



Roll Call Number

Agenda Item Number

16

Date May 9, 2016

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM CATHOLIC HEALTH INITIATIVES – IOWA CORPORATION FOR VACATION OF RIGHT OF WAY ADJOINING 921 6TH AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 7, 2016, its members voted 8-0-2 to recommend APPROVAL of a request from Catholic Health Initiatives – Iowa Corporation (owner), represented by Ron Muecke (officer), for review and approval of a request for vacation of an irregular portion of Right-of-Way from the southeast corner of School Street and 6th Avenue, and an irregular portion of Right-Of-Way from the southwest corner of School Street and 5th Avenue, all adjoining the subject property at 921 6th Avenue, to allow for site expansion of the subject property subject to the following conditions:

- 1. Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.
2. Review and approval of a Site Plan by the City's Plan and Zoning Commission for all related site and landscaping improvements.

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

(11-2016-1.09)

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

CERTIFICATE

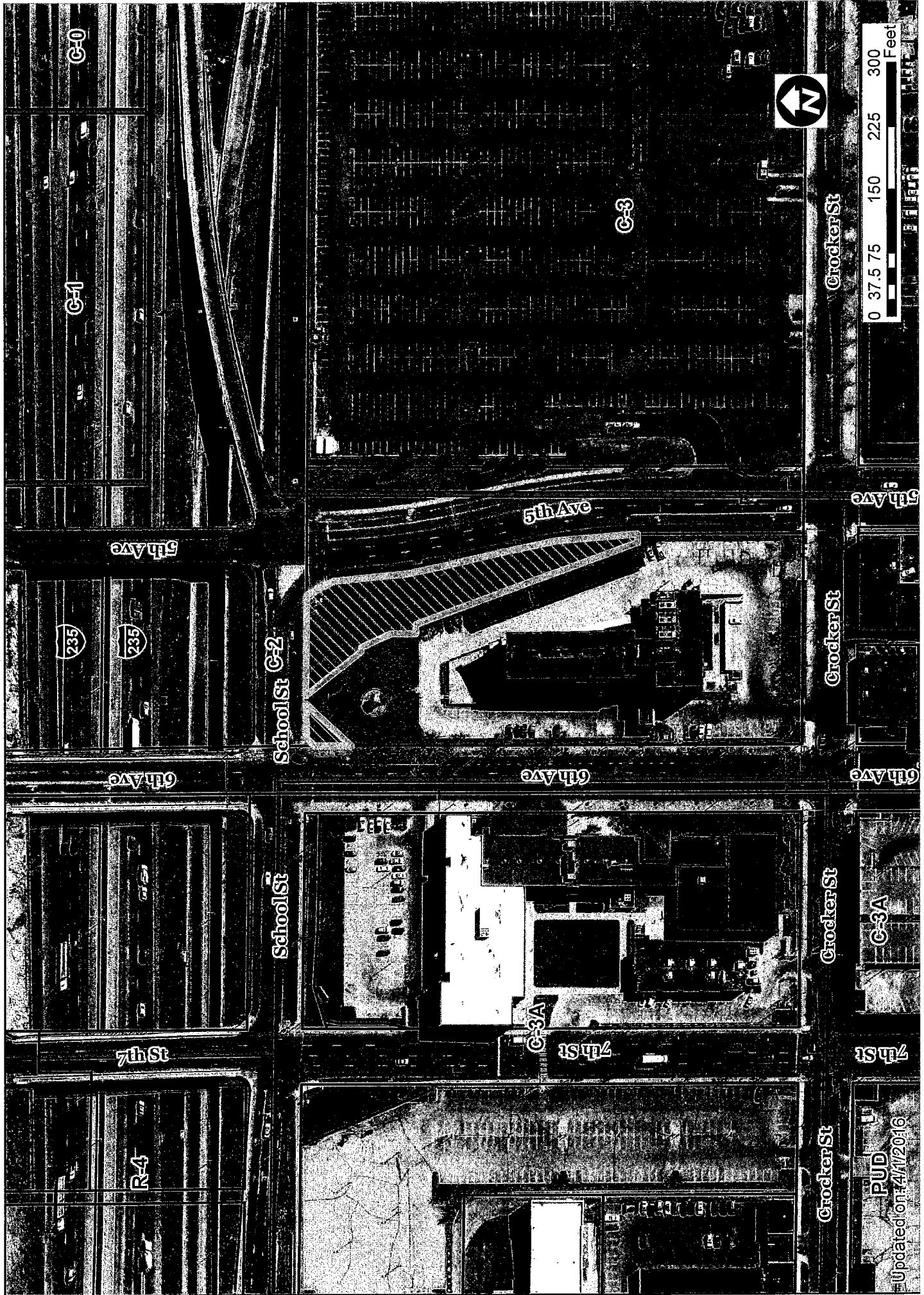
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

MOTION CARRIED APPROVED

Mayor

City Clerk



April 27, 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 April 21, 2016, the following action was taken regarding a request from Catholic Health Initiatives – Iowa Corporation (owner), 921 6th Avenue, represented by Ron Muecke (officer), for review and approval of a request for vacation of an irregular portion of Right-of-Way from the southeast corner of School Street and 6th Avenue, and an irregular portion of Right-Of-Way from the southwest corner of School Street and 5th Avenue; to allow for site expansion of the subject property.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 8-0-2 as follows:

Commission Action:	Yes	Nays	Pass	Absent
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 ROWs, subject to the following conditions:
 (11-2016-1.09)

1. Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.

