



Roll Call Number

Agenda Item Number

27

Date March 21, 2022

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING CITY-INITIATED REQUEST FOR VACATION OF UNDEVELOPED SEGMENTS OF EAST FULTON STREET AND OTHER RIGHT-OF-WAY IN THE VICINITY OF STONE PARK AT 2100 SOUTHEAST 5TH STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on March 3, 2022, its members voted 13-0 to recommend **APPROVAL** of a City-initiated request to vacate undeveloped segments of East Fulton Street right-of-way and a segment of right-of-way perpendicular to Southeast 3rd Street in order to convert the underutilized property to parkland, subject to reservation of easements for any existing utilities until such time as they are abandoned or relocated.

MOVED by _____, and seconded 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-2022-000005)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
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



Date March 21, 2022
 Agenda Item 27
 Roll Call # _____

March 15, 2022

Communication from the City Plan and Zoning Commission advising that at their March 3, 2022 meeting, the following action was taken regarding a City initiated request for vacation of undeveloped segments of right-of-way in the vicinity of Stone Park at 2100 SE 5th Street, including segments of East Fulton Street and a segment perpendicular to Southeast 3rd Street, for conversion to parkland.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 13-0 as follows:

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
Francis Boggus	X			
Leah Rudolphi	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			
Andrew Lorentzen	X			
Emily Webb	X			

APPROVAL of the requested vacations, subject to the reservation of any necessary easements for any existing utilities until such time that they are abandoned or relocated.
 (ROWV-2022-000005)

Written Responses

3 in Favor
 1 in opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacations, subject to the reservation of any necessary easements for any existing utilities until such time that they are abandoned or relocated.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The requested vacation of undeveloped segments of right-of-way would allow conversion of underutilized segments of land to parkland.
2. **Size of Site:** 39,575 square feet.
3. **Existing Zoning (site):** "P2" Public, Civic, and Institutional District.
4. **Existing Land Use (site):** Dead-end segments of right-of-way used as open space in common with the adjoining parkland.
5. **Adjacent Land Use and Zoning:**
 - North** – "P2"; Use is a public park.
 - South** – "N3c"; Use is one household residential and a public park.
 - East** – "P2"; Use is a public park.
 - west** – "N3c"; Use is one-household residential.
6. **General Neighborhood/Area Land Uses:** The surrounding area contains a mix of public park and residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is not within a designated Neighborhood but is within 250 feet of the Indianola Hills Neighborhood. All neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on February 21, 2022 and by mailing of the Final Agenda on February 21, 2022. Additionally, separate notifications of the hearing for this specific item were mailed on February 11, 2022 (20 days prior to the public hearing) and February 21, 2022 (10 days prior to the public hearing) to the primary titleholder on file with the Polk County Assessor for each property adjoining the requested Right-of-Way.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Services Department on the date of the mailing. The Indianola Hills Neighborhood Association mailings were sent to Matt Yegge, 339 Broad Street, Des Moines, IA 50315.
8. **Relevant Zoning History:** None.

9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation: Parks and Open Space.**

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. **Streets/Sidewalks:** The requested vacation would not negatively impact access to private properties or traffic patterns in the area. It is anticipated that the subject segment of East Fulton Street would accommodate turnaround space for a fire truck.
2. **Easements:** There are existing stormwater facilities within the southernmost segment of land to be vacated. All applicable easements must be maintained until such time that they are abandoned or relocated.

SUMMARY OF DISCUSSION

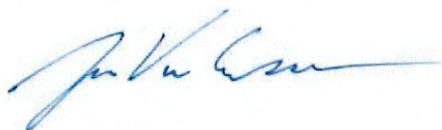
Emily Webb asked if any member of the public or commission desired to speak on the item. No one requested to speak.

COMMISSION ACTION:

Carolyn Jenson made a motion for approval of the requested vacations, subject to the reservation of any necessary easements for any existing utilities until such time that they are abandoned or relocated.

