



Roll Call Number

Agenda Item Number

21

Date August 5, 2019

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM DES MOINES PUBLIC SCHOOLS FOR VACATION OF FREMONT STREET AND EAST 15TH STREET RIGHT-OF-WAY IN THE VICINITY OF 1450 FREMONT STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 18, 2019, its members voted 13-0 to recommend APPROVAL of a request from Des Moines Public Schools (owner), represented by Bill Good (officer), to vacate Fremont Street from East 14th Street to East 15th Street and to vacate East 15th Street from Fremont Street to East University Avenue, all in the vicinity of 1450 Fremont Street, to allow for assemblage with the properties to the north and south of said right-of-way for expansion of existing sports fields, subject to:

- (1) Reservation of any necessary easements for all existing public utilities in place until such time that they are abandoned or relocated at the applicant's expense;
(2) Reservation of any necessary easements for access as required by adjoining property owners; and
(3) 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

(11-2019-1.15)

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.

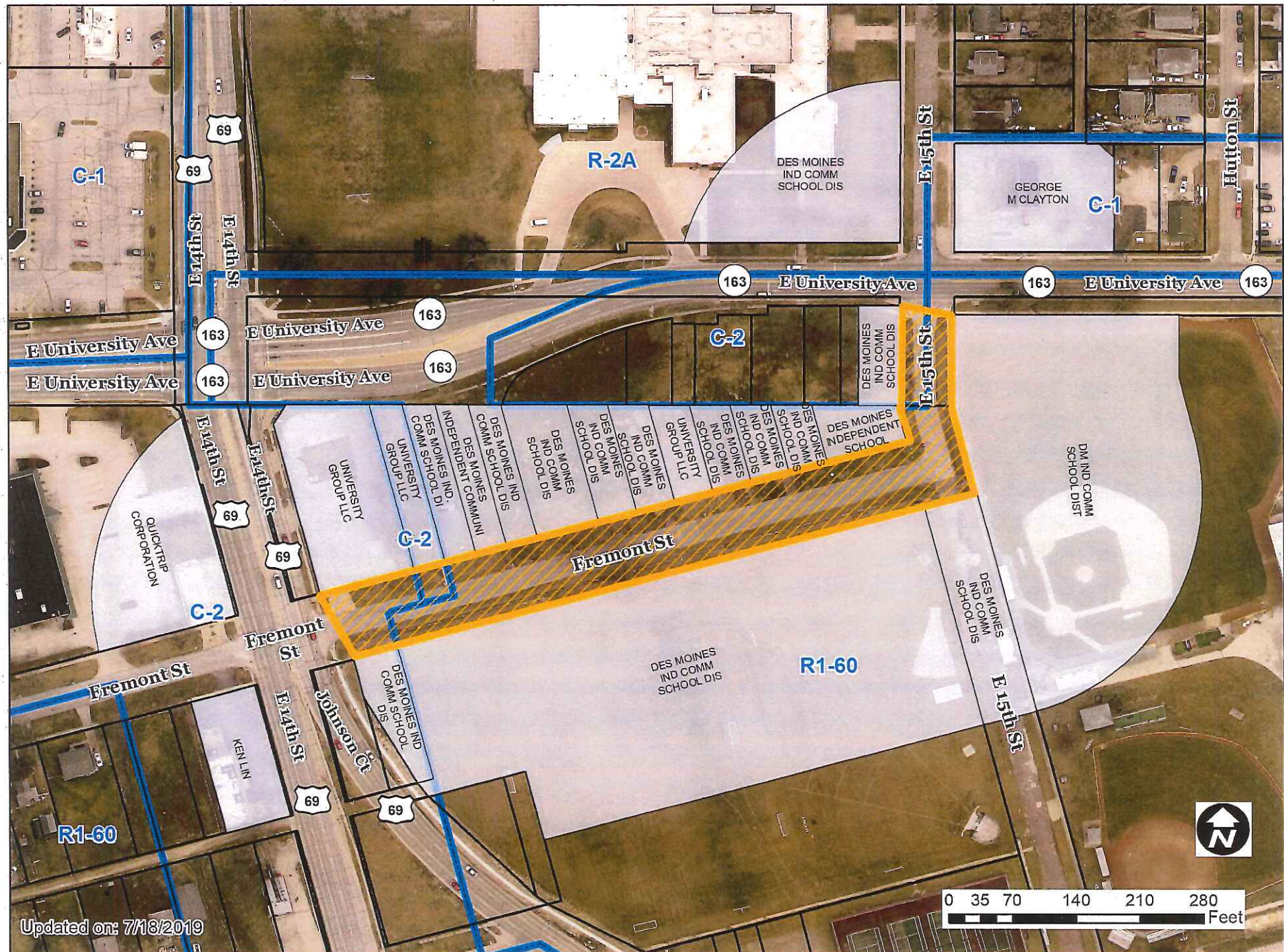
CERTIFICATE

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



Updated on: 7/18/2019

1 inch = 141 feet

21

July 30, 2019

Date 8/5/19
Agenda Item 21
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 July 18, 2019 meeting, the following action was taken regarding a request from Des Moines Public Schools (owner) 1450 Fremont Street represented by Bill Good (officer) for vacation of Fremont Street from East 14th Street to East 15th Street and for vacation of East 15th Street from Fremont Street to East University Avenue to allow it to be assembled with adjoining property. Additional adjoining property owned by University Group, LLC.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 13-0 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 public utilities in place until such time that they are abandoned or are relocated at the applicant's expense.
2. Reservation of any necessary easements for access as required by adjoining property owners.

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

(11-2019-1.15)

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 public utilities in place until such time that they are abandoned or are relocated at the applicant's expense.
2. Reservation of any necessary easements for access as required by adjoining property owners.
3. 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 combine the subject right-of-way with the properties to the north and south of the subject right-of-way and expand their existing sports fields. The request requires the entire width and length of right-of-way be vacated.
2. **Size of Site:** Approximately 63,606 square feet.
3. **Existing Zoning (site):** "C-2" General Retail and Highway Oriented Commercial District, "R1-60" One-Family Low-Density Residential District, "GGP" Gambling Games Prohibition Overlay District and "FSO" Freestanding Signs Overlay District.
4. **Existing Land Use (site):** Fremont Street right-of-way.
5. **Adjacent Land Use and Zoning:**

North – "R1-60", "C-2" & Limited "C-2", Uses are vacant land owned by DMPS and University Group LLC and a parking lot currently used by a food truck.

South – "R1-60", "C-2"; Uses are DMPS sports fields.

East – "R1-60", Uses are DMPS sports fields.

West – “C-2”; Uses are a office and retail building and parking lot, Fremont Street right-of-way, and a restaurant.

