

★ Roll Call Number

Agenda Item Number

15

Date March 23, 2009

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on March 5, 2009, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from St. Joseph Catholic Church for vacation of Thompson Avenue between East 33rd Street and East 34th Street, subject to working with staff to find the best possible parking configuration that balances safety and public access though the site.

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

FORM APPROVED:



Michael F. Kelley
Assistant City Attorney

(11-2009-1.02)

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

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.

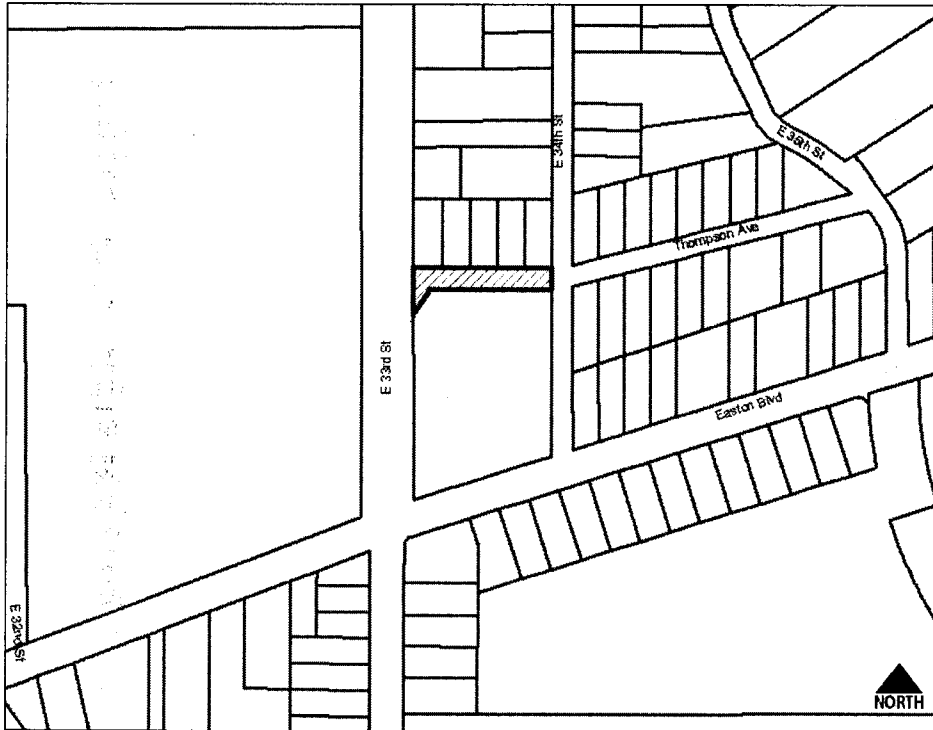
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

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Request from St. Joseph's Catholic Church (owner), 3300 Easton Boulevard, represented by Bill Konnath (officer) for vacation of Thompson Avenue between East 33 rd Street and East 34 th Street.				File #	
				11-2009-1.02	
Description of Action	Vacation of Thompson Avenue between East 33 rd Street and East 34 th Street.				
2020 Community Character Plan	Low-Density Residential and Public/Semi-Public				
Horizon 2025 Transportation Plan	No Planned Improvements.				
Current Zoning District	"R1-60" One-Family Low-Density Residential District				
Proposed Zoning District	"R1-60" One-Family Low-Density Residential District				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	1	2		N/A	
Outside Area					
Plan and Zoning Commission Action	Approval	11-0	Required 6/7 Vote of the City Council	Yes	N/A
	Denial			No	N/A

St. Joseph Catholic Church - Thompson Ave from E 33rd to E 34th Sts 11-2009-1.02



March 20, 2009

Date _____
Agenda Item 15
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 March 5, 2009, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 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 a request from St. Joseph Catholic Church (owner), represented by Bill Konnath (officer) to vacate Thompson Avenue between East 33rd Street and East 34th Street, subject to the applicant working with staff to find the best possible parking configuration that balances safety and public access though the site. (11-2009-1.02)

Written Responses

- 1 In Favor
- 2 In Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends denial of the requested vacation on the basis that the segment of right-of-way is still necessary for public purposes.

