

Date December 7, 2015

**RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM ROBERT ETZELL II, FOR VACATION OF AN IRREGULAR SEGMENT OF EAST 14TH STREET ADJOINING THE WEST BOUNDARY OF 205 EAST 14TH STREET**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on November 19, 2015, its members voted 8-0 in support of a motion to recommend **APPROVAL** of a request from Robert Etzell II (owner), for vacation of an irregular segment of East 14th Street adjoining the west boundary of 205 East 14th Street, subject to the following conditions:

1. Provision of any necessary easements for all existing utilities until such time that they are abandoned or are relocated.
2. Review and approval of any future changes to the drive approach and pavement by the City's Permit and Development Center.

**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:



\_\_\_\_\_  
Lawrence R. McDowell  
Deputy City Attorney

(11-2015-1.26)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
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

December 1, 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 November 19, 2015, the following action was taken regarding a request from Robert Etzell II (owner), 205 East 14th Street, for vacation of an irregular segment of East 14th Street adjoining the west boundary of the subject property.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 8-0 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 subject to the following conditions: (11-2015-1.26)

1. Provision of any necessary easements for all existing utilities until such time that they are abandoned or are relocated.
2. Review and approval of any future changes to the drive approach and pavement by the City's Permit and Development Center.

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

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

1. Provision of any necessary easements for all existing utilities until such time that they are abandoned or are relocated.
2. Review and approval of any future changes to the drive approach and pavement by the City's Permit and Development Center.

## **STAFF REPORT TO THE PLANNING COMMISSION**

### **I. GENERAL INFORMATION**

1. **Purpose of Request:** The applicant wishes to acquire the irregular segment adjoining the west property line and combine it with the property addressed 205 East 14<sup>th</sup> Street.
2. **Size of Site:** 2608 square feet (0.059 acres).
3. **Existing Zoning (site):** "C-2" General Retail and Highway-Oriented Commercial District, "VDL" Vehicle Display Overlay District, and "FSO" Free standing Sign Overlay District.
4. **Existing Land Use (site):** City-owned land and driveway approach to property at 205 East 14<sup>th</sup> Street.
5. **Adjacent Land Use and Zoning:**

**North** – "R-3", Uses include a driveway and single-family residential.

**East** – "C-2", Use is Abelardo's restaurant owned by the applicant.

**South** – "R1-60", Use is East Court Avenue right-of-way and Burger King Restaurant.

**West** – "R-4", Use is East 14<sup>th</sup> Street right-of-way and State-owned surface parking lot for the Hoover Building.
6. **General Neighborhood/Area Land Uses:** The subject property is located along the East 14<sup>th</sup> Street commercial corridor. The area contains a mix of commercial, retail and residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in Capitol East Neighborhood and within 250 feet of Historic East Village Neighborhood. The neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhood associations on October 30, 2015 and by mailing of the Final Agenda on November 13, 2015. Additionally, separate notifications of the hearing for this specific item were mailed on November 9, 2015 (10 days prior) to the neighborhood associations and to the primary titleholder on file with the Polk County Assessor for each property adjacent to the requested alley segment.

All agendas and notices are mailed to the primary contact designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Capitol East Neighborhood Association mailings were sent to Peggy Ingram, 1441 Capitol Avenue, #10, Des Moines, IA 50316. The Historic East Village Neighborhood Association mailings were sent to Colleen MacRae, PO Box 93904, Des Moines, IA 50393.

8. **Relevant Zoning History:** None.

9. **2020 Community Character Land Use Plan Designation:** Small Scale Strip Development.

10. **Applicable Regulations:** The Commission reviews all proposals to vacate land dedicated for a specific public purpose, such as for streets and parks, in consideration of the criteria set forth in Chapter 18B of the Iowa Code, 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:** The subject right-of-way contains fiber conduits and sanitary sewer lines. Easements must be reserved for any existing utilities until such time that they are abandoned or relocated.
2. **Street System/Access:** The requested vacation would not impact the surrounding street network. The applicant has indicated plans to construct a patio along the west façade of the existing building. Any changes to the drive approach and pavement would require review and approval from the City's Permit and Development Center.

