

Date March 9, 2009

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 19, 2009, its members voted 7-3 in support of a motion to recommend **APPROVAL** of the requested vacation of a segment of east/west alley between East Locust Street and East Walnut Street running 88 feet west of East 3<sup>rd</sup> Street.

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

FORM APPROVED:

  
 \_\_\_\_\_  
 Michael F. Kelley  
 Assistant City Attorney

(11-2009-1.01)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
<b>TOTAL</b>				
MOTION CARRIED			APPROVED	
_____ Mayor				

**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.

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

Request from 201 East Locust, LLC (owner), 201 East Locust Street, represented by Troy Hansen (officer) for vacation of a segment of east/west alley between East Locust Street and East Walnut Street running 88 feet west of East 3 <sup>rd</sup> Street.			<b>File #</b>		
			11-2009-1.01		
<b>Description of Action</b>	Vacation of a segment of east/west alley between East Locust Street and East Walnut Street running 88 feet west of East 3 <sup>rd</sup> Street.				
<b>2020 Community Character Plan</b>	Downtown: Retail/Office Core/Core Fringe				
<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>	"C-3" Central Business District Commercial				
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area				N/A	
Outside Area					
<b>Plan and Zoning Commission Action</b>	Approval	7-3	<b>Required 6/7 Vote of the City Council</b>	Yes	N/A
	Denial			No	N/A

201 E Locust, LLC

11-2009-1.01



February 25, 2009

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 19, 2009, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 7-3 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	X			
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Dann Flaherty	X			
Bruce Heilman	X			
Ted Irvine	X			
Jeffrey Johannsen		X		
Greg Jones	X			
Frances Koontz				X
Jim Martin		X		
Brian Millard		X		
Mike Simonson	X			
Kent Sovern				X

**APPROVAL** of staff recommendation to approve the requested vacation subject to reservation of all necessary easements for any public utilities currently in place.  
(11-2009-1.01)

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

Staff recommends approval of the requested vacation subject to reservation of all necessary easements for any public utilities currently in place.

**STAFF REPORT**

**I. GENERAL INFORMATION**

- Purpose of Request:** The applicant is seeking to assemble the entire block for redevelopment. There is not a specific redevelopment plan submitted with the application.
- Size of Site:** 1,408 square feet of alley right-of-way. Proposed redevelopment block 82,013 square feet (1.88 acres)



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

- 3. **Existing Zoning (site):** "C-3" Central Business District Commercial District. "CDO" Capitol Dominance Overlay District. "GGP" Gambling Games Prohibition Overlay District. "PSO" Pedestrian-Oriented Sign Overlay District.
- 4. **Existing Land Use (site):** Improved alley right-of-way.
- 5. **Adjacent Land Use and Zoning:**
  - North** – "C-3", Use is vacant vehicle display business (Bud Mulcahy's Jeep).
  - South** – "C-3", Use is vacant auto detailing shop (Bear's).
- 6. **General Neighborhood/Area Land Uses:** The subject property is located in the east downtown mixed-used central business district area.
- 7. **Applicable Recognized Neighborhood(s):** East Village.
- 8. **Relevant Zoning History:** On June 3, 2002, the City Council zoned to add the "CDO" Capitol Dominance Overlay District standards. On July 26, 2004, the City Council zoned the property to add the "GGP" Gambling Games Prohibition District and the "PSO" Pedestrian-Oriented Sign Overlay District.
- 9. **2020 Community Character Land Use Plan Designation:** Downtown Retail/Office Core/Core Fringe.
- 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:** No public utilities have been identified with the segment of alley requested for vacation. Staff recommends that easements be reserved for any public utilities that may be within any vacated portion of right-of-way.
- 2. **Traffic/Street System:** The proposed alley segment currently opens onto Southeast 3<sup>rd</sup> Street which has two-way traffic. Staff does not anticipate that vacation of the requested alley segment will impact traffic within the surrounding public street network.
- 3. **Access or Parking:** The subject segment of alley has most recently provided access to off-street parking on the north side of the auto detailing garage business at 306 East 3<sup>rd</sup> Street. Since 306 East 3<sup>rd</sup> Street and 201 East Locust Street are owned in common by the applicant, staff is not concerned about loss of public access to this parking so long as those two properties are owned in common.
- 4. **2020 Community Character Plan:** The subject property is within a block of the East downtown area projected to remain within the core central business district. However based on the "CDO" Capitol Dominance Overlay District provisions, the height for buildings is limited to 55 feet for commercial redevelopment and 75 feet for residential and mixed use buildings with residential.
- 5. **Economic Development Comments:** The Office of Economic Development (OED) is working with Hansen Company (partner in 201 East Locust, LLC) on potential redevelopment of the block occupied primarily with the former Bud Mulcahy Jeep dealership. It is not yet known what redevelopment will occur, but OED staff is encouraged by early scenarios that have been

