

Date September 12, 2011

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 1 2011, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from Jeremy and Jennifer Kerns (owners) 1122 Virginia Avenue, for vacation of the north/south alley between Southwest 9th Street and Southwest 12th Street from Virginia Avenue to Pleasant View Drive subject to the following conditions:

1. Reservation of easements for all utilities in place until such time that they are abandoned or relocated at the applicant's expense.
2. Reservation of a public access easement over the southern half of the vacated alley to allow use for access to adjoining loading and off-street parking.

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

FORM APPROVED:


 Michael F. Kelley
 Assistant City Attorney

(11-2011-1.10)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
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

September 12, 2011

Agenda Item 19

Roll Call # _____

September 7, 2011

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 September 1, 2011, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 14-0 as follows:



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

Commission Action:	Yes	Nays	Pass	Absent
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Tim Fitzgerald	X			
Dann Flaherty	X			
John "Jack" Hilmes	X			
Joel Huston	X			
Ted Irvine	X			
Greg Jones	X			
William Page	X			
Christine Pardee	X			
Mike Simonson	X			
Kent Sovern	X			
CJ Stephens	X			

APPROVAL of a request from Jeremy and Jennifer Kerns (owners) 1122 Virginia Avenue, for vacation of the north/south alley between Southwest 9th Street and Southwest 12th Street from Virginia Avenue to Pleasant View Drive subject to the following conditions: 11-2011-1.10

1. Reservation of easements for all utilities in place until such time that they are abandoned or relocated at the applicant's expense.
2. Reservation of a public access easement over the southern half of the vacated alley to allow use for access to adjoining loading and off-street parking.

Written Responses

3 In Favor
0 In Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval for vacation of the requested alley rights-of-way subject to the following conditions:

1. Reservation of easements for all utilities in place until such time that they are abandoned or relocated at the applicant's expense.
2. Reservation of a public access easement over the southern half of the vacated alley to allow use for access to adjoining loading and off-street parking.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The request would allow the undeveloped alley right-of-way to be assembled with the adjacent single-family residential properties.
2. **Size of Site:** 12 feet by 260 feet (3,120 square feet).
3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District.
4. **Existing Land Use (site):** Undeveloped alley right-of-way.
5. **Adjacent Land Use and Zoning:**
East – "R1-60", Use is single-family residential.
West – "R1-60", Use is single-family residential.
6. **General Neighborhood/Area Land Uses:** The subject alley right-of-way is located in a low-density residential area.
7. **Applicable Recognized Neighborhood(s):** Grays Lake Neighborhood.
8. **Relevant Zoning History:** N/A.
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:** No utilities have been identified within the right-of-way at this time. However, easements must be provided for any existing utilities until such time they are relocated at the applicant's expense.

2. **Access/Traffic:** The requested vacation of undeveloped alley right-of-way would not adversely impact the surrounding street network.

SUMMARY OF DISCUSSION

There was no discussion.

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one to speak in support or opposition of the applicant's request.

COMMISSION ACTION

Kent Sovern moved staff recommendation to approve the vacation of the requested alley rights-of-way subject to the following conditions:

- 1. Reservation of easements for all utilities in place until such time that they are abandoned or relocated at the applicant's expense.
- 2. Reservation of a public access easement over the southern half of the vacated alley to allow use for access to adjoining loading and off-street parking.

