


Date July 15, 2013

Receive and File Communication from Plan and Zoning Commission Regarding Vacation of the North/South Segment of Alley Lying Between East Martin Luther King Jr. Parkway and Raccoon Street from Southeast 5th Street to Southeast 6th Street and Refer to the City Manager for Review of Possible Lease Options

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 20, 2013, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a City Council initiated request for vacation of the north/south segment of alley lying between East Martin Luther King Jr. Parkway and Raccoon Street from Southeast 5<sup>th</sup> Street to Southeast 6<sup>th</sup> Street, subject to reservation of easements for any existing utilities currently located within the right-of-way, with any conveyance of the subject property being contingent upon demonstration of an approved site plan.

MOVED by \_\_\_\_\_ to receive and file and refer to the City Manager for review of possible lease options.

FORM APPROVED:

  
 Roger K. Brown  
 Assistant City Attorney

G:\USERS\RKBrown\Rog Docs\Vacate\Pending\RC - Capital City.doc

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

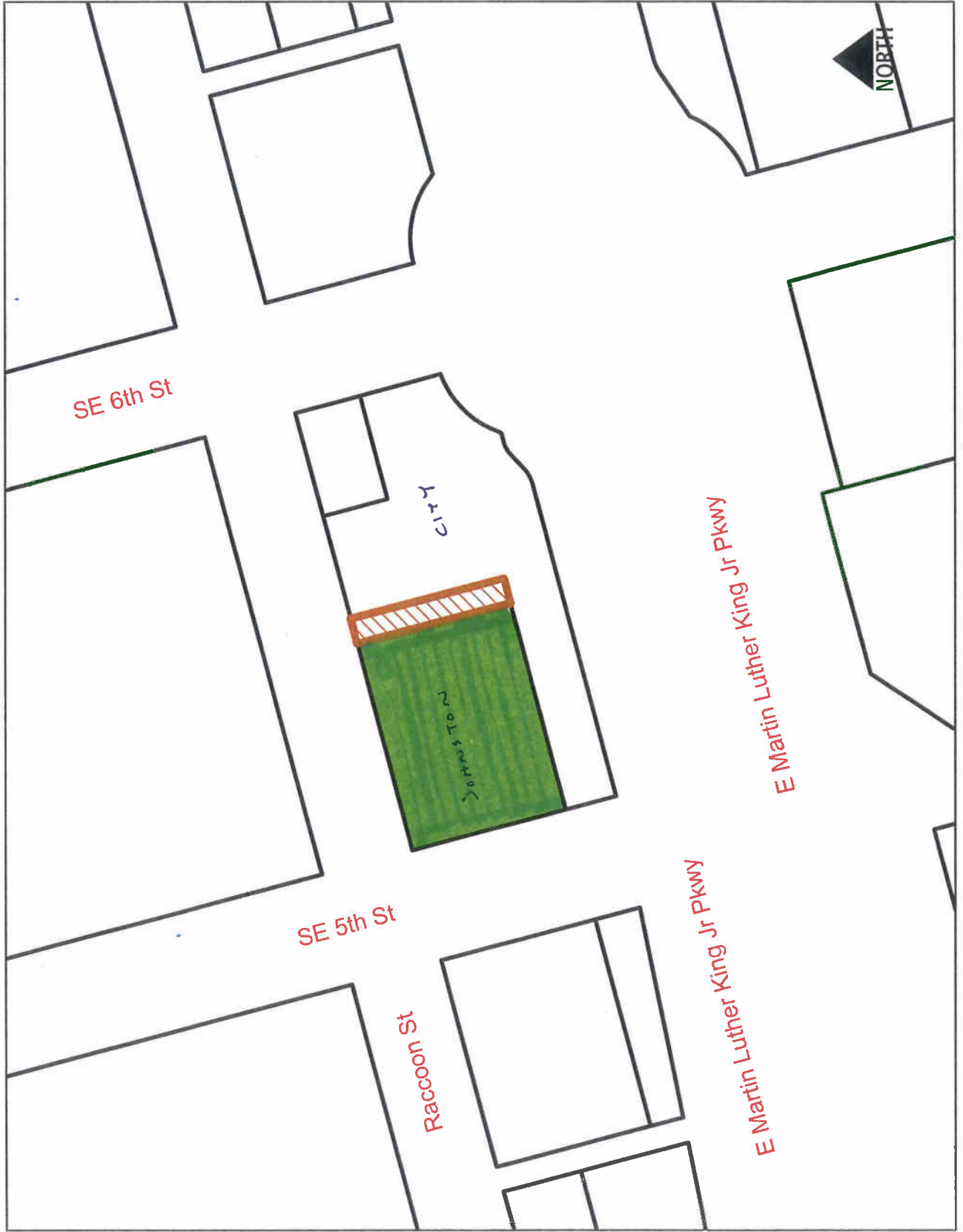
MOTION CARRIED APPROVED

\_\_\_\_\_ Mayor

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

City of Des Moines (Council Initiated) -  
vicinity of SE 5th/SE 6th & MLK Jr Parkway/Raccoon Street

11-2013-1.09



Date \_\_\_\_\_

Agenda Item 18

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

June 21, 2013

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 June 20, 2013, the following action was taken regarding a City Council initiated request for vacation of the north/south segment of alley lying between East Martin Luther King, Jr. Parkway and Raccoon Street from Southeast 5<sup>th</sup> Street to Southeast 6<sup>th</sup> Street.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 11-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles	X			
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley				X
Tim Fitzgerald	X			
Dann Flaherty				X
John "Jack" Hilmes	X			
Ted Irvine	X			
Greg Jones	X			
William Page	X			
Christine Pardee	X			
Mike Simonson	X			
CJ Stephens	X			
Vicki Stogdill				X
Greg Wattier				X

