

★ **Roll Call Number**

Agenda Item Number

19

.....
March 12, 2007

Date

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on March 1, 2007, its members voted 10-0 in support of a motion to recommend approval of a request from Employers Mutual Casualty Company (owner) represented by Harold Capps (officer), 106 SW 7th Street, for vacation and conveyance of an excess portion of Market Street between SW 7th Street and SW 8th Street adjoining the north of West M.L. King Jr. Parkway, subject to the following conditions:

1. Reservation of public easements for all utilities in place.
2. Review and approval of a landscape plan by the Municipal Arborist prior to planting any trees or shrubs.

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

(11-2007-1.04)

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

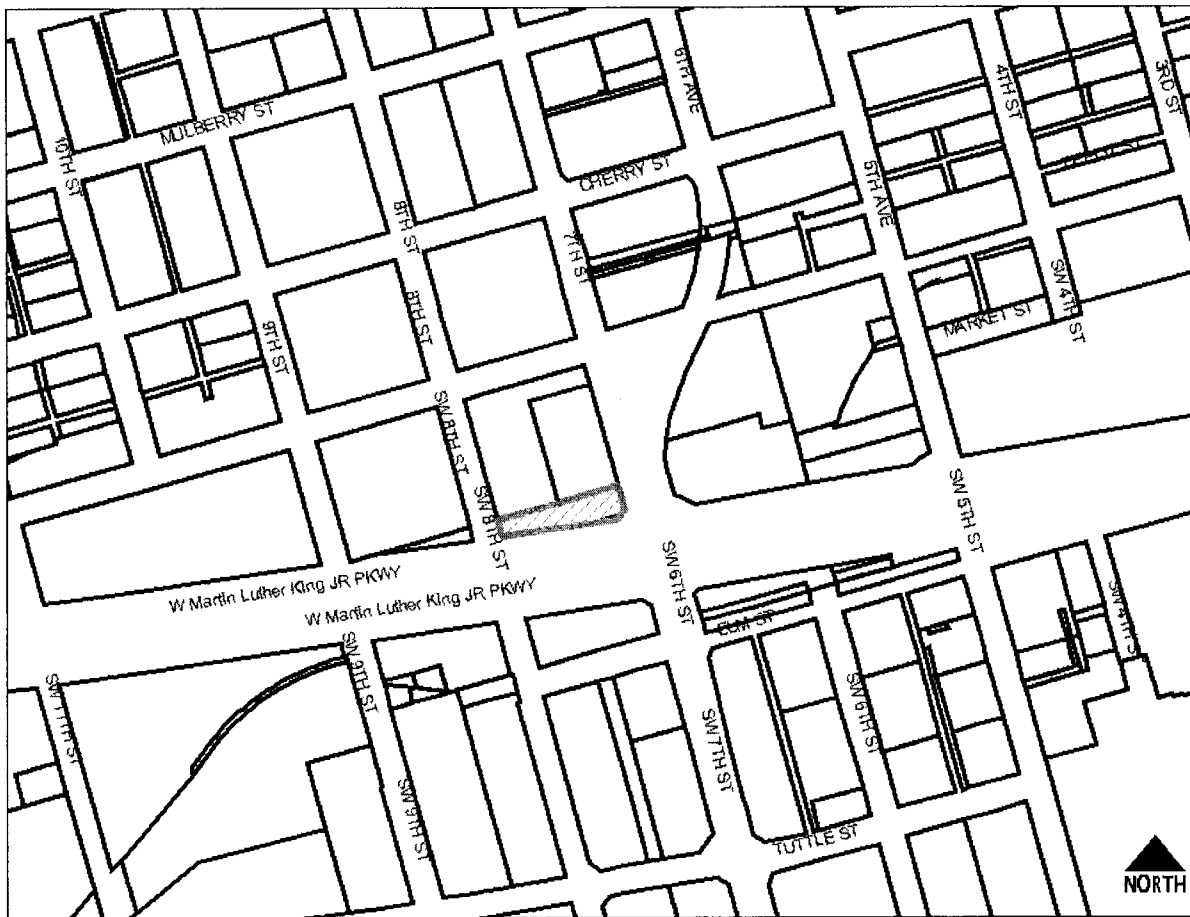
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Mayor

