



**Roll Call Number**

**Agenda Item Number**

22

**Date** June 3, 2019

**RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM LINDA CASAS AND RICHARD ANDERSON FOR VACATION OF THE NORTH/SOUTH ALLEY ADJOINING 827 SCOTT AVENUE**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on May 16, 2019, its members voted 9-0 to recommend **APPROVAL** of a request from Linda Casas and Richard Anderson (owners) to vacate the north/south alley between Southeast 8<sup>th</sup> Street and Southeast 9<sup>th</sup> Street from Scott Avenue on the north to the vacated east/west alley on the south, adjoining 827 Scott Avenue, to allow for assemblage and fencing with the adjoining property, 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; and
- (2) All parcels in the vicinity owned by the applicant must be combined and recorded with Polk County.

**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*  
Glenna K. Frank, Assistant City Attorney

(11-2019-1.08)

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

MOTION CARRIED

APPROVED

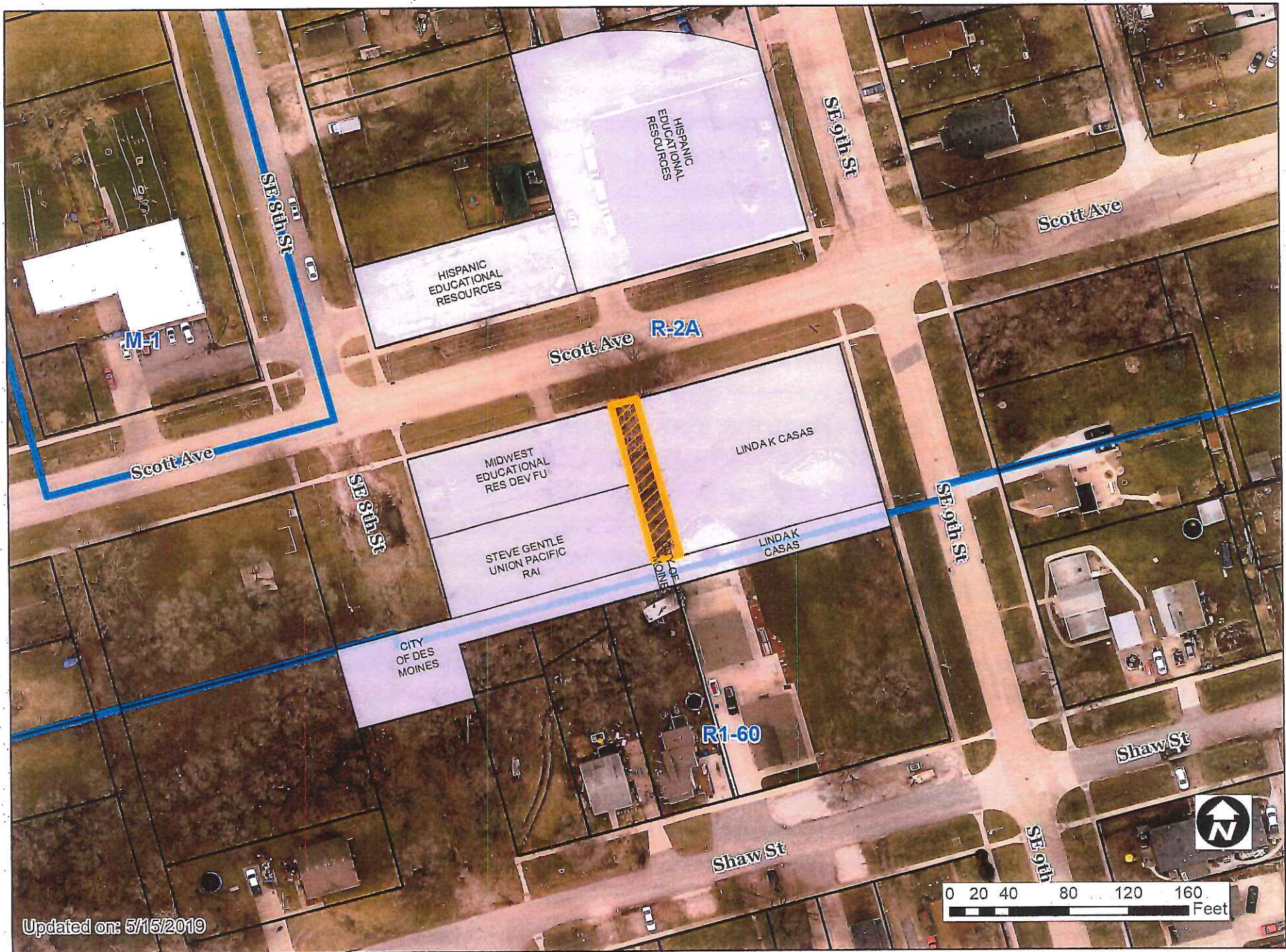
\_\_\_\_\_  
Mayor

**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



Updated on: 5/15/2019

0 20 40 80 120 160 Feet

1 inch = 86 feet

May 14, 2019 12:55



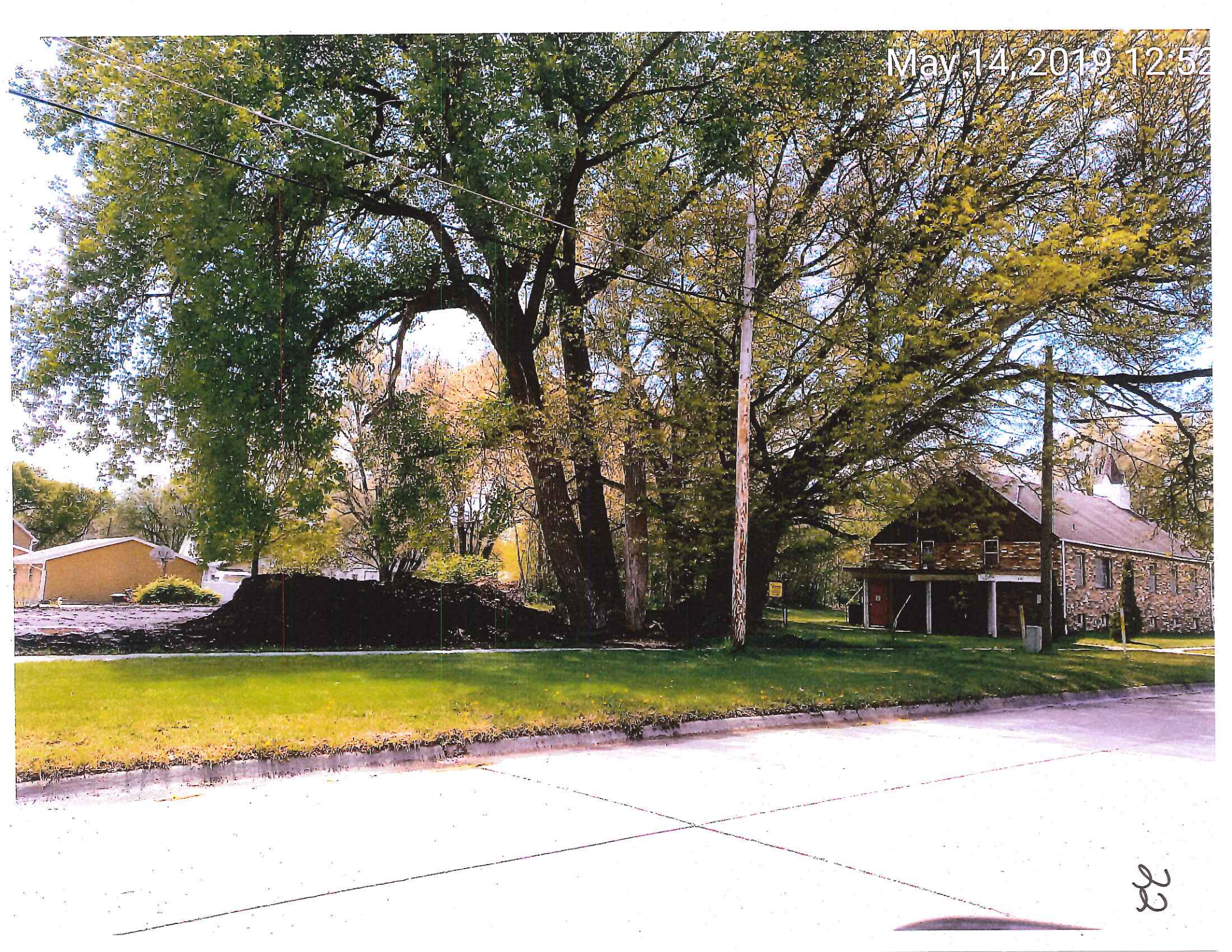
22

May 14, 2019 12:51



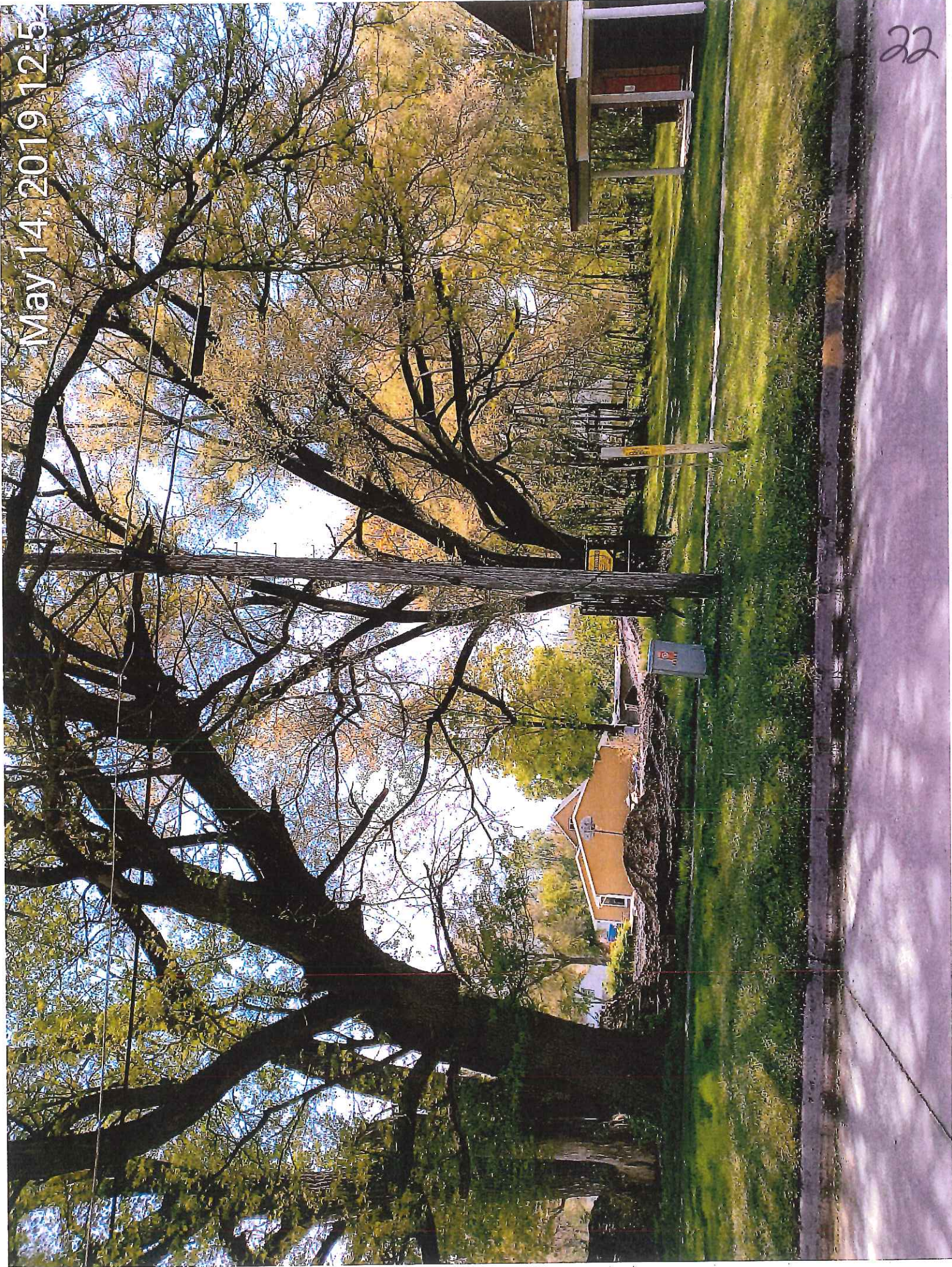
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May 14, 2019 12:52



