



Date September 14, 2020

**RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION
REGARDING CITY-INITIATED REQUEST FOR VACATION OF ALLEY RIGHT-OF-WAY
IN THE VICINITY OF 113 E. SHERIDAN AVENUE**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 3, 2020, its members voted 13-0 to recommend **APPROVAL** of a City-initiated request to vacate the east/west alley between East Sheridan Avenue and Arthur Avenue from 1st Street to Oxford Street, subject to the following conditions:

1. Reservation of easements for any existing utilities until such time that they are abandoned or relocated at the expense of the City's successor in ownership of the vacated right-of-way; and
2. Any outdoor storage associated with the industrial use of the vacated right-of-way shall be located in the side or rear yard and screened from view of any adjacent lots or street.

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

(11-2020-1.11)

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

MOTION CARRIED APPROVED

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.

Mayor

City Clerk

Date September 14, 2020
 Agenda Item 31
 Roll Call # _____

September 8, 2020

Honorable Mayor and City Council
 City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their September 3, 2020 meeting, the following action was taken regarding a City initiated request for vacation of the east/west alley between East Sheridan Avenue and Arthur Avenue from 1st Street to Oxford Street in the vicinity of 113 E. Sheridan Avenue.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 13-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles				X
Abby Chungath	X			
Kayla Berkson	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 requested vacation subject to the following conditions:

1. Reservation of any existing utilities until such time that they are abandoned or relocated at the applicant's expense.
2. Any outdoor storage associated with the industrial use of the property shall be located in the side or rear yard and screened from view of any adjacent lots or streets.

(11-2020-1.11)

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 existing utilities until such time that they are abandoned or relocated at the applicant's expense.
2. Any outdoor storage associated with the industrial use of the property shall be located in the side or rear yard and screened from view of any adjacent lots or streets.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed vacation would allow use of the vacated area by Capital Landscaping, LLC.
2. **Size of Site:** Approximately 7,000 square feet for the addressed property.
3. **Existing Zoning (site):** "I1" Industrial District. The "I1" District is "intended for general industrial uses, warehousing, and transportation terminals."
4. **Existing Land Use (site):** The affected area consists of public alley right-of-way.
5. **Adjacent Land Use and Zoning:**

North – "I1"; Uses are industrial, office, and warehousing.

South – "I1", Uses are industrial, office, and warehousing.

East – "N5"; Use is a single-household residential.

West – "I1"; Uses are industrial, office, and warehousing.
6. **General Neighborhood/Area Land Uses:** The subject property is located the length of the block midway between East Sheridan Avenue and Arthur Avenue in an area consisting of a mix of industrial and residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in Union Park Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on August 14, 2020 and by mailing of the Final Agenda on August 28, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on August 24, 2020 (10 days prior to public hearing) to the Neighborhood Associations and to the primary titleholder on file with the Polk County

Assessor for each property adjacent or directly across the street from the requested 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 on the date of the mailing. The Union Park Neighborhood Association notices were mailed to Jack Daugherty, P.O. Box 16113, Des Moines, IA 50316.

8. Relevant Zoning History: None.

9. PlanDSM: Creating Our Tomorrow Land Use Plan Designation: Industrial.

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:** Utility poles not associated with city services are located within the subject 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.
- 2. Traffic/Access:** The requested alley right-of-way is not developed. The adjacent property owners have indicated that the proposed vacation would not negatively impact access to their parcels.
- 3. Outdoor Storage:** Outdoor storage is an allowed associated use of industrial properties, so long as it is in accordance with Section 134-3.9.6 and Section 135-7.

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:

Abigail Chungath made a motion for approval of the requested vacation subject to the following conditions:

1. Reservation of any existing utilities until such time that they are abandoned or relocated at the applicant's expense.
2. Any outdoor storage associated with the industrial use of the property shall be located in the side or rear yard and screened from view of any adjacent lots or streets.

Motion passed: 13-0

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:tjh
Attachments

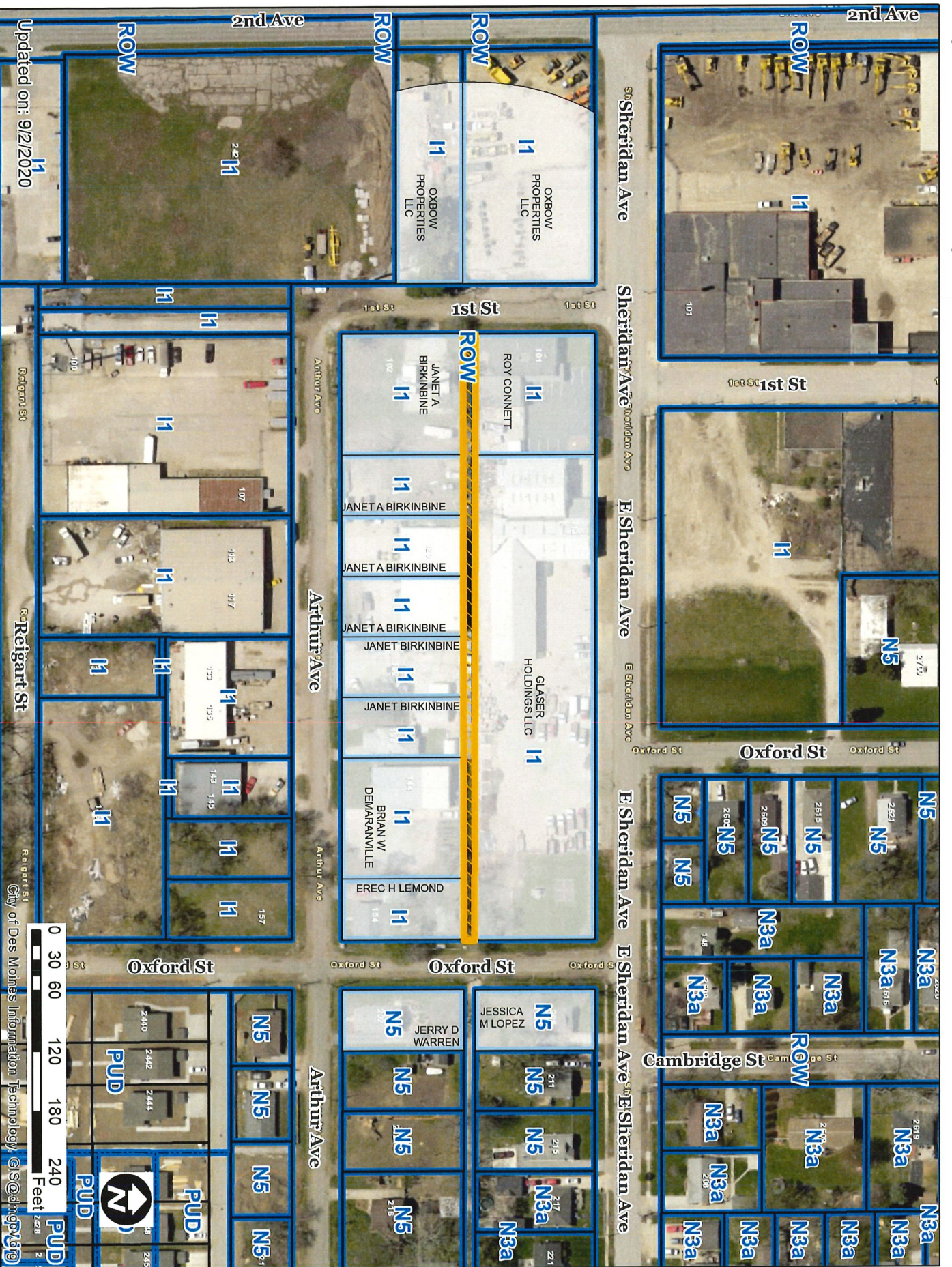
City initiated request in the vicinity of 113 E. Sheridan Avenue.				File #	
				11-2020-1.11	
Description of Action	Vacation of the east/west alley between East Sheridan Avenue and Arthur Avenue from 1st Street to Oxford Street				
PlanDSM Future Land Use	Current: Industrial. Proposed: N/A.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"I1" Industrial District.				
Proposed Zoning District	N/A				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Outside Area (200 feet)	1	0			
Within Subject Property					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

City initiated, Vicinity of 113 East Sheridan Avenue

11-2020-1.11



1 inch = 125 feet



Item: 11-2020-1.11

Date: 8-28-2020

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

RECEIVED
COMMUNITY DEVELOPMENT
SEP 1 2020

Print Name: Phil Glaser
GLASER HOLDINGS

Signature: 

Address: 113 E Sheridan Av

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

We support this to help
prevent Dumping and
Parking of Vehicles in
the Alley