

Date November 6, 2023

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM LARRY D. HENSON (OWNER) FOR VACATION OF APPROXIMATELY 1,250 SQUARE FEET OF THE NORTH/SOUTH SEGMENT OF UNDEVELOPED EAST 22ND STREET RIGHT-OF-WAY LOCATED IMMEDIATELY TO THE WEST OF 2200 ELIZABETH AVENUE, AND BOUNDED BY EASTON BOULEVARD TO THE NORTH, AND ELIZABETH AVENUE TO THE SOUTH

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 19, 2023, its members voted 13-0 to recommend **APPROVAL** of a request from Larry D. Henson (Owner) for the vacation of approximately 1,250 square feet of the north/south segment of undeveloped East 22nd Street right-of-way located immediately to the west of 2200 Elizabeth Avenue, and bounded by Easton Boulevard to the north, and Elizabeth Avenue to the south, to allow the vacated area to be assembled and maintained for private use, 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.

SECOND BY _____.

APPROVED AS TO FORM:

/s/ Chas M. Cahill
Chas M. Cahill
Assistant City Attorney

(ROWV-2023-000012)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	

Mayor

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.

City Clerk

Date November 6, 2023

Agenda Item 20

Roll Call # _____

October 31, 2023

Communication from the City Plan and Zoning Commission advising that at their October 19, 2023 meeting, the following action was taken regarding a request from Larry D. Henson (owner), for vacation of approximately 1,250 square feet of the north/south section of the undeveloped East 22nd Street right-of-way located to the west of 2200 Elizabeth Avenue, and bounded by Easton Boulevard to the north, and Elizabeth Avenue to the south, to allow the vacated area to be assembled and maintained for private use.

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus	X				
Leah Rudolphi	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				
Katie Gillette	X				
Rick Trower	X				

APPROVAL of the requested vacation of Right-of-Way, subject to the reservation of easements for any existing utilities until such time that they are abandoned or relocated.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

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

STAFF REPORT TO THE PLANNING COMMISSION

1. **Purpose of Request:** The proposed vacation would enable the property owner adjacent to the east to acquire the vacated land for assemblage with their property.

The applicant owns the property to the immediate east of the requested right-of-way. The applicant's vacation submittal had initially included the entire area adjoining the subject property. However, the Iowa Department of Transportation, which owns property immediately to the west of the requested vacation, has indicated that no public Right-of-Way to the north of an existing east/west fence should be vacated at this time

Furthermore, the western portion of the right-of-way includes an informal footpath that residents use to access Easton Boulevard and amenities further north. Therefore, it was determined that only a portion (approximately 1,250 square feet) to the east and adjoining a part of the applicant's property shall be considered for vacation purposes.

2. **Size of Site:** 1,250 square feet.
3. **Existing Zoning (site):** "N3b" Neighborhood District.
4. **Existing Land Use (site):** Undeveloped East 22nd Street right-of-way.
5. **Adjacent Land Use and Zoning:**

North – "ROW"; Uses are State of Iowa right-of-way for the freeway.

South – "N3b", "NX1"; Uses are East 22nd Street and one- household residential dwellings.

East – "N3b"; Uses are one-household residential dwellings.

West – "ROW"; Uses are State of Iowa right-of-way for the freeway.

6. **General Neighborhood/Area Land Uses:** The subject right-of-way is an undeveloped north/south segment of East 22nd Street right-of-way and surrounded primarily by the freeway (Interstate 235) and one-household residential dwellings.
7. **Applicable Recognized Neighborhood(s):** The subject property is within the Accent Neighborhood Association and within 250 feet of the Fairmont Park Neighborhood Association. All neighborhood associations were notified of the public hearing by emailing of the Preliminary Agenda on September 29, 2023, and of the Final Agenda on October 13, 2023. Additionally, separate notifications of the hearing for this specific item were mailed on September 29, 2023 (20 days prior to the public hearing) and October 9, 2023 (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 within 250 feet of the site.

All 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 Accent Neighborhood mailings were sent to

Kevin Marken, 2109 East 28th Street, Des Moines, IA 50317. The Fairmont Park Neighborhood mailings were sent to Jeff Witte, 2501 Morton avenue, Des Moines, IA 50317.

8. Relevant Zoning History: NA.

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:** Existing utilities, including a sanitary sewer conduit, have been identified within the subject Right-of-Way. Easements must be reserved for any existing utilities until such time that they are abandoned or relocated.
- 2. Traffic/Access:** The requested vacation would not negatively impact access to private properties or traffic patterns, as the vacation retains pedestrian access.
- 3. Additional Information:** Any future development of the requested Right-of-way with an additional driveway or with additional paved surfaces would require City review and may require an appeal through a design alternative process.

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:

Carolyn Jenison made a motion for approval of the requested vacation of Right-of-Way, subject to the reservation of easements for any existing utilities until such time that they are abandoned or relocated.

