



Date June 28, 2021

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM JOPPA CHEATOM PARK, LLC, FOR VACATION OF THE NORTH/SOUTH SEGMENT OF ALLEY RIGHT-OF-WAY WEST OF, AND ADJOINING, THE PROPERTY AT 1010 13TH STREET, RUNNING NORTH FROM INTERSTATE 235/MACVICAR FREEWAY TO THE EAST/WEST ALLEY IN THE BLOCK BOUNDED BY LAUREL STREET ON THE NORTH, INTERSTATE 235/MACVICAR FREEWAY ON THE SOUTH, 13TH STREET ON THE EAST, AND 14TH STREET ON THE WEST

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 17, 2021, its members voted 12-0 to recommend APPROVAL of a request from JOPPA Cheatom Park, LLC, (owner), represented by Joe Stevens (officer), to vacate the north/south segment of alley right-of-way west of, and adjoining, the property at 1010 13th Street, running north from Interstate 235/MacVicar Freeway to the east/west alley in the block bounded by Laurel Street on the north, Interstate 235/MacVicar Freeway on the south, 13th Street on the east, and 14th Street on the west, to allow the property to be assembled with adjoining parcels owned by the applicant.

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:

Judy K. Parks-Kruse

Judy K. Parks-Kruse, Assistant City Attorney

(11-2021-1.11)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, TOTAL. Summary: 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 June 28, 2021
 Agenda Item 19
 Roll Call # _____

June 22, 2021

Honorable Mayor and City Council
 City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their June 17, 2021 meeting, the following action was taken regarding a request from JOPPA Cheatom Park, LLC (owner), represented by Joe Stevens (officer), for vacation of the north/south segment of alley Right-of-Way west of, and adjoining, the property at 1010 13th Street, running north from Interstate 235/MacVicar Freeway to the east/west alley in the block bounded by Laurel Street on the north, Interstate 235/MacVicar Freeway on the south, 13th Street on the east, and 14th Street on the west, to allow the property to be assembled with adjoining parcels owned by the applicant.

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			
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			

APPROVAL of the requested vacation subject to reservation of any necessary easement for existing utilities until such time that utilities are abandoned or relocated at the applicant's expense. (11-2021-1.11)

Written Responses

1 in Favor

0 in opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Jann Freed made a motion for approval of the requested vacation subject to reservation of any necessary easement for existing utilities until such time that utilities are abandoned or relocated at the applicant's expense.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed vacation would allow the 15-foot wide strip of Right-of-Way to be assembled with the adjacent properties, which are being developed by Joppa for community garden and two-household dwelling uses.

2. **Size of Site:** 15 feet by 83 feet (1,245 square feet).

3. **Existing Zoning (site):** "N5" Neighborhood District.

4. **Existing Land Use (site):** Undeveloped alley right-of-way.

5. **Adjacent Land Use and Zoning:**

East – "N5-2"; Use is a lot being developed with a two-household dwelling.

West – "N5"; Use is a community and urban garden.

6. **General Neighborhood/Area Land Uses:** The subject property is in a residential area immediately to the north of the freeway.

7. **Applicable Recognized Neighborhood(s):** The subject property is in the Cheatom Park Neighborhood. The neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on May 28, 2021 and by mailing of the Final Agenda on June 11, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on June 7, 2021 (10 days prior to the public hearing) to the neighborhood association and to the primary titleholder on file with the Polk County Assessor for each property adjoining the requested public 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 Cheatom Neighborhood mailings were sent to Susan Wells, 1157 14th Place, Des Moines, IA 50314.

8. **Relevant Zoning History:** On February 22, 2021, the City Council adopted Ordinance 15,981 to rezone the property adjoining to the east from "N5" District to "N5-2" District in order to allow a two-household dwelling to be constructed on this site.

9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Low 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. **Streets/Sidewalk:** The requested vacation would have a minimal impact on the existing street network, as the right-of-way is undeveloped and is not required for access to any properties.

2. **Utilities:** There is an existing sanitary sewer that crosses 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

Dory Briles asked if any member of the public or the commission desired to speak on the item. No one requested to speak.

COMMISSION ACTION:

Jann Freed made a motion for approval of the requested vacation subject to reservation of any necessary easement for existing utilities until such time that utilities are abandoned or relocated at the applicant's expense.