Motion passed: 13-0

Respectfully submitted,

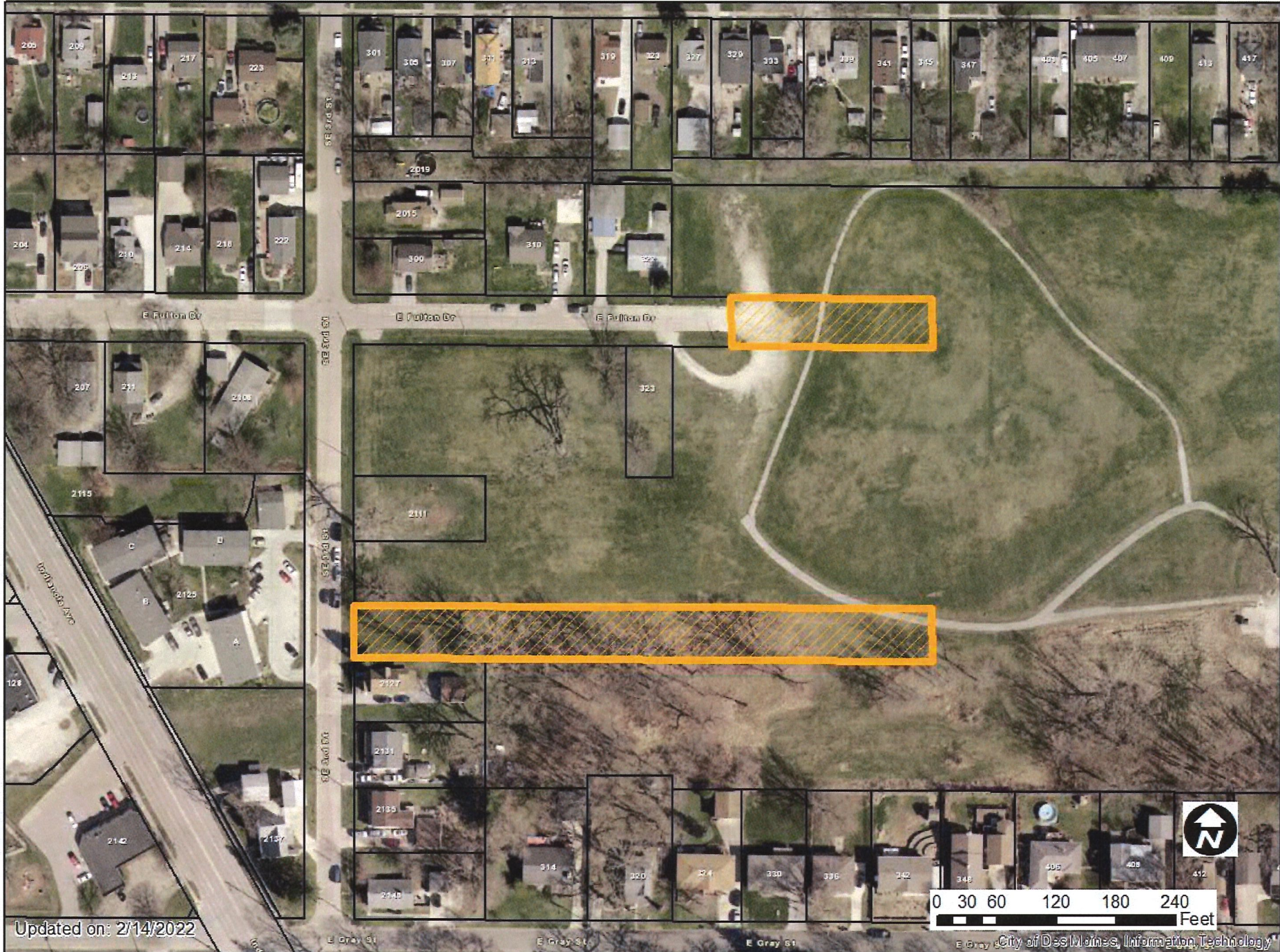


Jason Van Essen, AICP
Planning & Urban Design Administrator

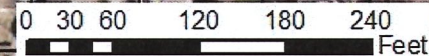
JMV:tjh

City Initiated, Vicinity of Stone Park at 2100 SE 5th Street

ROWV-2022-000005



Updated on: 2/14/2022



City of Des Moines, Information Technology