STAFF REPORT

I. GENERAL INFORMATION

- 1. **Purpose of Request:** The applicant is seeking to acquire the street right-of-way in order to construct a parking lot within the current right-of-way and on the parcels adjacent to the north. The applicant owns all of the properties on both sides of this segment of Thompson Avenue. The properties on the north side of Thompson Avenue can only be redeveloped as a parking lot if the requested



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

right-of-way is conveyed to the applicant since a stand-alone parking lot is not a permitted use in the "R1-60" Zoning District.

2. **Size of Site:** 263 feet by 40 feet (10,520 square feet) or 0.24 acre.
3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District.
4. **Existing Land Use (site):** Thompson Avenue right-of-way.
5. **Adjacent Land Use and Zoning:**
 - North** – "R1-60", Uses include 3 single-family dwellings and a playground.
 - South** – "R1-60", Use is the Saint Joseph Catholic Church and School.
6. **General Neighborhood/Area Land Uses:** The subject right-of-way is located in a predominantly low-density residential area immediately east of Grandview Park.
7. **Applicable Recognized Neighborhood(s):** N/A.
8. **Relevant Zoning History:** N/A.
9. **2020 Community Character Land Use Plan Designation:** Low-Density Residential.
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. **Traffic/Street System:** There are 13 residential properties along Thompson Avenue east of East 34th Street that utilize the requested segment of Thompson Avenue for direct access to East 33rd Street, which is a collector street for the area. Staff has notified these property owners of the request and believes that the subject right-of-way remains necessary for public purposes.
2. **Access or Parking:** Five parcels front the north side of the requested segment of Thompson Avenue, all of which are owned by the St. Joseph Catholic Church. These parcels contain three single-family dwellings that utilize Thompson Avenue for access and a playground for St. Joseph School. If vacated, easements must be recorded to each parcel. If the houses are to be demolished, the parcels should be combined.

Construction of any off-street parking must be in accordance with a site plan as approved by the City's Permit and Development Center.
3. **Utilities:** Should the right of way be vacated, easements must be provided for all public utilities that may be within the right-of-way. No structures may be constructed over such easements until such time that the utilities are relocated at the developer's expense. At this time, sanitary and storm sewers have been identified within the right-of-way, as well as MidAmerican Energy's gas and electric facilities.
4. **Additional Information:** The vacation is necessary in order for the properties on the north side of Thompson Avenue to be used for off-street parking since a stand-alone parking lot is not a permitted use in the "R1-60" Zoning District. If the requested vacation is denied,

the applicant can apply to the Zoning Board of Adjustment to seek an Exception to zoning requirement that off-street parking areas must immediately adjoin the primary use that the parking is accessory to. Another course of action is to seek a rezoning of the parcels to the "C-1" zoning district, which allows off-street parking as a permitted use.

SUMMARY OF DISCUSSION

Jason Van Essen presented the staff report and recommendation.

Leisha Barcus asked if the applicant owns the five parcels to the north of Thompson Avenue.

Jason Van Essen indicated that the applicant does.

Brian Millard asked if there was any way to interrupt the parcels to the north of Thompson Avenue that are adjoining since zoning districts have been determined to be contiguous when they are catty-corner from each other and are connected only by right-of-way.

Jason Van Essen stated that the "R1-60" District does not allow parking as a primary use and specifically requires off-street parking to be immediately adjoining the primary use that it is associated with.

Bill Konnath, St. Joseph Catholic Church, Business Manager, stated that the church has 28 parking spots on site and has a membership of 650 families. Indicated they have to lease parking from the City at the park on the opposite side of East 33rd Street. Stated the church is very concerned about parking and noted that the church is fairly landlocked and the only opportunity for growth is to the north. Presented the church's conceptual expansion plan.

Msgr. (Monsignor) Bob Chamberlain, St. Joseph Catholic Church, stated that they have purchased the properties to the north of Thompson Avenue and that the church has a dire need for additional parking that is safe for parishioners and students.

