

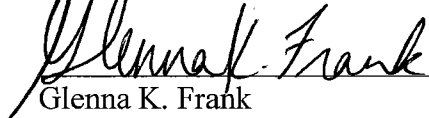
Date March 21, 2016

**RECEIVE AND FILE COMMUNICATION FROM THE
PLAN AND ZONING COMMISSION REGARDING REQUEST FROM
LINDEN STREET INVESTMENTS, LLC FOR VACATION OF THE
SURFACE RIGHTS ON THE WEST 13.5 FEET OF 14TH STREET**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on March 3, 2016, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Linden Street Investments, LLC (owner), represented by Charles Campbell (registered agent), for vacation of the surface rights on the west 13.5 feet of 14th Street adjoining the east side of the real property locally known as 1429 Grand Avenue, to allow use of the area for private visitor and vendor parking, subject to the reservation of easements for all utilities in place until such time that they are abandoned or relocated.

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

(11-2016-1.02)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

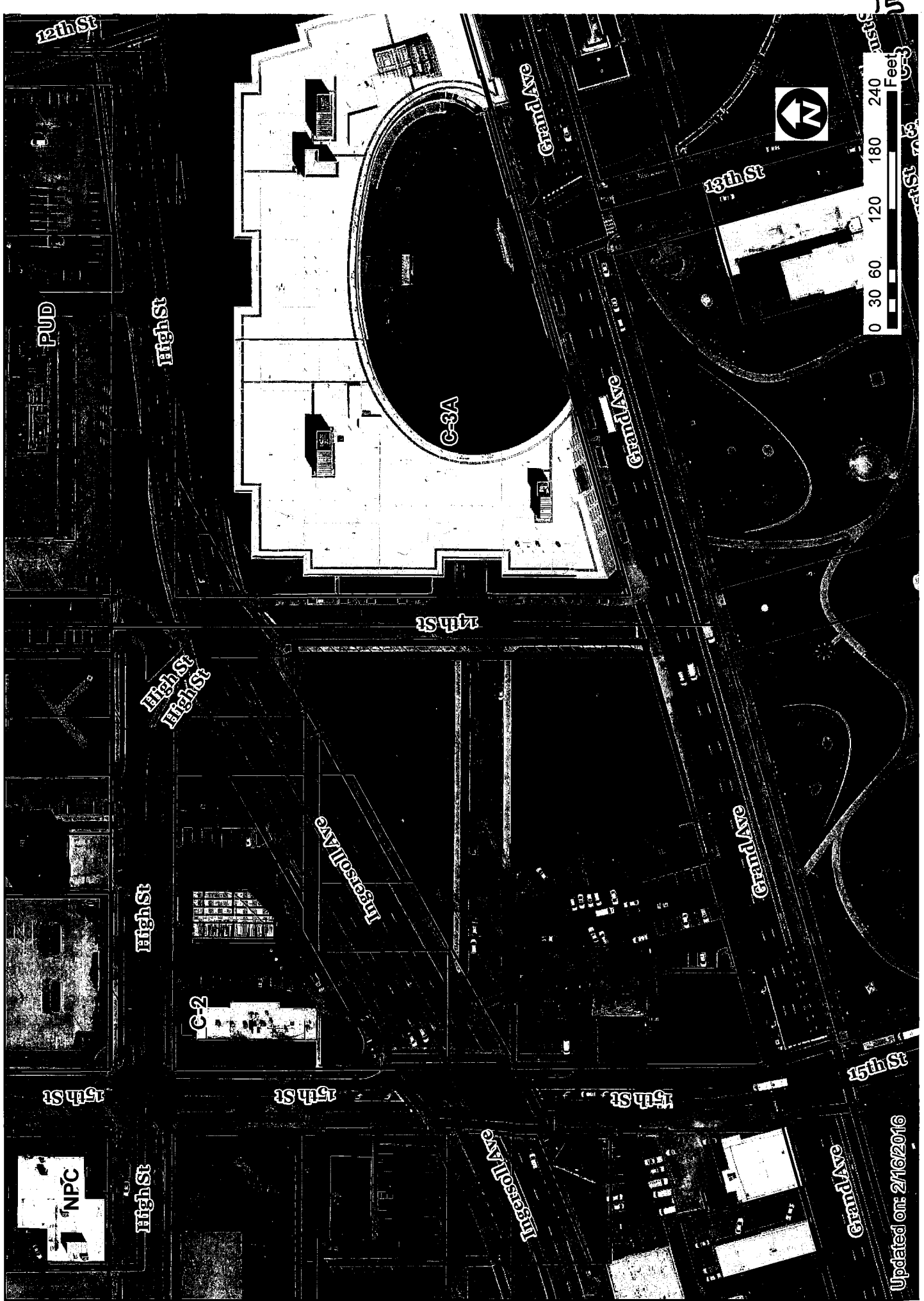
CERTIFICATE

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

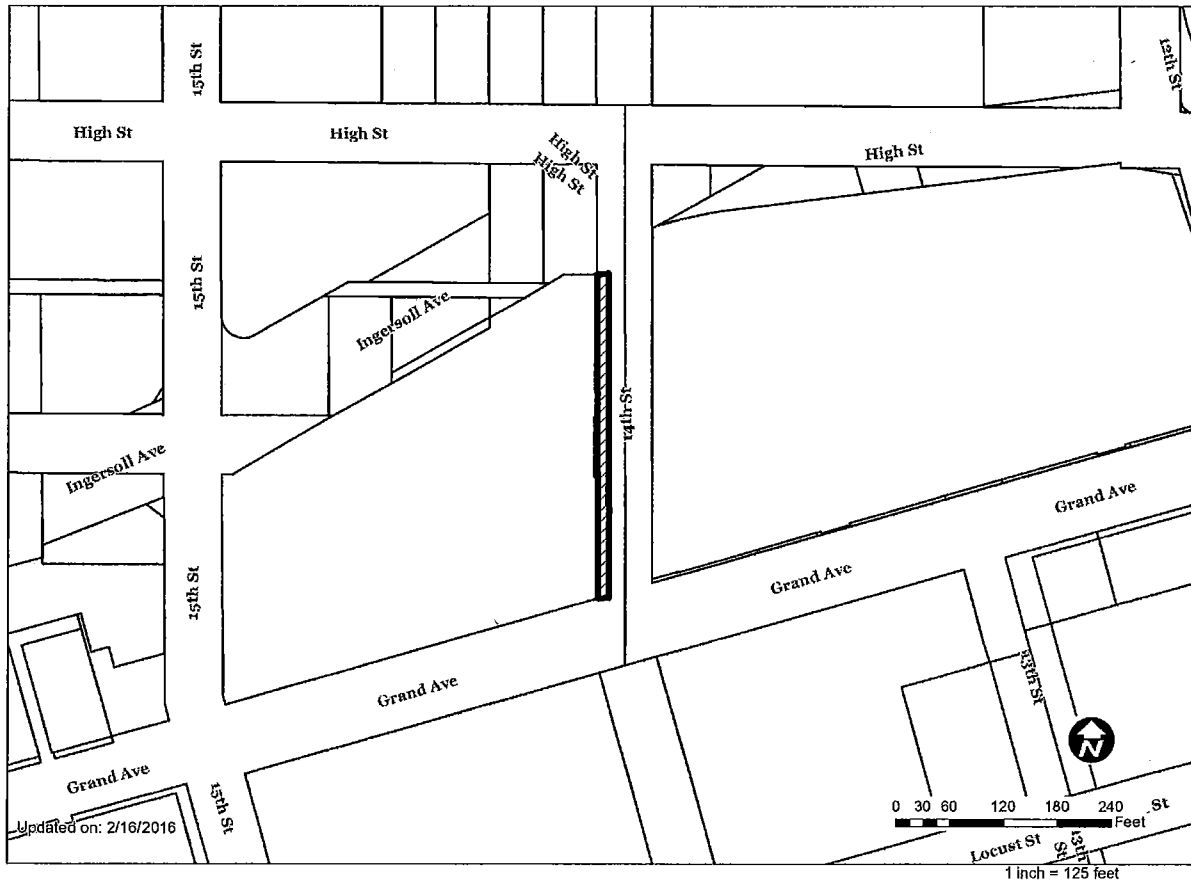
City Clerk



Linden Street Investments, LLC (owner) represent by Charles Campbell (registered agent) for property at 1429 Grand Avenue.		File # 11-2016-1.02		
Description of Action	Approval of the request for vacation of the surface rights on the west 13.5 feet of 14th Street adjoining the east side of the subject property, to allow use of the area for private visitor and vendor parking subject to the reservation of easements for all utilities in place until such time that they are abandoned or relocated.			
2020 Community Character Plan	Current: Downtown Support Commercial. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"C-3A" Central Business District Support Commercial District, "GGP" Gambling Games Prohibition Overlay District, "D-O" Downtown 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	11-0	Required 6/7 Vote of the City Council	Yes
	Denial			No
				X

