


Date July 10, 2006

WHEREAS, the City Plan and Zoning Commission has advised in the attached letter that at a public hearing held June 15, 2006, the members recommended by a vote of 15-0 for **APPROVAL** of a request from Hubbell Realty Company (owner), represented by R. Michael Hayes (officer), for vacation and conveyance of Elm Street between SW 7th Street and SW 8th Street, to include excess right-of-way from West Martin Luther King, Jr. Parkway adjoining Elm Street in the vicinity of 702 Elm Street, subject to the following conditions:

1. Provision of necessary easements for all utilities in place.
2. Prohibition of future driveway approaches along adjoining SW 7th Street and West Martin Luther King, Jr. Parkway.
3. Exclusion of land with landscaping and improvements along West Martin Luther King, Jr. Parkway.

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

(11-2006-1.14)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
KIERNAN				
HENSLEY				
MAHAFFEY				
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

July 10, 2006

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 June 15, 2006, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 15-0 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			

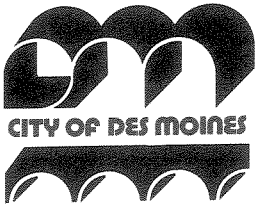
APPROVAL of a request from Hubbell Realty Company (owner), represented by R. Michael Hayes (officer), for vacation and conveyance of Elm Street between SW 7th Street and SW 8th Street, to include excess right-of-way from West Martin Luther King, Jr. Parkway adjoining Elm Street in the vicinity of 702 Elm Street, subject to the following conditions: (11-2006-1.14)

1. Provision of necessary easements for all utilities in place.
2. Prohibition of future driveway approaches along adjoining SW 7th Street and West Martin Luther King, Jr. Parkway.
3. Exclusion of land with landscaping and improvements along West Martin Luther King, Jr. Parkway.

Written Responses

0 In Favor

0 In Opposition



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 RECOMMENDATION AND BASIS FOR APPROVAL

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

- 1. Provision of necessary easements for all utilities in place.
- 2. Prohibition of future driveway approaches along adjoining SW 7th Street and West Martin Luther King, Jr. Parkway.
- 3. Exclusion of land with landscaping and improvements along West Martin Luther King, Jr. Parkway.

STAFF REPORT

I. GENERAL INFORMATION

- 1. **Purpose of Request:** The applicant is requesting vacation of the right-of-way to allow conveyance of the right-of-way to the properties adjacent to the south. These properties include two warehouse structures being considered for conversion to multiple-family residential use. According to the application, the request would allow construction of balconies on the north facades of the structures and would provide an area for off-street parking. If such a parking lot is used in common with a multiple-family residential use, a site plan under Design Guidelines for Multiple-Family Residential must be reviewed and approved by the Plan and Zoning Commission. If such a parking lot is developed as a stand-alone parking lot, a site plan must be reviewed and approved by City staff.
- 2. **Size of Site:** 1.08 acres. (The subject Elm Street right-of-way measures 66’ x 292’ and the subject excess West Martin Luther King, Jr. Parkway right-of-way generally measures 116’ x 285’.)
- 3. **Existing Zoning (site):** “C-3” Central Business District Commercial District.
- 4. **Existing Land Use (site):** East/west Elm Street and undeveloped right-of-way.
- 5. **Adjacent Land Use and Zoning:**
 - North* – “C-3”, Use is West Martin Luther King Jr. Parkway.
 - South* – “C-3”, Uses include two brick warehouse structures being considered for conversion to residential use.
 - East* – “C-3”, Use is SW 7th Street.
 - West* – “C-3”, Uses are the SW 8th Street Viaduct and a non-elevated segment of SW 8th Street passing alongside the viaduct.
- 6. **General Neighborhood/Area Land Uses:** The subject property is located immediately south of the westerly extension of Martin Luther King, Jr. Parkway separating the area from the core of the central business district. This area, known as Riverpoint, is characterized by a mix of industrial, commercial, and residential uses.
- 7. **Applicable Recognized Neighborhood:** Downtown Des Moines Neighborhood Association.

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:** Easements must be provided for all public utilities in place. Comments received indicate that there are water mains, buried telecommunication cables, a public sanitary sewer main, a public storm sewer main, a buried gas main, and light poles within the subject right-of-way.
2. **Landscaping & Buffering:** There is landscaping within a portion of the subject right-of-way installed along West Martin Luther King, Jr. Parkway. The portion of the requested right-of-way that includes such plantings and improvements shall not be conveyed as part of this request.

Any off-street parking developed on this property will be subject to compliance with the Landscaping Standards applicable to "C-3" Districts.

3. **Traffic/Street System:** The requested vacation of Elm Street between SW 7th Street and SW 8th Streets will not negatively impact the street system as it runs 80' south of and parallel to West Martin Luther King, Jr. Parkway. The existing parking lot west of SW 8th Street will retain access from the non-elevated segments of both SW 8th Street and SW 9th Street.
4. **Access/Parking:** The applicant has indicated that the subject right-of-way may be developed as an off-street parking lot. If such a parking lot is used in common with a multiple-family residential use, a site plan under Design Guidelines for Multiple-Family Residential must be reviewed and approved by the Plan and Zoning Commission. If such a parking lot is developed as a stand-alone parking lot, a site plan must be reviewed and approved by City staff. The City's Traffic and Transportation Division has indicated that future driveway approaches for such a parking lot would not be permitted along SW 7th Street or West Martin Luther King, Jr. Parkway. Access must be from either a driveway approach from SW 8th Street (under the viaduct) or an access driveway between the two existing structures.

SUMMARY OF DISCUSSION

There was no discussion on this item.

Kent Sovern moved staff recommendation for approval of the requested vacation and conveyance subject to the following conditions:

1. *Provision of necessary easements for all utilities in place.*
2. *Prohibition of future driveway approaches along adjoining SW 7th Street and West Martin Luther King, Jr. Parkway.*
3. *Exclusion of land with landscaping and improvements along West Martin Luther King, Jr. Parkway.*

Motion passed 15-0.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Ludwig". The signature is fluid and cursive, with the first name "Michael" and last name "Ludwig" clearly distinguishable.

Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment

Request from Hubbell Realty Company (owner) 702 Elm Street, represented by R. Michael Hayes (officer) for vacation and conveyance.			File #	
			11-2006-1.14	
Description of Action	Vacate and convey Elm Street between SW 7 th Street and SW 8 th Street, to include excess right-of-way from SW M.L. King Parkway adjoining Elm Street.			
2020 Community Character Plan	Downtown: Support Commercial.			
Horizon 2025 Transportation Plan	No Planned Improvements.			
Current Zoning District	"C-3A" Central Business District Support Commercial.			
Proposed Zoning District	"C-3A" Central Business District Support Commercial.			
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	15-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

Hubbell Realty Company - Elm Street, SW 7th to SW 8th Street

11-2006-1.14

