

★ **Roll Call Number**

Agenda Item Number

21

June 18, 2007

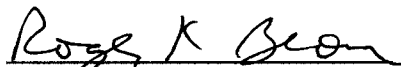
Date

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 7, 2007, its members voted 9-0 in support of a motion to recommend **APPROVAL** of a request from James Holtkamp (owner) 3510 University Avenue, for vacation and conveyance of approximately 3.83 feet of the southern portion of University Avenue adjoining the subject property, to allow for the encroachment of the existing building which is approximately 0.83 feet into the right-of-way and the existing roof overhang which projects three (3) feet from the building subject to the following:

1. Vacation and conveyance of only the area where the building footprint encroaches and of the air-rights necessary for the existing roof encroachment.
2. Reservation of easements for utilities in place.

MOVED by _____ to receive and file, and refer to the City Manager for implementation in accordance with the City's standard property disposition procedures.

FORM APPROVED:



Roger K. Brown
Assistant City Attorney

(11-2007-1.14)

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

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.

MOTION CARRIED

APPROVED

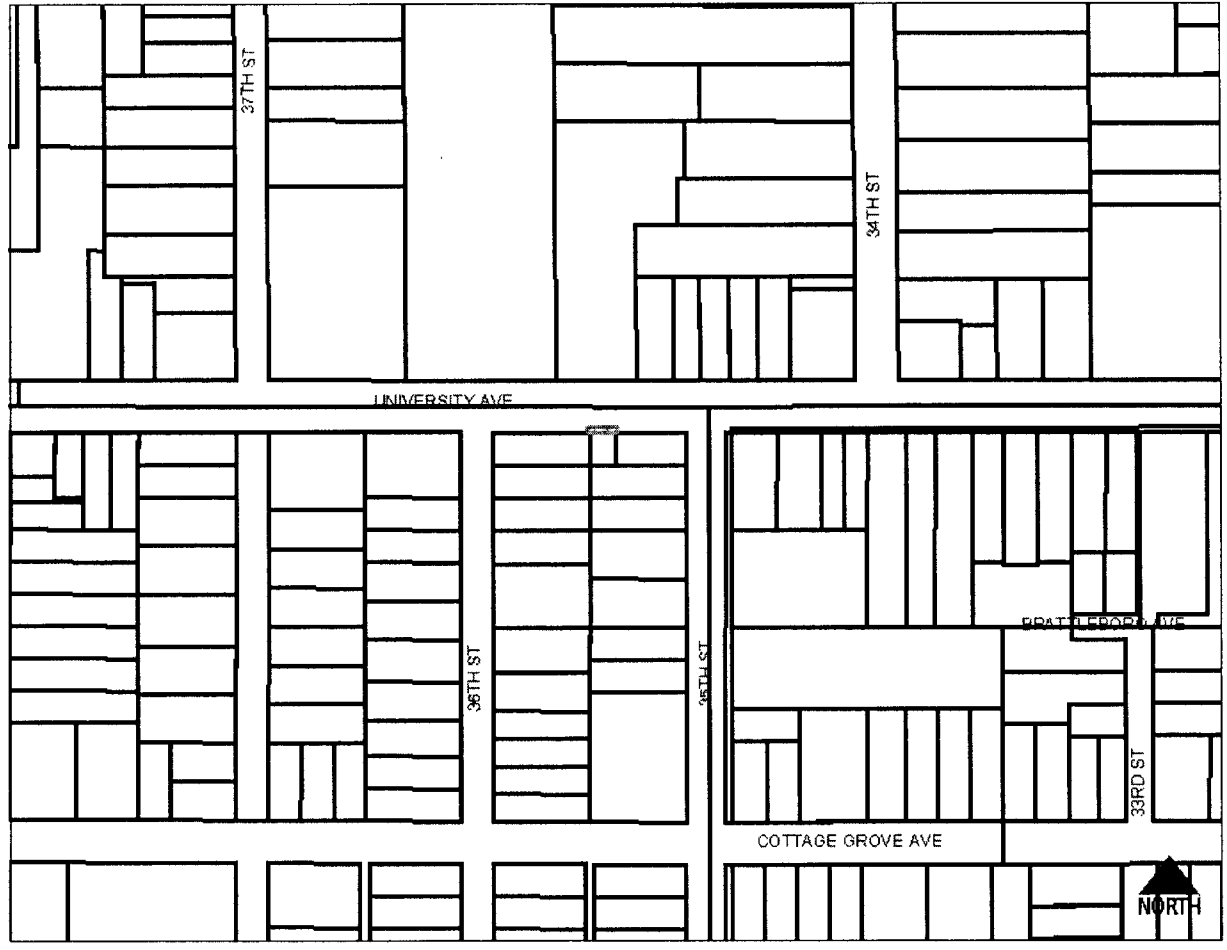
Mayor

City Clerk

Request from James Holtkamp (owner) 3510 University Avenue, for vacation and conveyance.			File # 11-2007-1.14	
Description of Action	Vacate and convey approximately 3.83 feet of the southern portion of University Avenue adjoining the subject property, to allow for the existing encroachment of the existing building which is approximately 0.83 feet into the right-of-way and the existing roof overhang which projects three (3) feet from the building.			
2020 Community Character Plan	Low/Medium Density Residential			
Horizon 2025 Transportation Plan	No Planned Improvements			
Current Zoning District	"R-3" Multiple-Family Residential District			
Proposed Zoning District	"R-3" Multiple-Family Residential District			
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	9-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

James Holtkamp - 3510 University Avenue

11-2007-1.14



June 18, 2007

21

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 June 7, 2007, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 9-0 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			

APPROVAL of a request from James Holtkamp (owner) 3510 University Avenue, for vacation and conveyance of approximately 3.83 feet of the southern portion of University Avenue adjoining the subject property, to allow for the encroachment of the existing building which is approximately 0.83 feet into the right-of-way and the existing roof overhang which projects three (3) feet from the building subject to the following: (11-2007-1.14)

