



Roll Call Number

Agenda Item Number

17

Date September 10, 2018

**RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION
REGARDING REQUEST FROM LARS VINZ FOR VACATION OF A
SEGMENT OF 12TH STREET ADJOINING 1161 ENOS AVENUE AND 1157 12TH STREET**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on August 16, 2018, its members voted 9-0 to recommend **APPROVAL** of a request from Lars Vinz (owner) to vacate the east 7 feet of 12th Street right-of-way, adjoining 1161 Enos Avenue and 1157 12th Street, for assemblage with the adjoining residential parcels, subject to the following conditions:

1. Retention of adequate Right-of-Way for 12th Street to the satisfaction of the City Engineer.
2. Reservation of any necessary easements for all existing utilities in place as part of any conveyance and until such time that they are abandoned or are relocated.
3. A sidewalk shall be provided within the remaining 12th Street Right-of-Way at any time that the adjoining property is redeveloped.

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

(11-2018-1.19)

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

September 4, 2018

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their August 2, 2018 meeting, the following action was taken regarding a request from Lars Vinz (owner), 1161 Enos Avenue and 1157 12th Street, for vacation of the east 7 feet of 12th Street Right-Of-Way adjoining the subject properties.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 9-0 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 vacation subject to subject to the following conditions:

1. Retention of adequate Right-of-Way for 12th Street to the satisfaction of the City Engineer.
2. Reservation of any necessary easements for all existing utilities in place as part of any conveyance and until such time that they are abandoned or are relocated.

3. A sidewalk shall be provided within the remaining 12th Street Right-of-Way at any time that the adjoining property is redeveloped.

(11-2018-1.19)

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. Retention of adequate Right-of-Way for 12th Street to the satisfaction of the City Engineer.
2. Reservation of any necessary easements for all existing utilities in place as part of any conveyance and until such time that they are abandoned or are relocated.
3. A sidewalk shall be provided within the remaining 12th Street Right-of-Way at any time that the adjoining property is redeveloped.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The requested vacation would allow a 7-foot wide strip of Right-of-Way to be assembled with the adjoining parcels. The house on the parcel at 1157 12th Street is constructed to the current property line so the requested Right-of-Way would provide for a yard in between the house and the property line.
2. **Size of Site:** 7 feet by 130 feet (910 square feet).
3. **Existing Zoning (site):** "R-3" Multiple-Family Residential District, "FSO" Freestanding Signs Overlay District, and "GGP" Gambling Games Prohibition Overlay District.
4. **Existing Land Use (site):** 12th Street Right-of-Way.
5. **Adjacent Land Use and Zoning:**

 East – "R-3"; Uses are a single-family dwelling and a vacant lot.

 West – "R-3"; Uses are 12th Street and single-family dwellings.
6. **General Neighborhood/Area Land Uses:** The site is in a predominantly low-density residential area to the south of the University Avenue commercial corridor.
7. **Applicable Recognized Neighborhood(s):** The subject property is in the Cheatom Park Neighborhood. This neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on July 27, 2018. Additionally, separate notifications of the hearing for this specific item were mailed on August 6, 2018 (10 days prior to the

hearing) to the Cheatom Park Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property adjacent to the subject Right-of-Way. A final agenda was mailed on August 10, 2018.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Highland Park Neighborhood Association notices were mailed to Susan Wells, 1157 14th Place, Des Moines, IA 50314.

8. Relevant Zoning History: None.

9. PlanDSM Land Use Plan Designation: The proposed project area is designated as "Low Density Residential" on the Future Land Use Map.

10. Applicable Regulations: The Commission, considering the criteria set forth in Chapter 18B of the Iowa Code, 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. Traffic & Transportation: The requested vacation would retain 8 feet of Right-of-Way in between the existing eastern curb along 12th Street and the resulting property line. The requested vacation must provide adequate area for a public sidewalk should one be constructed in the future, to the satisfaction of the City Engineer.

2. Utilities: No utilities have been identified within the requested Right-of-Way. Easements must be reserved for any existing utilities until such time that they are abandoned or relocated.

SUMMARY OF DISCUSSION

Jan Freed asked if anyone was present to speak on this item. None were present or requested to speak.

COMMISSION ACTION:

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

1. Retention of adequate Right-of-Way for 12th Street to the satisfaction of the City Engineer.
2. Reservation of any necessary easements for all existing utilities in place as part of any conveyance and until such time that they are abandoned or are relocated.
3. A sidewalk shall be provided within the remaining 12th Street Right-of-Way at any time that the adjoining property is redeveloped.

Motion passed: 9-0

Respectfully submitted,



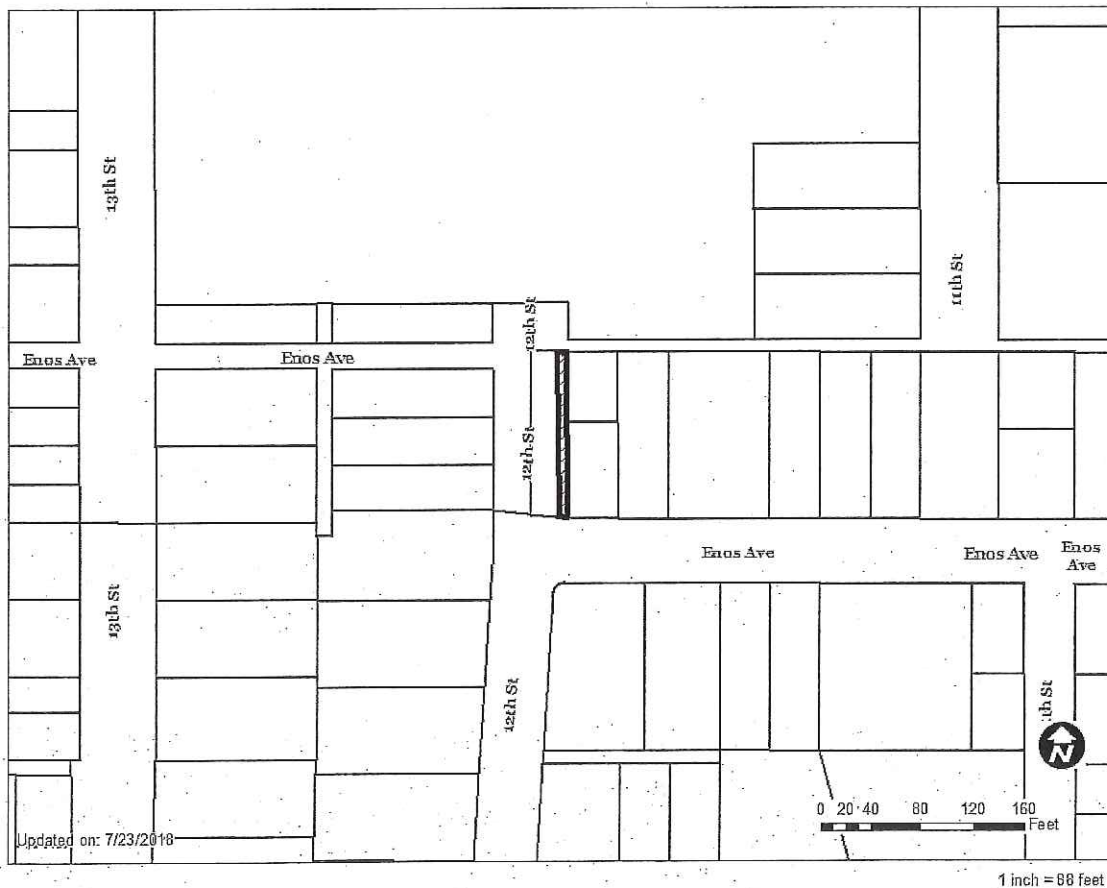
Michael Ludwig, AICP
Planning Administrator

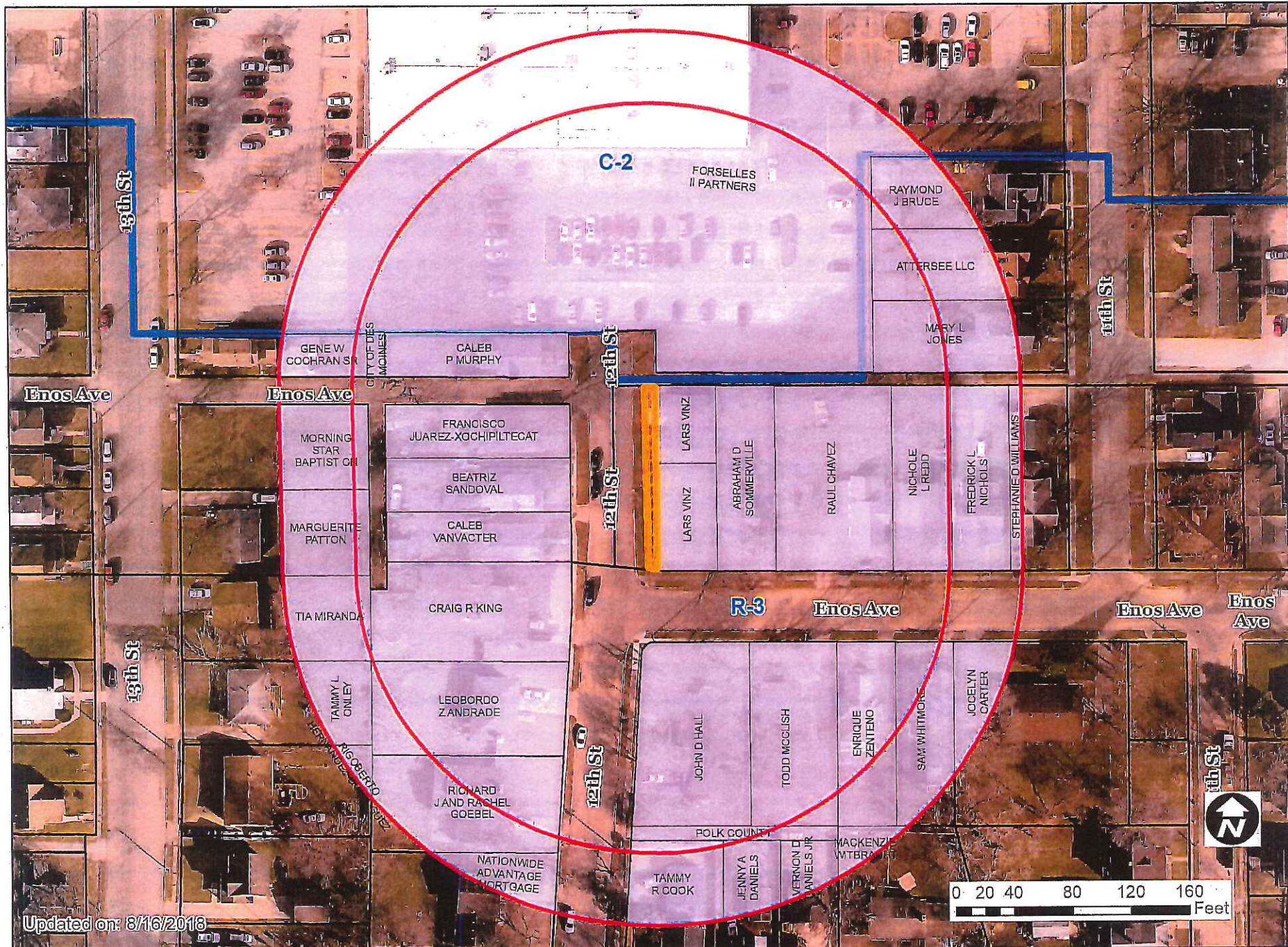
MGL:tjh
Attachments

Lars Vinz (owner), 1161 Enos Avenue and 1157 12th Street.				File #
				11-2018-1.19
Description of Action	Vacation of the east 7 feet of 12th Street Right-Of-Way adjoining the subject properties.			
PlanDSM Future Land Use	Current: Low Density Residential within a Community Node. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"R-3" Multiple-Family Residential District, "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	0	0		
Outside Area (200 feet)				
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes
	Denial			No X