## SUMMARY OF DISCUSSION

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

## COMMISSION ACTION:

Dory Briles moved staff recommendation for approval of the requested subject to the following conditions:

1. Provision of any necessary easements for all existing utilities until such time that they are abandoned or are relocated.
2. Review and approval of any future changes to the drive approach and pavement by the City's Permit and Development Center.

Motion passed 8-0 (Jacqueline Easley and John "Jack" Hilmes were not yet present).

Respectfully submitted,



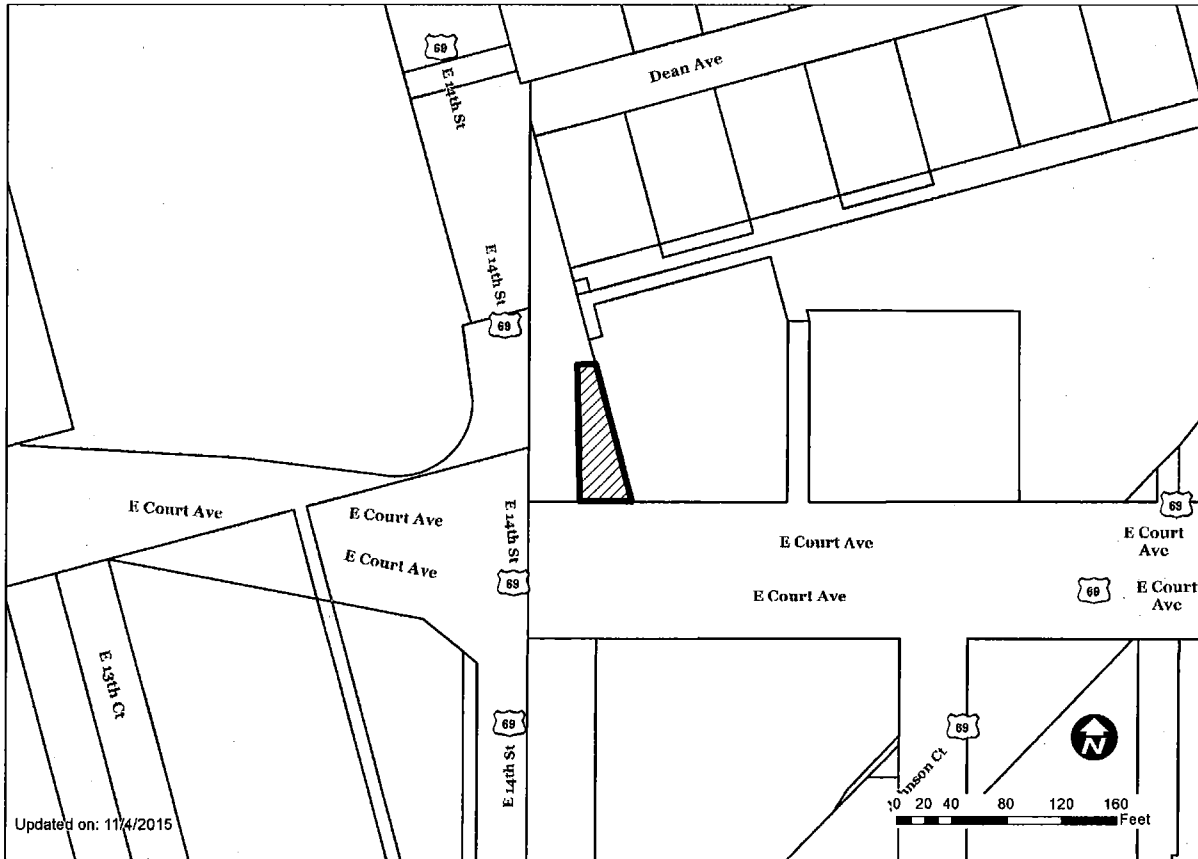
Michael Ludwig, AICP  
Planning Administrator

MGL:clw  
Attachment

Robert Etzell II (owner), 205 East 14th Street.			File #	
			11-2015-1.26	
Description of Action	Approval of the requested vacation of an irregular segment of East 14th Street adjoining the west boundary of the subject property subject to conditions..			
2020 Community Character Plan	Current: Commercial: Auto-Oriented Small-Scale Strip Development. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	N/A.			
Current Zoning District	"C-2" General Retail and Highway-Oriented Commercial District, "VDL" Vehicle Display Lot Overlay District, and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area				
Plan and Zoning Commission Action	Approval	8-0	Required 6/7 Vote of the City Council	Yes
	Denial			No X