22

May 14, 2019 12:52

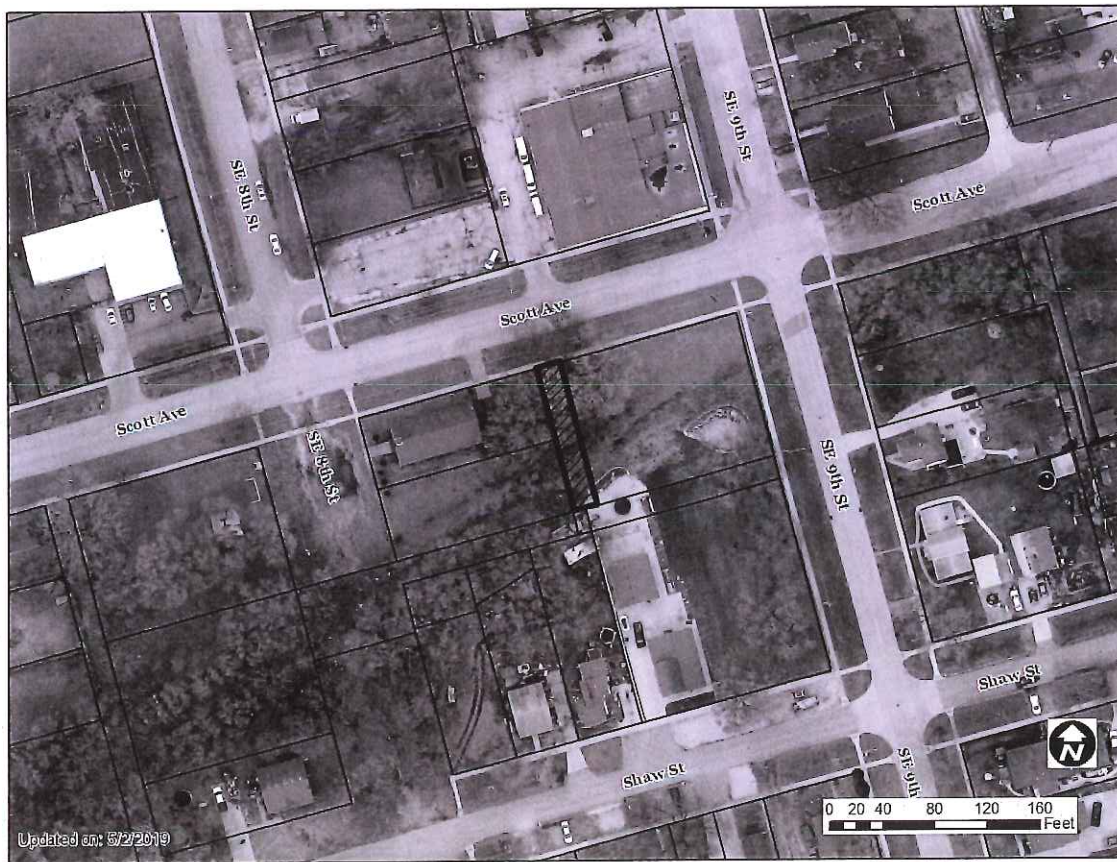


22

Linda Casas and Richard Anderson (owners), 827 Scott Avenue.		File #		
		11-2019-1.08		
<b>Description of Action</b>	Vacation of the north/south alley between Southeast 8th Street and Southeast 9th Street from Scott Avenue to the vacated east/west alley.			
<b>PlanDSM Future Land Use</b>	Current: Low-Medium Density Residential. Proposed: N/A.			
<b>Mobilizing Tomorrow Transportation Plan</b>	No planned improvements.			
<b>Current Zoning District</b>	"R-2A" General Residential District, "GGP" Gambling Games Prohibition 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	% Opposition
<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>	Yes
	Denial			No

Linda Casas and Richard Anderson, 827 Scott Avenue

11-2019-1.08



1 inch = 86 feet



Date June 3, 2019  
Agenda Item 22  
Roll Call # \_\_\_\_\_

May 28, 2019

Honorable Mayor and City Council  
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their May 16, 2019 meeting, the following action was taken regarding a request from Linda Casas and Richard Anderson (owners), 827 Scott Avenue, for vacation of the north/south alley between Southeast 8<sup>th</sup> Street and Southeast 9<sup>th</sup> Street from Scott Avenue to the vacated east/west alley.

**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			
Emily Webb	X			

**RECOMMEND APPROVAL** of the requested vacation, 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 are relocated.
2. All parcels owned by the applicant must be combined and recorded with Polk County. (11-2019-1.08)



## 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. Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.
2. All parcels owned by the applicant must be combined and recorded with Polk County.

## **STAFF REPORT TO THE PLANNING COMMISSION**

### **I. GENERAL INFORMATION**

1. **Purpose of Request:** The applicant is interested in acquiring the subject right-of-way. The proposed vacation would allow the applicant to construct a fence in a straight line along the length of their property between Scott Avenue and Shaw Street. The applicant has requested the entire width of right-of-way adjoining their property be conveyed to them.