2. Review and approval of a Site Plan by the City's Plan and Zoning Commission for all related site and landscaping improvements.

RECOMMENDATION TO THE P&Z COMMISSION

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

1. Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.
2. Review and approval of a Site Plan by the City's Plan and Zoning Commission for all related site and landscaping improvements.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed vacation would allow Mercy College of Health Sciences to assemble land required to renovate existing facilities, add a new building and make site improvements. The vacated right-of-way would be incorporated into a relocated parking lot.
2. **Size of Site:** The subject ROWs are two irregularly shaped segments measuring 23926.6 square feet (0.54 acres).
3. **Existing Zoning (site):** "C-2" General Retail and Highway-Oriented Commercial District.
4. **Existing Land Use (site):** Sidewalk and turf.
5. **Adjacent Land Use and Zoning:**
North – "C-2", Use is School Street and Interstate 235.
South – "C-2", Use is five-story building owned by Mercy Properties.
East – "C-3", Use is Polk County owned surface parking lot.
West – "C-3A", Use is 6th Avenue and properties owned by the Catholic Health Initiatives.
6. **General Neighborhood/Area Land Uses:** The subject right-of-way segments are located in the northern portion of downtown near Interstate 235. The area contains a mix of commercial, multiple-family and surface parking uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is not located in or within 250 feet of a recognized neighborhood. All neighborhoods were notified of the

Commission meeting by mailing of the Preliminary Agenda on April 1, 2016. A Final Agenda was mailed to all neighborhood associations on April 15, 2016. Additionally, separate notifications of the hearing for the site plan were mailed on April 11, 2016 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for every property adjoining or directly across from the subject site.

8. Relevant Zoning History: None.

9. 2020 Community Character Land Use Plan Designation: High Density Residential/Limited Commercial.

10. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation: The subject property is located within an area designated on the proposed PlanDSM future land use map as Downtown Mixed Use. The plan defines this category as "mixed-use, high density residential uses, and compact combinations of pedestrian-oriented retail, office, residential and parking in downtown. Should include active uses (e.g. retail) on ground floor, particularly at key intersections."

11. 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. Traffic/Street System:** The requested vacation would not impact the existing street network. The subject right-of-way segments are remnants of land acquired for the construction of Interstate 235.
- 2. Utilities:** The subject right-of-way contains fiber optic lines and conduits. Easements must be reserved for any existing utilities until such time that they may be abandoned or are relocated.
- 3. Future Use:** The proposed vacation would allow Mercy College of Health Sciences to assemble land required to renovate existing facilities, add a new building and make site improvements. The vacated right-of-way would be incorporated into a relocated parking lot. The proposed improvements will require a Site Plan approved by the City's Plan and Zoning Commission. The applicant has submitted a Site Plan scheduled for May 05, 2016. The applicant has also submitted a request for a Variance to setback requirements to the Zoning Board of Adjustment that will be reviewed at the April 27, 2016 public meeting.

SUMMARY OF DISCUSSION

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

16

COMMISSION ACTION:

Mike Simonson moved staff recommendation for approval of the requested vacation of ROWs subject to the following conditions:

1. Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.
2. Review and approval of a Site Plan by the City's Plan and Zoning Commission for all related site and landscaping improvements.

Motion passed 8-0-2 (Jacqueline Easley and Mike Simonson abstained).

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:clw
Attachment

Catholic Health Initiatives – Iowa Corporation (owner), 921 6th Avenue, represented by Ron Muecke (officer).				File #	
				11-2016-1.09	
Description of Action		Approval of a request for vacation of an irregular portion of Right-of-Way from the southeast corner of School Street and 6th Avenue, and an irregular portion of Right-Of-Way from the southwest corner of School Street and 5th Avenue; to allow for site expansion of the subject property, subject to conditions			
2020 Community Character Plan		Current: High Density Residential. Proposed PlanDSM: Downtown Mixed-Use.			
Mobilizing Tomorrow Transportation Plan		No planned improvements.			
Current Zoning District		"C-2" General Retail and Highway-Oriented 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	8-0-2	Required 6/7 Vote of the City Council	
		Denial		Yes	
				No	X

Catholic Health Initiatives - Iowa Corporation

11-2016-1.09

