

★ **Roll Call Number**

Agenda Item Number

21

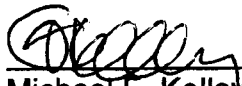
Date June 11, 2012

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 7, 2012, its members voted 9-0 in support of a motion to recommend **APPROVAL** of a request from the Cathedral Church of St. Paul of the City of Des Moines, Iowa (owner), 815 High Street, represented by Al Geiger (officer), for vacation of the north/south alley between 8<sup>th</sup> Street and 9<sup>th</sup> Street from High Street to Pleasant Street, to allow development of a pedestrian plaza on the east side of the existing cathedral, subject to the following conditions:

1. Reservation of easements for all utilities in place until such time that they are abandoned or relocated at the applicant's expense.
2. Provision of a recorded covenant that requires any interim or permanent use on the requested right-of-way or adjoining properties to be in conformance with a development plan approved by the City Council.

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

FORM APPROVED:

  
 Michael F. Kelley  
 Assistant City Attorney

(11-2012-1.07)

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

June 8, 2012

Agenda Item 21

Roll Call # 12-0881

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, 2012, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 9-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Tim Fitzgerald	X			
Dann Flaherty				X
John "Jack" Hilmes				X
Ted Irvine	X			
Greg Jones	X			
William Page	X			
Christine Pardee	X			
Mike Simonson				X
CJ Stephens	X			
Vicki Stogdill				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 the Cathedral Church of St. Paul of the City of Des Moines, Iowa (owner), 815 High Street, represented by Al Geiger (officer), for vacation of the north/south alley between 8<sup>th</sup> Street and 9<sup>th</sup> Street from High Street to Pleasant Street, to allow development of a pedestrian plaza on the east side of the existing cathedral, subject to the following conditions: (11-2012-1.07)

1. Reservation of easements for all utilities in place until such time that they are abandoned or relocated at the applicant's expense.
2. Provision of a recorded covenant that requires any interim or permanent use on the requested right-of-way or adjoining properties to be in conformance with a development plan approved by the City Council.

**STAFF RECOMMENDATION TO THE P&Z COMMISSION**

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

1. Reservation of easements for all utilities in place until such time that they are abandoned or relocated at the applicant's expense.
2. Provision of a recorded covenant that requires any interim or permanent use on the requested right-of-way or adjoining properties to be in conformance with a development plan approved by the City Council.

## **STAFF REPORT**

### **I. GENERAL INFORMATION**

1. **Purpose of Request:** The requested vacation would allow development of a pedestrian plaza on the east side of the existing cathedral. The submitted site sketch demonstrates that this plaza would be constructed on the southern portion of the requested alley right-of-way and on a portion of the adjacent parcel (807 High Street) owned by Orchard Place. The submitted site sketch also demonstrates that the northern portion of the requested alley right-of-way would continue to provide access to the church's parking lot from Pleasant Street.
2. **Size of Site:** The requested right-of-way generally measures 16 feet by 260 feet (4,000 square feet).
3. **Existing Zoning (site):** "C-3" Central Business District Commercial District.
4. **Existing Land Use (site):** Paved alley right-of-way.
5. **Adjacent Land Use and Zoning:**  
  
    **East – "C-3",** Uses are the St. Paul's Episcopal Church and an off-street parking lot.  
  
    **West – "C-3",** Uses are an office building occupied by Orchard Place and an off-street parking lot.
6. **General Neighborhood/Area Land Uses:** The subject property is located in the northern portion of downtown to the north of the High Street.
7. **Applicable Recognized Neighborhood(s):** Downtown Des Moines Neighborhood.
8. **Relevant Zoning History:** N/A.
9. **2020 Community Character Land Use Plan Designation:** Downtown High Amenity Office/Institutional.
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 maintained for any utilities in place unless other arrangements are approved by the affected utility.
- 2. Access/Traffic:** The only use that utilizes the alley for access is the parking lot owned by St. Paul's Cathedral that is west of the alley and north of the church. The submitted site sketch demonstrates that that northern portion of the requested alley right-of-way would continue to provide access to this parking lot from Pleasant Street.
- 3. Future Development:** The importance of the site within the downtown area warrants additional review of any future development on the requested right-of-way and adjoining properties. Staff recommends that any interim or permanent use on the requested right-of-way or adjoining properties shall be in conformance with a development plan approved by the City Council.

### **SUMMARY OF DISCUSSION**

*There was no discussion.*

### **CHAIRPERSON OPENED THE PUBLIC HEARING**

*There was no one to speak in favor or in opposition of the applicant's request.*

### **CHAIRPERSON CLOSED THE PUBLIC HEARING**

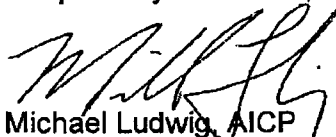
### **COMMISSION ACTION:**

Ted Irvine moved staff recommendation for vacation of the requested alley right-of-way, subject to the following conditions:

1. Reservation of easements for all utilities in place until such time that they are abandoned or relocated at the applicant's expense.
2. Provision of a recorded covenant that requires any interim or permanent use on the requested right-of-way or adjoining properties to be in conformance with a development plan approved by the City Council.

Motion passed 9-0.

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:clw

Attachment

The Cathedral Church of St Paul -  
Alley vacation 8th to 9th Streets & High to Pleasant Streets

11-2012-1.07

