

★ **Roll Call Number**

**Agenda Item Number**

21

.....  
September 11, 2006

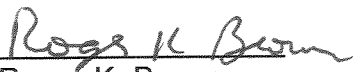
**Date** .....

WHEREAS, the City Plan and Zoning Commission has advised in the attached letter that at a public hearing held August 17, 2006, the members recommended by a vote of 12-0 for **APPROVAL** of a request from Mike Kinter, owner of 923 East 23<sup>rd</sup> Court, for vacation and conveyance of the adjoining north/south alley right-of-way between East 23<sup>rd</sup> Court and East 24<sup>th</sup> Street running 161.23 feet south of East University Avenue subject to the following conditions:

1. Reservation of easements for all utilities in place.
2. Provision of a public through ingress/egress easement or proper turnaround within the applicant's property for the remaining portion of north/south alley.

MOVED by \_\_\_\_\_ to receive and file, and to refer to the City Manager for further processing in accordance with standard City property disposition procedures.

FORM APPROVED:

  
Roger K. Brown  
Assistant City Attorney

(11-2006-1.25)

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

**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.

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

September 11, 2006

Date \_\_\_\_\_

Agenda Item 21

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

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 August 17, 2006, the following action was taken:

**COMMISSION RECOMMENDATION:**

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

Commission Action:	Yes	Nays	Pass	Absent
David Cupp	X			
Shirley Daniels	X			
Dann Flaherty	X			
Bruce Heilman				X
Jeffrey Johannsen	X			
Greg Jones	X			
Frances Koontz	X			
Kaye Lozier	X			
Brian Meyer	X			
Brian Millard	X			
Brook Rosenberg				X
Mike Simonson				X
Kent Sovern	X			
Tim Urban	X			
Marc Wallace	X			



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

**APPROVAL** of a request from Mike Kinter, owner of 923 East 23<sup>rd</sup> Court, for vacation and conveyance of the adjoining north/south alley right-of-way between East 23<sup>rd</sup> Court and East 24<sup>th</sup> Street running 161.23 feet south of East University Avenue subject to the following conditions: (11-2006-1.25)

1. Reservation of easements for all utilities in place.
2. Provision of a public through ingress/egress easement or proper turnaround within the applicant's property for the remaining portion of north/south alley.

Written Responses

- 1 In Favor
- 4 In Opposition

**STAFF RECOMMENDATION AND BASIS FOR APPROVAL**

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

1. Reservation of easements for all utilities in place.
2. Provision of a public through ingress/egress easement or proper turnaround within the applicant's property for the remaining portion of north/south alley.

## STAFF REPORT

### I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to assemble the alley right-of-way for redevelopment of the adjoining property for a commercial center. The application indicates the intent to preserve egress for the remaining portion of the north/south alley through the commercial site.
2. **Size of Site:** Approximately 2,257 square feet.
3. **Existing Zoning (site):** "C-1" Neighborhood Retail Commercial District.
4. **Existing Land Use (site):** Unimproved alley right-of-way.
5. **Adjacent Land Use and Zoning:**
  - East* – "C-1", Uses are single-family residential.
  - West* – "C-1", Uses are vacant property with 24' x 26' garage.
6. **General Neighborhood/Area Land Uses:** The subject alley intersects with the East University Avenue commercial/industrial corridor in the heart of the east side residential neighborhoods of Fairground and ACCENT.
7. **Applicable Recognized Neighborhood(s):** Fairground Neighborhood and ACCENT Neighborhood.
8. **Relevant Zoning History:** N/A
9. **2020 Community Character Land Use Plan Designation:** Commercial: Auto-Oriented Small-Scale Strip Development.
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:** Qwest Telecommunications has Aerial cables and poles with in the requested segment of alley. No other utilities have been identified. Staff recommends that easements be reserved for all utilities in place.
2. **Traffic/Street System:** There are no modifications to the surrounding street network proposed or made necessary by the requested vacation.
3. **Access or Parking:** In order to maintain appropriate through access for properties adjoining the remaining portion of north/south alley, staff recommends that the requested vacation and conveyance be made subject to provision of a public ingress/egress easement through the applicant's commercial site, or subject to provision of a proper turnaround within the applicant's property.

### SUMMARY OF DISCUSSION

*There was no one in the audience to speak on this item and there was no discussion.*

*Brian Millard moved to approve the requested vacation and conveyance subject to the following conditions:*

- 1. Reservation of easements for all utilities in place.*
- 2. Provision of a public through ingress/egress easement or proper turnaround within the applicant's property for the remaining portion of north/south alley.*

*Motion passed 12-0.*

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. Ludwig".

Michael Ludwig, AICP  
Planning Administrator

MGL:dfa

Attachment

Request from Mike Kinter (Owner) 923 East 23 <sup>rd</sup> Court, for vacation and conveyance.				<b>File #</b>	
				11-2006-1.25	
<b>Description of Action</b>	Vacate and convey the north/south alley right-of-way between East 23 <sup>rd</sup> Court and East 24 <sup>th</sup> Street running 161.23 feet south of East University Avenue.				
<b>2020 Community Character Plan</b>	Commercial: Auto-Oriented Small-Scale Strip Development.				
<b>Horizon 2025 Transportation Plan</b>	No planned improvements.				
<b>Current Zoning District</b>	"C-1" Neighborhood Retail Commercial District.				
<b>Proposed Zoning District</b>	"C-1" Neighborhood Retail Commercial District.				
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area	1	4	0	<20%	
<b>Plan and Zoning Commission Action</b>	<b>Approval</b>	12-0	<b>Required 6/7 Vote of the City Council</b>	Yes	
	<b>Denial</b>			No	N/A

Mike Kinter - Vicinity of 929 East 23rd Court

11-2006-1.25



Item 11-2006-125 Date 8-13-06

(am) ( am not ) in favor of the request.  
(Circle One)

**RECEIVED**

AUG 15 2006

COMMUNITY DEVELOPMENT  
DEPARTMENT

Print Name Patricia Moore

Signature Patricia Moore

Address 803 E 23rd Ct, DSM, Ia. 50317

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

I would like to apply for the alley area  
behind my home. Please have someone  
from your office with further info.

Thanks

Item 11-2006-1.25

Date 8-11-06 <sup>21</sup>

I (am)  (am not) in favor of the request.

(Circle One)

RECEIVED

AUG 15 2006

Print Name

TODD FUSON

COMMUNITY DEVELOPMENT  
DEPARTMENT

Signature

Todd Fuson

Address

910 E 24

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

I need ~~ACCESS~~ ACCESS  
from the ALLEY to  
my property from the  
NORTH

Item 11-2006-1.25

Date 8-11-06

I (am)  (am not) in favor of the request.

(Circle One)

RECEIVED

AUG 15 2006

COMMUNITY DEVELOPMENT  
DEPARTMENT

Print Name

TODD FUSON

Signature

Todd Fuson

Address

910 E 24

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

I HAVE A BOAT AND  
BIG TRUCK THAT I USE  
MY DRIVEWAY IS NARROW  
I USE UNIVERSITY ALLEY ACCESS  
TO INTER MY GARAGE. FROM  
TO NORTH

Item 11-2006-1-25

Date 8-11-06

I (am)  in favor of the request.  
(Circle One)

RECEIVED

AUG 15 2006

COMMUNITY DEVELOPMENT  
DEPARTMENT

Print Name Don Fuson

Signature Don Fuson

Address 906 E 24th

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

The Alley should not  
be close for personal gain  
for Mike Kinter cont. If he  
wants to develop the property  
the Alley should be incorporated  
in to it. And left open.

Item 11-2006-1-25

Date 8-11-06

I (am)  in favor of the request.  
(Circle One)

Print Name JOSE R. PORTILLO

Signature [Signature]

Address 903 E 23 CT. DESMOINES IA 50317

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

I AM NOT AGREE, BECAUSE I HAVE  
DRIVE WAY IN MY BACK YARD.



Item 11-2006-1-25

Date 8-9-06

I (am)  in favor of the request.

(Circle One)



RECEIVED

AUG 15 2006

COMMUNITY DEVELOPMENT  
DEPARTMENT

Print Name WAYNE HERMAN

Signature Wayne Herman

Address 922 EAST 24<sup>TH</sup> ST.

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

MY FAMILY & I USE THE ALLEY TO OUR PROPERTY AT  
LEAST 2 TO 3 TIMES A WEEK. CLOSING THE ALLEY WOULD  
FORCE AUTOS ON TO OUR PROPERTY (DRIVEWAY) TO ACCESS TO  
E. 24<sup>TH</sup> ST.