**APPROVAL** for vacation of the north/south segment of alley lying between East Martin Luther King, Jr. Parkway and Raccoon Street from Southeast 5<sup>th</sup> Street to Southeast 6<sup>th</sup> Street, subject to reservation of easements for any existing utilities currently located within the right-of-way. Any conveyance of the subject property should be contingent upon demonstration of an approved site plan. (11-2013-1.09)

**STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Staff recommends approval of the requested vacation of the north/south segment of alley lying between East Martin Luther King, Jr. Parkway and Raccoon Street from Southeast 5<sup>th</sup> Street to Southeast 6<sup>th</sup> Street, subject to reservation of easements for any existing utilities currently located within the right-of-way. Any conveyance of the subject property should be contingent upon demonstration of an approved site plan.



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

Written Responses

2 In Favor

0 In Opposition

**STAFF REPORT****I. GENERAL INFORMATION**

1. **Purpose of Request:** The proposed vacation will allow the property to be assembled with adjoining City owned land or conveyed by sale or lease to the current or future owner of the adjoining parcel at 401 Southeast 5<sup>th</sup> Street.
2. **Size of Site:** Approximately 2,016 square feet (112' x 18').
3. **Existing Zoning (site):** "M-1" Light Industrial District with Downtown Overlay District, Capitol Dominance Overlay District and Gambling Games Prohibition Overlay District.
4. **Existing Land Use (site):** unimproved alley right-of-way.
5. **Adjacent Land Use and Zoning:**

**North** – "M-1" ; A. J. Allen Mechanical Contractors, Inc.

**South** – "M-1"; vacant City owned land and East Martin Luther King, Jr. Parkway.

**West** - "M-1"; former animal hospital.

**East** – "M-1" and "C-3B"; vacant City owned land and Capitol Pub and Hot Dog Company.
6. **General Neighborhood/Area Land Uses:** The subject right-of-way is within an existing light industrial portion of the Market District planning area.
7. **Applicable Recognized Neighborhood(s):** The subject property is within the Historic East Village Neighborhood. This neighborhood was notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhoods on June 3, 2013. Additionally, separate notifications of the hearing for this specific item were mailed on June 10, 2013 (10 days prior to the hearing) to the Historic East Village Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property adjacent to the subject property. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on June 14, 2013.
 

