

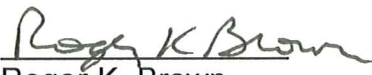
.....
Date
 October 9, 2006

WHEREAS, the City Plan and Zoning Commission has advised in the attached letter that at a public hearing held September 21, 2006, the members recommended by a vote of 10-0 for **APPROVAL** of a request from Storey Kenworthy Company, as owner of the building at 307 Locust Street and represented by James Mueller (officer), for vacation and conveyance of the adjoining north/south alley between 3rd Street and 4th Street running 152' north of Locust Street, subject to the following conditions:

1. Provision of necessary easements for all existing utilities or relocation at the expense of the developer or property owner.
2. Use of the vacated right-of-way for off-street parking is subject to review and approval of a site plan by the City Permit and Development Center.
3. Issuance of an obstruction permit from the City's Traffic and Transportation Division for the dumpster that is currently located at the north end of the subject right-of-way until such time the right-of-way is conveyed to the property owner.

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

(11-2006-1.26)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
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 Storey Kenworthy Company (owner), 307 Locust Street, represented by James Mueller (officer) for vacation and conveyance.				File #	
				11-2006-1.26	
Description of Action		Vacate and convey the north/south alley between 3 rd Street and 4 th Street running 152' north of Locust Street.			
2020 Community Character Plan		Downtown: Retail/Office Core/Core Fringe			
Horizon 2025 Transportation Plan		No Planned Improvements			
Current Zoning District		"C-3" Central Business District Commercial			
Proposed Zoning District		"C-3" Central Business District Commercial			
Consent Card Responses		In Favor	Not In Favor	Undetermined	% Opposition
Inside Area					
Outside Area		1	0	0	N/A
Plan and Zoning Commission Action		Approval	9-0	Required 6/7 Vote of the City Council	
		Denial		Yes	
				No	N/A

Storey Kenworthy - 309 Locust Street

11-2006-1.26



October 9, 2006

Date _____

Agenda Item 23

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 September 21, 2006, 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
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 Storey Kenworthy Company, as owner of the building at 307 Locust Street and represented by James Mueller (officer), for vacation and conveyance of the adjoining north/south alley between 3rd Street and 4th Street running 152' north of Locust Street, subject to the following conditions:
(11-2006-1.26)

1. Provision of necessary easements for all existing utilities or relocation at the expense of the developer or property owner.
2. Use of the vacated right-of-way for off-street parking is subject to review and approval of a site plan by the City Permit and Development Center.
3. Issuance of an obstruction permit from the City's Traffic and Transportation Division for the dumpster that is currently located at the north end of the subject right-of-way until such time the right-of-way is conveyed to the property owner.

Written Responses

1 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 subject to the following conditions:

- 1) Provision of necessary easements for all existing utilities or relocation at the expense of the developer or property owner.
- 2) Use of the vacated right-of-way for off-street parking is subject to review and approval of a site plan by the City Permit and Development Center.
- 3) Issuance of an obstruction permit from the City's Traffic and Transportation Division for the dumpster that is currently located at the north end of the subject right-of-way until such time the right-of-way is conveyed to the property owner.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is requesting vacation of a dead-end segment of alley right-of-way that extends 152' north from Locust Street. The applicant intends to use the alley for parallel parking along the east side of a one-way northbound access aisle. Use of the vacated right-of-way for off-street parking would be subject to review and approval of a site plan by the City' Permit and Development Center and would likely require relief of minimum required parking requirements from the Zoning Board of Adjustment.
2. **Size of Site:** 16' x 152' or 2,432 square feet (0.06 acre).
3. **Existing Zoning (site):** "C-3" Central Business District Commercial District.
4. **Existing Land Use (site):** Dead-end segment of north/south alley.
5. **Adjacent Land Use and Zoning:**
 - East* – "C-3", Use is Storey Kenworthy office building.
 - West* – "C-3", Use is an off-street parking lot.
6. **General Neighborhood/Area Land Uses:** The subject property in the central business district on the north side of Locust Street across from Nollen Plaza.
7. **Applicable Recognized Neighborhood:** Downtown Des Moines Neighborhood Association.
8. **2020 Community Character Land Use Plan Designation:** Downtown: Retail/Office Core/Office Fringe.
9. **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 existing public utilities in place. Qwest has indicated that there are buried cables running the entire length of the requested alley segment that serve several buildings in the area. Otherwise there are no utilities identified. Relocation

would be necessary at the expense of any owner seeking to develop a permanent structure over the Qwest utilities.