1 inch = 128 feet





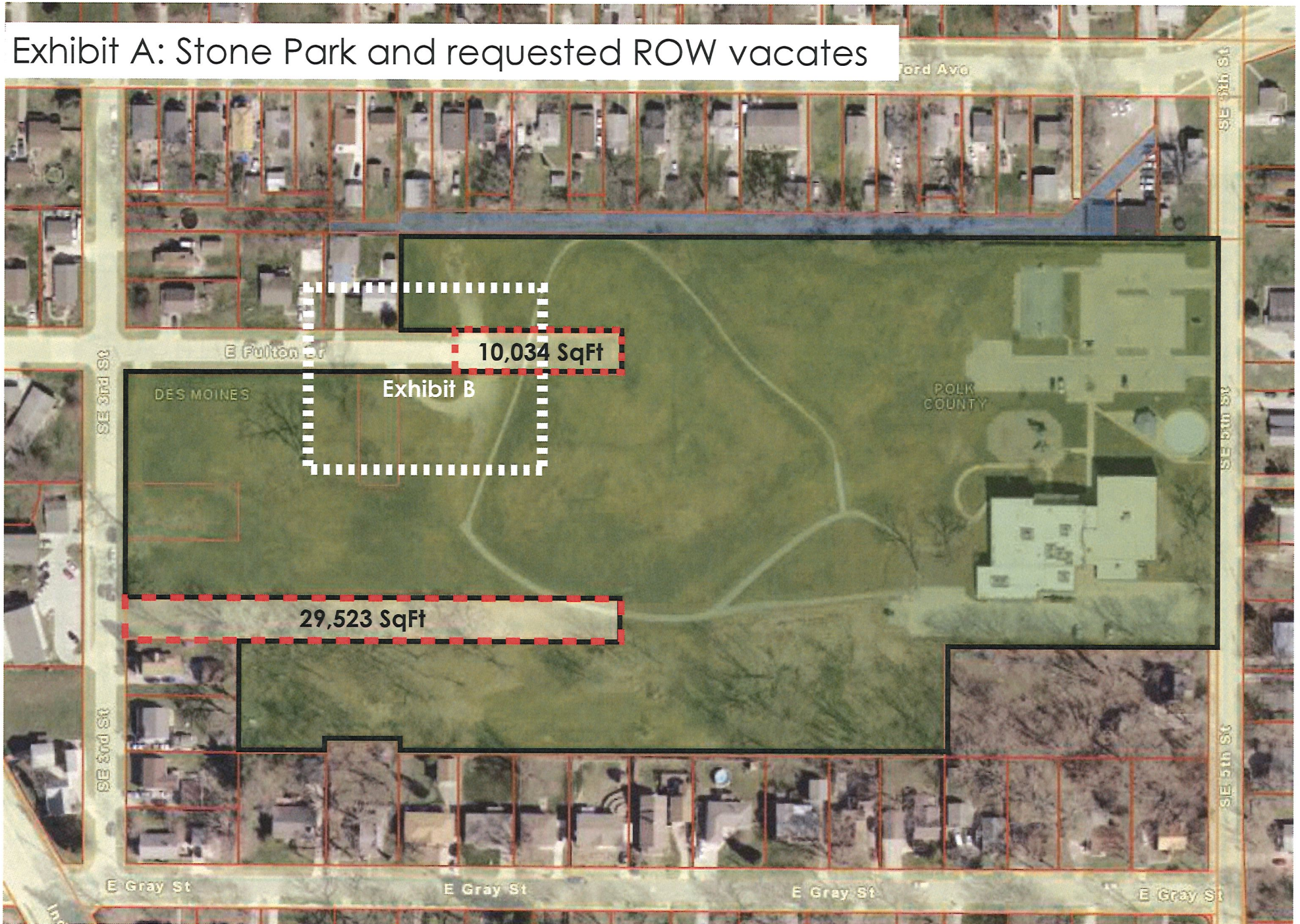


323 E Fulton Dr
Des Moines, Iowa
Google
Street View - May 2021

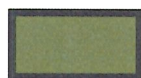
Map of the area showing:
- SE 3rd St
- SE 5th St
- Locations: Meat & Deli, Pion Com, SE 5th St

Navigation controls:
- Compass icon
- Zoom in (+) and zoom out (-) buttons
- Back arrow (<<)

