



Date December 2, 2019

Page 1

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF THE
NORTH/SOUTH ALLEY RIGHT-OF-WAY LOCATED EAST OF AND
ADJOINING 2944 DES MOINES STREET AND CONVEYANCE TO GREATER
IOWA CREDIT UNION FOR \$4,290.00**

WHEREAS, on October 14, 2019, by Roll Call No. 19-1595, the City Council of the City of Des Moines voted to receive and file a communication from the Plan and Zoning Commission regarding a request from Greater Iowa Credit Union to vacate the segment of north/south alley right-of-way between East 29th Street and East 30th Street from Des Moines Street on the south to the east/west alley on the north, adjoining 2944 Des Moines Street, to allow for assemblage with the adjoining property as part of an expansion of the existing branch financial services site; and

WHEREAS Greater Iowa Credit Union, owner of 2944 Des Moines Street and 600 East 30th Street, has offered to the City of Des Moines ("City") the purchase price of \$4,290.00 for the purchase of the vacated north/south alley right-of-way located east of and adjoining 2944 Des Moines Street and west of and adjoining 600 East 30th Street, Des Moines, Iowa (hereinafter "Property"), to allow for assemblage with their adjoining property for expansion of the existing branch financial services site, which price reflects the fair market value of the Property as determined by the City's Real Estate Division; and

WHEREAS, the City has no known current or anticipated public need for the Property proposed to be sold, subject to reservation of easements therein, and the City will not be inconvenienced by the vacation and sale of said Property; and

WHEREAS, on November 18, 2019, by Roll Call No. 19-1823, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the Property be set for hearing on December 2, 2019, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

WHEREAS, due notice of said proposal to vacate and convey the north/south alley right-of-way located east of and adjoining 2944 Des Moines Street, Des Moines, Iowa, was given to all necessary parties as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with City Council direction, those interested in the proposed vacation and conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation and conveyance of north/south alley right-of-way located east of and adjoining 2944 Des Moines Street, as described herein, are hereby overruled and the hearing is closed.



Date December 2, 2019

2. There is no public need or benefit for the right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of said right-of-way, legally described as follows, and said vacation is hereby approved:

A 14.00 foot wide alley that is East of and adjacent to Lot 4, Block 2, Elliott's Addition to Grant Park, an official plat, City of Des Moines, Polk County, Iowa. Said tract of land contains 0.048 acres (2091 square feet) more or less.

3. The proposed sale of such vacated right-of-way, as legally described below and to the grantees and for the consideration identified below, subject to reservation of easements for utilities therein, is hereby approved:

Grantee: Greater Iowa Credit Union

Consideration: \$4,290.00

Legal Description: A 14.00 foot wide vacated alley that is East of and adjacent to Lot 4, Block 2, Elliott's Addition to Grant Park, an official plat, City of Des Moines, Polk County, Iowa. Said tract of land contains 0.048 acres (2091 square feet) more or less.

4. The Mayor is authorized and directed to sign the Offer to Purchase and Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

5. Upon proof of payment of the consideration, plus \$113.00 for publication and recording costs, the City Clerk is authorized and directed to forward the original of the Quit Claim Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded.

6. The Real Estate Division Manager is authorized and directed to forward the original of the Quit Claim Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.

7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Quit Claim Deed and a copy of the other documents to the grantee.

8. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.



Roll Call Number

Agenda Item Number

41

Date December 2, 2019

Page 3

Moved by _____ to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland, Assistant City Attorney