2. **Size of Site:** 2,240 square feet (20 feet by 112 feet).
3. **Existing Zoning (site):** "R-2A" General Residential District, "R1-60" One-Family Low-Density Residential District, "D-O" Downtown Overlay District, "GGP" Gambling Games Prohibition Overlay District and "FSO" Freestanding Signs Overlay District.
4. **Existing Land Use (site):** Undeveloped alley right-of-way.
5. **Adjacent Land Use and Zoning:**
  - North** – "R-2A", Use is Scott Avenue right-of-way.
  - South** – "R-2A" & "R1-60"; Uses are undeveloped alley right-of-way and single-family dwellings.
  - East** – "R-2A", Use is single-family dwelling.
  - West** – "R-2A"; Uses are religious assembly and undeveloped land.
6. **General Neighborhood/Area Land Uses:** The subject right-of-way is generally located in a low-density residential area south of Scott Avenue, north of Shaw Street, and between Southeast 9<sup>th</sup> Street and the undeveloped right-of-way for Southeast 8<sup>th</sup> Street.
7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Historic East Village Neighborhood. All neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on April 26, 2019. Additionally, separate

notifications of the hearing for this specific item were mailed on May 6, 2019 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for each property adjacent to the requested right-of-way vacation and to the Historic East Village Neighborhood Association. A Final Agenda was mailed to all the recognized neighborhood associations on May 10, 2019.

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 Historic East Village Neighborhood notices were mailed to Taylor Frame, P.O. Box 93904, Des Moines, IA 50393.

**8. Relevant Zoning History:** None.

**9. 2020 Community Character Land Use Plan Designation:** Low-Medium Density Residential.

**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.

#### **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:**

Mike Simonson made a motion for approval of the requested vacation, 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 are relocated.
2. All parcels owned by the applicant must be combined and recorded with Polk County.

Motion passed: 9-0

Respectfully submitted,

  
Michael Ludwig, AICP  
Planning Administrator

MGL:tjh  
Attachments