



Roll Call Number

Agenda Item Number

17

Date October 26, 2015

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM CONFLUENCE ON THIRD, LLC FOR VACATION OF THREE (3) FEET OF THE NORTH SIDE OF MARKET STREET ADJOINING PROPERTY IN THE VICINITY OF 123 SOUTHWEST 3RD STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 15, 2015, its members voted 13-0 in support of a motion to recommend APPROVAL of a request from Confluence on Third, LLC (developer), represented by Jeff Koch (officer), for vacation of three (3) feet of the north side of Market Street adjoining property in the vicinity of 123 Southwest 3rd Street, to allow for proposed encroachment of building footings, entrance stoops, and balconies for a multiple-family dwelling.

MOVED by \_\_\_\_\_ to receive and file the attached communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division.

FORM APPROVED:

Glenna K. Frank
Assistant City Attorney

(11-2015-1.18)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MAHAFFEY, MOORE, and TOTAL.

MOTION CARRIED APPROVED

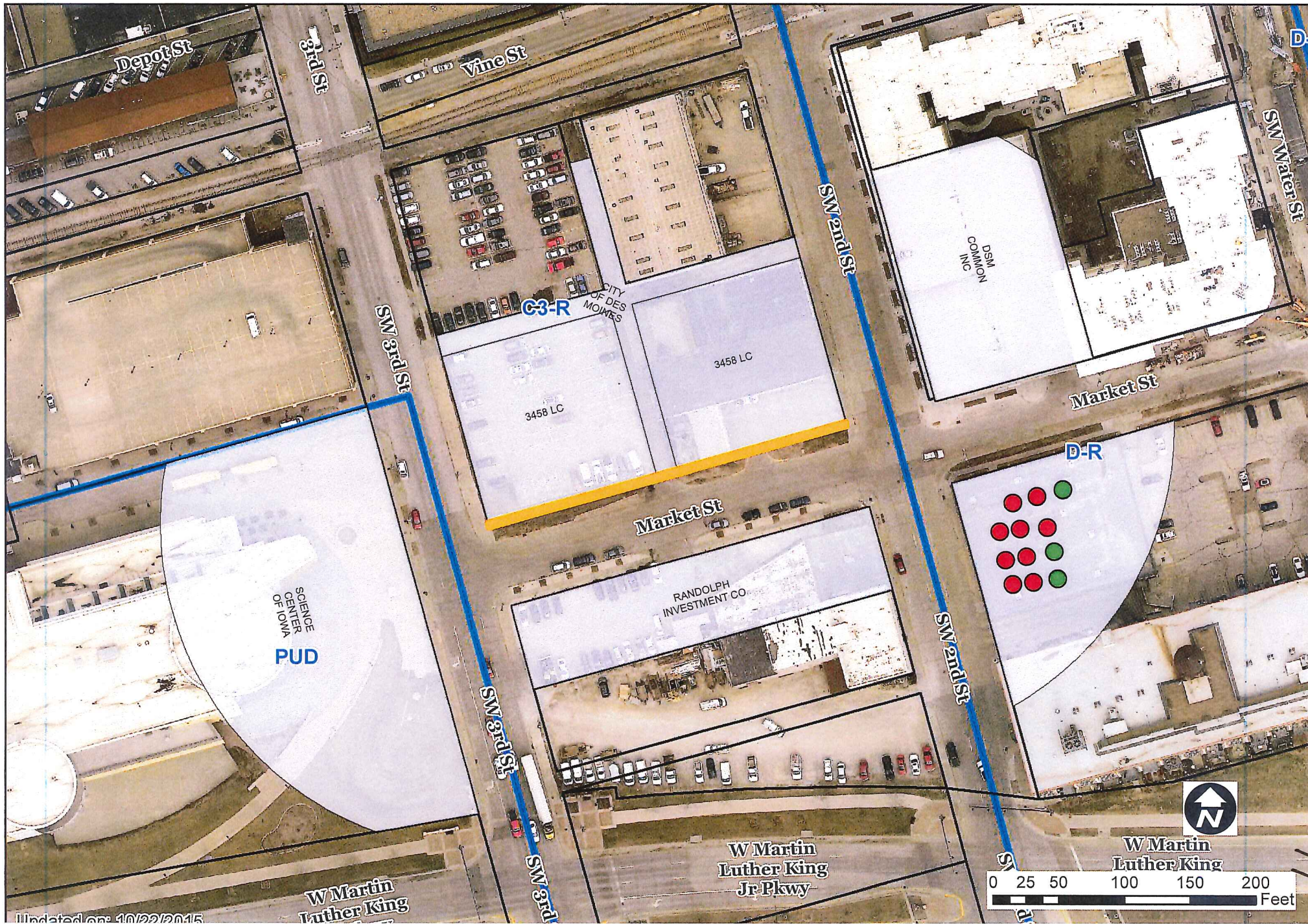
CERTIFICATE

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



October 20, 2015

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 October 15, 2015, the following action was taken regarding a request from Confluence on Third, LLC (developer) represented by Jeff Koch (officer) for vacation of three (3) feet of the north side of Market Street adjoining property in the vicinity of 123 Southwest 3<sup>rd</sup> Street, to allow for proposed encroachment of building footings, entrance stoops, and balconies for a multiple-family dwelling.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 13-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles	X			
JoAnne Corigliano	X			
Jacqueline Easley	X			
Tim Fitzgerald	X			
Jann Freed	X			
John "Jack" Hilmes	X			
Greg Jones	X			
Sasha Kamper	X			
Brian Millard	X			
William Page	X			
Jonathan Rosenbloom	X			
Mike Simonson	X			
CJ Stephens	X			
Greg Wattier				X

**APPROVAL** of the requested vacation of three (3) feet of the north side of Market Street adjoining property in the vicinity of 123 Southwest 3<sup>rd</sup> Street, to allow for proposed encroachment of building footings, entrance stoops, and balconies for a multiple-family dwelling. (11-2015-1.18)

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

Staff recommends approval of the requested vacation of Market Street right-of-way.

## Written Responses

4 In Favor

8 In Opposition