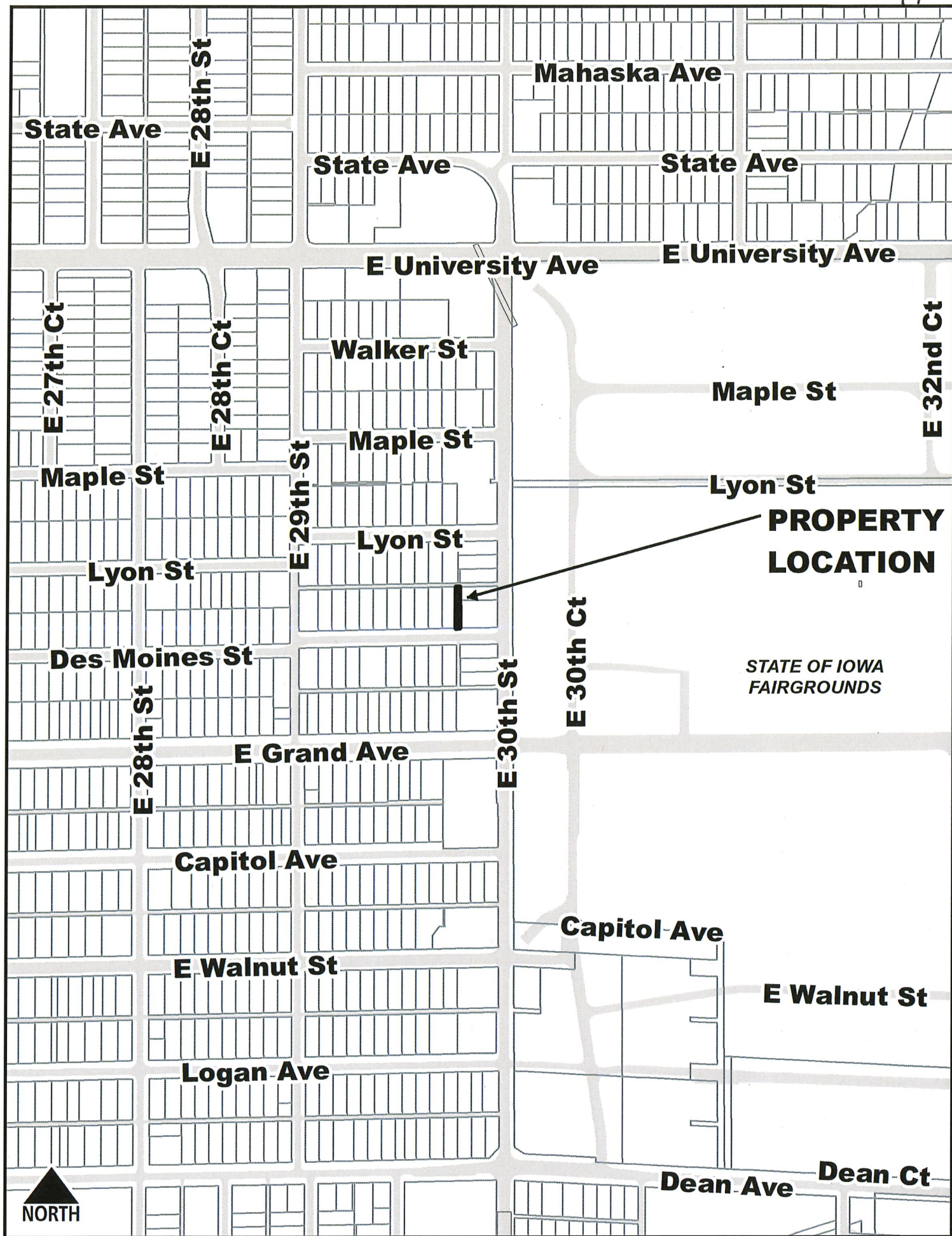
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

CERTIFICATE

I, P. KAY CMELIK, 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



★ Roll Call Number
19-1595

Agenda Item Number
24A

Date October 14, 2019

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING
COMMISSION REGARDING REQUEST FROM GREATER IOWA CREDIT UNION FOR
VACATION OF A SEGMENT OF NORTH/SOUTH ALLEY ADJOINING
2944 DES MOINES STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 19, 2019, its members voted 11-0 to recommend **APPROVAL** of a request from Greater Iowa Credit Union (owner), represented by Scott Zahnle (officer), to vacate a segment of north/south alley right-of-way between East 29th Street and East 30th Street from Des Moines Street on the south to the east/west alley on the north, adjoining 2944 Des Moines Street, to allow for assemblage with the property as part of an expansion of the existing branch financial services site.

MOVED by Gatto 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

(11-2019-1.21)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED				

J. M. Franklin Cownie Mayor

CERTIFICATE

I, Laura Baumgartner, Acting 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.