6. **General Neighborhood/Area Land Uses:** The subject right-of-way extends east from East 14th Street for approximately 675 feet and then turns north for approximately 160 feet to East University Avenue. The surrounding area contains a mix of uses including multiple-family and single-family residential, office and retail, commercial, and educational uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is in the Martin Luther King Jr. Park Neighborhood and within 250 feet of Capitol Park Neighborhood. All neighborhoods were notified of the Commission meeting by mailing of the Preliminary Agenda on June 28, 2019. A Final Agenda was mailed to the neighborhood associations on July 12, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on July 8, 2019 (10 days prior to the hearing) to the Martin Luther King Jr. Park Neighborhood, the Capitol Park Neighborhood, and to the primary titleholder on file with the Polk County Assessor for each property adjacent to the subject right-of-way.

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 Martin Luther King Jr. Park Neighborhood notices were mailed to Charice Williams, 1434 East 18th Street, Des Moines, IA 50316. The Capitol Park Neighborhood notices were mailed to Chelsea Lepley, PO Box 1993, Des Moines, IA 50305.

8. **Relevant Zoning History:** None.
9. **PlanDSM Land Use Plan Designation:** Public/Semi-Public.
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 properties fronting East 14th Street would require an access easement to ensure continued access from Fremont Street right-of-way.
2. **Utilities:** A water hydrant, a water feeder main, and an 8-inch water main are located in the requested right-of-way. Sanitary sewer and storm conduits 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:

David Courard-Hauri made a motion for approval of the requested vacation, subject to the following conditions:

1. Reservation of any necessary easements for all existing public utilities in place until such time that they are abandoned or are relocated at the applicant's expense.
2. Reservation of any necessary easements for access as required by adjoining property owners.
3. All parcels owned by the applicant must be combined and recorded with Polk County.

Motion passed: 13-0

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:tjh
Attachments

Des Moines Public Schools (owner) 1450 Fremont Street represented by Bill Good (officer). Additional adjoining property owned by University Group, LLC.				File #	
				11-2019-1.15	
Description of Action		Vacation of Fremont Street from East 14th Street to East 15th Street and for vacation of East 15th Street from Fremont Street to East University Avenue to allow it to be assembled with adjoining property.			
PlanDSM Future Land Use		Current: Publi/Semi-Public, Regional Mixed Use, and Neighborhood Mixed Use within a Neighborhood Node. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan		No planned improvements.			
Current Zoning District		"C-2" General Retail and Highway-Oriented Commercial District, "R1-60" One-Family Low-Density Residential District, "VDL" Vehicle Display Lot Overlay District and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District		N/A.			
Consent Card Responses		In Favor	Not In Favor	Undetermined	% Opposition
Outside Area (200 feet)		0	0		
Within Subject Property					
Plan and Zoning Commission Action		Approval	X	Required 6/7 Vote of the City Council	Yes
		Denial			No

Des Moines Public Schools, 1450 Fremont Street

11-2019-1.15