## STAFF REPORT TO THE PLANNING COMMISSION

### I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing a 4-story multiple-family residential building with a level of below grade parking. The site encompasses an entire city block. It is bound by Vine Street to the north, SW 2<sup>nd</sup> Street to the east, Market Street to the south and SW 3<sup>rd</sup> Street to the west.

The Confluence on Third site plan and building elevations were approved by the Plan and Zoning Commission on September 17, 2015. Since that time it was identified that the building's footing, entrance stoops and balconies on the south façade would extend into the Market Street right-of-way. The Market Street right-of-way is large enough to accommodate a standard 12-foot wide sidewalk with street trees and the portion of the proposed stoops that would extend past the property line. The balconies and footings would have no impact on the usability of the Market Street right-of-way. Most of the stoop and balcony structures would be located on private property.

2. **Size of Site:** 80,133 square feet or 1.84 acres.
3. **Existing Zoning (site):** "C-3R" Central Business Mixed Residential District, "D-O" Downtown Overlay District, "GGP" Gambling Games Prohibition Overlay District and "FSO" Freestanding Sign Overlay.
4. **Existing Land Use (site):** Surface parking lot and warehousing.
5. **Adjacent Land Use and Zoning:**
  - North** – "C-3R"; Use is a multiple-family residential structure.
  - South** – "C-3R"; Uses are a tavern and surface parking lot.
  - East** – "D-R"; Uses are two hotels and a parking garage.
  - West** – "C-3R" & Science Center of Iowa "PUD"; Uses are the Science Center of Iowa and a parking garage.
6. **General Neighborhood/Area Land Uses:** The site is located between the Court Avenue and West Martin Luther King Jr. Parkway corridors and between the SW 2<sup>nd</sup> Street and SW 3<sup>rd</sup> Street one-way pair. The area contains a mix of multiple-family development, hotels, taverns and other commercial uses. The site is adjacent to the Science Center of Iowa and two blocks north of Principal Park.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Downtown Des Moines Neighborhood. This neighborhood was notified of the Commission meeting by mailing of the preliminary agenda on September 25, 2015. A final agenda was mailed to the neighborhood association on October 9, 2015. Additionally, separate notifications of the hearing for this specific item were mailed on October 5, 2015 (10 days prior to the hearing) to the Downtown Des Moines Neighborhood Association and to the primary titleholder on file with the Polk County

