

★ Roll Call Number

Agenda Item Number


27

Date February 12, 2007

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 1, 2007, its members voted 12-0 in support of a motion to recommend approval of a request from East Village Court, LLC, represented by Brian Borchardt (officer), for vacation and conveyance of the surface rights over a segment of East 3<sup>rd</sup> Street adjoining the property it owns at 301 East Court Avenue, to allow for installation of a wheelchair accessible ramp entrance along the west side of the existing structure, subject to the reservation of easements for all utilities in place.

MOVED by \_\_\_\_\_ to receive and file, and to refer to the City Manager for further processing in accordance with standard City property disposition procedures.

FORM APPROVED:

  
 Roger K. Brown  
 Assistant City Attorney

(11-2007-1.01)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLISSIS				
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

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Request from East Village Court, LLC (Owner) 301 East Court Avenue, represented by Brian Borchardt (officer), for vacation and conveyance of surface rights.				<b>File #</b> 11-2007-1.01	
<b>Description of Action</b>	Vacate and convey surface rights for a segment of East 3 <sup>rd</sup> Street adjoining the west of the subject property, to allow for installation of a wheelchair accessible ramp entrance along the west side of the existing structure.				
<b>2020 Community Character Plan</b>	Downtown: Support Commercial				
<b>Horizon 2025 Transportation Plan</b>	No Planned Improvements				
<b>Current Zoning District</b>	"C-3" Central Business District Commercial				
<b>Proposed Zoning District</b>	N/A				
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area	1	0	0	N/A	
<b>Plan and Zoning Commission Action</b>	<b>Approval</b>	12-0	<b>Required 6/7 Vote of the City Council</b>	Yes	
	<b>Denial</b>			No	N/A

ST Howard Developemnt - E Third St & E Court Ave

11-2007-1.01



February 12, 2007

Date \_\_\_\_\_

Agenda Item 27

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

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 1, 2007, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 12-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
David Cupp	X			
Shirley Daniels	X			
Dann Flaherty				X
Bruce Heilman	X			
Jeffrey Johannsen	X			
Greg Jones	X			
Frances Koontz	X			
Kaye Lozier	X			
Brian Meyer	X			
Brian Millard	X			
Brook Rosenberg	X			
Mike Simonson				X
Kent Sovern	X			
Tim Urban				X
Marc Wallace	X			

**APPROVAL** of a request from East Village Court, LLC, represented by Brian Borchardt (officer), for vacation and conveyance of the surface rights over a segment of East 3<sup>rd</sup> Street adjoining the property it owns at 301 East Court Avenue, to allow for installation of a wheelchair accessible ramp entrance along the west side of the existing structure, subject to the reservation of easements for all utilities in place. (11-2007-1.01)

Written Responses

1 In Favor  
0 In Opposition

**STAFF RECOMMENDATION AND BASIS FOR APPROVAL**

Staff recommends approval of the requested vacation and conveyance subject to the reservation of easements for all utilities in place.



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

## STAFF REPORT

### I. GENERAL INFORMATION

1. **Purpose of Request:** The subject property contains a warehouse building that is being converted into a mixed-use development with 19,200 square feet of commercial space and 12 residential units. The proposed ramp will allow the western residential unit on the south side of the building to be wheelchair accessible.
2. **Size of Site:** 3.5' x 22'
3. **Existing Zoning (site):** "C-3" Central Business District Commercial, Capitol Dominance Overlay, Pedestrian Oriented Sign Overlay and Gambling Games Prohibition Overlay District.
4. **Existing Land Use (site):** Vacant 2-story warehouse building.
5. **Adjacent Land Use and Zoning:**
  - North* – "C-3", Uses are warehousing.
  - South* – "M-1", Uses are railroad line and auto body shop.
  - East* – "C-3" & "M-1", Uses are warehousing and light industrial.
  - West* – "C-3" & "M-1", Use is the Salvation Army.
6. **General Neighborhood/Area Land Uses:** The subject property is located in the east side of the downtown in a mixed-use area known as East Village.
7. **Applicable Recognized Neighborhood(s):** East Village Neighborhood Association/ Historic East Village Association.
8. **Relevant Zoning History:** On January 19, 2006 the Plan and Zoning Commission approved rezoning the subject property from "M-1" to "C-3" to allow the renovation of the existing 2-story structure for mixed-use residential and commercial use, subject to the submission of a site plan and elevation for the proposed mixed-use development. On March 2, 2006 the Commission approved a site plan for the project subject to the approval of the rezoning by the City Council. On March 6, 2006 the City Council approved the rezoning of the property from "M-1" to "C-3". On October 19, 2006 the Commission approved a site plan amendment allowing the conversion of a portion of the building that was identified in the first site plan as a future phase into an additional 4 residential units.
9. **2020 Community Character Land Use Plan Designation:** Downtown Support Commercial.
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:** MidAmerican Energy Company has indicated they have overhead lines and a gas main in the vicinity of the requested right-of-way. They have requested an easement be reserved to provide adequate space for the operation and maintenance of their facilities.

2. **Street System:** The sidewalk currently is 15'-wide with a 10'-wide walking path between the adjoining property line and the street tree planter beds. The proposed vacation and conveyance will reduce these widths to 11.5 and 6.5 feet. This exceeds the City's 6' minimum sidewalk width requirement for commercial areas.
3. **Additional Information:** The proposed ramp will require an amendment to the approved site plan. The Community Development Director has determined that the amendment is a minor change and does not require the approval of the Plan & Zoning Commission in accordance with Section 82-217 of the City Code.

## SUMMARY OF DISCUSSION

*There was no one in the audience to speak on this item and there was no discussion.*

*Fran Koontz moved for approval of the requested vacation and conveyance subject to the reservation of easements for all utilities in place.*

*Motion passed 12-0.*

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:dfa

Attachment

Item 11-2007 1 01

Date 01 24-07

I (am) (am not) in favor of the request.  
(Circle One)

**RECEIVED**

JAN 31 2007

**COMMUNITY DEVELOPMENT  
DEPARTMENT**

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

Robert Dille

Print Name Dille Mfg Co

Signature [Handwritten Signature]

Address 215 East 3rd St

Wheel Chair Access

OK