Exhibit A: Stone Park and requested ROW vacates



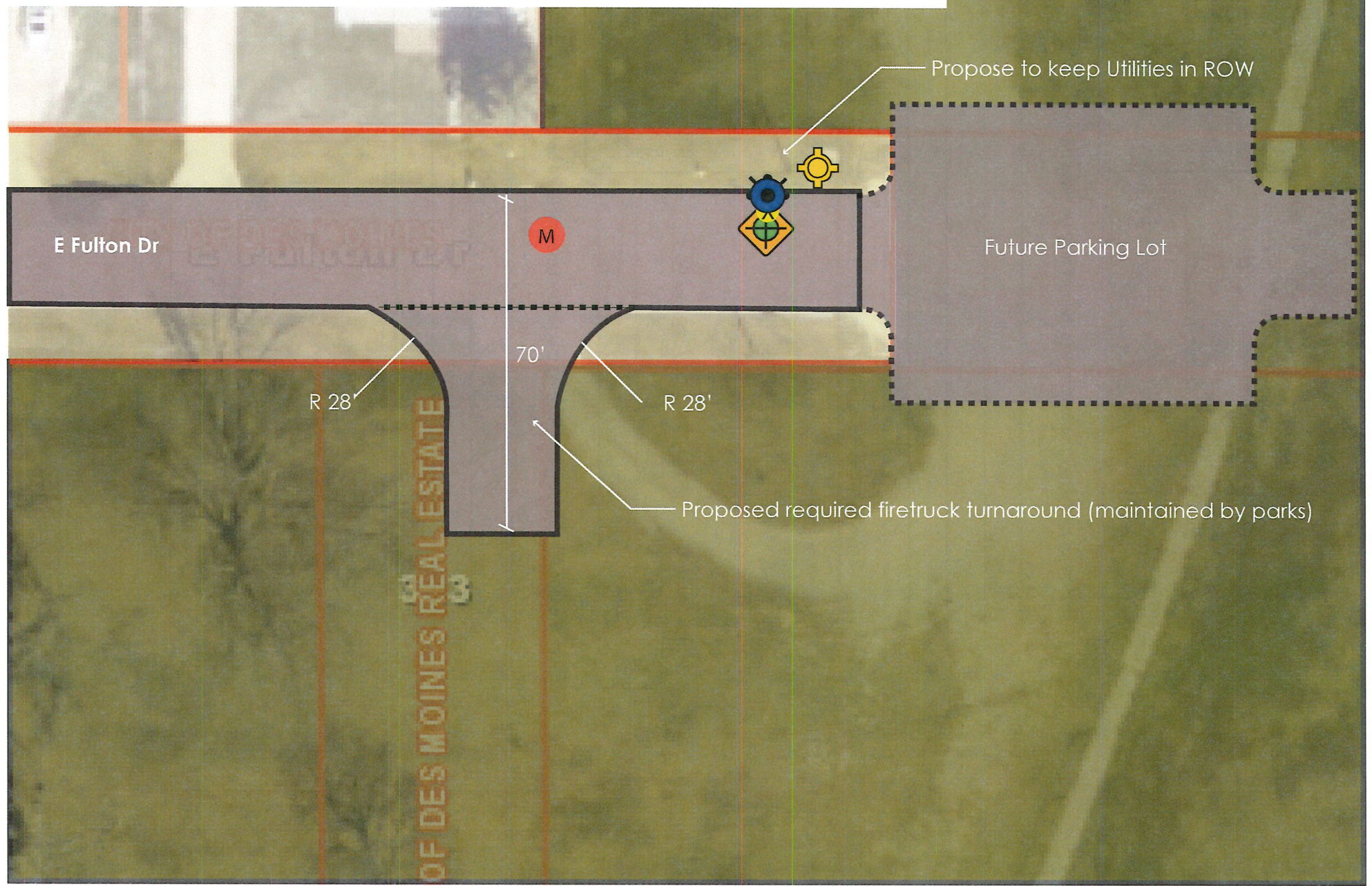
Requested ROW vacates



Stone Park

39,557 SqFt Total

Exhibit B: Stone Park Future Improvements



 ROW

 Stone Park

Item: ROWV-2022-000005

Date: 2-24-2022 27

Please mark one of the following

- I am in favor of the request
- I am not in favor of the request

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

MAR 04 2022

Signature: Edward Zatelet

Name: Edward Zatelet

Address: 348-East Gray St.

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

Item: ROWV-2022-000005

Date: February 25th, 2022

Please mark one of the following

- I am in favor of the request
- I am not in favor of the request

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

MAR 04 2022

Signature: Rose M. Leonetti

Address Name: 330-16 Gray St.

Address: Rose M. Leonetti

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

Simple as pie

Covid is still around!

Item: ROWV-2022-000005

Date: 2-23-22 27

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: *Russell Garrison*

Name: Russell GARRISON

Address: BILL HARTFORD, DSM, IA 50315

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
MAR 04 2022

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

Item: ROWV-2022-000005

Date: 2-28-22

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: *Arnold Thrasher*

Name: Arnold Thrasher

Address: 322 E Fulton Dr

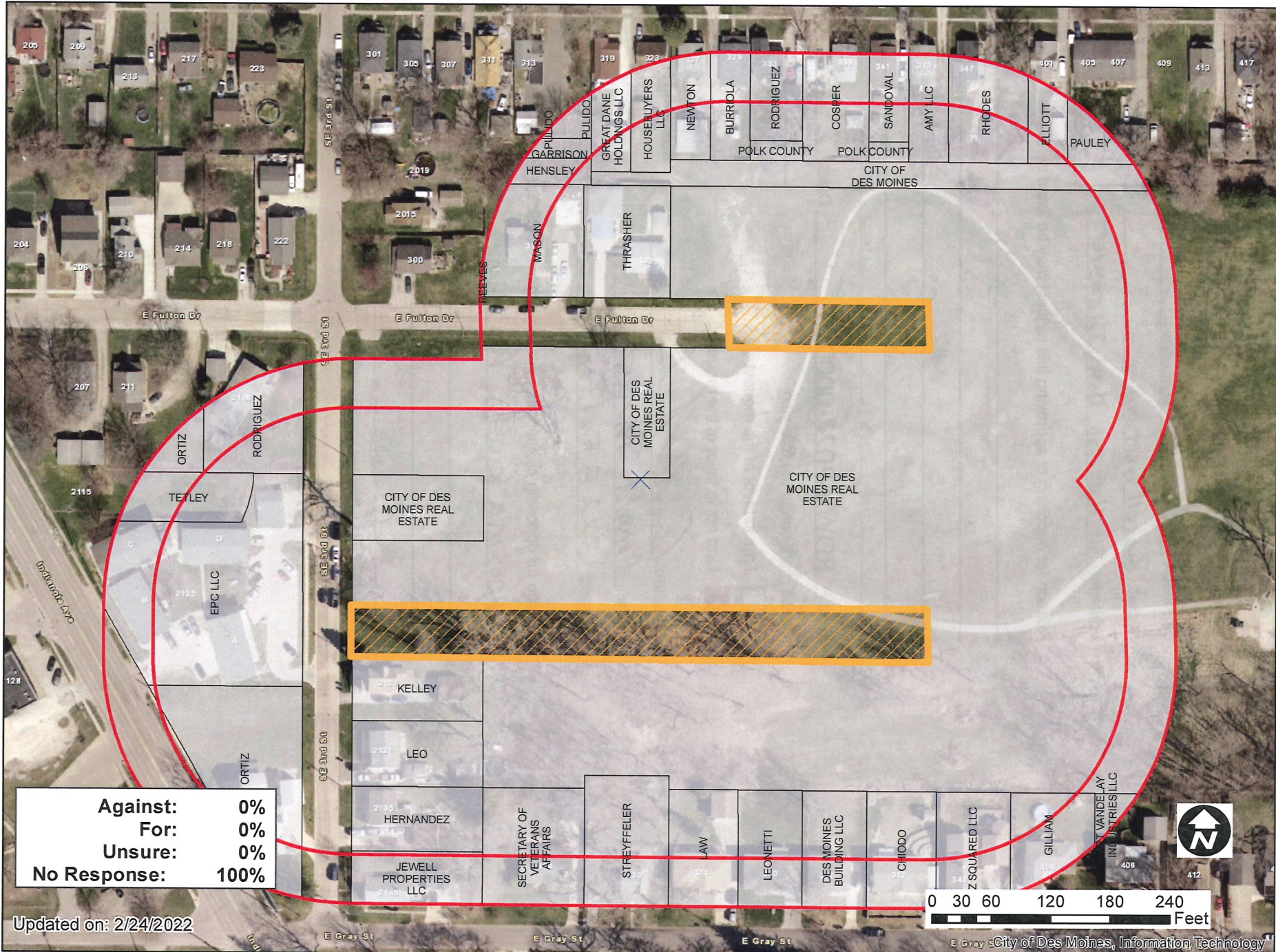
Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
MAR 04 2022

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

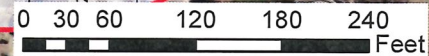
opposing out Des Moines needs green space

City Initiated, Vicinity of Stone Park at 2100 SE 5th Street

ROWV-2022-000005



Updated on: 2/24/2022



1 inch = 128 feet