reviewed. OED staff recommends vacation of the alley segment to facilitate Hansen Company's discussions with 3rd party developers who have expressed concern over the alley and potential delays this may cause. However, OED staff does not recommend conveyance at this time. The vacated alley should only be conveyed after the development concept is fully understood and approved by the City Manager's office and City Council.

## **SUMMARY OF DISCUSSION**

Mike Ludwig presented staff report and recommendation.

Brian Millard asked if the Commission recommends the vacation tonight will the site plan have to return to Plan & Zoning Commission.

Larry Hulse stated depending on what the redevelopment is.

Mike Ludwig stated that Council will have to make the ultimate decision on conveyance. The City will not convey unless there is certainty regarding the proposed development.

Brian Millard stated it is in Plan & Zoning Commission's purview to ask that the site plan come back to the Commission.

## **CHAIRPERSON OPENED THE PUBLIC HEARING**

Troy Hansen, Hansen Development 201 E. Locust stated any project that happens will be in conjunction with the City of Des Moines. There are no site plans for this parcel as plans are changing because they are being approached by different interested entities.

Brian Millard asked if they would be opposed to a site plan review by the P&Z Commission and would it be a deal breaker if the motion included a stipulation that any site plan review come back to the Commission.

Troy Hansen stated they would like to get through the vacation of this parcel and review the site plan at the time of conveyance, so the answer is no.

*There was no one in the audience to speak in opposition.*

## **CHAIRPERSON CLOSED THE PUBLIC HEARING**

Ted Irvine commented that the applicant is trying to remove stumbling blocks to see what they are going to do with the property. Requiring P&Z review just creates a new or additional hurdle.

Mike Simonson expressed that he has always thought that P&Z should see every site plan that occurs in this corridor. In the suburbs any project that modifies the site in any way has to go before the P&Z Commission to gain insight of the Commission.

Larry Hulse stated that the Commission would be very busy and one of the things heard from the developers is they appreciate that the City of Des Moines does not require that every modification to a site plan go before the P&Z Commission.

Mike Simonson stated that more mandates should be made by staff rather than suggestions.

Larry Hulse stated that they would be glad to do that but have to look at codes and what is allowed.

JoAnne Corigliano asked if there was an overlay on East Village with restrictions.

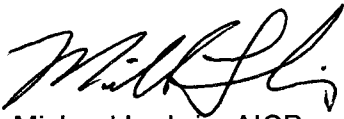
Mike Ludwig stated that the City is retaining ownership and they are not going to convey it unless there has been a thorough staff review of the proposal. The Council would have to approve the conveyance. There is a gambling prohibition overlay, Capital dominance overlay, and the pedestrian sign overlay on the subject property.

**COMMISSION ACTION**

Mike Simonson moved staff recommendation to approve the requested vacation subject to reservation of all necessary easements for any public utilities currently in place.

Motion passed 7-3 (Jeffrey Johannsen, Jim Martin, and Brian Millard opposed)

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:clw

Attachment