Lars Vinz, 1161 Enos Avenue and 1157 12th Street

11-2018-1.19







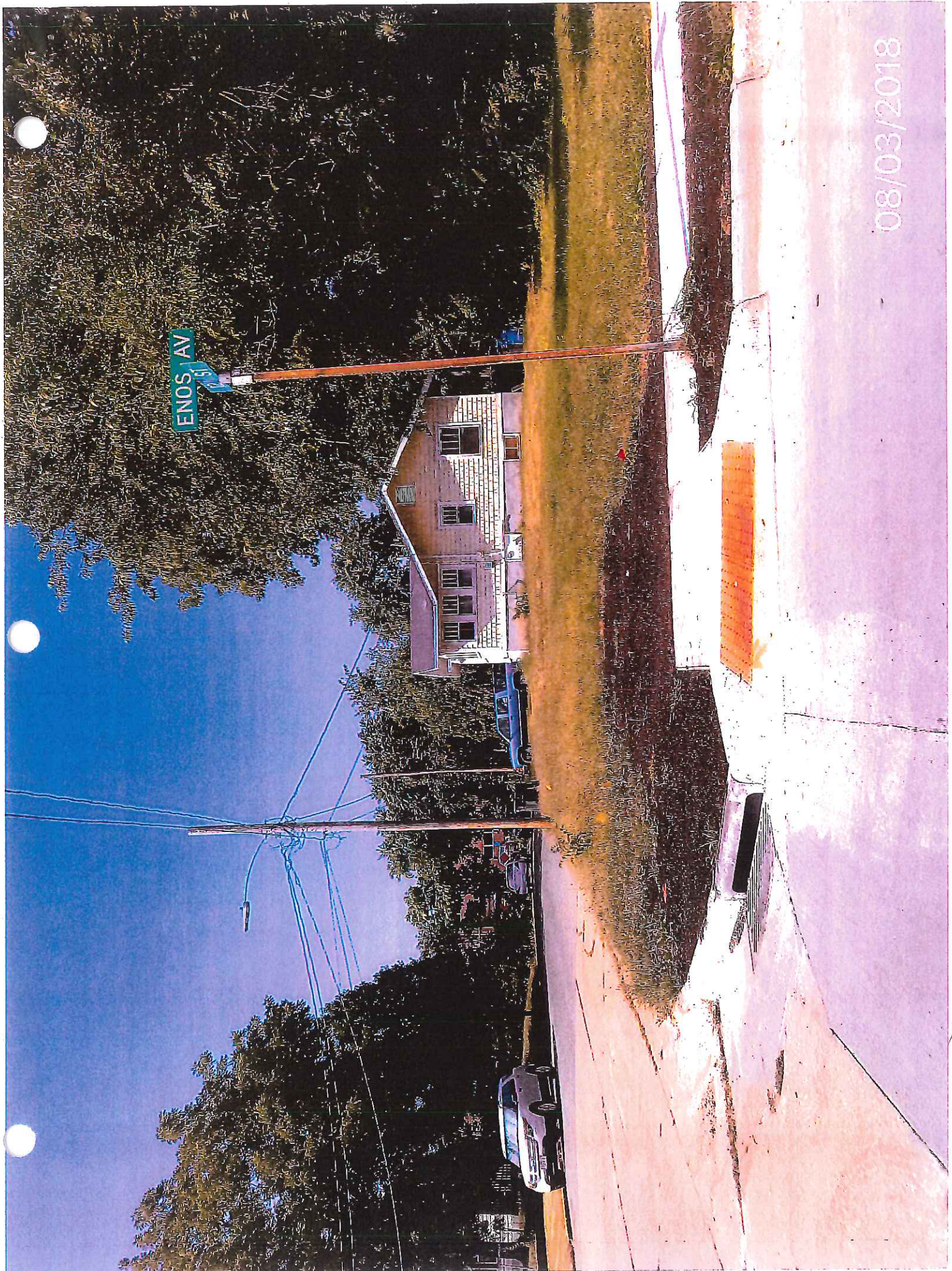
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