



Date June 13, 2022

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM ROBERT FULLER (OWNER, 2513 HIGH STREET), FOR VACATION OF THE EASTERNMOST 50 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, 24TH STREET TO THE EAST, AND 28TH STREET TO THE WEST

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 2, 2022, its members voted 10-0 to recommend APPROVAL of a request from Robert Fuller (owner, 2513 High Street), for vacation of the easternmost 50 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, 24th Street to the east, and 28th Street to the west.

MOVED by _____ to receive and file the attached communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division.

SECOND by _____.

FORM APPROVED:

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

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, MANDELBAUM, SHEUMAKER, VOSS, WESTERGAARD, TOTAL, MOTION CARRIED, APPROVED.

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.

Mayor

Acting City Clerk

Date 6/13/22

Agenda Item 23

Roll Call # _____

June 7, 2022

Communication from the City Plan and Zoning Commission advising that at their June 2, 2022 meeting, the following action was taken regarding a request from Robert Fuller (owner, 2513 High Street), for vacation of the easternmost 50 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, 24th Street to the east, and 28th Street to the west.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-0 as follows

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dan Drendel	X			
Leah Rudolphi	X			
Dory Briles	X			
Abby Chungath	X			
Kayla Berkson	X			
Chris Draper	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 and provision of any necessary no-build easements.

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 and provision of any necessary no-build easements.

Written Responses

0 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 right-of-way with their property located immediately to the south of the right-of-way.
2. **Size of Site:** 50 feet by 16 feet (800 square feet).
3. **Existing Zoning (site):** "N5" Neighborhood District.
4. **Existing Land Use (site):** The subject area consists of an alley right-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 a one-household residential lot fronting High Street to the south of the Right-of-Way and a single-family residential lot fronting Woodland Street to the north of the Right-of-Way. The surrounding area consists of predominantly residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is within the Woodland Heights Organization Neighborhood Association. All neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on May 13, 2022, and by mailing of the Final Agenda on May 27, 2022. Additionally, separate notifications of the hearing for this specific item were mailed on May 23, 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 Services Department by the recognized neighborhood association. The Woodland Heights Organization Neighborhood Association mailings were sent to Cameron Gale, 2520 Woodland Avenue, Des Moines, IA 50312.
8. **Relevant Zoning History:** On April 21, 2022, the Commission recommended approval of a request to vacation the 100 feet of alley right-of-way immediately to the east of the current request.

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

Emily Webb 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 and provision of any necessary no-build easements.

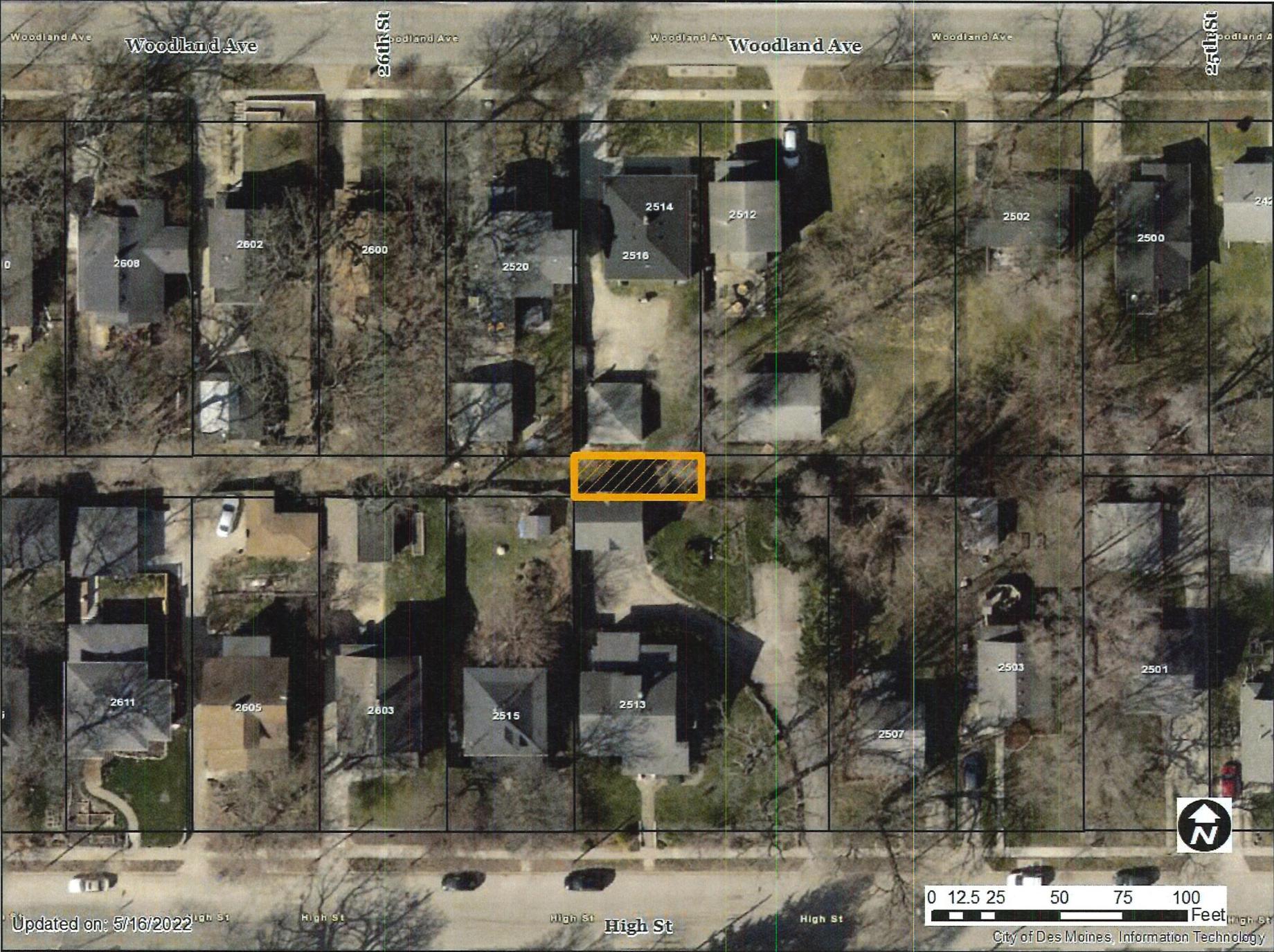
Motion passed: 10-0

Respectfully submitted,

Bert Drost

Bert Drost, AICP
Planning & Urban Design Administrator

BAD:tjh



1 inch = 50 feet





Against:	0%
For:	0%
Unsure:	0%
No Response:	100%

Updated on: 6/2/2022