Bruce Heilman asked if there was any thought given to leaving Thompson open but allowing the church to purchase a portion of the right-of-way to allow their properties to be contiguous. Recognized that it would reduce the number of parking spaces they could develop by 10 to 12 stalls.

Msgr. Chamberlain stated that losing that much parking would be a concern and that required setbacks from the remaining street would likely reduce the number of stalls by more than 12.

Bruce Heilman asked if flexibility in the Code could be found to reduce setbacks would you be opposed to leaving Thompson open recognizing that you would gain most of what you want.

Bill Konnath stated that they could get by with less parking than they were hoping for now but that they are planning a gymnasium addition in the future that will require them to have more parking to comply with the City's parking requirements.

JoAnne Corigliano asked if they would consider reducing their playground area to allow for more parking.

Msgr. Chamberlain state they did not want to impact the playground.

Brian Millard stated that the Commission has support similar requests for other churches and that he thought something could be worked out in this case.

Larry Hulse referenced another church that was able to acquire right-of-way but continued to allow the public access through the site.

Jason Van Essen stated that the right-of-way could be vacated and conveyed but that a public access easement could be retained.

Bill Konnath asked if an easement would still allow them to develop parking in the configuration they had presented.

Jason Van Essen explained that the City would sell them the street and during that process they would grant an easement that would be recorded on the deed. He also stated that the route identified for the easement would be negotiated during that process.

Bruce Heilman expressed concern that the proposed loop route the church's current concept shows would not be safe.

Ted Irvine asked if there would be a curb or something that would keep people from driving straight through the lot when cars were not parked in the stalls near the curved portion of the drive aisle.

Bill Konnath stated they anticipated installing a barrier and voiced his concern that people would speed though the lot to avoid the lights at East 33rd Street and Easton Blvd.

JoAnne Corigliano stated that her church purchased an adjoining street and found that during construction people developed the habit of using other routes to avoid the hassle and that now they have less traffic than they anticipated.

CHAIRPERSON OPENED THE PUBLIC HEARING

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

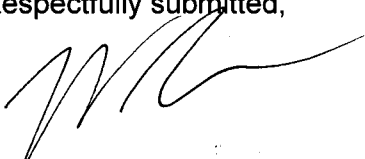
CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION

Bruce Heilman moved to approve the requested vacation subject to the applicant working with staff to find the best possible parking configuration that balances safety and public access though the site.

Motion passed 11-0

Respectfully submitted,



Jason Van Essen, AICP
Senior Planner

JMV:clw

Attachment

Item 11-2009-1.02 Date 2-27-09

I (am) in favor of the request.

(Circle One)
RECEIVED

Print Name Connie Myers
Signature Connie Myers
Address 3440 Thompson

MAR 03 2009

COMMUNITY DEVELOPMENT
DEPARTMENT

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

If you close off Thompson this means if I use E 33rd, I will have to go to Easton and turn Left, then, turn left again off of Easton, which is hard because of the traffic on Easton. Unless a Left Turn lane that works all the time is put in on E 33rd it will be an awful inconvenience and it is hard to turn left on to Easton from E 33rd already. During the winter it is hard to come from E 34th off of E 33rd as you have HILLS you have to go up to get to Thompson and it they are too slick, plus too much traffic on E34th as cars park on the street making it only available to one car at a time. I am totally against this.

Item 11-2009-1.02 Date 3-4-09

I (am) in favor of the request.

(Circle One)

Print Name Francis R Giehl
Signature Francis R Giehl
Address 3401 Thompson

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

No reason has been given for this action. Further more it will in - convenience me and my family.

15

Item 11-2009-1.02 Date 2/26/09

I (am) in favor of the request.

(Circle One)

Print Name ST. JOSEPH CATHOLIC CHURCH + SCHOOL
Signature Bill Konnath, Business Mgr.
Address 3300 EASTON BLVD. + 2107 E. 33rd ST.

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

Will secure parking needs.