All agendas and notices are mailed to the primary contact person designated to the City of Des Moines Neighborhood Development Division by the recognized neighborhood association. The Historic East Village Neighborhood Association notices were mailed to Josh Garrett, PO Box 1782, Des Moines, IA 50305.
8. **Relevant Zoning History:** None.
9. **2020 Community Character Land Use Plan Designation:** General Industrial.

**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:** Easements must be provided for any existing utilities in place until such time that they may be relocated. There are no known utilities at this time.
- 2. **Street System/ Access:** The existing alley right-of way only has access from Raccoon Street. No future access to Martin Luther King, Jr. Parkway is permitted. The alley is unimproved and encourages illegal parking on adjoining City owned land.
- 3. **Development Requirements:** Any development of the subject or use of property is currently subject to administrative site plan review.

**SUMMARY OF DISCUSSION**

*There was no discussion.*

**CHAIRPERSON OPENED THE PUBLIC HEARING**

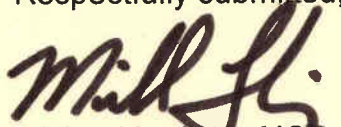
*There was no one to speak in favor or in opposition of the applicant's request.*

**COMMISSION ACTION:**

Ted Irvine moved staff recommendation to approve the requested vacation of the north/south segment of alley lying between East Martin Luther King, Jr. Parkway and Raccoon Street from Southeast 5<sup>th</sup> Street to Southeast 6<sup>th</sup> Street, subject to reservation of easements for any existing utilities currently located within the right-of-way. Any conveyance of the subject property should be contingent upon demonstration of an approved site plan.

Motion passed 11-0.

Respectfully submitted,

  
 Michael Ludwig, AICP  
 Planning Administrator

MGL:clw  
Attachment

City Council initiated request for vacation of the north/south segment of alley lying between East Martin Luther King, Jr. Parkway and Raccoon Street from Southeast 5 <sup>th</sup> Street to Southeast 6 <sup>th</sup> Street.				<b>File #</b>	
				11-2013-1.09	
<b>Description of Action</b>	Approval for vacation of the north/south segment of alley lying between East Martin Luther King, Jr. Parkway and Raccoon Street from Southeast 5 <sup>th</sup> Street to Southeast 6 <sup>th</sup> Street, to allow for lease of the property to owners of the adjoining parcels at 400 Southeast 6 <sup>th</sup> Street and 401 Southeast 5 <sup>th</sup> Street , subject to reservation of easements for any existing utilities currently located within the right-of-way. Any conveyance of the subject property should be contingent upon demonstration of an approved site plan..				
<b>2020 Community Character Plan</b>	General Industrial (current & no change proposed)				
<b>Horizon 2035 Transportation Plan</b>	No Planned Improvements				
<b>Current Zoning District</b>	"M-1" Light Industrial				
<b>Proposed Zoning District</b>	"M-1" Light Industrial				
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	2				
Outside Area					
<b>Plan and Zoning Commission Action</b>	Approval	11-0	<b>Required 6/7 Vote of the City Council</b>	Yes	N/A
	Denial			No	

City of Des Moines (Council Initiated) - vicinity of SE 5th/SE 6th & MLK Jr Parkway/Raccoon Street 11-2013-1.09



Item 11-2013-1.09 Date 6/17/2013 18

(am) (am not) in favor of the request.  
**RECEIVED**  
(Circle One)  
COMMUNITY DEVELOPMENT

Print Name Josh Garnett, <sup>Historic</sup> East Village, INC.

JUN 19 2013

Signature Josh Garnett

DEPARTMENT

Address P.O. Box 1782, Des Moines, IA 50305

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

- Fits with density of surrounding area
  - Reuse of existing building (relocated)
  - UNANIMOUS support from HEV BOARD.
- THANK YOU!

Item 11-2013-1.09 Date 6-18-2013

(am) (am not) in favor of the request.  
**RECEIVED**  
(Circle One)  
COMMUNITY DEVELOPMENT

Print Name GARY E Johnston

JUN 14 2013

Signature Gary E. Johnston

DEPARTMENT

Address 2105 CHERRY ST.  
GRANGER, IA 50109

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

---



---



---



---



---