City Clerk

Request from Employers Mutual Casualty Company (owner) represented by Harold Capps (officer), 106 SW 7 th Street, for vacation and conveyance.			File # 11-2007-1.04	
Description of Action	Vacate and convey an excess portion of Market Street between SW 7 th Street and SW 8 th Street adjoining the north of West M.L. King Jr. Parkway.			
2020 Community Character Plan	Downtown: Support Commercial.			
Horizon 2025 Transportation Plan	No Planned Improvements.			
Current Zoning District	"C-3A" Central Business District Support Commercial District.			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area	0	0	0	N/A
Plan and Zoning Commission Action	Approval	10-0	Required 6/7 Vote of the City Council	Yes
	Denial			No
				N/A

Employers Mutual Casualty Co. - ML King Jr Pwky - SW 7th to SW 8th 11-2007-1.04



March 12, 2007

Date _____

Agenda Item 19

Honorable Mayor and City Council
City of Des Moines, Iowa

Roll Call # _____

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held March 1, 2007, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-0 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			
Jim Martin	X			
Brian Millard	X			
Brook Rosenberg				X
Mike Simonson				X
Kent Sovern	X			
Tim Urban	X			
Marc Wallace	X			



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

APPROVAL of a request from Employers Mutual Casualty Company (owner) represented by Harold Capps (officer), 106 SW 7th Street, for vacation and conveyance of an excess portion of Market Street between SW 7th Street and SW 8th Street adjoining the north of West M.L. King Jr. Parkway, subject to the following conditions: (11-2007-1.04)

1. Reservation of public easements for all utilities in place.
2. Review and approval of a landscape plan by the Municipal Arborist prior to planting any trees or shrubs.

Written Responses

0 In Favor
0 In Opposition

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Staff recommends approval of the requested vacation and conveyance subject to the following conditions:

1. Reservation of public easements for all utilities in place.
2. Review and approval of a landscape plan by the Municipal Arborist prior to planting any trees or shrubs.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is requesting the excess right-of-way from the West M.L. King Jr. Parkway project to assemble with the adjoining developed site. The applicant's plan is to develop an enhanced landscaping plan including trees, shrubs, and assorted plantings that will replace the old asphalt and rock base abandoned street right-of-way.
2. **Size of Site:** Approximately 14,300 square feet. (0.33 acre)
3. **Existing Zoning (site):** "C-3A" Central Business District Support Commercial District.
4. **Existing Land Use (site):** Vacant land with overhead electrical lines and underground storm sewer.
5. **Adjacent Land Use and Zoning:**
 - North* – "C-3A", Uses are Lortex, Inc. (light manufacturing) and Carpenter Paper Company.
 - South* – West M. L. King Jr. Parkway downtown loop expressway.
6. **General Neighborhood/Area Land Uses:** The property is located in the southern fringe of the west Downtown central business district.
7. **Applicable Recognized Neighborhood(s):** Downtown Neighborhood.
8. **Relevant Zoning History:** N/A.
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:** There are underground gas, electrical and storm sewer utilities, as well as aerial electrical utilities within the requested right-of-way. Easements must be reserved for those utilities in place.
2. **Landscaping & Buffering:** The applicant intends to provide an enhanced landscape plan for the subject right-of-way. The West M.L. King Jr. Parkway project included tree plantings in the portion of right-of-way that is to remain. It is important that the applicant's landscaping be planted in a manner that would not interfere with the parkway plantings over the long term. With the presence of aerial electrical transmission lines, it is also important that proper location and species be considered. Therefore, staff recommends that as a condition of any conveyance, that a planting plan be submitted, reviewed and approved by the Municipal Arborist prior to any tree plantings.
3. **Traffic/Street System:** With the improvement of West M.L. King Jr. Parkway, staff believes that the functional need for Market Street no longer exists in terms of traffic. As long as

easements are maintained for existing utilities there is no apparent public necessity for the City to continue to maintain the requested right-of-way.

SUMMARY OF DISCUSSION

There was no one in the audience to speak on this item.

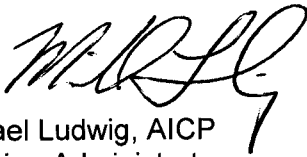
Marc Wallace made a motion to move this item to the Consent Agenda.

Motion passed 10-0.

Kaye Lozier moved to approve the staff recommendation.

Motion passed 10-0.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Ludwig', is positioned above the typed name.

Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment