



Date March 11, 2019

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM DES MOINES AREA COMMUNITY COLLEGE FOR VACATION OF 8TH STREET RIGHT-OF-WAY ADJOINING 1144 7TH STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 21, 2019, its members voted 9-0 to recommend APPROVAL of a request from Des Moines Area Community College (DMACC), represented by Robert Denson (officer), to vacate a 50-foot wide by 60-foot long segment of 8th Street west of and adjoining 1144 7th Street, to allow for assemblage and redevelopment with a student life center, 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 relocated at the applicant's expense;
(2) Provision of an access easement from the eastern terminus of Enos Avenue to either University Avenue or to 7th Street; and
(3) Any development that incorporates the subject 8th Street right-of-way shall comply with all site plan requirements.

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

(11-2019-1.02)

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

MOTION CARRIED APPROVED

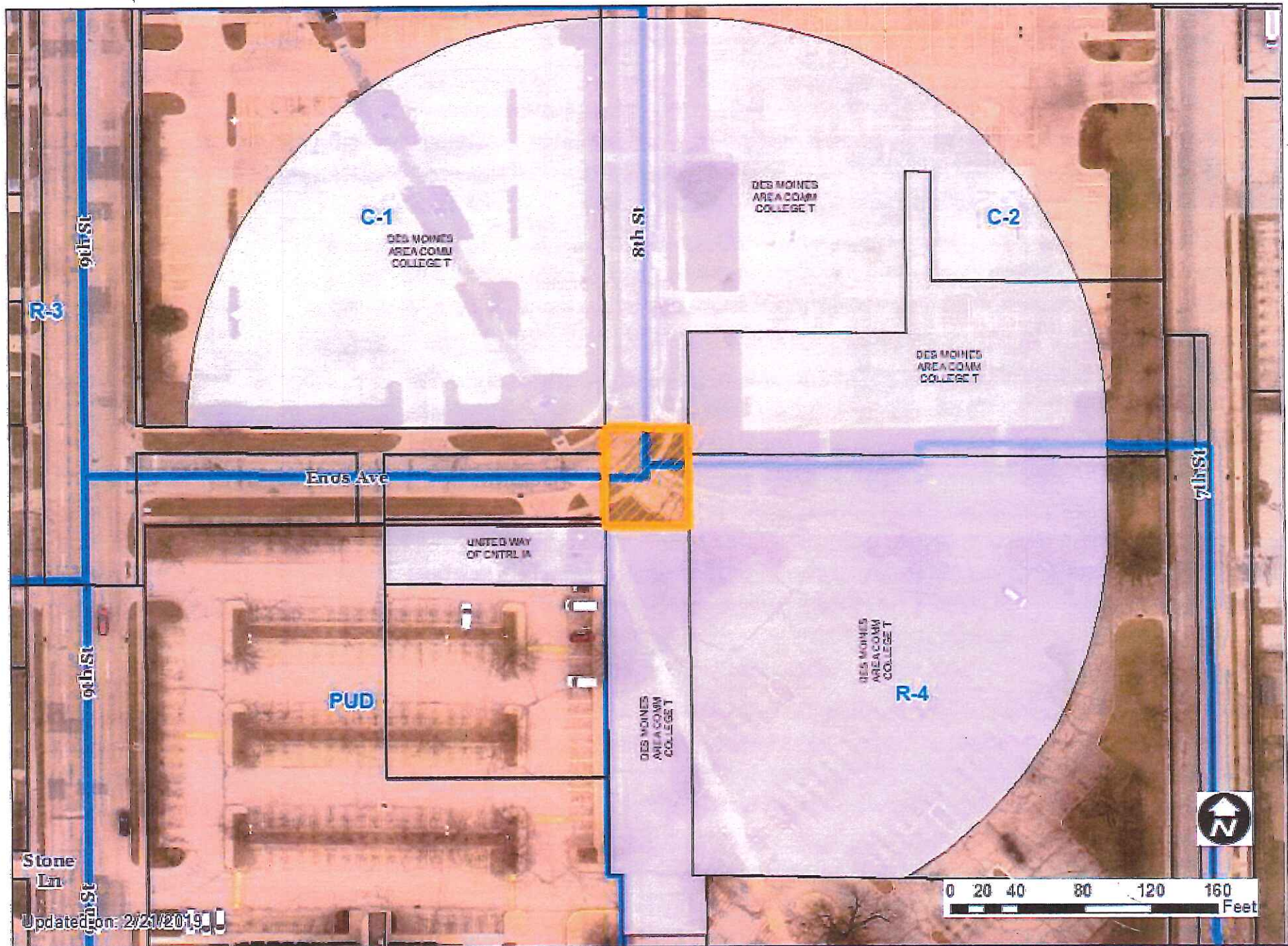
Mayor

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



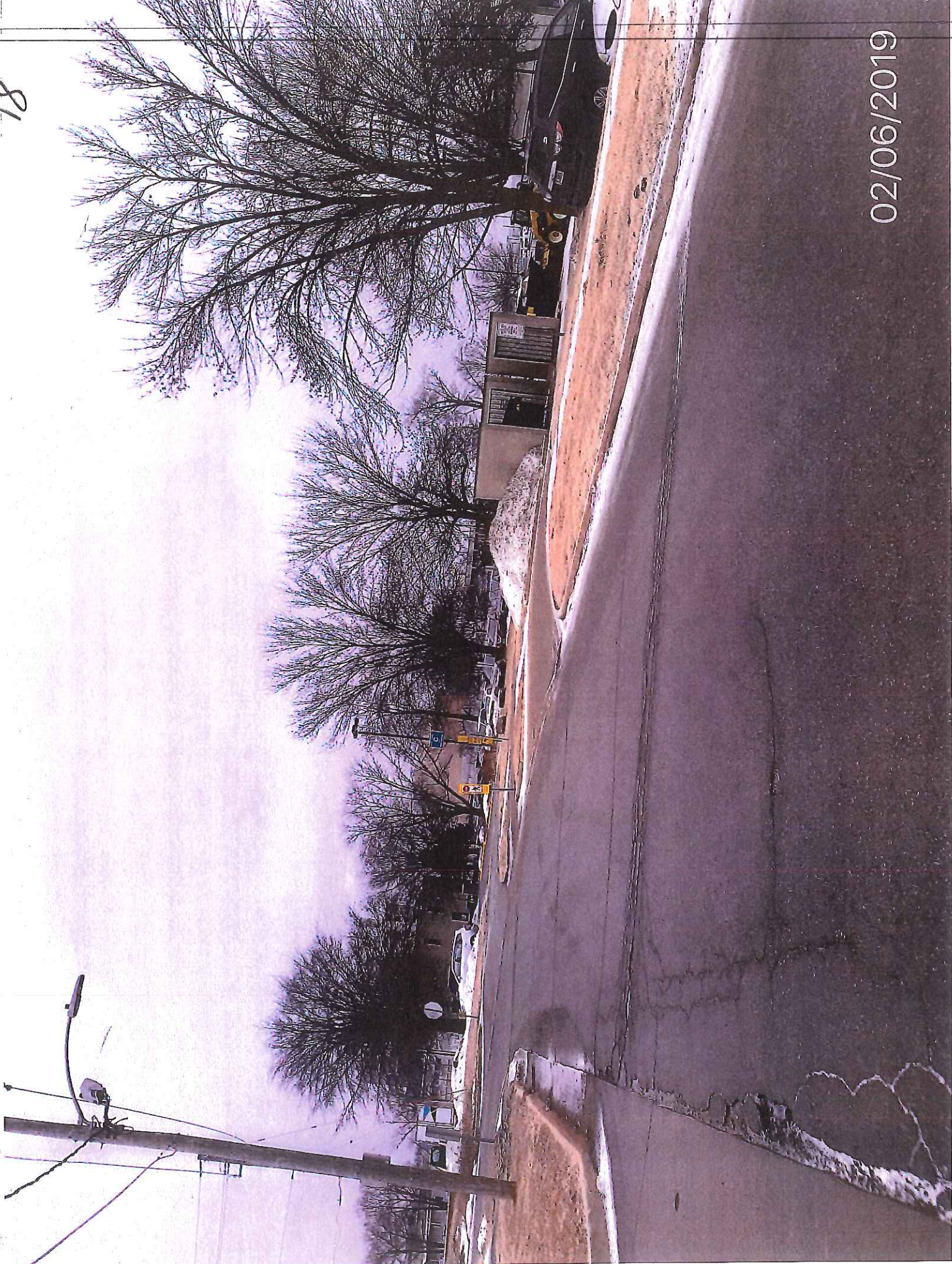
1 inch = 77 feet

18



02/06/2019

18



02/06/2019



Date 3/11/19
 Agenda Item 18
 Roll Call # _____

March 5, 2019

Honorable Mayor and City Council
 City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their February 21, 2019 meeting, the following action was taken regarding a request from Des Moines Area Community College (owner) 1144 7th Street, represented by Robert Denson (officer) for vacation of a 50-foot wide by 60-foot long segment of 8th Street west of and adjoining the subject property, to allow for assemblage with the subject property for construction of a student life center.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 9-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles	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