1. Vacation and conveyance of only the area where the building footprint encroaches and of the air-rights necessary for the existing roof encroachment.
2. Reservation of easements for utilities in place.

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:

1. Vacation and conveyance of only the area where the building footprint encroaches and of the air-rights necessary for the existing roof encroachment.
2. Reservation of easements for 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 applicant is seeking to legitimize existing building encroachments into the University Avenue right-of-way.
2. **Size of Site:** Approximately 140 square feet.
3. **Existing Zoning (site):** "R-3" Multiple Family Residential District.
4. **Existing Land Use (site):** University Avenue right-of-way. The applicant's adjoining property is developed with a 1,785 square foot single-story retail building.
5. **Adjacent Land Use and Zoning:**
 - North* – "R-3", Use is an apartment building.
 - South* – "R-3", Use is a vacant retail building (applicant's property).
6. **General Neighborhood/Area Land Uses:** The subject right-of-way is part of the University Avenue corridor west of the Drake University campus.
7. **Applicable Recognized Neighborhood(s):** Drake Neighborhood Association.
8. **Relevant Zoning History:** N/A.
9. **2020 Community Character Land Use Plan Designation:** Low/Medium 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. **Utilities:** Mid-American Energy has identified a buried gas service within the requested right-of-way area. Staff recommends that easements be reserved for all utilities in place.
2. **Traffic/Street System:** The existing building abuts the public sidewalk with the roof overhang over the sidewalk. The requested vacation and conveyance would not affect the current condition of the University Avenue traffic. Traffic and Transportation staff recommends that the area where the building overhang encroaches beyond the building footprint not be conveyed by deed. The air-rights for the overhang could be conveyed, but the City should retain the ability to install new and/or maintain utilities, along with other possible street uses in this area.

SUMMARY OF DISCUSSION

There was no discussion on this item.

Kent Sovern: Moved to approve the requested vacation and conveyance subject to the following:

1. Vacation and conveyance of only the area where the building footprint encroaches and of the air-rights necessary for the existing roof encroachment.
2. Reservation of easements for utilities in place.

Motion passed 9-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment