



Roll Call Number

Agenda Item Number

24A

Date March 7, 2016

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM POLK COUNTY FOR VACATION OF 6TH AVENUE AND CHERRY STREET RIGHT-OF-WAY ADJOINING 110 6TH AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 18, 2016, its members voted 9-0 in support of a motion to recommend APPROVAL of a request from Polk County (owner), represented by John Rowen (General Services Manager), for vacation of a portion of the west 0.6 feet of 6th Avenue right-of-way adjoining 110 6th Avenue and a portion of the north 1.9 feet of Cherry Street right-of-way adjoining 110 6th Avenue to accommodate a proposed building encroachment, and for vacation of air rights within the west 3 feet of 6th Avenue right-of-way adjoining 110 6th Avenue to accommodate a proposed entryway canopy, subject to the reservation of any necessary easements for any existing utilities.

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

(11-2016-1.01)

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

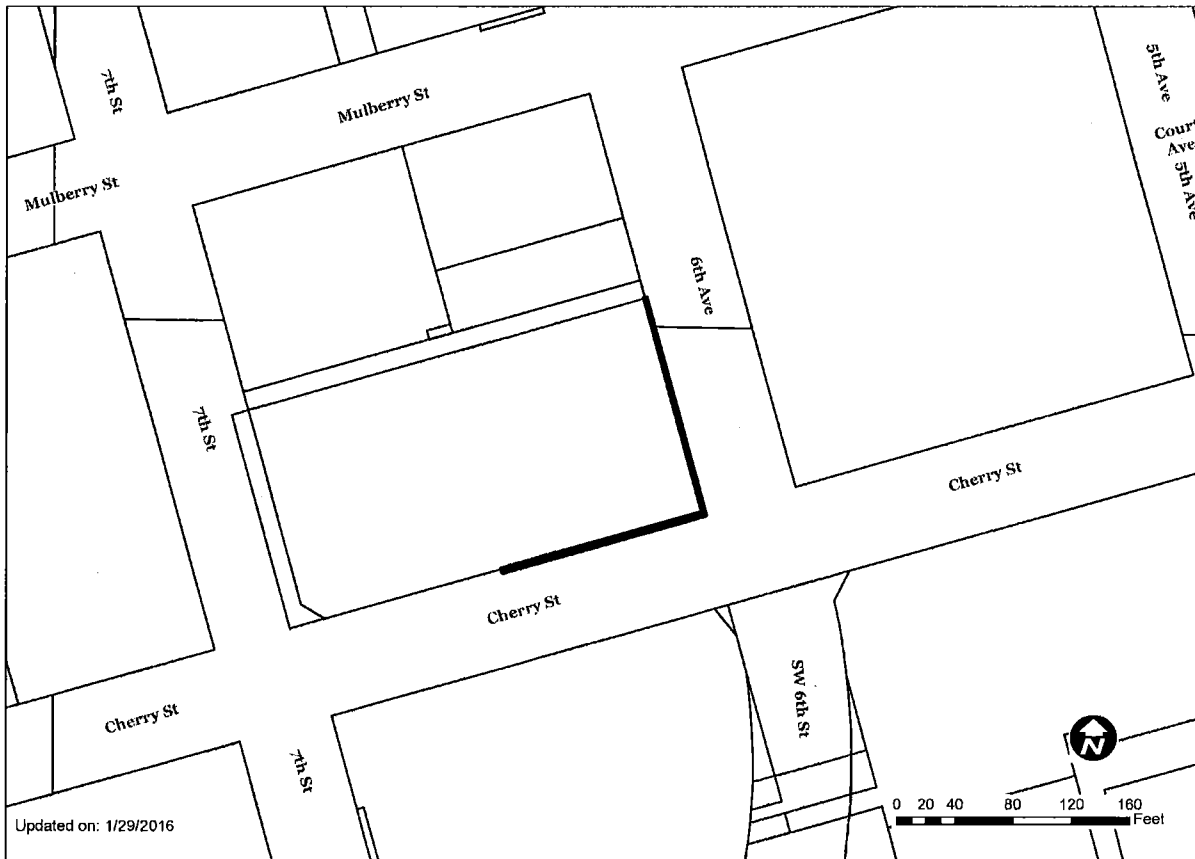
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