Motion passed 14-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

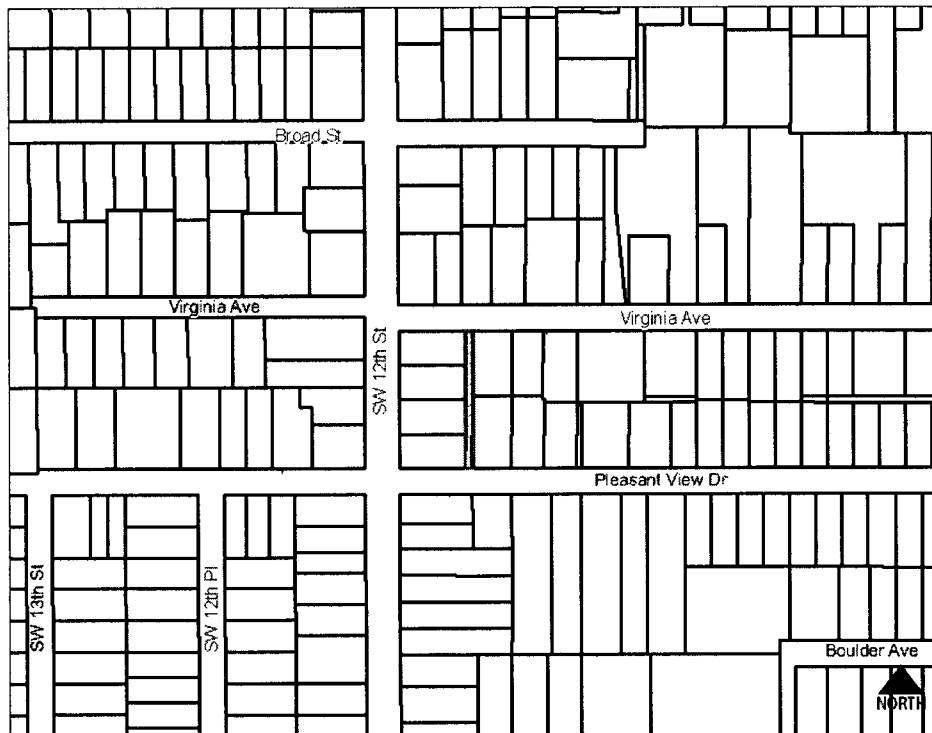
MGL:clw

Attachment

Request from Jeremy and Jennifer Kerns (owners) 1122 Virginia Avenue, for vacation of the north/south alley between Southwest 9 th Street and Southwest 12 th Street from Virginia Avenue to Pleasant View Drive.				File #	
				11-2011-1.10	
Description of Action	Review and approval for vacation of the north/south alley between Southwest 9 th Street and Southwest 12 th Street from Virginia Avenue to Pleasant View Drive.				
2020 Community Character Plan	Low-Density Residential				
Horizon 2035 Transportation Plan	No Planned Improvements				
Current Zoning District	"R1-60" One-Family Low-Density Residential District				
Proposed Zoning District	"R1-60" One-Family Low-Density Residential District				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	3	0			
Outside Area					
Plan and Zoning Commission Action	Approval	14-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Jeremy & Jennifer Kerns - 1122 Virginia Avenue

11-2011-1.10



Item 11-2011-1.10 Date 8/24/11

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

(Circle One)
RECEIVED
COMMUNITY DEVELOPMENT

Print Name MARK MORRISON

AUG 29 2011 Signature Mark Morrison

DEPARTMENT Address 3009 SW 12th

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

Item 11-2011-1.10 Date 8/24/11

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

(Circle One)
RECEIVED
COMMUNITY DEVELOPMENT

Print Name Jennifer & Jeremy Kerns

AUG 29 2011 Signature Jennifer Kerns

DEPARTMENT Address 1122 Virginia Ave

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

This would eliminate an unsafe area. Currently
this area is frequently a gathering place for
tenagers at night. Also, people go down the alley
at high speeds while we're loading the kids in the car.
There is no reason for others (besides those who use it
for garage access) to use this alley.

Item 11-2011-1.10 Date 8-24-11

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

(Circle One)
RECEIVED
COMMUNITY DEVELOPMENT

AUG 29 2011

Print Name MAUREEN PETET

Signature Maureen Petet

Address 1123 PLEASANT VIEW DR.
DES MOINES IA 50315

Reason for ~~requesting~~ **DEPARTMENT** requesting or approving this request may be listed below:

THIS WILL ELIMINATE THE UNWANTED
TRAFFIC MAKING IT SAFER FOR CHILDREN,
GARDENERS, & PETS.

