



**Roll Call Number**

**Agenda Item Number**

14

**Date** October 18, 2021

**RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM DRAKE UNIVERSITY FOR VACATION OF EAST/WEST ALLEY RIGHT-OF-WAY IN THE VICINITY OF 2900 UNIVERSITY AVENUE**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on October 7, 2021, its members voted 10-0 to recommend **APPROVAL** of a request from Drake University (owner), represented by Vanessa Macro (officer), to vacate the east/west alley right-of-way within the block bounded by University Avenue on the north, 29<sup>th</sup> Street on the east, and Brattleboro Avenue to the south, to allow the property to be assembled with adjacent parcels to the north and south in the vicinity of 2900 University Avenue for development purposes, subject to reservation of easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.

**MOVED** by \_\_\_\_\_ to receive and file the attached communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division.

FORM APPROVED:

/s/ Glenna K. Frank  
Glenna K. Frank, Assistant City Attorney

(ROWV-2021-000003)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

**CERTIFICATE**

I, P. Kay Cmelik, 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

October 12, 2021

Communication from the City Plan and Zoning Commission advising that at their October 7, 2021 meeting, the following action was taken regarding a request from Drake University (owner), represented by Vanessa Macro (officer), for vacation of an east/west alley Right-of-Way within the block bounded by University Avenue on the north, 29<sup>th</sup> Street on the east, and Brattleboro Avenue on the south, to allow the Right-of-Way to be assembled with the parcels adjacent to the north and south.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 10-0 as follows:

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
Francis Boggus	X			
Dory Briles	X			
Abby Chungath	X			
Kayla Berkson				X
Chris Draper	X			
Jann Freed				X
Todd Garner	X			
Johnny Alcivar	X			
Lisa Howard				X
Carolyn Jenison	X			
William Page	X			
Steve Wallace	X			
Greg Wattier				X
Emily Webb	X			

**APPROVAL** of the requested Right-of-Way vacation subject to the reservation of easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense. (ROWV-2021-000003)

Written Responses  
0 in Favor  
0 in opposition

## STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested Right-of-Way vacation subject to the reservation of easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.

## STAFF REPORT TO THE PLANNING COMMISSION

### I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed vacations would facilitate consolidation of the parcels for a new development that would span both side of the existing alley Right-of-Way.
2. **Size of Site:** The requested segment of Right-of-Way encompass a total 4,200 square feet of area.
3. **Existing Zoning (site):** "MX2" Mixed Use District.
4. **Existing Land Use (site):** The subject areas consist of public street Rights-of-Way.
5. **Adjacent Land Use and Zoning:**
  - North** – "P2"; Use is a private university.
  - South** – "N5", Use is single-family residential.
  - East** – "MX2"; Use is a educational facility and university parking lot
  - West** – "MX2", Use is retail department store.
6. **General Neighborhood/Area Land Uses:** The applicant's property consists of multiple lots fronting University Avenue to the north of the Right-of-Way and multiple lots fronting Brattleboro Avenue to the south of the Right-of-Way. The surrounding area consists of a mix of residential and commercial uses.
7. **Applicable Recognized Neighborhood(s):** The subject areas is located within the recognized Drake neighborhood association. All neighborhoods were notified of the public hearing by mailing of the Preliminary Agenda on September 17, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on September 17, 2021 (20 days prior to the hearing) and September 27, 2021 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda was mailed to recognized neighborhoods on October 1, 2021.  
All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines on the date of the mailing. All agendas are mailed to the primary contact person designated to the City of Des Moines Neighborhood Development Division by the recognized neighborhood association. The Drake Neighborhood mailings were sent to Lori Calhoun, 2808

Cottage Grove Avenue, Des Moines, IA 50311.

8. **Relevant Zoning History:** None.
9. **PlanDSM: Creating Our Tomorrow Land Use Plan Designation:** Neighborhood Mixed Use.
10. **Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, 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:** While no utilities have been identified within the requested ROW, easements must be reserved for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.
2. **Traffic/Access:** The requested vacation would not negatively impact access to private properties or traffic patterns.

## SUMMARY OF DISCUSSION

Dory Briles asked if any member of the public or the commission desired to speak on the item. No one requested to speak.