Polk County (owner) represented by John Rowen (General Services Manager) for property at 110 6th Avenue.		File # 11-2016-1.01		
Description of Action	Approval of request from for vacation of a portion of the west 0.6 feet of 6th Avenue right-of-way adjoining 110 6th Avenue and a portion of the north 1.9 feet of Cherry Street right-of-way adjoining 110 6th Avenue to accommodate a proposed building encroachment; along with a request for vacation of air rights within the west 3 feet of 6th Avenue right-of-way adjoining 110 6th Avenue to accommodate a proposed entry way canopy subject to the reservation of any necessary easements for any existing utilities.			
2020 Community Character Plan	Current: Downtown Retail/Office Core/Core Fringe. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"C-3A" Central Business District Support Commercial 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	9-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

Polk County General Services, 110 6th Avenue

11-2016-1.01



February 23, 2016

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 February 18, 2016, the following action was taken regarding a request from Polk County (owner) represented by John Rowen (General Services Manager) for vacation of a portion of the west 0.6 feet of 6th Avenue right-of-way adjoining 110 6th Avenue and a portion of the north 1.9 feet of Cherry Street right-of-way adjoining 110 6th Avenue to accommodate a proposed building encroachment; along with a request for vacation of air rights within the west 3 feet of 6th Avenue right-of-way adjoining 110 6th Avenue to accommodate a proposed entry way canopy.

COMMISSION RECOMMENDATION:

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

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

APPROVAL of the requested vacation subject to the reservation of any necessary easements for any existing utilities. (11-2016-1.01)

RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation subject to the reservation of any necessary easements for any existing utilities.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed vacation would allow renovations to the existing structure that would include a new façade protruding 0.6-foot from the existing building on the south and east facades, and a new canopy projecting 3 feet from the east façade.
2. **Size of Site:** The proposed façade requires a cumulative 172 square feet of Right-of-Way and the proposed canopy requires 36 square feet of Right-of-Way.
3. **Existing Zoning (site):** “C-3A” Central Business District Mixed-Use District, “D-O” Downtown Overlay District, “FSO” Freestanding Sign Overlay District, and “GGP” Gambling Games Prohibition District.
4. **Existing Land Use (site):** Right-of-Way 6th Avenue and Cherry Street.
5. **Adjacent Land Use and Zoning:**
 - North** – “C-3”. Use is a parking lot.
 - East** – “C-3”. Use is the Polk County Courthouse.
 - South** – “C-3A”. Use is the DART Central Station.
 - West** – “C-3A”, Use is a parking lot.
6. **General Neighborhood/Area Land Uses:** The subject property is located in an area of downtown that contains a mix of public uses, including the Polk County Courthouse and the DART Central Terminal.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in Downtown Neighborhood. The neighborhood association was notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhood associations on January 29, 2016. Additionally, separate notifications of the hearing for this specific item were mailed on February 8, 2016 (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 right-of-way and alley.

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 Downtown Neighborhood Association notices were mailed to Larry Bradshaw, 418 6th Avenue, Suite 902, Des Moines, IA 50309.

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

9. **2020 Community Character Land Use Plan Designation:** Downtown Retail/Office Core/Core Fringe.

10. **Applicable Regulations:** In consideration of the criteria set forth in Chapter 18B of the Iowa Code, 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 any existing utilities in place until such time that they may be abandoned or are relocated. No utilities have been identified at this time.
- 2. **Street System/Access:** The requested vacations would not impact the existing sidewalk network. The remaining Right-of-Way could accommodate required sidewalk widths.
- 3. **Additional Information:** A request to vacate a strip of Right-of-Way that is less than a foot wide can be considered by City Council without review by the Plan & Zoning Commission. However, in this instance the request has been "bundled" with the request to vacate air rights for a canopy that would project 3 feet from the building, which does necessitate review by the Plan and Zoning Commission.

SUMMARY OF DISCUSSION

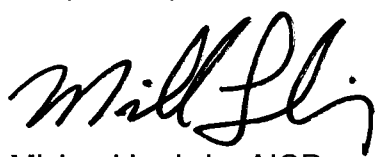
Greg Jones asked if anyone was present to speak on this item. None were present or requested to speak.

COMMISSION ACTION:

Mike Simonson moved staff recommendation for approval of the requested vacation subject to the reservation of any necessary easements for any existing utilities.

Motion passed 9-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:clw
Attachment