

Date July 13, 2020

**RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION
REGARDING CITY-INITIATED REQUEST FOR VACATION OF EAST/WEST ALLEY
IN THE VICINITY OF 901 SOUTHEAST 7TH STREET AND 709 AND 714 VALE STREET**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 2, 2020, its members voted 12-0 to recommend **APPROVAL** of a City-initiated request to vacate the east/west alley segment between Vale Street and East Railroad Avenue from Southeast 7th Street to Southeast 8th Street, subject to the reservation of easements for any existing utility until such time that it is abandoned or relocated at the purchaser's expense.

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:

/s/ Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

(11-2020-1.07)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
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

July 7, 2020

Date July 13, 2020
Agenda Item 22
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 2, 2020 meeting, the following action was taken regarding a City initiated request for vacation of the east/west alley segment between Vale Street and East Railroad Avenue from Southeast 7th Street to Southeast 8th Street in the vicinity of property at 901 Southeast 7th Street, 709 and 714 Vale Street.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles	X			
Abby Chungath	X			
Jacqueline Easley	X			
Jann Freed	X			
Johnny Alcivar	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 City initiated vacation subject to the reservation of easements for any existing utility until such time that they are abandoned or relocated at the purchaser's expense.

(11-2020-1.07)

Written Responses

2 in Favor

0 in opposition

RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the City initiated vacation subject to the reservation of easements for any existing utility until such time that they are abandoned or relocated at the purchaser's expense.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The subject alley is located within the city block that is bound by Vale Street to the north, Southeast 8th Street to the east, East Railroad Avenue to the south and Southeast 7th Street to the west. It divides this block into north and south halves. The northern half was rezoned from "N3c" District to a Conditional "NX2" District by the City Council on June 8, 2020 to allow it to be redeveloped with rowhouses. The Plan and Zoning Commission heard that request on April 16, 2020.

The City Council's action to approve the rezoning also initiated the vacation of the alley to allow all adjoining property owners to buy the half of the alley that abuts their property. This means that the property owner of the northern half of the block would have the opportunity to purchase the north half of the alley and that the two property owners that control the south half of the block would have the opportunity to purchase the portions of the south half of the alley that abut their properties. If a property owner elects to not purchase their half then it would be made available to the property owner on the other side of the alley for purchase pursuant to City policy.

2. **Size of Site:** 18 feet by 318 feet (5,724 square feet).
3. **Existing Zoning (site):** "NX2" Neighborhood Mix District and "N3c" Neighborhood District.
4. **Existing Land Use (site):** Undeveloped alley right-of-way.
5. **Adjacent Land Use and Zoning:**
 - North** – "NX2", Use is land intended to be cleared for a proposed rowhouse development.
 - South** – "N3c"; Uses are one household dwelling units.
6. **General Neighborhood/Area Land Uses:** The subject property is located just east of the Des Moines River levee in an area that contains a mix of residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is in the Historic East Village Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on June 12, 2020 and by mailing of the Final Agenda on June 26, 2020. Additionally, separate notification of the hearing for this specific item was mailed on June 12, 2020 (10 days prior to the public hearing) to the Historic East Village Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

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 on the date of the mailing. The Historic East Village Neighborhood Association notices were mailed to Taylor Frame, P.O. Box 93904, Des Moines, IA 50393.

8. **Relevant Zoning History:** On June 8, 2020, by Ordinance No. 15,900, the City Council rezoned the adjoining property to the north from "N3c" Neighborhood District to "NX2" Neighborhood Mix District.
9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Low/Medium Density Residential.
10. **Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission 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:** Staff is not aware of any existing utilities located within the subject alley right-of-way. Easements must be reserved for any utilities that may exist until such time that they are abandoned or relocated at the purchaser's expense.
2. **Traffic/Access:** The alley is not developed or needed for circulation in the area. The property owner to the north has the ability to develop a private drive in place of the alley to serve any future rowhouse buildings.

SUMMARY OF DISCUSSION

Jann Freed asked if any member of the public or the commission desired to speak on the item. None requested to speak.

COMMISSION ACTION:

Greg Jones made a motion for approval of the City initiated vacation subject to the reservation of easements for any existing utility until such time that they are abandoned or relocated at the purchaser's expense.

Motion passed: 12-0

Respectfully submitted,

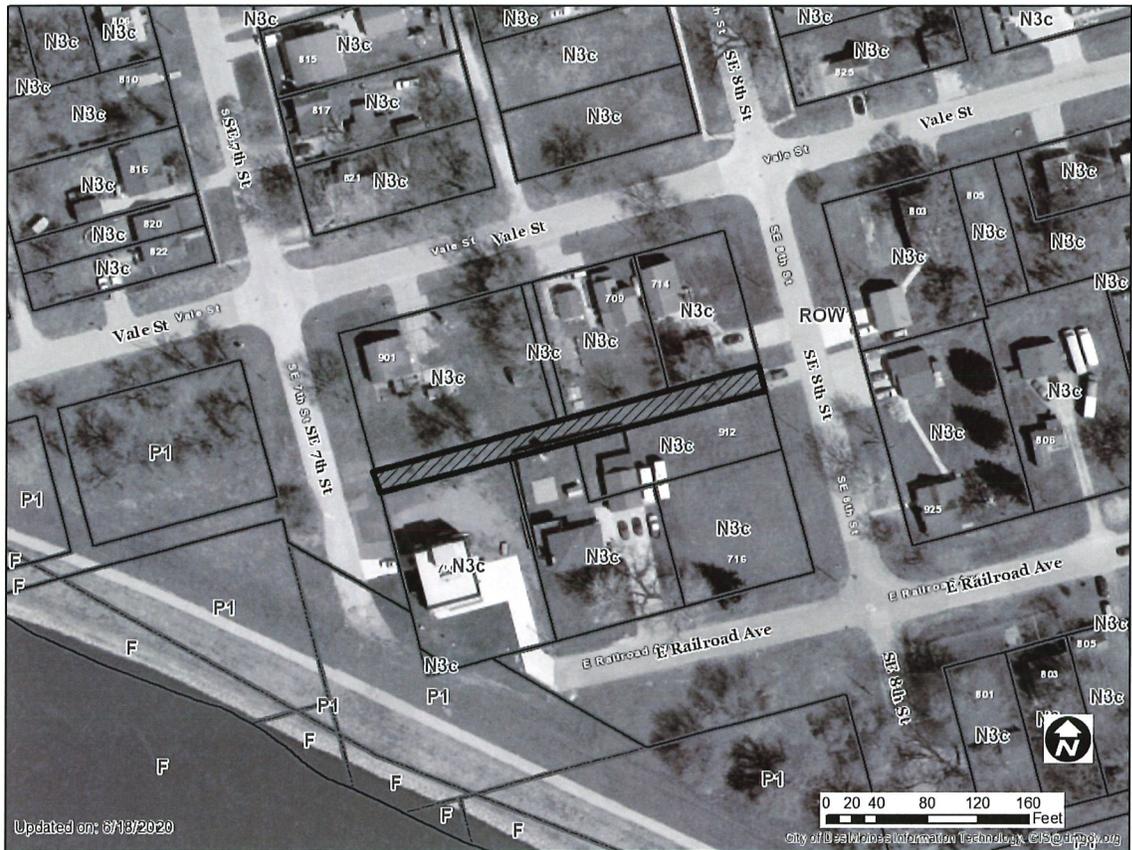


Michael Ludwig, AICP
Planning Administrator

MGL:tjh
Attachments

City initiated request in the vicinity of property at 901 Southeast 7th Street, 709 and 714 Vale Street.		File # 11-2020-1.07		
Description of Action	Vacation of the east/west alley segment between Vale Street and East Railroad Avenue from Southeast 7th Street to Southeast 8th Street.			
PlanDSM Future Land Use	Current: Low-Medium Density Residential. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	No Planned Improvements.			
Current Zoning District	"NX2" Neighborhood Mix District and "N3c" Neighborhood District.			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Outside Area (200 feet)	2	0		
Within Subject Property				
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes
	Denial			No

City initiated, East/west alley from S.E. 7th St. to S.E. 8th St. between Vale St. & E. Railroad Ave. 11-2020-1.07



1 inch = 89 feet

Item: 11-2020-1.07 Date: 6/29/20

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

(Circle One)

Print Name: David E. Johnson

RECEIVED
COMMUNITY DEVELOPMENT

Signature: David E. Johnson

JUL 01 2020

Address: 700 E. Railroad Ave.

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

We intend to purchase our half
of the alley. A proposal has been
submitted to the city.

Item: 11-2020-1.07 Date: _____

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

(Circle One)

Print Name: Tom Ellis + Jody Eli

Signature: Tom Ellis

RECEIVED
COMMUNITY DEVELOPMENT
JUN 26 2020

Address: 712 E. RAILROAD AVE

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

WE plan ON buying our HALF
OF THE ALLEY