



Roll Call Number

Agenda Item Number

23

Date September 12, 2022

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM CITY OF DES MOINES (OWNER, 400 ROBERT D. RAY DR.) FOR VACATION OF THE ALLEY RIGHT-OF-WAY LOCATED WEST OF AND ADJOINING 1830 LINCOLN AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 1, 2022, its members voted 13 – 0 to recommend **APPROVAL** of a request from the City of Des Moines (Owner, 400 Robert D. Ray Dr.) to vacate the alley right-of-way located west of and adjoining 1830 Lincoln Avenue, subject to the reservation of any necessary 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.

SECOND BY _____.

APPROVED AS TO FORM:

/s/ Gary D. Goudelock Jr.

Gary D. Goudelock Jr.

Assistant City Attorney

(ROWV-2022-000017)

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

MOTION CARRIED

APPROVED

Mayor

CERTIFICATE

I, Laura Baumgartner, 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



Date 9/12/22
Agenda Item 23
Roll Call # _____

September 6, 2022

Communication from the City Plan and Zoning Commission advising that at their September 1, 2022 meeting, the following action was taken regarding a request from the City of Des Moines, for vacation of alley right-of-way located west of and adjoining 1830 Lincoln Avenue, to allow the owner to assemble property for additional side yard.

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dan Drendel	X			
Leah Rudolphi	X			
Dory Briles	X			
Abby Chungath	X			
Kayla Berkson	X			
Chris Draper	X			
Todd Garner	X			
Johnny Alcivar	X			
Justyn Lewis				X
Carolyn Jenison	X			
William Page	X			
Andrew Lorentzen	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.

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 vacation would enable the property owner at 1830 Lincoln Avenue to assemble the alley Right-of-Way adjoining their property with their existing property. The owner of this property indicates that this Right-of-Way experiences illegal cut through traffic, as well as excessive littering. If the requested segment of alley Right-of-Way is vacated, the remaining “L”-shaped alley within the subject block would continue to have access both from 18th Street to the east and from Allison Avenue to the south.

2. **Size of Site:** The requested segment of Right-of-Way encompasses a total 1,456 square feet of area.

3. **Existing Zoning (site):** “N5” Neighborhood District.

4. **Existing Land Use (site):** The subject area consists of an alley Right-of-Way.

5. **Adjacent Land Use and Zoning:**

East – “N5”, Use is a one-household residential property.

West – “N5”; Uses include a one-household residential property and two (2) vacant undeveloped parcels.

6. **General Neighborhood/Area Land Uses:** The applicant’s property consists of a one-household residential lot fronting Lincoln Avenue to the north of the Right-of-Way and alley right-of-way to the south of the Right-of-Way. The surrounding area consists of primarily residential uses.

7. **Applicable Recognized Neighborhood(s):** The subject property is within the Mondamin Presidential neighborhood association. The neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on August 12, 2022, and by mailing of the Final Agenda on August 26, 2022. Additionally, separate notifications of the hearing for this specific item were mailed on August 22, 2022 (10 days prior to the public hearing) to the primary titleholder on file with the Polk County Assessor for each property adjacent to the request right-of-way.

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 Mondamin Presidential Neighborhood mailings were sent to Terri Mitchell, 1822 Jefferson Avenue, Des Moines, IA 50314.

8. **Relevant Zoning History:** On August 22, 2022, the City Council, by Roll Call 22-1319, initiated the vacation of this subject segment of Right-of-Way.

9. **PlanDSM: Creating Our Tomorrow Land Use Plan Designation:** Low Density Residential.

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 Right-of-Way, 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. The remaining "L"-shaped alley within the subject block would continue to have access both from 18th Street to the east and from Allison Avenue to the south. Furthermore, when the vacant properties to the west of the requested alley Right-of-Way develop, a secondary access may be required off the undeveloped parcels to the south regardless of the vacation.

SUMMARY OF DISCUSSION

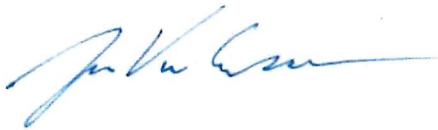
Emily Webb asked if any member of the public or commission desired to speak on the item. No one requested to speak.