THE VOTE: 13-0

Respectfully submitted,



Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh



Updated on: 9/28/2023

0 15 30 60 90 120 Feet



1 inch = 62 feet

22

EXHIBIT A

E 22nd St

**COLSON'S ADDITION
TO EAST DES MOINES, IA**

WEST LINE
OF LOT 1

LOT 1

50'

2200
Elizabeth
Ave

25'

SOUTH LINE
OF LOT 1

Elizabeth Ave

E 22nd St



Legend



AREA TO BE VACATED





From: [ACCENT Neighborhood Association](#)
To: [Hall, Tyler J.](#); [Chakraborty, Sreyoshi](#)
Subject: Re: Plan and Zoning Commission Agendas
Date: Tuesday, October 17, 2023 2:35:18 PM
Attachments: [image001.png](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sreyoshi,
Thanks for returning my call and answering my questions about the request from Larry Henson, number 1 on the agenda.

Accent Neighborhood does not have any concerns and will leave the request up to the city and neighbors.

Thank you,
Kevin Marken
Accent Neighborhood

On Fri, Oct 13, 2023 at 8:46 AM Hall, Tyler J. <TJHall@dmgov.org> wrote:

Good Morning,

Please find the final and preliminary agenda for the upcoming Plan and Zoning Commission Meetings.

Thank you,

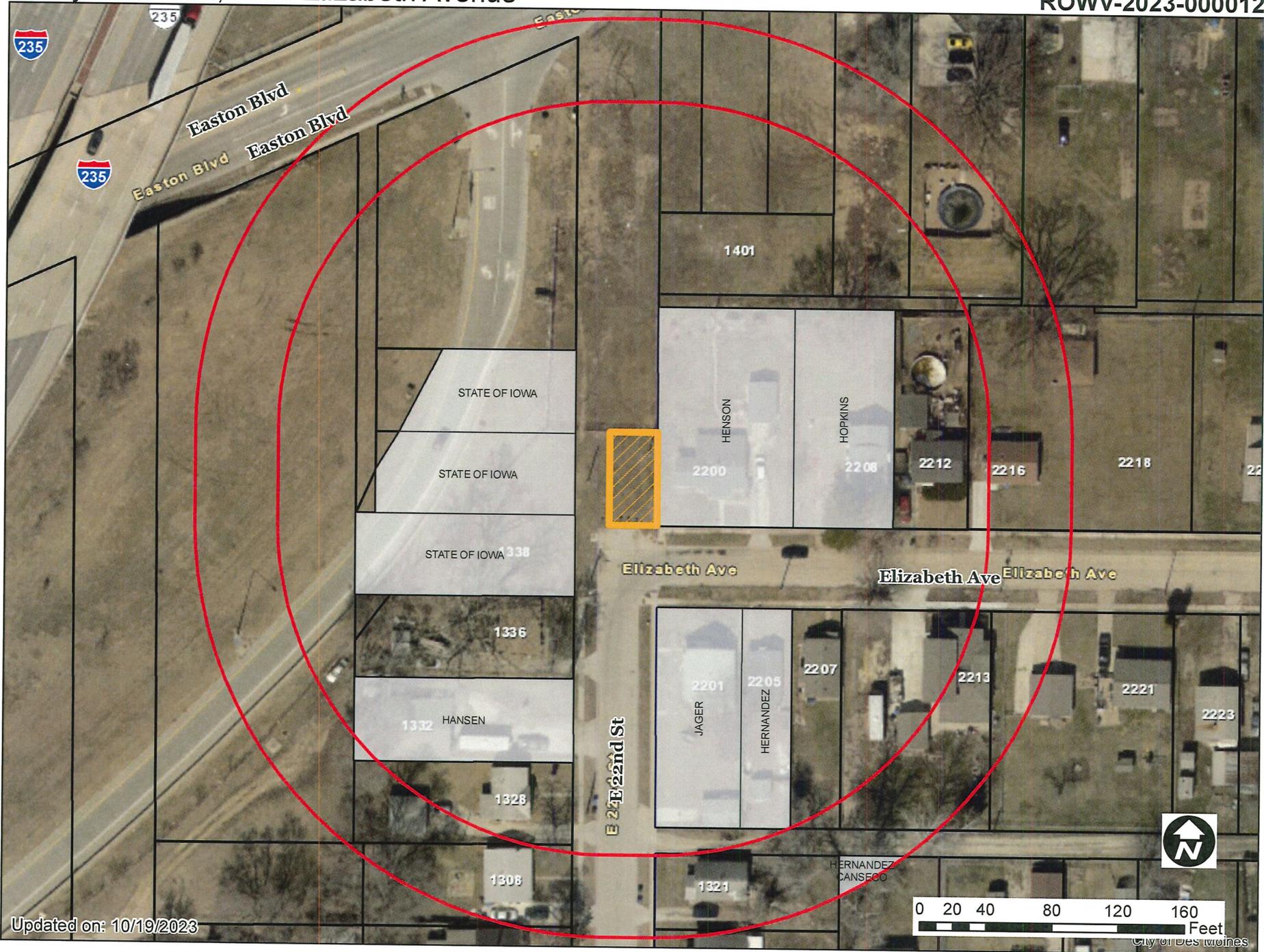
TYLER HALL | CITY OF DES MOINES

Development Services Tech. | Development Services

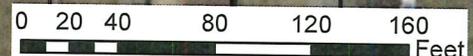
(515) 237-1301

DSM.city | 602 Robert D. Ray Drive | Des Moines, Iowa 50309





Updated on: 10/19/2023



1 inch = 76 feet

20