## COMMISSION ACTION:

Francis Boggus made a motion for approval of the requested Right-of-Way vacation subject to the reservation of easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.

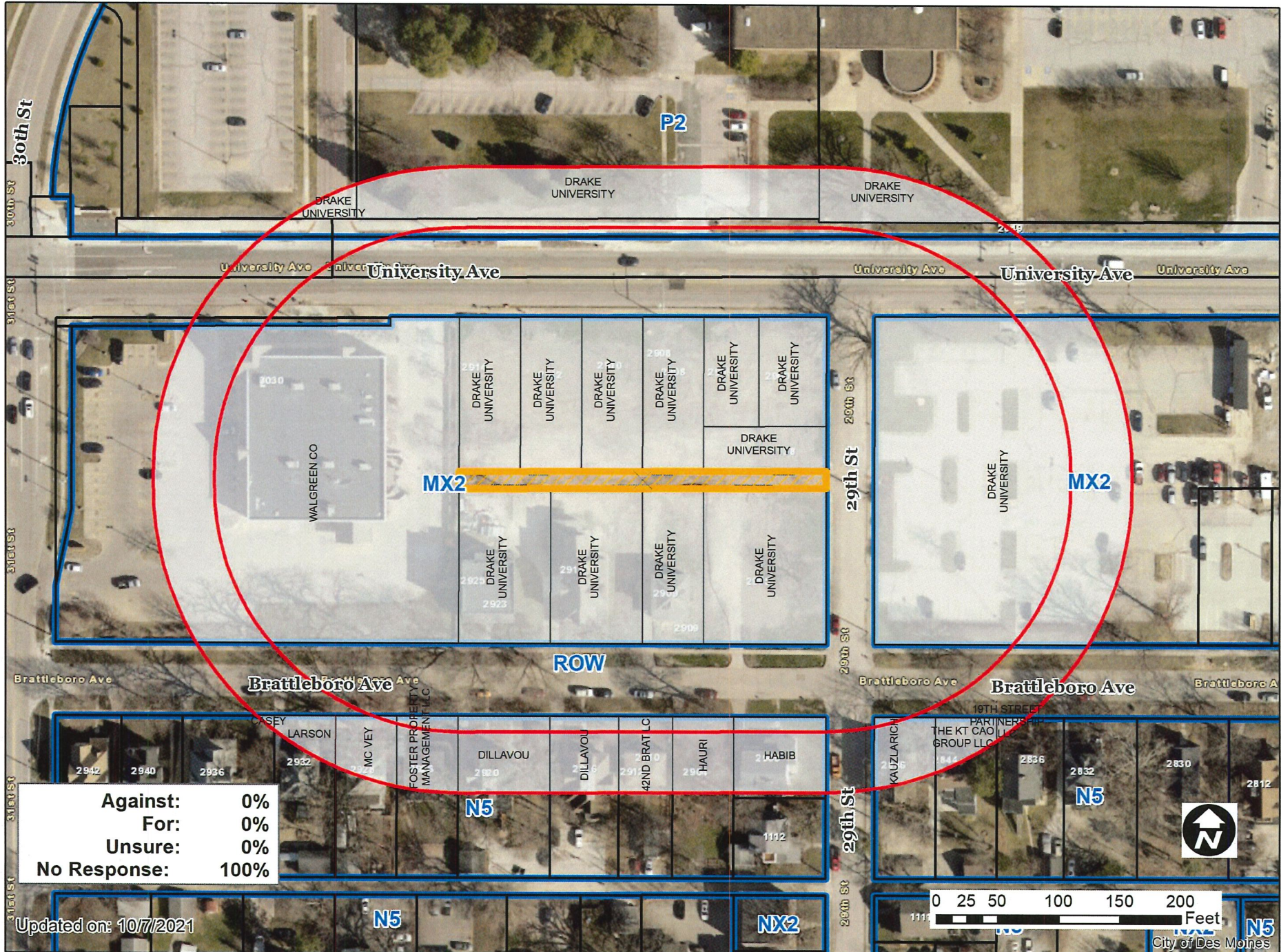
Motion passed: 10-0

Respectfully submitted,