Robert Etzell II, 205 East 14th Street

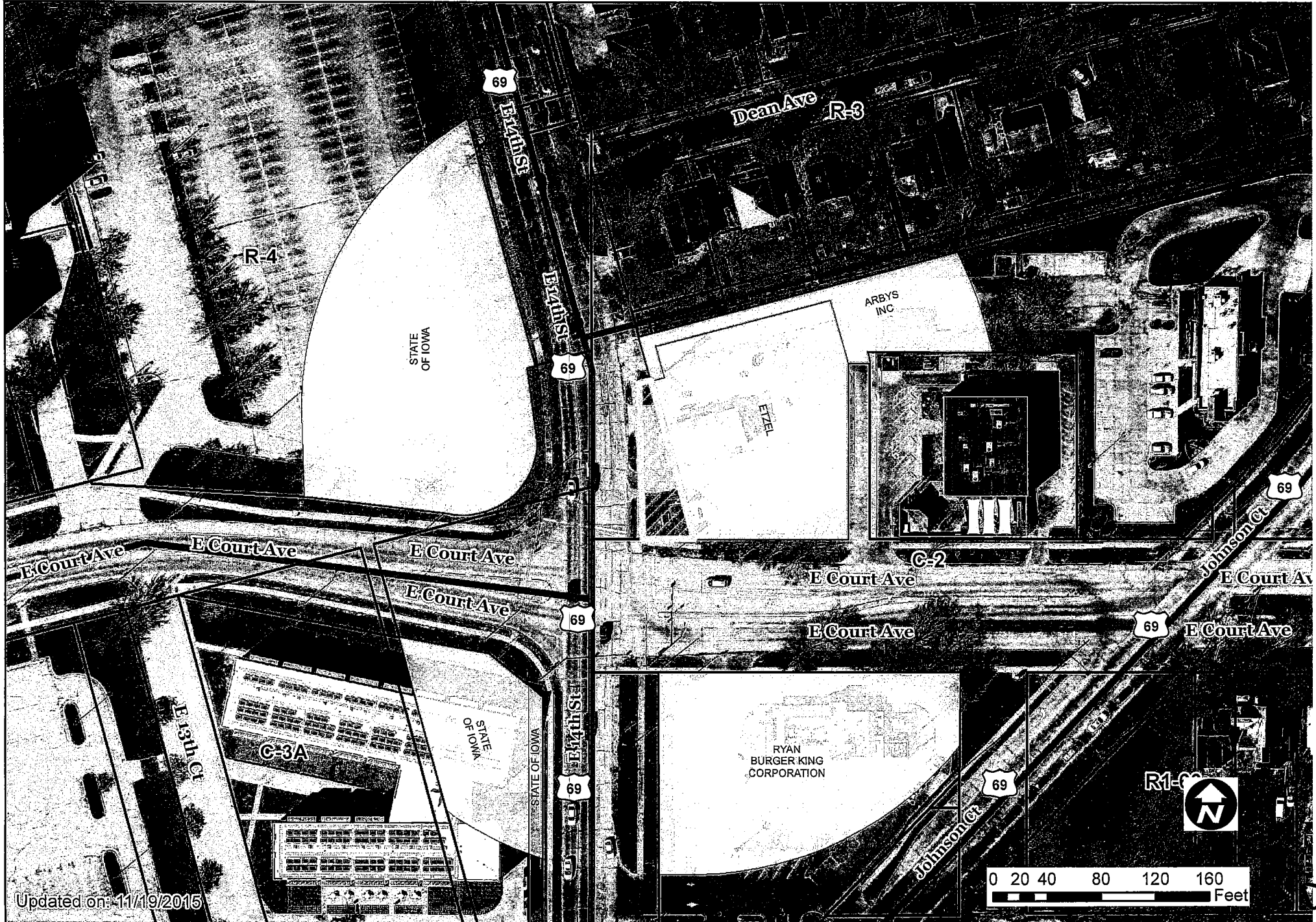
11-2015-1.26



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Robert Etzel II, 205 East 14th Street

11-2015-1.26



Updated on: 11/19/2015

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