



Roll Call Number

Agenda Item Number

26

Date December 17, 2018

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING CITY-INITIATED REQUEST FOR VACATION OF UNDEVELOPED RIGHT-OF-WAY IN THE VICINITY OF EAST VINE STREET AND SOUTHEAST 9TH STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on December 6, 2018, its members voted 9-0 to recommend APPROVAL of a City-initiated request to vacate the following segments of undeveloped City right-of-way in the vicinity of East Vine Street and Southeast 9th Street, to provide for a land exchange with adjoining property owner Hawkeye Land Company and facilitation of land assemblage for other nearby redevelopment projects, subject to reservation of easements for all public utilities in place:

- (1) East Vine Street from Iowa Interstate Railroad to Southeast 9th Street;
(2) East Vine Street from Southeast 9th Street to the Norfolk Southern Railroad;
(3) Southeast 9th Street from the Norfolk Southern Railroad and the Iowa Interstate Railroad;
(4) North/south alley between Southeast 8th Street and Southeast 9th Street from East Vine Street to the Iowa Interstate Railroad;
(5) North/South alley between Southeast 9th Street and Southeast 10th Street from the Norfolk Southern Railroad to east/west alley; and
(6) East/West alley between East Vine Street and East Market Street from the Iowa Interstate Railroad to Southeast 10th Street.

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

(11-2018-1.24)

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

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.

Mayor

City Clerk

December 12, 2018

Date December 17, 2018

Agenda Item 26

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 December 6, 2018 meeting, the following action was taken regarding a City initiated request for vacation of the following segments of undeveloped Right-Of-Way (ROW) in the vicinity of East Vine Street & Southeast 9<sup>th</sup> Street.

- A) East Vine Street from Iowa Interstate Railroad (RR) Southeast 9<sup>th</sup> Street.
- B) East Vine Street from Southeast 9<sup>th</sup> Street to the Norfolk Southern RR.
- C) Southeast 9<sup>th</sup> Street from the Norfolk Southern RR and the Iowa Interstate RR.
- D) North/south alley between Southeast 8<sup>th</sup> Street and Southeast 9<sup>th</sup> Street from East Vine Street to the Iowa Interstate RR.
- E) North/South alley between Southeast 9<sup>th</sup> Street and Southeast 10<sup>th</sup> Street from the Norfolk Southern RR to east/west alley.
- F) East/West alley between East Vine Street and East Market Street from the Iowa Interstate RR to Southeast 10<sup>th</sup> Street.

### 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			X
Carolyn Jenison				
Greg Jones	X			
William Page	X			
Mike Simonson	X			
Rocky Sposato	X			
Steve Wallace				X
Greg Wattier	X			



**RECOMMEND APPROVAL** of the requested vacation of ROW, subject to the reservation of easements for all public utilities in place.

(11-2018-1.24)

Written Responses

0 in Favor

0 in opposition

**RECOMMENDATION TO THE P&Z COMMISSION**

Staff recommends approval of the requested vacation of ROW, subject to the reservation of easements for all public utilities in place.

**STAFF REPORT TO THE PLANNING COMMISSION**

**I. GENERAL INFORMATION**

1. **Purpose of Request:** The City is seeking to vacate undeveloped segments of ROW to provide for a land exchange with the adjoining property owner, Hawkeye Land Company. This exchange would help facilitate land assembly for other redevelopment projects in the nearby area.
2. **Size of Site:** Approximately 1.28 acres (55,752 square feet) of ROW.
3. **Existing Zoning (site):** "M-1" Light Industrial District, "D-O" Downtown Overlay District, "GGP" Gambling Games Prohibition Overlay District, and "FSO" Freestanding Sign Overlay District.
4. **Existing Land Use (site):** The property is undeveloped land that is between two railroad lines, the Norfolk Southern Railway and the Iowa Interstate Railroad.
5. **Adjacent Land Use and Zoning:**
  - North** – "M-1"; Use is Norfolk Southern Railway.
  - South** – "M-1"; Use is Iowa Interstate Railroad.
  - East** – "M-1"; Uses are Norfolk Southern Railway and Union Pacific Railroad.
  - West** – "M-1"; Use is Iowa Interstate Railroad.
6. **General Neighborhood/Area Land Uses:** The site is within a railroad junction located in a primarily industrial area east of the Market District of East Village.
7. **Applicable Recognized Neighborhood(s):** The subject property is in the Historic East Village Neighborhood. This neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on November 16, 2018. Additionally, separate notifications of the hearing for this specific item were mailed on November 26, 2018 (10 days prior to the hearing) to the Historic East Village Neighborhood Association and to adjoining property owners. A final agenda was mailed on November 30, 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 Historic East Village Neighborhood notices were mailed to Taylor Frame, P.O. Box 93904, Des Moines, IA 50393.

8. **Relevant Zoning History:** On July 26, 2004, by Ordinance No. 14,361, the City Council rezoned the subject property with the "GGP" Gambling Games Prohibition Overlay District. On November 7, 2011, by Ordinance No. 15,060, the City Council rezoned the subject property with the "D-O" Downtown Overlay District.
9. **PlanDSM Land Use Plan Designation:** The subject property and rights-of-way are designated as "Business Park" on the Future Land Use Map. The Plan describes this category as an area that "Accommodates light industrial, office and employment uses along with limited complementary retail uses. Industrial uses in this category would produce little or no noise, odor, vibration, glare, or other objectionable influences, and would have little or no adverse effect on surrounding properties.
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. **Utilities:** No public utilities have been identified within the subject ROW. It is necessary to reserve an easement for any public utilities which may exist.
2. **Street System/Access:** The subject ROW does not comprise any developed portion of the public street network and only provides undeveloped access to the adjoining land owners. No railroad facilities are located within the subject requested ROW.

## SUMMARY OF DISCUSSION

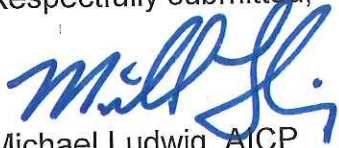
Jacqueline Easley asked if anyone was present to speak on this item. None were present or requested to speak.

## COMMISSION ACTION:

Jann Freed made a motion to recommend approval of the requested vacation of ROW, subject to the reservation of easements for all public utilities in place.

Motion passed: 9-0

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Michael Ludwig".

Michael Ludwig, AICP  
Planning Administrator

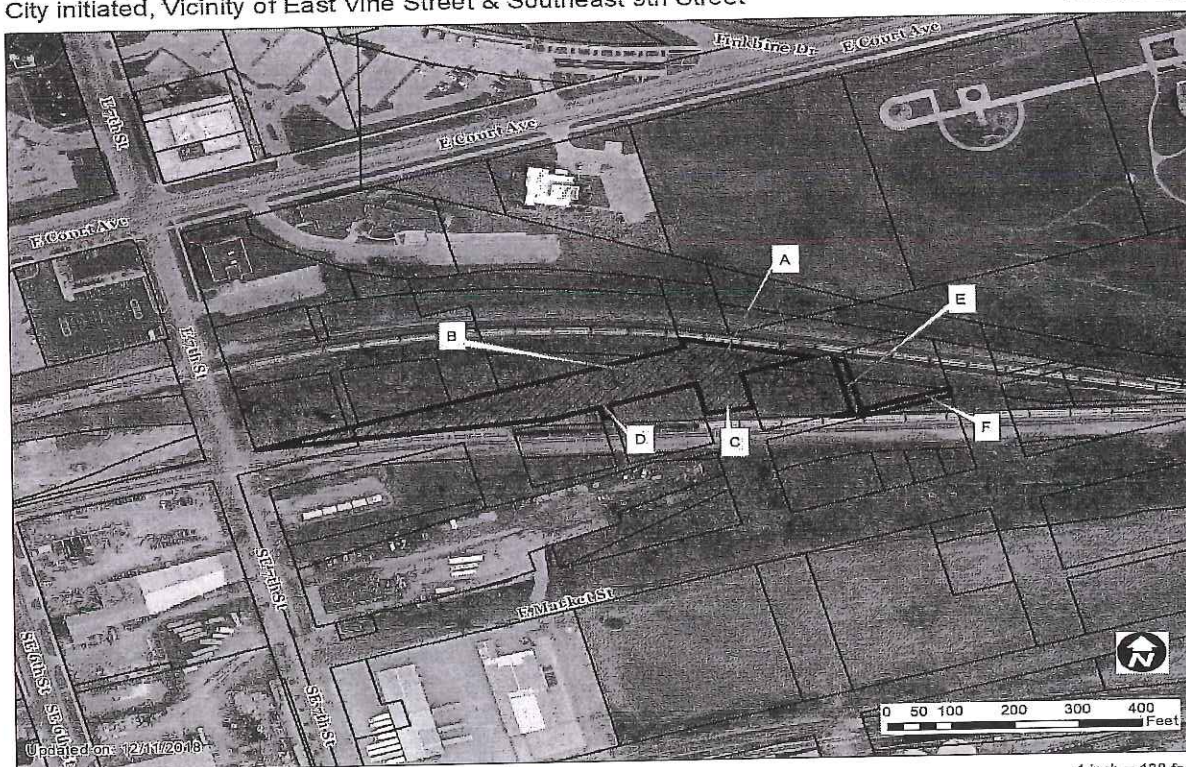
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Attachments



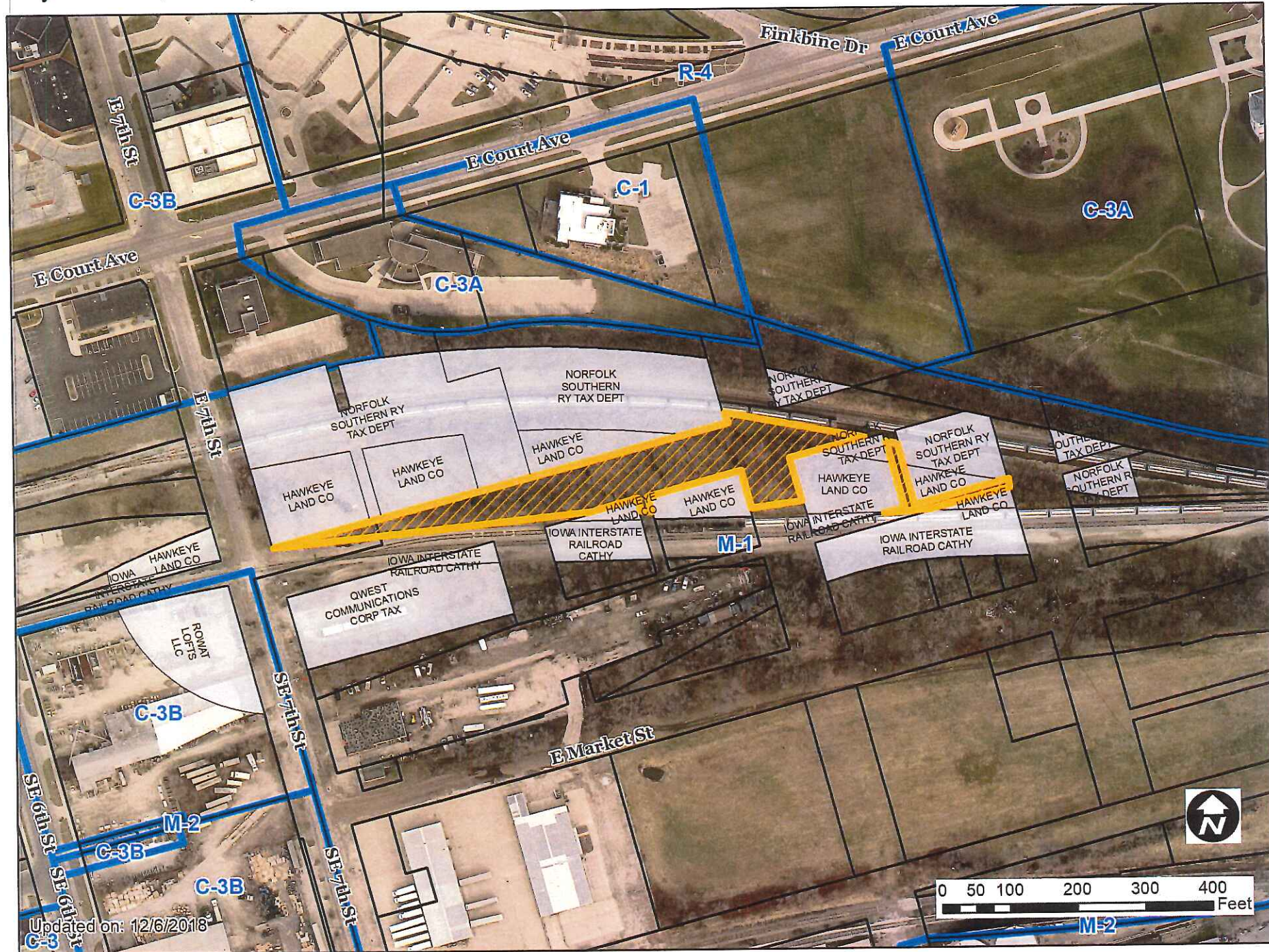
City initiated request in the vicinity of East Vine Street & Southeast 9th Street.		File #	
		11-2018-1.24	
<b>Description of Action</b>	Vacation of the following segments of undeveloped Right-Of-Way (ROW): A) East Vine Street from Iowa Interstate Railroad (RR) Southeast 9th Street. B) East Vine Street from Southeast 9th Street to the Norfolk Southern RR. C) Southeast 9th Street from the Norfolk Southern RR and the Iowa Interstate RR. D) North/south alley between Southeast 8th Street and Southeast 9th Street from East Vine Street to the Iowa Interstate RR. E) North/South alley between Southeast 9th Street and Southeast 10th Street from the Norfolk Southern RR to east/west alley. F) East/West alley between East Vine Street and East Market Street from the Iowa Interstate RR to Southeast 10th Street.		
<b>PlanDSM Future Land Use</b>	Current: Business Park, Proposed: N/A.		
<b>Mobilizing Tomorrow Transportation Plan</b>	No planned improvements.		
<b>Current Zoning District</b>	"M-1" Light Industrial District, "CDO" Capitol Dominance Overlay 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
<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>
	Denial		Yes
			No
			X

City initiated, Vicinity of East Vine Street & Southeast 9th Street

11-2018-1.24







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