COMMISSION ACTION:

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: 13-0

Respectfully submitted,



Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh



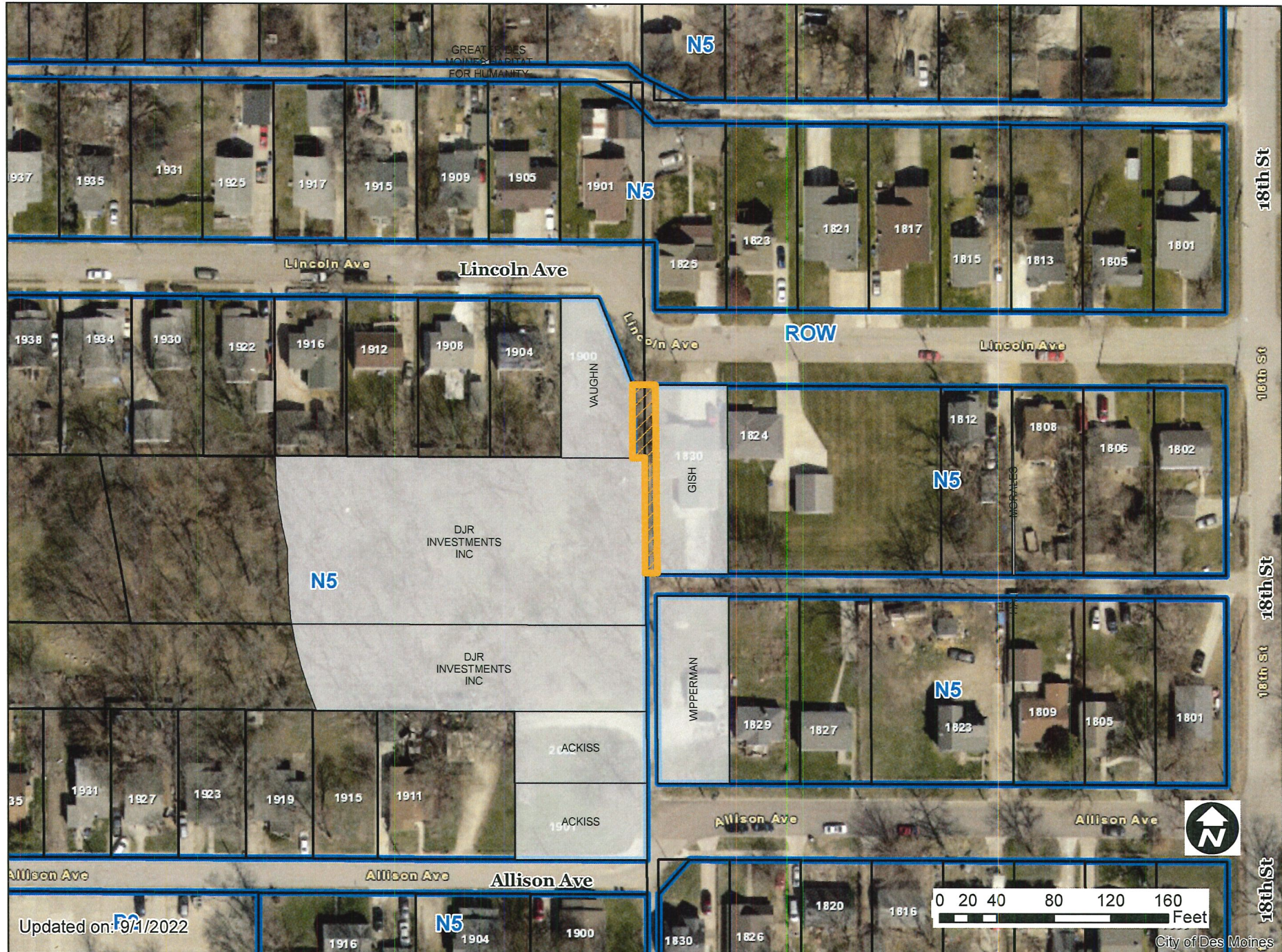
Updated on: 8/12/2022

City of Des Moines

1 inch = 50 feet







Updated on: 9/1/2022

1 inch = 89 feet