Laura Baumgartner Acting City Clerk



Date October 14, 2019
 Agenda Item 24A
 Roll Call # _____

October 1, 2019

Honorable Mayor and City Council
 City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their September 19, 2019 meeting, the following action was taken regarding a request from Greater Iowa Credit Union (owner) represented by Scott Zahnle (officer) for vacation of the north/south alley segment between East 29th Street and East 30th Street from Des Moines Street to the east/west alley. Subject property located at 2944 Des Moines Street.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles	X			
Abby Chungath	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			
Rocky Sposato	X			
Steve Wallace				X
Greg Wattier				X
Emily Webb	X			

RECOMMEND APPROVAL of the requested vacation of the north/south alley.
 (11-2019-1.21)

Written Responses

0 in Favor

0 in opposition

RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation of the north/south alley.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The rezoning would allow the expansion of the existing branch financial institution, Greater Iowa Credit Union, onto property the applicant has acquired to the west and demolished the existing dwelling. The expansion would include additional off-street parking, an addition to the building and a drive-up canopy area. To assemble the property, the applicant is also requesting to vacate the existing north/south alley Right-Of-Way (ROW) between the existing site and property requested for rezoning.
2. **Size of Site:** Property requested for rezoning is 7,500 square feet area. The requested ROW is 2,100 square feet in area. The current financial institution site is 20,400 square feet (0.45 acres).
3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District and "FSO" Freestanding Signs Overlay District.
4. **Existing Land Use (site):** The subject property is vacant from the recent demolition of a single-family dwelling. The alley ROW was previously improved with asphalt paving as part of the existing financial institution site.
5. **Adjacent Land Use and Zoning:**
 - North – "R1-60", Uses are single-family dwellings.
 - South – "R1-60", Uses are single-family dwellings.
 - East – "C-2", Use is Greater Iowa Credit Union branch drive-up financial institution.
 - West – "R1-60", Uses are single-family dwellings.
6. **General Neighborhood/Area Land Uses:** The subject property is located just west of the East 30th Street commercial corridor which separates the residential Fairground Neighborhood to the west and the Iowa State Fairground to the east.
7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Fairground Neighborhood and within 250 feet of the Valley High Manor Neighborhood. The neighborhoods were notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhoods on August 30, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on August 30, 2019 (20 days prior to the hearing) and September 9, 2019 (10 days prior to the hearing), to the neighborhood association and to the primary titleholder on file with the Polk County Assessor for each.

property within 250 feet of the site. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on September 13, 2016.

All agendas and applicable notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Fairground Neighborhood Association mailings were sent to Sharon Cooper, 2838 Logan Avenue, Des Moines, IA 50317. The Valley High Manor Neighborhood mailings were sent to Harlan Donaldson, 4143 Knob Hill Drive, Des Moines, IA 50317.

The applicant conducted a neighborhood meeting on September 10, 2019 and will be available to provide a summary at the public hearing.

8. **Relevant Zoning History:** N/A.

9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Low Density Residential. The existing site is Community Mixed Use.

10. **Applicable Regulations:** The Commission reviews all proposals to amend zoning boundaries or regulations within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in 414.3 of the Iowa Code, and taking into consideration the criteria set forth in Chapter 18B of the Iowa Code. The Commission may make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** The proposed rezoning would require the Future Land Use Map to be amended to the "Community Mixed Use" designation. Plan DSM describes this designation as follows:

Small- to medium-scale mixed use development, located on high capacity transit corridors or at the intersection of transportation corridors. Community mixed use areas include both a mix of medium density residential and a mix of retail and service establishments designed to attract customers from a large service area encompassing multiple neighborhoods and may include specialty retail that attracts regional customers.

Staff believes that the minimal extension of this designation from the existing site to the subject property is appropriate so long as the site redevelopment is in accordance with current Site Plan regulations and policies designed to protect adjacent residential areas.

2. **Utilities:** There are no public utilities identified within the subject property of the rezoning or the requested ROW.

3. **Site Plan Requirements:** Any redevelopment of the property must be in compliance with the City's Site Plan regulations and policies, including those regarding storm water management; off-street parking grading and soil erosion protection; tree removal and mitigation; landscaping and buffering, pavement design; and traffic and fire access.

4. **Landscaping & Buffering:** Any development of the site would require landscaping in accordance with the City's Landscape Standards. These standards generally include open space, bufferyard, and parking lot plantings. Staff notes that any future Site Plan would be required to provide a 7-foot landscaped paving setback along the front property line a 5-foot perimeter lot landscape setback along the north alley, and a 10-foot bufferyard setback to the west.

Future development of the site would also be subject to the City's Tree Removal and Mitigation Ordinance (Section 42-550 of the City Code).

5. **Drainage/Grading:** Any additional development of the site must comply with the City's Stormwater Management requirements to the satisfaction of the City's Permit and Development Center. All grading is subject to an approved grading permit and soil erosion control plan.
6. **Access or Parking:** The site has an existing access drive to East 30th Street and drives to the north/south alley requested for vacation. With the elimination of the alley there would no longer be access to the adjoining east/west alley from the property. The access to East 30th Street would be maintained and a new access to Des Moines Street would be provided in lieu of the eliminated alley. Des Moines Street is a historic brick street and any drive new approach will be required to be sensitive and integrate to the brick street without damage.
7. **Building and Fire Codes:** Any future additions to the existing site and structure must be in accordance with all Building and Fire Codes, with issuance of all necessary permits from the City's Permit & Development Center.