Linden Street Investments, LLC, 1459 Grand Avenue

11-2016-1.02





March 10, 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 March 3, 2016, the following action was taken regarding a request from Linden Street Investments, LLC (owner), 1429 Grand Avenue, represented by Charles Campbell (registered agent) for vacation of the surface rights on the west 13.5 feet of 14th Street adjoining the east side of the subject property to allow use of the area for private visitor and vendor parking.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 as follows:

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
Francis Boggus	X			
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 of ROW subject to the reservation of easements for all utilities in place until such time that they are abandoned or relocated. (11-2016-1.02)

RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation of ROW subject to the reservation of easements for all utilities in place until such time that they are abandoned or relocated.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The subject Right-Of-Way (ROW) would be used for vendor and visitor parking for the proposed Krause Gateway Center building.
2. **Size of Site:** The subject ROW is irregularly shaped. It generally measures 13.5 feet by 358 feet.
3. **Existing Zoning (site):** "C-3A" Central Business Support Commercial District.

4. **Existing Land Use (site):** Sidewalk and turf.

5. **Adjacent Land Use and Zoning:**

North – "C-3A" & "C-2", Use is the Ingersoll Avenue and 14th Street intersection.

South – "C-3A", Use is the Grand Avenue and 14th Street intersection.

East – "C-3A", Use is the Wellmark headquarters building.

West – "C-3A", Use is the construction site for the Krause Gateway Center.

