

Date May 18, 2009

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 7, 2009, its members voted 13-0 in support of a motion to recommend **APPROVAL** to allow Ryan Galloway (owner), 1039 19th Street to proceed with requested vacation subject to the following conditions:

1. Reservation of easements for all existing utilities in place.
2. Reservation of public access easements within a portion of the north/south alley and the improved driveway on the property identified as 1036 18th Street.

MOVED by _____ to receive and file and refer to the Engineering Department, Real Estate Division.

FORM APPROVED:



 Michael F. Kelley
 Assistant City Attorney

(11-2009-1.05)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

.....
 Mayor

CERTIFICATE

I, DIANE RAUH, 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

67A

May 13, 2009

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held May 7, 2009, the following action was taken:

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	X			
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Dann Flaherty	X			
Bruce Heilman	X			
Ted Irvine	X			
Jeffrey Johannsen	X			
Greg Jones	X			
Frances Koontz				X
Jim Martin	X			
Brian Millard	X			
Mike Simonson	X			
Kent Sovern	X			

APPROVAL of staff recommendation to the request from Ryan Galloway (owner), 1039 19th Street, for vacation of the following segments of right away subject to the following: (11-2009-1.05)

1. Reservation of easements for all existing utilities in place.
2. Reservation of public access easements within a portion of the north/south alley and the improved driveway on the property identified as 1036 18th Street.

Written Responses

2 In Favor
0 In Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation subject to the following conditions:

1. Reservation of easements for all existing utilities in place.
2. Reservation of public access easements within a portion of the north/south alley and the improved driveway on the property identified as 1036 18th Street.



CITY PLAN AND ZONING COMMISSION
ARMORY BUILDING
602 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309-1881
(515) 283-4182

ALL-AMERICA CITY
1949, 1976, 1981
2003

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is requesting the vacation in order to assemble land for a multiple-family residential redevelopment project.
2. **Size of Site:** Approximately 13,000 square feet of land area in total for the three segments.
3. **Existing Zoning (site):** "R-3" Multiple-Family Residential District.
4. **Existing Land Use (site):** Vacant land acquired for Interstate 235 improvements, alley right of way, and excess undeveloped street right-of-way.
5. **Adjacent Land Use and Zoning:**
 - West** – "NPC", Uses include a single-family dwelling and vacant land.
 - South** – "R-3", Uses include residential uses and vacant land.
6. **General Neighborhood/Area Land Uses:** The surrounding area is a medium-density residential neighborhood along the east side Martin Luther King, Jr. Parkway just north of Interstate 235.
7. **Applicable Recognized Neighborhood(s):** N/A.
8. **Relevant Zoning History:** The property adjoining to the west was rezoned to a Limited "NPC" by the City Council on October 27, 2008 with the following condition:
 1. Use of the property is restricted to residential.
 2. Provision of a minimum of 1 off-street parking stall per dwelling unit. The Commission shall have the right to require additional parking during site plan review.
9. **2020 Community Character Land Use Plan Designation:** Low-Density Residential.
10. **Applicable Regulations:** 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:** Mid-American Energy has indicated there are buried gas lines within proximity of the requested portion of Atkins Street and there are overhead electrical lines within the north/south alley. The Public Works Department has indicated there is a sanitary sewer running east/west within the 1036 18th Street portion that will require a 30-foot wide easement. Staff recommends reservation of necessary easements for all utilities in place with any vacation.
2. **Traffic/Street System:** The proposed vacation requests would remove 10 feet from the south side of the Atkins Street right-of-way. This would still provide for adequate clearance from the travelled street width and public sidewalks that are in place.
3. **Access or Parking:** As part of recent Interstate 235 improvements, 1036 18th Street was improved to provide for egress to 18th Street from the south end of the north/south alley. The property at 1042 18th Street currently has access to off-street parking through the drive on

property at 1036th 18th Street. In addition, properties at 1048 and 1052 18th Street have access from the north/south alley. Only the property at 1048 18th Street appears to maneuver onto the alley.

Staff recommends that public access easements be maintained across the north/south alley from Atkins Street to the improved driveway in 1036 18th Street. A public access easement access is also recommended across the improved drive way on 1036 18th Street. These easements should only be released at such time that the site is developed in accordance with a Site Plan that provides alternate means of access to the adjoining properties.

SUMMARY OF DISCUSSION

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one in the audience to speak in opposition.

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION

Greg Jones moved staff recommendation to approve the requested vacation subject to the following conditions:

1. Reservation of easements for all existing utilities in place.
2. Reservation of public access easements within a portion of the north/south alley and the improved driveway on the property identified as 1036 18th Street.

Motion passed 13-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment

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Request from Ryan Galloway (owner), 1039 19 th Street, for vacation of the following segments of right-of-way: A) A segment of the southern portion of excess Atkins Street adjoining 1051 19 th Street. B) The north/south alley between 18 th Street and 19 th Street from Atkins Street to Day Street. C) Excess right-of-way acquired for the Interstate 235 expansion otherwise known as 1036 18 th Street.				File # 11-2009-1.05	
Description of Action	Vacation of the following segments of right-of-way: A) A segment of the southern portion of excess Atkins Street adjoining 1051 19 th Street. B) The north/south alley between 18 th Street and 19 th Street from Atkins Street to Day Street. C) Excess right-of-way acquired for the Interstate 235 expansion otherwise known as 1036 18 th Street.				
2020 Community Character Plan	Low-Density Residential & Mixed Use and Density Residential				
Horizon 2025 Transportation Plan	No Planned Improvements.				
Current Zoning District	"R-3" Multiple-Family Residential District & "NPC" Neighborhood Pedestrian Commercial District				
Proposed Zoning District	"NPC" Neighborhood Pedestrian Commercial District				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	2	0		N/A	
Outside Area					
Plan and Zoning Commission Action	Approval	13-0	Required 6/7 Vote of the City Council	Yes	N/A
	Denial			No	N/A

Ryan Galloway - 18th to 19th & I-235 to Atkins

11-2009-1.05



