



Roll Call Number

Agenda Item Number

22

Date July 15, 2019

**RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING
COMMISSION REGARDING REQUEST FROM DES MOINES PUBLIC SCHOOLS FOR
VACATION OF EAST/WESTALLEY RIGHT-OF-WAY
ADJOINING 901 WALNUT STREET**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 20, 2019, its members voted 12-0 to recommend **APPROVAL** of a request from Des Moines Public Schools (owner), represented by Bill Good (officer), to vacate a segment of east/west alley right-of-way adjoining and immediately north of 901 Walnut Street, between 9th Street and 10th Street, to allow for placement of access control gates for the adjoining off-street parking lots, subject to:

- (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; 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

(11-2019-1.14)

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



July 9, 2019

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their June 20, 2019 meeting, the following action was taken regarding a request from Des Moines Public Schools (owner), 901 Walnut Street, represented by Bill Good (officer) for vacation of the east/west alley between Locust Street and Walnut Street from 9th Street to 10th Street, to allow for placement of access control gates for the adjoining off-street parking lots.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 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 at the applicant's expense.
2. All parcels owned by the applicant must be combined and recorded with Polk County. (11-2019-1.14)

Written Responses

1 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 at the applicant's expense.
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 applicant's parking lot is currently accessed off the public alley right-of-way and is open to the public. The open nature of the parking lot allows frequent use of the lot by persons unaffiliated with the school and reduces the amount of parking for school personnel. The proposed vacation would allow the applicant to install traffic control devices that would ensure use of the school's parking lot by only school-associated personnel. The applicant has requested the entire width of right-of-way be conveyed to them.
2. **Size of Site:** 4,648 square feet (16.5 feet by 281.74 feet).
3. **Existing Zoning (site):** "C-3" Central Business District Commercial District, "D-O" Downtown Overlay District, "GGP" Gambling Games Prohibition Overlay District and "FSO" Freestanding Signs Overlay District.
4. **Existing Land Use (site):** Alley right-of-way.
5. **Adjacent Land Use and Zoning:**
 - North** – "C-3", Use is a private parking lot for the Federal Home Loan Bank.
 - South** – "C-3"; Uses are Hubbell Tower Condominiums and parking lot and an office high-rise and parking structure building.
 - East** – "C-3", Uses are a private parking lot for the Federal Home Loan Bank and Wells Fargo office high-rise.
 - West** – "C-3"; Use is a Nationwide office high-rise.
6. **General Neighborhood/Area Land Uses:** The subject east/west alley right-of-way is located midway between Locust Street and Walnut Street on the block between 9th

Street and 10th Street. The surrounding area contains a mix of uses including multiple-family residential, office, and retail.

- 7. Applicable Recognized Neighborhood(s):** The subject property is in the Downtown Des Moines Neighborhood. This neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on May 31, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on June 10, 2019 (10 days prior to the hearing) to the Downtown Des Moines Neighborhood 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 June 14, 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 Downtown Des Moines Neighborhood notices were mailed to Austin Lewis, 915 Mulberry Street #504, Des Moines, IA 50309.

- 8. Relevant Zoning History:** None.

- 9. PlanDSM Land Use Plan Designation:** Downtown Mixed Use.

- 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. Street System/Access:** All adjoining property owners have consented to the proposed vacation. The parking lot on the adjoining property to the north utilizes separate controlled access from 9th Street.
- 2. Utilities:** The requested right-of-way is located within an Underground Utility District. A sanitary sewer manhole and conduit are located in 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.

SUMMARY OF DISCUSSION

Jacqueline Easley 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:

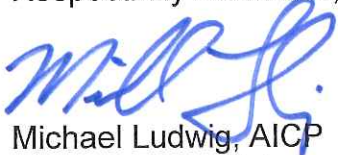
John "Jack" Hilmes made a motion for approval of the requested vacation, subject to the following conditions:

1. Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated at the applicant's expense.

2. All parcels owned by the applicant must be combined and recorded with Polk County.

Motion passed: 12-0

Respectfully submitted,



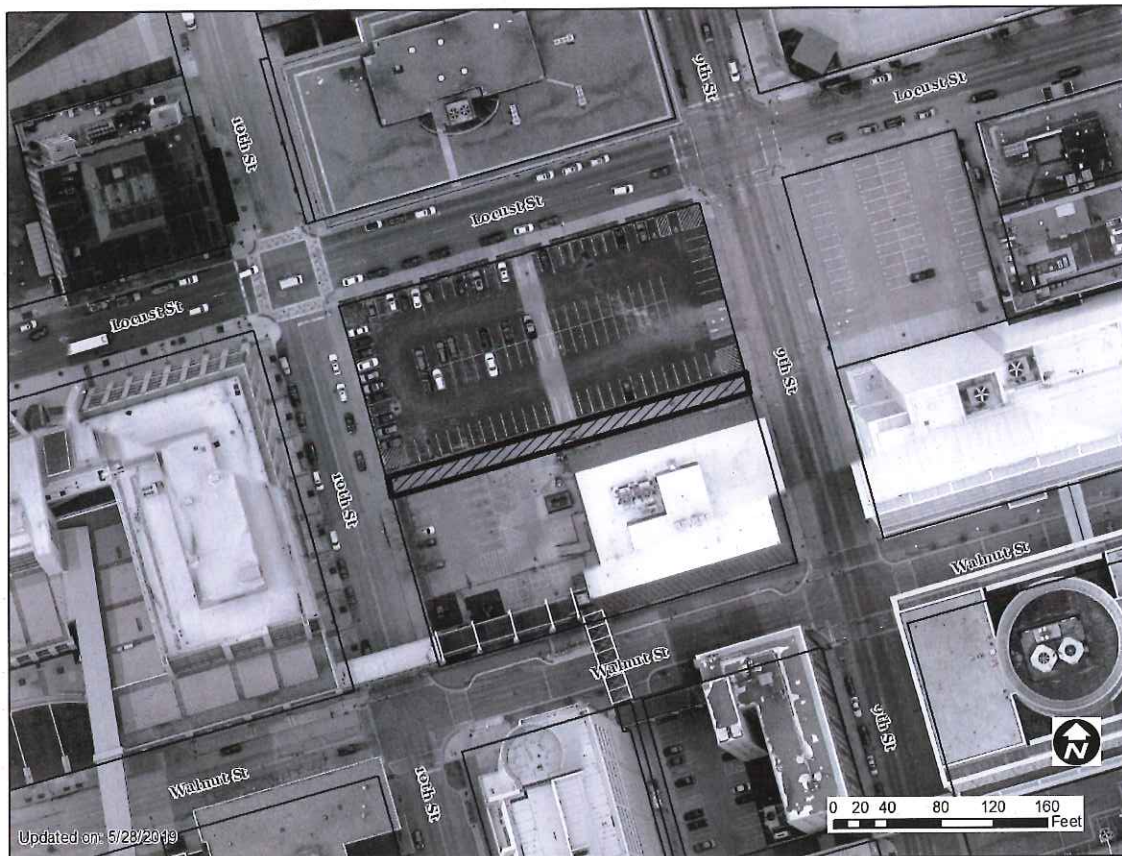
Michael Ludwig, AICP
Planning Administrator

MGL:tjh
Attachments

Des Moines Public Schools (owner), 901 Walnut Street, represented by Bill Good (officer).				File # 11-2019-1.14	
Description of Action	Vacation of the east/west alley between Locust Street and Walnut Street from 9th Street to 10th Street, to allow for placement of access control gates for the adjoining off-street parking lots.				
PlanDSM Future Land Use	Current: Downtown Mixed Use. Proposed: N/A.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"C-3" Central Business Commercial District, "GGP" Gambling Games Prohibition Overlay District, "D-O" Downtown 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	1	0			
Outside Area (200 feet)					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Des Moines Public Schools, 901 Walnut Street

11-2019-1.14



11-2019-1.14

Item _____ Date 6/13/19

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

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT
JUN 17 2019

Print Name John Schwechel
Signature John Schwechel
Address 909 Locust

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

No impact to our facility and parking.

