

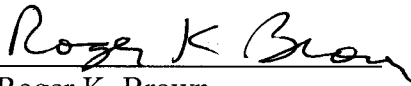
Date February 24, 2014

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 6, 2014, its members voted 9-0 in support of a motion to recommend **APPROVAL** of a request from Neighborhood Development Corporation (purchaser), represented by Abbey Gilroy (officer), for vacation of Granger Avenue from Indianola Avenue to South Union Street and vacation of Southwest 1<sup>st</sup> Street from Jackson Street to Indianola Avenue, subject to the following conditions:

1. Reservation of necessary easements for all existing utilities now in place, until such time that they are relocated.
2. Reservation of access easements for all existing access drives serving existing uses, until such time as they are redeveloped.
3. Review and approval of a conceptual development plan for the adjoining property by the Community Development Director prior to any Council action to convey the vacated rights-of-way and subject parcels.

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

FORM APPROVED:

  
 Roger K. Brown  
 Assistant City Attorney

(11-2013-1.20)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
VOSS				
TOTAL				

MOTION CARRIED APPROVED

**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.

\_\_\_\_\_ Mayor

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



February 13, 2014

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 February 6, 2014, the following action was taken regarding a request from Neighborhood Development Corporation (purchaser) represented by Abbey Gilroy (officer) for vacation of Granger Avenue from Indianola Avenue to South Union Street and vacation of Southwest 1<sup>st</sup> Street from Jackson Street to Indianola Avenue.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 9-0 as follows:

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

**APPROVAL** of the requested vacations subject to the following conditions: (11-2013-1.20)

1. Reservation of necessary easements for all existing utilities in place until such time that they are relocated.
2. Reservation of access easements for all existing access drives serving existing uses, until such time as they are redeveloped.

3. Review and approval of a conceptual development plan for the adjoining property by the Community Development Director prior to any Council action to convey the vacated rights-of-way and subject parcels.

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

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

1. Reservation of necessary easements for all existing utilities in place until such time that they are relocated.
2. Reservation of access easements for all existing access drives serving existing uses, until such time as they are redeveloped.
3. Review and approval of a conceptual development plan for the adjoining property by the Community Development Director prior to any Council action to convey the vacated rights-of-way and subject parcels.

## **STAFF REPORT TO THE PLANNING COMMISSION**

### **I. GENERAL INFORMATION**

1. **Purpose of Request:** Applicant is requesting to vacate two public ROW street segments: Granger Avenue from Indianola Avenue to South Union Street and Southwest 1<sup>st</sup> Street from Jackson Avenue to Indianola Avenue. The proposed vacation will allow assembly of the right-of-way along with surrounding parcels for conveyance to allow redevelopment in furtherance of the 2 Rivers District Master Plan.
2. **Size of Site:** The right-of-way segment on Granger Avenue from Indianola Avenue to South Union Street measures 390 feet by 56 feet (25,350 square feet). The right-of-way segment on Southwest 1<sup>st</sup> Street from Jackson Avenue to Indianola Avenue measures 429 feet by 65 feet (27,885 square feet).
3. **Existing Zoning (site):** "D-R" Downtown Riverfront District and "NPC" Neighborhood Pedestrian Commercial District.
4. **Existing Land Use (site):** Semi-improved public streets and right-of-way serving as the parkway for Indianola Avenue.
5. **Adjacent Land Use and Zoning:**

**North and East**– "D-R", Downtown Riverfront District. Uses include three warehouses and a privately owned vacant parcel.

**South and West** – "NPC", Neighborhood Pedestrian Commercial. Uses are residential, government and a vacant parcel of land owned by City of Des Moines Real Estate.

6. **General Neighborhood/Area Land Uses:** The subject site is located in the 2 Rivers District Master Plan area south of downtown and along the south bank of the Raccoon River. The area contains a mix of commercial, light industrial and residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the McKinley School/Columbus Park Neighborhood. This neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on December 30, 2013 and a Final Agenda on January 10, 2014. Additionally, separate notifications of the hearing for this specific item were mailed on January 6, 2014 (10 days prior to the hearing) to the McKinley School/Columbus Park Neighborhood and to the primary titleholder on file with the Polk County Assessor for each adjoining property.

All agendas and notices are mailed to the primary contact person designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The McKinley School/Columbus Park Neighborhood notices were mailed to Jim Post, 224 East Livingston Avenue, Des Moines, IA 50315.

8. **Relevant Zoning History:** The City Council rezoned the property by Ordinance Number 14,997 on February 28, 2011 to “D-R” District and “NPC” in furtherance of the 2 Rivers District Master Plan.
9. **2020 Community Character Land Use Plan Designation:** Mixed Use and Density Residential and Commercial Corridor.
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:** The subject rights-of-way contain public sanitary and storm sewers on both street segments. There are also Des Moines Waterworks public water mains and overhead electrical lines owned by Mid-American Energy. Easements must be reserved for any existing utilities until such time that they are relocated as part of redevelopment at the expense of the developer.
2. **Street System/Access:** The requested vacation would not adversely impact the surrounding street network, and allows for larger areas for redevelopment. The circulation and access that would be removed only serves the properties proposed to be redeveloped. Access easements must be reserved for existing uses of property until they are redeveloped.

The segments of right-of-way considered for vacation are located in the 2 Rivers District south of downtown. The 2 Rivers District Master Plan provides a long-range vision for redevelopment in the area and all development within this District must comply with guidelines laid down in the Plan. The Master Plan calls for the subject rights-of-way to be vacated, and designates the assembled parcels as “Mixed Density Mixed Use, PUD

and Residential Developments". The vacation request would therefore comply with the overall Master Plan. At this time, a conceptual development plan is not provided and Staff would recommend review and approval of any concept by the Community Development Director prior to any Council action to convey the vacated rights-of-way and subject parcels. A copy of the 2 Rivers District Plan will be available for review during the staff presentation.

## **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 vacations subject to the following conditions:

1. Reservation of necessary easements for all existing utilities in place until such time that they are relocated.
2. Reservation of access easements for all existing access drives serving existing uses, until such time as they are redeveloped.
3. Review and approval of a conceptual development plan for the adjoining property by the Community Development Director prior to any Council action to convey the vacated rights-of-way and subject parcels.

Motion passed 9-0.

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:clw

Attachment

Request from Neighborhood Development Corporation (purchaser) represented by Abbey Gilroy (officer) for property in the vicinity of 15 Granger Avenue.		<b>File #</b>	
		11-2013-1.20	
<b>Description of Action</b>	Approval of request for vacation of Granger Avenue from Indianola Avenue to South Union Street and vacation of Southwest 1st Street from Jackson Street to Indianola Avenue subject to conditions.		
<b>2020 Community Character Plan</b>	Mixed Use and Density; and Commercial: Pedestrian-Oriented Commercial Corridor.		
<b>Horizon 2035 Transportation Plan</b>	No Planned Improvements.		
<b>Current Zoning District</b>	"D-R" Downtown Riverfront District and "NPC" Neighborhood Pedestrian Commercial District.		
<b>Proposed Zoning District</b>	N/A.		
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined
Inside Area			
Outside Area			
<b>Plan and Zoning Commission Action</b>	Approval	9-0	<b>Required 6/7 Vote of the City Council</b>
	Denial		Yes
			No

Neighborhood Development Corporation, Vicinity of Granger Ave & Southwest 1st St 11-2013-1.20

