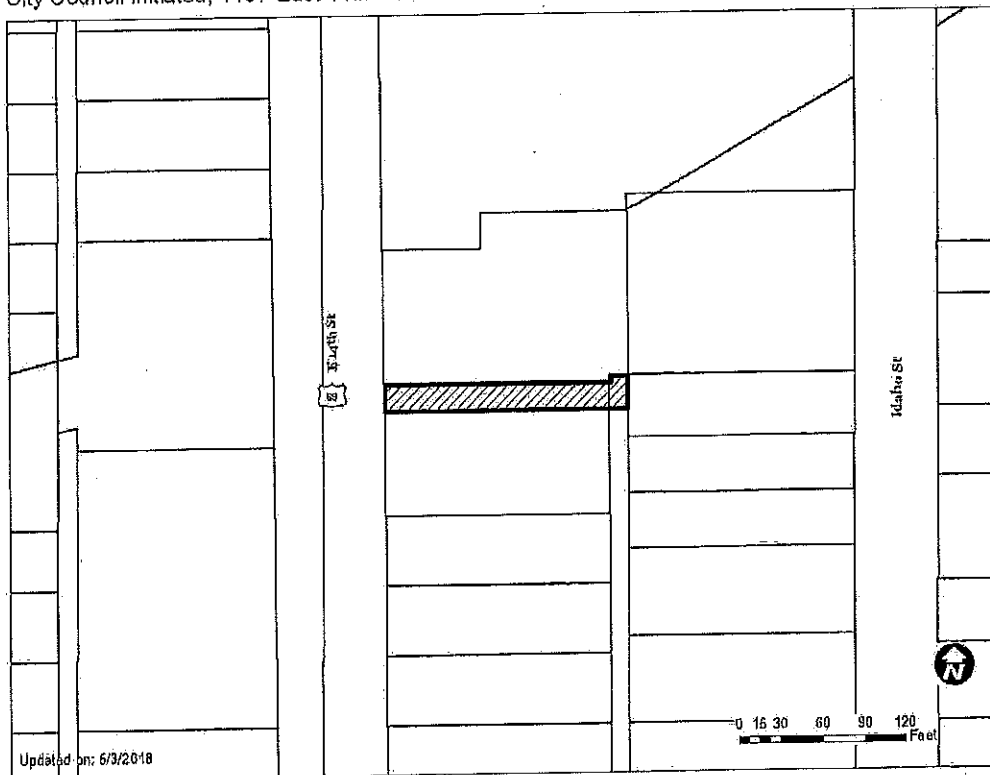

Michael Ludwig, AICP
Planning Administrator

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 "FSC" 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

Item 11-2018-1.13

Date

6/4/18 14

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

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT

JUN 07 2018

Print Name

ALLEN HANSEN ORA SPOTWELL

Signature

Allen Hansen ORA SPOTWELL
CAR WASH

Address

1437 E. 14TH ST.

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

Item 11-2018-1.13

Date

6-4-18

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

(Circle One)

RECEIVED
JUN 07 2018
CITY OF DES MOINES
PERMIT AND DEVELOPMENT GEN

Print Name

DOUGLAS L. MOYER

Signature

D. Moyer

Address

1433 E. 14TH ST.

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

SEE ATTACHMENT: