



**Roll Call Number**

**Agenda Item Number**

26

**Date** May 9, 2022

**RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM KELLY GARNER (OWNER, 2512 WOODLAND AVENUE) FOR VACATION OF THE EASTERNMOST 100 LINEAL FEET OF THE EAST/WEST ALLEY RIGHT-OF-WAY WITHIN THE BLOCK BOUNDED BY WOODLAND AVENUE TO THE NORTH, HIGH STREET TO THE SOUTH, 24<sup>TH</sup> STREET TO THE EAST AND 28<sup>TH</sup> STREET TO THE WEST**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on April 21, 2022, its members voted 12-0 to recommend **APPROVAL** of a request from Kelly Garner (owner, 2512 Woodland Avenue) to vacate the easternmost 100 lineal feet of the east/west alley right-of way within the block bounded by Woodland Avenue to the north, High Street to the south, 24<sup>th</sup> Street to the east, and 28<sup>th</sup> Street to the West, subject to the reservation of any necessary easements for any existing utilities until such time that they are abandoned or relocated at the applicant'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.

MOVED BY \_\_\_\_\_ TO ADOPT- SECONDED BY \_\_\_\_\_.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland  
Lisa A. Wieland  
Assistant City Attorney

(ROWV-2022-000008)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
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

Date May 9, 2022

Agenda Item 26

Roll Call # \_\_\_\_\_

May 3, 2022

Communication from the City Plan and Zoning Commission advising that at their April 21, 2022 meeting, the following action was taken regarding a request from Kelly Garner (owner, 2512 Woodland Ave), for vacation of the easternmost 100 lineal feet of the east/west alley right-of-way within the block bounded by Woodland Avenue to the north, High Street to the south, 24<sup>th</sup> Street to the east, and 28<sup>th</sup> Street to the west.

**COMMISSION RECOMMENDATION:**

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

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
Francis Boggus	X			
Dan Drendel	X			
Leah Rudolphi	X			
Dory Briles				X
Abby Chungath	X			
Kayla Berkson				X
Chris Draper	X			
Jann Freed	X			
Todd Garner	X			
Johnny Alcivar	X			
Justyn Lewis	X			
Carolyn Jenison	X			
William Page	X			
Andrew Lorentzen	X			
Emily Webb				X

**APPROVAL** of the requested Right-of-Way vacation subject to the reservation of easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.

**STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Staff recommends approval of the requested Right-of-Way vacation subject to the reservation of easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.

Written Responses

2 in Favor

0 in opposition

**STAFF REPORT TO THE PLANNING COMMISSION**

**I. GENERAL INFORMATION**

- 1. Purpose of Request:** The proposed vacation would enable the property owner to assemble the alley area behind his property that he currently maintains with his property.
- 2. Size of Site:** The requested segment of Right-of-Way encompasses a total 1,757 square feet of area.
- 3. Existing Zoning (site):** "N5" Neighborhood District.
- 4. Existing Land Use (site):** The subject area consists of an alley Rights-of-Way.
- 5. Adjacent Land Use and Zoning:**

**North** – "N5"; Use is one-household residential.

**South** – "N5", Use is one-household residential.

**East** – "N5"; Use is one-household residential.

**West** – "N5", Use is one-household residential.
- 6. General Neighborhood/Area Land Uses:** The applicant's property consists of an one-household residential lot fronting Woodland Avenue to the north of the Right-of-Way and a couple single-family residential lots fronting High Street to the south of the Right-of-Way. The surrounding area consists of predominantly residential uses.
- 7. Applicable Recognized Neighborhood(s):** The subject property is in the Woodland Heights neighborhood association. The neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on April 1, 2022, and by mailing of the Final Agenda on April 15, 2022. Additionally, separate notifications of the hearing for this specific item were mailed on April 11, 2022 (10 days prior to the public hearing) to the primary titleholder on file with the Polk County Assessor for each property adjacent to the request right-of-way.

All agendas are mailed to the primary contact person designated to the City of Des Moines Neighborhood Development Division by the recognized neighborhood association. The Woodland Heights Neighborhood Association mailings were sent to Phil Kreznor, 808 25<sup>th</sup> Street, Des Moines, IA 50312.

- 8. Relevant Zoning History:** None.

9. **PlanDSM: Creating Our Tomorrow 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. **Utilities:** While no utilities have been identified within the requested ROW, 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 vacation would not negatively impact access to private properties or traffic patterns.

## SUMMARY OF DISCUSSION

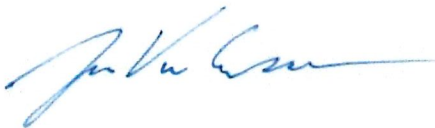
Abby Chungath asked if any member of the public or commission desired to speak on the item. No one requested to speak.

## COMMISSION ACTION:

Todd Garner made a motion for approval of the requested Right-of-Way vacation subject to the reservation of easements for any existing utilities until such time that they 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



Item: ROWV-2022-000008

Date: 4/13/22

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Staff Use Only

RECEIVED  
COMMUNITY DEVELOPMENT

APR 21 2022

Signature: [Handwritten Signature]

Name: Jake Williams, Member

Address: Mason Investments, LLC  
2507 High St. Des Moines, IA  
50312

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

I am neighbor to the South. Kelly is a great neighbor and has been taking good care of the space in question for years now. We are excited for him to take ownership of the space.

Item: ROWV-2022-000008 Date: 4-13-22

Please mark one of the following

- I am in favor of the request
- I am not in favor of the request

Staff Use Only

**RECEIVED**  
COMMUNITY DEVELOPMENT

**APR 15 2022**

Signature: *Kevin A Shelby*

Name: Kevin A Shelby

Address: 2503 High St., D.M, IA  
50312

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

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Against:	0%
For:	10.97%
Unsure:	0%
No Response:	89.03%

Updated on: 4/21/2022