RECOMMEND APPROVAL of the requested vacation of rights-of-way 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 relocated at the applicant's expense.
2. Provision of an access easement from the eastern terminus of Enos Avenue to either University Avenue or to 7th Street.

3. Any development that incorporates the subject Right-of-Way shall comply with all Site Plan requirements.

(11-2019-1.02)

Written Responses

0 in Favor

0 in opposition

RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation of Right-of-Way, 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 relocated at the applicant's expense.
2. Provision of an access easement from the eastern terminus of Enos Avenue to either University Avenue or to 7th Street.
3. Any development that incorporates the subject Right-of-Way shall comply with all Site Plan requirements.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The requested vacation would allow the Right-of-Way (ROW) to be assembled with the adjoining properties. The resulting parcel would be redeveloped with a new student life center building on the DMACC Urban Campus.
2. **Size of Site:** 50 feet by 60 feet (3,000 square feet).
3. **Existing Zoning (site):** "R-4" Multiple-Family Residential District, "C-1" Neighborhood Retail Commercial District, "C-2" General Retail and Highway-Oriented Commercial District, "FSO" Freestanding Signs Overlay District, and "GGP" Gambling Games Prohibition Overlay District.
4. **Existing Land Use (site):** The subject ROW contains a segment of 8th Street located at the eastern terminus of a dead-end segment of Enos Avenue. This segment of 8th Street ROW is the only remaining segment of 8th Street ROW in this area, as the segments both to the north and to the south have been vacated and assembled with the DMACC campus. However, the portion of vacated 8th Street ROW located to the north of the requested ROW still contains former 8th Street, which provides a connection between the eastern terminus of Enos Avenue and University Avenue.

5. Adjacent Land Use and Zoning:

North – “C-1” & “C-2”; Use is vacated 8th Street ROW and off-street parking associated with DMACC.

South – “R-4”; Use is off-street parking associated with DMACC.

6. **General Neighborhood/Area Land Uses:** The requested ROW is located within an area that contains the DMACC Urban Campus and the United Way office building.

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 February 1, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on February 11, 2019 (10 days prior to the hearing) to the Cheatom Park Neighborhood and to the primary titleholder on file with the Polk County Assessor for each property adjacent to the subject ROW. A final agenda was mailed on February 15, 2019.

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 Cheatom Park Neighborhood 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 “Public/Semi-Public” 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. **Utilities:** There are existing water and sewer lines within the requested Right-of-Way. Easements must be reserved for any existing utilities until such time that they are abandoned or relocated at the applicant’s expense.

2. **Traffic & Transportation:** The subject right is located at the eastern terminus of a dead-end segment of Enos Avenue. This dead-end segment of Enos Avenue provides access to parking lots for both the United Way and DMACC. Staff recommends that any vacation be subject to provision of an access easement from the eastern terminus of Enos Avenue to either University Avenue or to 7th Street in order to allow vehicular and pedestrian access.

3. **Site Plan Requirements:** Any development that incorporates the subject ROW would be required to comply with all Site Plan requirements.

SUMMARY OF DISCUSSION

Jann Freed asked if any member of the audience or the commission desired to speak regarding the item. None were present or requested to speak.

COMMISSION ACTION:

Greg Jones made a motion for approval of the requested vacation of Right-of-Way, 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 relocated at the applicant's expense.
2. Provision of an access easement from the eastern terminus of Enos Avenue to either University Avenue or to 7th Street.
3. Any development that incorporates the subject Right-of-Way shall comply with all Site Plan requirements.

Motion passed: 9-0

Respectfully submitted,



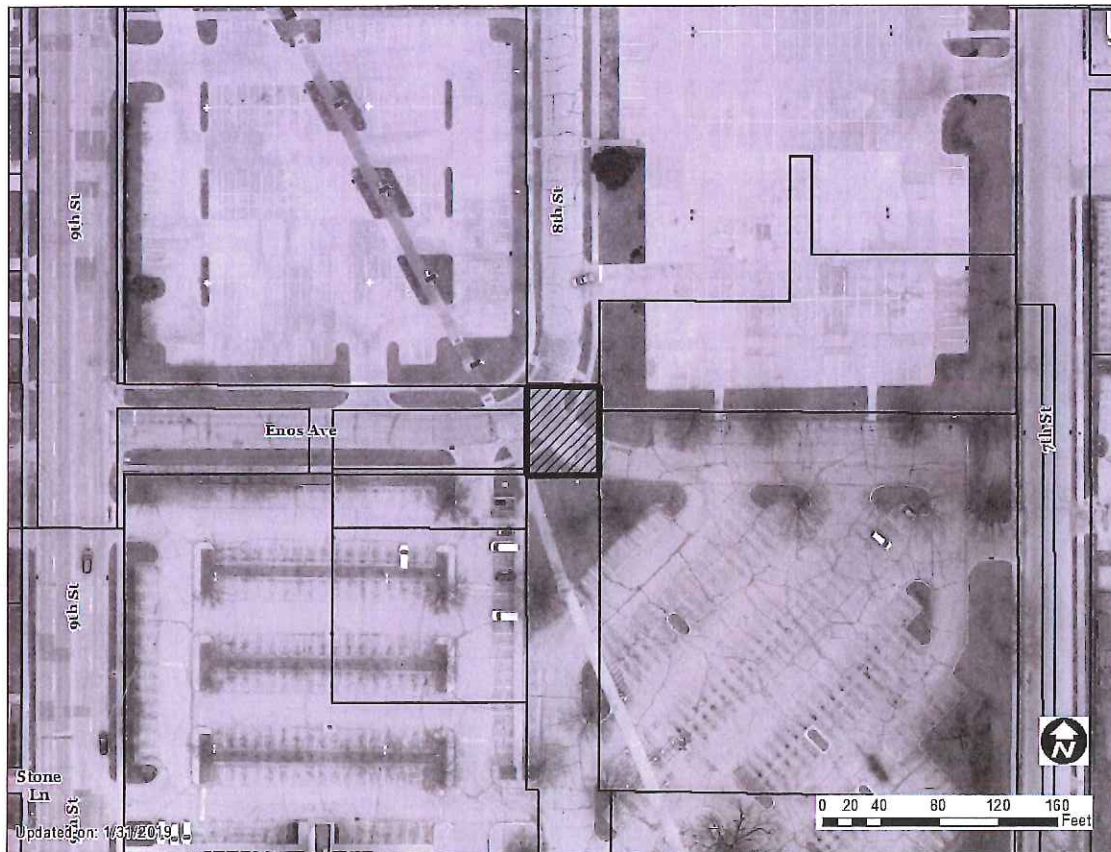
Michael Ludwig, AICP
Planning Administrator

MGL:tjh
Attachments

Des Moines Area Community College (owner) 1144 7th Street, represented by Robert Denson (officer).		File #		
		11-2019-1.02		
Description of Action	Vacation of a 50-foot wide by 60-foot long segment of 8th Street west of and adjoining the subject property, to allow for assemblage with the subject property for construction of a student life center.			
PlanDSM Future Land Use	Current: Public/Semi-Public and Neighborhood Mixed Use. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"R-4" Multiple-Family Residential District, "C-2" General Retail and Highway-Oriented Commercial District, "C-1" Neighborhood Retail Commercial 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

Des Moines Area Community College, 1144 7th Street

11-2019-1.02



1 inch = 77 feet