

Date May 23, 2011

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 5, 2011, its members voted 12-0 in support of a motion to recommend **APPROVAL** of request from Westgate Partnership, LLC (owner) 1408 Locust Street, represented by Jack Hatch, for vacation of two segments of north/south alley between 14th Street and 15th Street from Locust Street to the east/west alley subject to the following conditions:

1. Reservation of easements for any utilities in place and for public access.
2. Conveyance shall only be a lease unless plans are presented and approved for the complete redevelopment of the alleys and the land in between them.

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

FORM APPROVED:



 Michael F. Kelley
 Assistant City Attorney

(11-2011-1.05)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
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

May 11, 2011

23

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 May 5, 2011, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Dann Flaherty	X			
John "Jack" Hilmes				X
Joel Huston	X			
Ted Irvine	X			
Greg Jones	X			
Brian Millard	X			
William Page	X			
Mike Simonson	X			
Kent Sovern	X			
CJ Stephens	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 Westgate Partnership, LLC (owner) 1408 Locust Street, represented by Jack Hatch, for vacation of two segments of north/south alley between 14th Street and 15th Street from Locust Street to the east/west alley subject to the following conditions: 11-2011-1.05

1. Reservation of easements for any utilities in place and for public access.
2. Conveyance shall only be a lease unless plans are presented and approved for the complete redevelopment of the alleys and the land in between them.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval for vacation of the requested alley rights-of-way subject to the following conditions:

1. Reservation of easements for any utilities in place and for public access.

2. Conveyance shall only be a lease unless plans are presented and approved for the complete redevelopment of the alleys and the land in between them.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The alleys would be incorporated with each of the adjoining properties to facilitate off-street parking to serve the existing use and reuse of those buildings. In addition, the incorporation of the alleys allows the applicant greater flexibility under the Building Codes to alter the adjoining buildings with additional openings such as windows and doors toward the alley.
2. **Size of Site:** 16-foot by 133-foot segment (2,128 square feet) for the eastern segment and 16.5-foot by 133-foot segment (2,194.5 square feet) for the western segment.
3. **Existing Zoning (site):** "C-3A" Central Business Support Commercial District.
4. **Existing Land Use (site):** Paved alley right-of-way.
5. **Adjacent Land Use and Zoning:**
 - North** – "C-3A", Use is the Western Gateway Park/ Pappajohn Sculpture Garden.
 - South** – "C-3A", Use is a multi-tenant office building.
 - East** – "C-3A", Chamberlain building with retail and office uses.
 - West** – "C-3A", Building formerly occupied by the Des Moines Social Club with retail, assembly, and storage uses.
6. **General Neighborhood/Area Land Uses:** The subject property is located in the western portion of the Downtown to the south of the Western Gateway Park and Pappajohn Sculpture Garden.
7. **Applicable Recognized Neighborhood(s):** Downtown Des Moines 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:** No utilities have been identified within the requested rights-of-way. Easements must be maintained for any existing utilities in place unless other arrangements are approved by the affected utility.
- 2. Traffic/Street System:** The subject alleys are located within a block that is longer than the typical block in the downtown area. The alleys are part of a series of alleys that generally align and link Locust Street to Falcon Drive. Eliminating access completely would sever that link from the Western Gateway to the south requiring all trips to move north/south on either 13th Street or 15th Street. Staff recommends that any alleys vacated under this request be maintained with public access easements to preserve the north/south link within these long blocks.
- 3. Staff rationale:** Staff recommends that any alleys vacated be only leased at this time, until there is a plan presented and supported for their complete redevelopment. The importance of the connection from the Western Gateway to the south warrants that the alleys be kept as an opportunity to improve north/south pedestrian links which are contemplated in plans for the Downtown.

SUMMARY OF DISCUSSION

There was no discussion.

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one to speak in support or opposition of applicant's request.

COMMISSION ACTION

Kent Sovern moved staff recommendation to approve the vacation of the requested alley rights-of-way subject to the following conditions:

1. Reservation of easements for any utilities in place and for public access.
2. Conveyance shall only be a lease unless plans are presented and approved for the complete redevelopment of the alleys and the land in between them.

Motion passed 12-0.

Respectfully submitted,



Jason Van Essen, AICP
Senior City Planner

JMV:clw

Attachment

Request from Westgate Partnership, LLC (owner) 1408 Locust Street, represented by Jack Hatch, for vacation of two segments of north/south alley between 14 th Street and 15 th Street from Locust Street to the east/west alley.				File # 11-2011-1.05	
Description of Action	Review and approval of vacation of two segments of north/south alley between 14 th Street and 15 th Street from Locust Street to the east/west alley.				
2020 Community Character Plan	Downtown: Support Commercial				
Horizon 2035 Transportation Plan	No Planned Improvements				
Current Zoning District	"C-3A" Central Business District Support Commercial District				
Proposed Zoning District	"C-3A" Central Business District Support Commercial District				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	1	0			
Outside Area					
Plan and Zoning Commission Action	Approval	12-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Westgate Partnership LLC - Vicinity of 1408 Locust Street

11-2011-1.05