Assessor for each property within 250 feet of the site.

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All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Downtown Des Moines Neighborhood Association notices were mailed to Larry Bradshaw, 418 6<sup>th</sup> Avenue, Suite 902, Des Moines, IA 50309.

**8. Zoning History:** None.

**9. 2020 Community Character Land Use Plan Designation:** Downtown Support Commercial.

**10. Applicable Regulations:** The Commission, considering the criteria set forth in Chapter 18B of the Iowa Code, 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:** Any existing utilities impacted by the proposed footings must be relocated in coordination with the impacted utility.
- 2. Street System/Access:** The Market Street right-of-way is large enough to accommodate a standard 12-foot wide sidewalk with street trees and the portion of the proposed stoops that would extend past the property line. The balconies and footings would have no impact on the usability of the Market Street right-of-way. Most of the stoop and balcony structures would be located on private property.

## **SUMMARY OF DISCUSSION**

Greg Jones asked if anyone was present to speak on this item. None were present or requested to speak.

## **COMMISSION ACTION:**

Jann Freed moved staff recommendation for approval of the requested vacation of Market Street right-of-way.

Motion passed 13-0.

Respectfully submitted,

  
Erik Lundy, AICP  
Senior City Planner

EML:clw  
Attachment

<b>Confluence on Third, LLC (developer) represented by Jeff Koch (officer) on property in the vicinity of 123 Southwest 3<sup>rd</sup> Street.</b>				<b>File #</b>	
				<b>11-2015-1.18</b>	
<b>Description of Action</b>	Approval of vacation of three (3) feet of the north side of Market Street, to allow for proposed encroachment of building footings, entrance stoops, and balconies for a multiple-family dwelling.				
<b>2020 Community Character Plan</b>	Current: Downtown Support Commercial. Proposed:				
<b>Mobilizing Tomorrow Transportation Plan</b>	No Planned Improvements.				
<b>Current Zoning District</b>	"C-3R" Central Business District Mixed-Residential District, "GGP" Gambling Games Prohibition Overlay District, "D-O" Downtown Overlay District, and "FSO" Freestanding Signs Overlay District.				
<b>Proposed Zoning District</b>	N/A.				
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	4	8			
Outside Area					
<b>Plan and Zoning Commission Action</b>	Approval	<b>13-0</b>	<b>Required 6/7 Vote of the City Council</b>	Yes	
	Denial			No	<b>X</b>

Confluence on Third, LLC, 3103 SW 3rd Street

11-2015-1.18



1 inch = 108 feet

Item 11-2015-1.18 Date 10-8-15

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

RECEIVED  
COMMUNITY DEVELOPMENT

Print Name Ralph R. Pray

Signature Ralph R Pray

Address 100 Market St. Unit 105 DSM 50309

OCT 14 2015

DEPARTMENT

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Item 11-2015-1.18 Date 10/9/15

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

RECEIVED  
COMMUNITY DEVELOPMENT

Print Name D. BRIAN SHIFFUER

Signature [Signature]

Address 100 MARKET # 209

OCT 14 2015

DEPARTMENT

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

THIS PROJECT IS THE PERFECT USE FOR  
THIS BLOCK.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Item 11-2015-1.18

Date 10/9/15

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

RECEIVED  
COMMUNITY DEVELOPMENT

Print Name DENISE MAZE

Signature Denise Maze

OCT 14 2015

Address 100 Market Street

DEPARTMENT

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Item 11-2015-1.18 Date 10-8-15

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

**RECEIVED**  
COMMUNITY DEVELOPMENT

Print Name Jon Hade

OCT 14 2015 Signature [Signature]

DEPARTMENT Address 100 Market St. #504

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

Traffic will already be worsened and parking more limited due to the building of the new apartment complex - don't need to make things worse by giving 3 more feet of Market St.!!

Item 11-2015-1.18 Date 10/9/15

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

(Circle One)

Print Name Marianne Gideon

Signature [Signature]

Address 100 Market St #106

DSM IA 50309

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Item 11-2015-1.18

Date

10-8-15

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

(Circle One)

**RECEIVED**  
COMMUNITY DEVELOPMENT

Print Name

Douglas M. Woods

Signature

[Signature]

Address

640 S. ADA ST. #2208 WDM

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

100 Market St #403 R# 404

DEPARTMENT

OCT 14 2015



Item 11-2015-1.18 Date 10-9-2015  
I (am) (am not) in favor of the request. *Received after 10/15 P&Z*

**RECEIVED**  
COMMUNITY DEVELOPMENT  
OCT 16 2015  
DEPARTMENT  
Print Name Lon Laffey  
Signature Lon Laffey  
Address 100 Market St #509 DSM

Reason for opposing or approving this request may be listed below:  
Traffic Congestion from new apartments. Lots of Events with parking needs, street width can help with maneuvering around parking cars. High Life! El Brit shop activities (desired) bring lots of traffic.

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I (am) (am not) in favor of the request. *Received after 10/15 P&Z*

**RECEIVED**  
COMMUNITY DEVELOPMENT  
OCT 16 2015  
DEPARTMENT  
Print Name Nancy Geiger  
Signature Nancy Geiger  
Address 100 Market #307

Reason for opposing or approving this request may be listed below:  
A mistake was made by allowing "encroachment" anywhere in downtown DSM  
No - we need to keep Market St as wide as possible

Item 11-2015-1.18 Date 10/13/15  
I (am) (am not) in favor of the request. *Received after 10/15 P&Z*

**RECEIVED**  
COMMUNITY DEVELOPMENT  
OCT 16 2015  
DEPARTMENT  
Print Name Frederick Nuss  
Signature Frederick Nuss  
Address 100 Market

Reason for opposing or approving this request may be listed below:  
This Street from 1<sup>st</sup> to 3<sup>rd</sup> is an impossible transit every weekend of the summer without further narrowing

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(am) (am not) in favor of the request. *Received after 10/15 P12*

**RECEIVED**  
COMMUNITY DEVELOPMENT  
OCT 20 2015  
DEPARTMENT  
Print Name Dominique NEIGHBORHOOD ASSOC.  
Signature [Signature]  
Address 418 6th AVE STE 902 50309

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

Item 11-2015-1.18 Date 10/12/15

(am) (am not) in favor of the request. *Received after 10/15 P12*

**RECEIVED**  
COMMUNITY DEVELOPMENT  
OCT 16 2015  
DEPARTMENT  
Print Name Doug Selsor  
Signature Doug Selsor  
Address 100 Market St. # 301, Des Moines, IA 50309

Reason for opposing or approving this request may be listed below:  
Do not agree with the encroachment, fir  
access and aesthetics. Also, the developer has  
already received zoning variances from the city,  
and this does not seem reasonable & no  
justification it offered.

Item 11-2015-1.18 Date 10/12/15

(am) (am not) in favor of the request. *Received after p. 12*

**RECEIVED**  
(Circle One)  
COMMUNITY DEVELOPMENT  
Print Name Rhonda Walker

OCT 16 2015

Signature [Signature]  
Address 100 Market St #206 DM

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

I think the building is already larger  
than it needs to be causing obstructed  
view from my building and additional  
parking problems will of course add  
construction blockage of Market St. E Noug #11