SUMMARY OF DISCUSSION

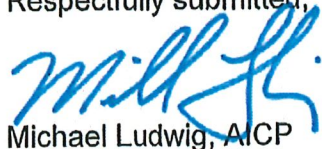
Jacqueline Easley asked if any member of the audience or the commission desired to speak regarding the item. None were present or requested to speak.

COMMISSION ACTION:

Emily Webb made a motion for approval of the requested vacation of the north/south alley.

Motion passed: 11-0

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

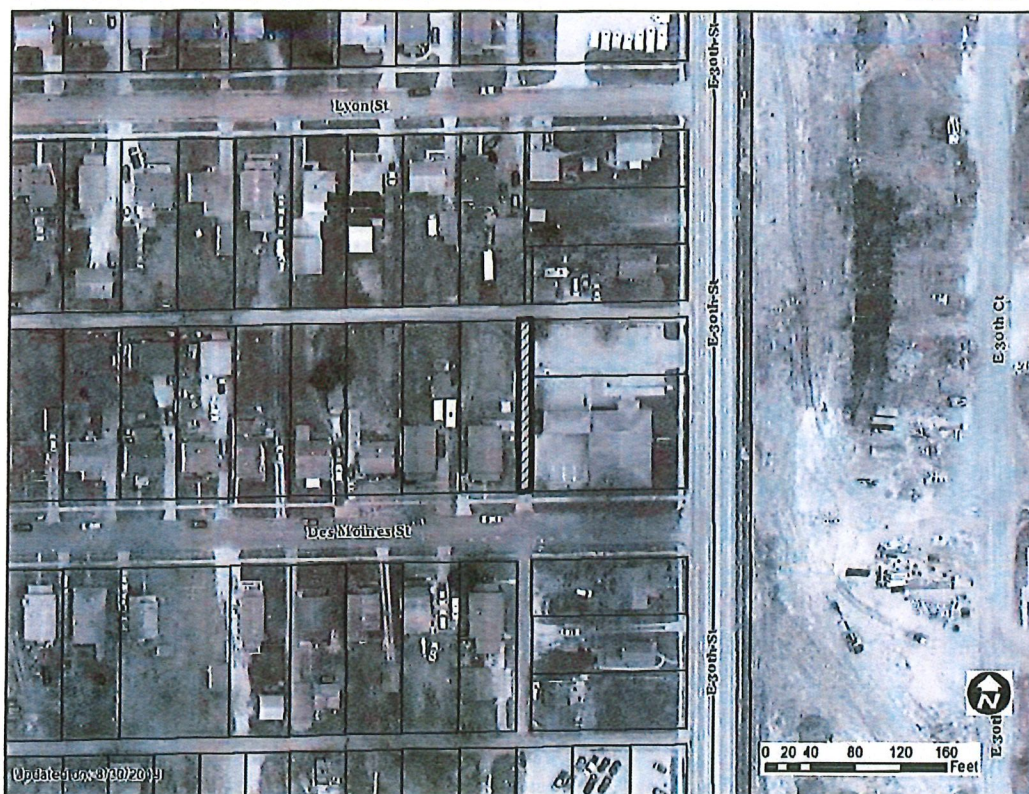
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Attachments

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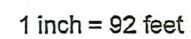
Greater Iowa Credit Union (owner) represented by Scott Zahnle (officer) for the property located at 2944 Des Moines Street.			File # 11-2019-1.21		
Description of Action	Vacation of the north/south alley segment between East 29th Street and East 30th Street from Des Moines Street to the east/west alley.				
PlanDSM Future Land Use	Current: Low Density Residential and Community Mixed Use. Proposed: Community Mixed Use.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"R1-60" One-Family Low-Density Residential District, "C-2" General Retail and Highway-Oriented Commercial District and "FSO" Freestanding Signs Overlay District.				
Proposed Zoning District	"C-2" General Retail and Highway-Oriented Commercial District and "FSO" Freestanding Signs Overlay District.				
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	X

Greater Iowa Credit Union, 2944 Des Moines Street

11-2019-1.21



1 Inch = 92 feet



17