6. **General Neighborhood/Area Land Uses:** The subject ROW is located in the western portion of downtown to the north of the Western Gateway Park and Pappajohn Sculpture Garden.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Downtown Des Moines Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on February 12, 2016 and by mailing of the Final Agenda on February 26, 2016. Additionally, separate notifications of the hearing for this specific item were mailed on February 22, 2016 (10 days prior to the public hearing) to the Downtown Des Moines Neighborhood and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

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

8. **Relevant Zoning History:** On November 20, 2014, the Plan and Zoning Commission recommended the vacation of the following segments of ROW:

- Linden Street from 14th Street to Ingersoll Avenue.

- The north/south alley between 14th Street and 15th Street from Grand Avenue to a point approximately 121 feet to the north.

The City Council vacated these segments on July 13, 2014 by Ordinance No. 15,382.

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:** Easements must be maintained for all utilities in place until such time that they are relocated or abandoned.
- 2. Traffic/Street System:** The proposed vacation would not impact the 14th Street travel lanes and would not negatively impact the street network. In addition, 14th Street is not a through street in this area as it has been vacated and developed for private use to the north of Ingersoll Avenue and for Western Gateway Park south of Grand Avenue. Use of the vacated ROW for private parking and loading will be subject to a lease agreement with the City.

SUMMARY OF DISCUSSION

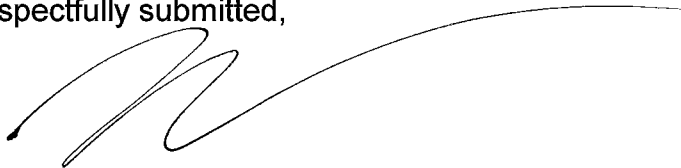
Greg Jones asked if anyone was present to speak on this item. None were present or requested to speak.

COMMISSION ACTION:

CJ Stephens moved staff recommendation for approval of the requested vacation of ROW subject to the reservation of easements for all utilities in place until such time that they are abandoned or relocated.

Motion passed 11-0.

Respectfully submitted,



Jason Van Essen, AICP
Senior City Planner

JMV:clw
Attachment