



Roll Call Number

Agenda Item Number

27

Date August 8, 2022

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM JSB FIONTAIR, LLC, FOR VACATION OF THE WESTERNMOST 381 LINEAL FEET OF THE EAST/WEST RIGHT-OF-WAY OF EAST JEFFERSON AVENUE LOCATED TO THE WEST OF DIXON STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 21, 2022, its members voted 13-0 to recommend **APPROVAL** of a request from JSB Fiontair (owner), represented by David Brick (officer), to vacate a segment of east/west street right-of-way of East Jefferson Avenue located to the West of Dixon Street, to allow the applicant to clean up and maintain the area, subject to reservation of easements for any existing utilities until such time as 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. Second by _____.

APPROVED AS TO FORM:

/s/ Gary D. Goudelock Jr.
Gary D. Goudelock Jr.
Assistant City Attorney

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

CERTIFICATE

I, LAURA BAUMGARTNER, 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.

MOTION CARRIED APPROVED

Mayor

City Clerk

August 2, 2022

Communication from the City Plan and Zoning Commission advising that at their July 21, 2022 meeting, the following action was taken regarding a request from JSB Fiontair, LLC (owner, 1700 Dixon Street), represented by David Brick (officer), for vacation of the westernmost 381 lineal feet of the east/west right-of-way of East Jefferson Avenue located to the west of Dixon Street.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 13-0 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 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 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

1 in Favor

0 in opposition

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to vacate this segment of the right-of-way to be able to clean up and maintain the area. This segment of the right-of-way has experienced vandalism and illegal trash disposal.
2. **Size of Site:** The requested right-of-way segment consists of approximately 19,019 square feet of area (381 feet by 50.4 feet).
3. **Existing Zoning (site):** "I2" Industrial District.
4. **Existing Land Use (site):** The subject area consists of undeveloped public right-of-way.
5. **Adjacent Land Use and Zoning:**

 North – "I1"; Use is office and warehouse.

 South – "I2"; Uses are industrial.
6. **General Neighborhood/Area Land Uses:** The subject segment of right-of-way is located to the west of the intersection of East Jefferson Avenue and Dixon Street. It is located within an area consisting of large scale industrial uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is not within 250 feet of a designated Neighborhood Association. The neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on July 1, 2022, and by mailing of the Final Agenda on July 15, 2022. Additionally, separate notifications of the hearing for this specific item were mailed on July 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.
8. **Relevant Zoning History:** NA.
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:** While no utilities have been identified Existing storm and sanitary sewer conduits are within the 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.
2. **Traffic/Access:** The requested vacation would not negatively impact access to the surrounding public and private properties or existing 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:

Francis Boggus made a motion for approval of the requested 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: 13-0

Respectfully submitted,



Bert Drost, AICP
Deputy Planning & Urban Design Administrator

BAD:tjh



Item: ROWV-2022-000018 Date: 7-20-2022

Please mark one of the following

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

Signature: FRANK Holt
 Name: FRANK HOLT
 Address: 1730 E WASHINGTON

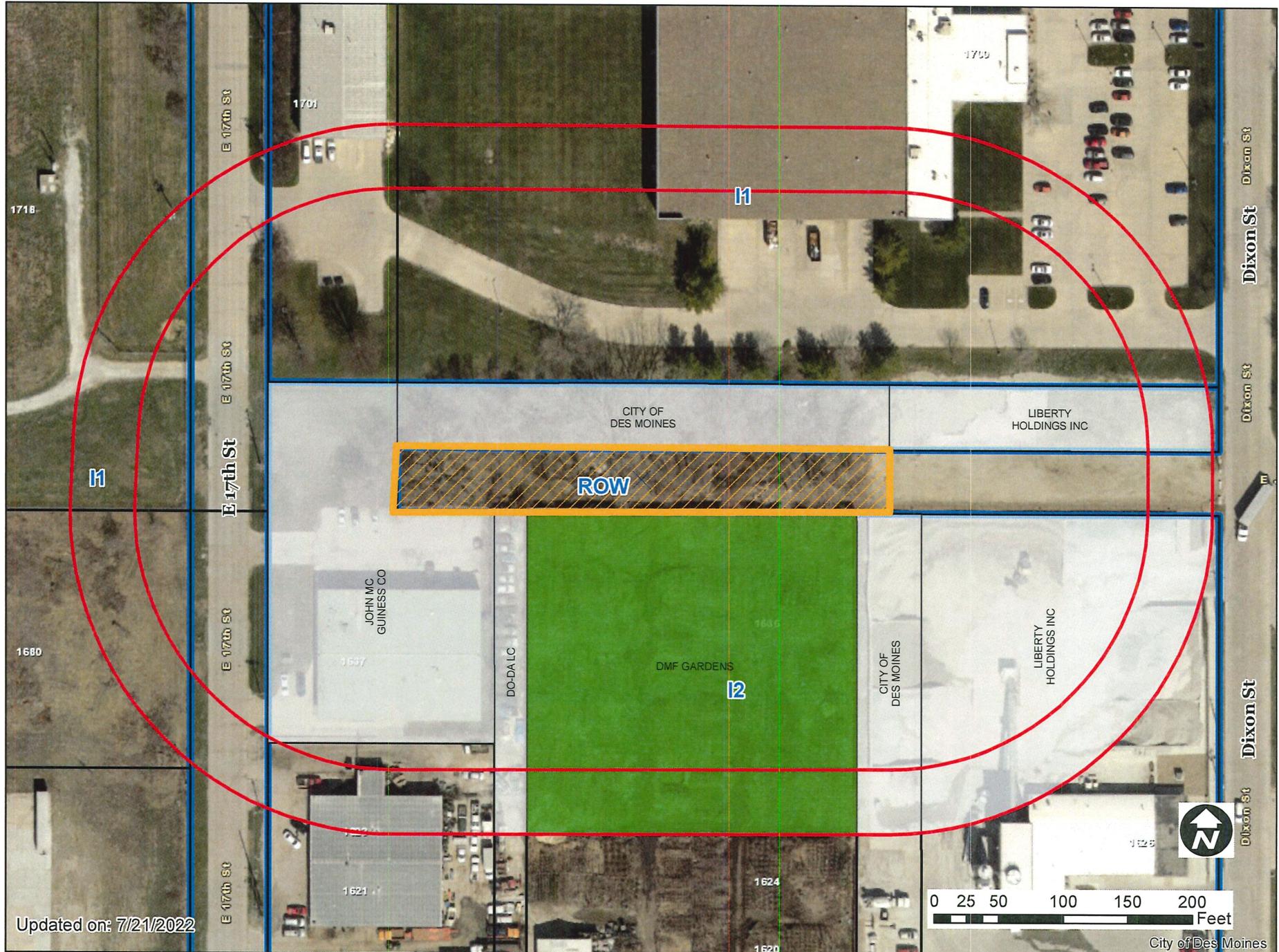
Staff Use Only

RECEIVED
 COMMUNITY DEVELOPMENT

JUL 20 2022

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

NEED TO CLEAR OUT THE
HOMELESS CAMP AND KEEP IT
OUT.



Updated on: 7/21/2022

1 inch = 98 feet