2. Traffic/Street System: The requested right-of-way will not impact the traffic system, as it is a 152'-long stub, as a dumpster is placed within the north end of the subject right-of-way. The City's Traffic and Transportation Division instructed the owner of this dumpster to place it in this location in order to prevent vehicles from entering the subject right-of-way from the adjoining east/west access drive and off-street parking area along the south side of the City's "4th & Grand Parking Garage". The City currently leases this area to nearby businesses for off-street parking. The Traffic and Transportation Division has indicated that the owner of this dumpster must obtain an obstruction permit from the City's Traffic and Transportation Division for placement of the dumpster until such time the right-of-way is conveyed to the property owner. The City Code prohibits the parking of vehicles in City alleys.

3. Access/Parking: No properties require access from the requested segment of alley right-of-way.

Use of the vacated right-of-way for off-street parking would be subject to review and approval of a site plan by the City's Permit and Development Center. It should be noted that the Zoning Ordinance requires parallel parking stalls to be 9'-wide with an adjacent 12'-wide drive aisle, for a combined minimum required width of 21'. The existing 16'-wide right-of-way cannot accommodate these requirements. Therefore, relief of the Ordinance must be granted by the Zoning Board of Adjustment if the vacated right-of-way is to be used for parking.

SUMMARY OF DISCUSSION

Erik Lundy: Noted the staff recommendation would remain as it was at the previous meeting. Explained there was a desire to have opportunity for the owner to the east of the Storey Kenworthy property to address the Commission if necessary regarding some concerns about the closure of the alley. Noted he received communication from the representative of Storey Kenworthy indicating they may ask for continuance, but were going to attempt to contact the owner to the east. Indicated the representative for Storey Kenworthy was present.

Jim Mueller, 1008 E. 2nd Street, Pella, Iowa representing Storey Kenworthy: Spoke with Mr. Gerlaman, the owner of the building to the east who had expressed some concerns regarding the purchase and explained Mr. Gerlaman expressed his desire to let the vacation and conveyance go through.

Jeffrey Johannsen: Indicated he spoke with the applicant and with Mr. Gerlaman and asked Mr. Mueller to explain their gentleman's agreement.

Jim Mueller: Explained Storey Kenworthy's intention is if they can get the conveyance and get the variance to the code to allow parallel parking there, they will purchase the alleyway, put in parallel parking for employees and after 5:00 Mr. Gerlaman's employees or restaurant patrons can park there and Storey Kenworthy will provide one additional parking spot in the back for his dumpster so it would not cost Mr. Gerlaman anything for Storey Kenworthy to purchase the alley.

Tim Urban: Asked if there is parallel parking and they are blocked off at the end, how they would get out.

Jim Mueller: Noted it would not be blocked off. They would have Mr. Gerlaman return the dumpster back to the original position, which was at the back of his building, but that would cost him one parking spot so the applicant will give them one of their parking spots in the back to accommodate that.

CHAIRPERSON OPENED THE PUBLIC HEARING

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

CHAIRPERSON CLOSED THE PUBLIC HEARING

Jeffrey Johannsen: Moved staff recommendation.

Motion passed 10-0.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Michael Ludwig".

Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment

Item 11-2006-1.26

Date 8-30-06

I am (am not) in favor of the request.

(Circle One)

RECEIVED
AUG 31 2006
COMMUNITY DEVELOPMENT
DEPARTMENT

Print Name William C. Knapp, L.C.

Signature [Handwritten Signature]

Address 4949 Westview Parkway, Suite 20,
West Des Moines, Iowa 50266

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