Motion passed: 12-0

Respectfully submitted,



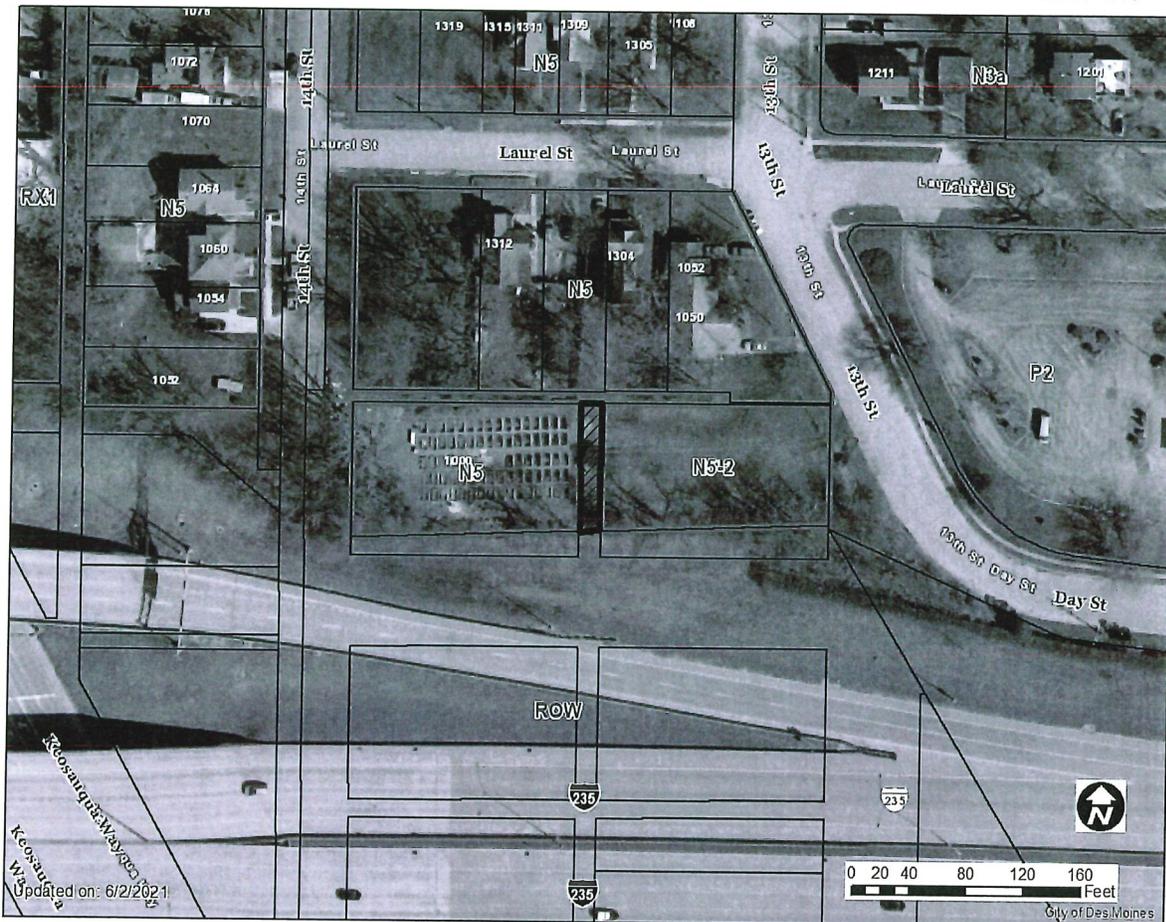
Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh

Request from JOPPA Cheatom Park, LLC (owner), represented by Joe Stevens (officer), for the property at 1010 13 th Street, running north from Interstate 235/MacVicar Freeway to the east/west alley in the block bounded by Laurel Street on the north, Interstate 235/MacVicar Freeway on the south, 13 th Street on the east, and 14 th Street on the west				File #
				11-2021-1.11
Description of Action	Vacation of the north/south segment of alley Right-of-Way west of, and adjoining, to allow the property to be assembled with adjoining parcels owned by the applicant.			
PlanDSM Future Land Use	Low Density Residential			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"N5" Neighborhood 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

JOPPA Cheatom Park, LLC, Vicinity of 1010 13th Street

11-2021-1.11



1 inch = 81 feet

Item: 11-2021-1.11 Date: _____

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: _____

Name: Caleb Fritzler

Address: 1312 Laurel

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
JUN 16 2021

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



Updated on: 6/17/2021

1 inch = 81 feet