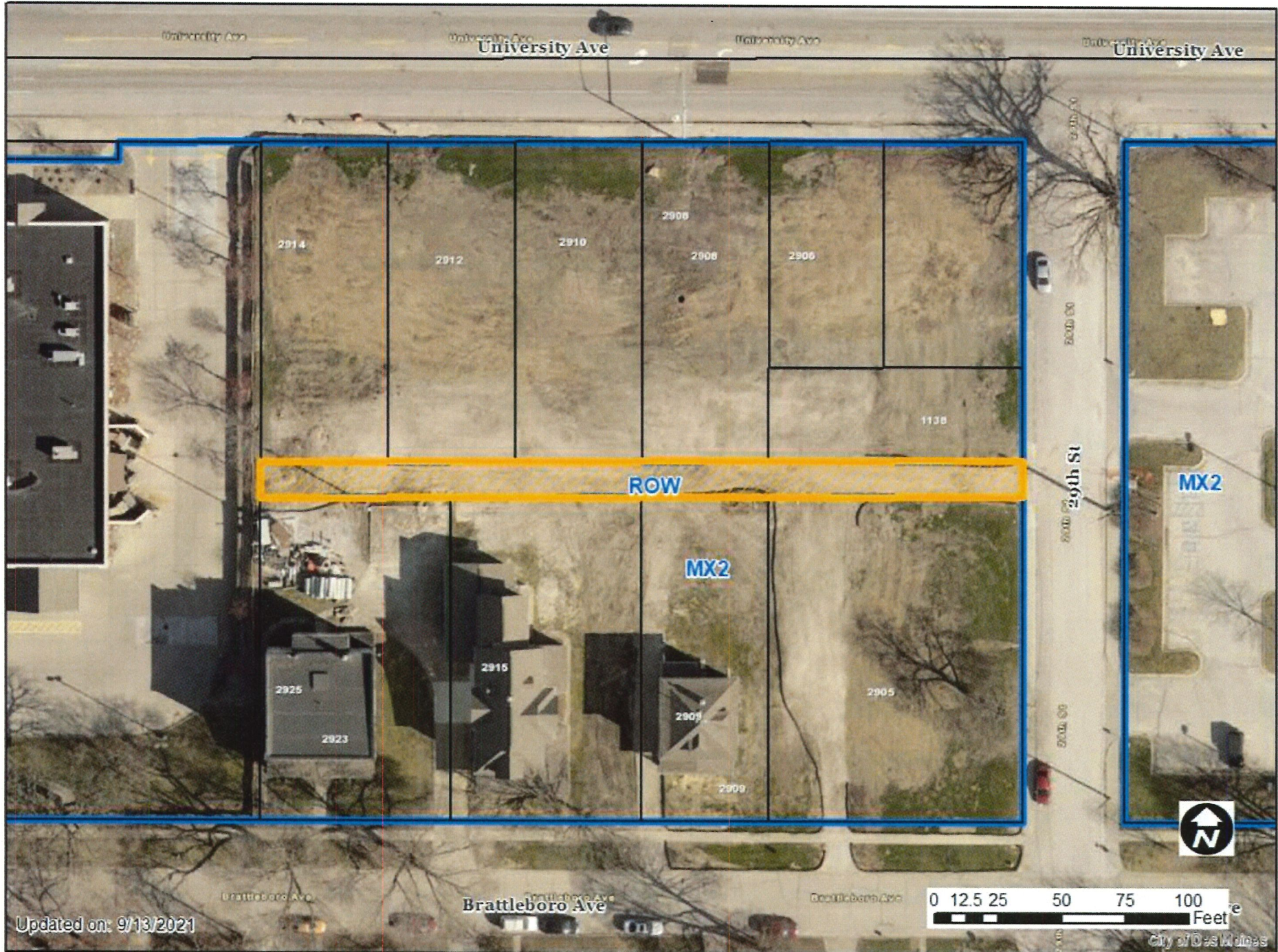


Jason Van Essen, AICP  
Planning & Urban Design Administrator

JMV:tjh



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Updated on: 9/13/2021

1 inch = 50 feet

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