


Date July 25, 2016

**RECEIVE AND FILE COMMUNICATION FROM THE
PLAN AND ZONING COMMISSION REGARDING REQUEST FROM
ROBERT J. TURSI, JR. FOR VACATION OF
15TH STREET EAST OF 1514 WALNUT STREET**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 7, 2016, its members voted 11-0 to recommend **APPROVAL** of a request from Robert J. Tursi, Jr. (owner) for vacation of an irregular segment of 15th Street right-of-way east of and adjoining 1514 Walnut Street, to allow for acquisition and site expansion of Exile Brewing Company, subject to reservation of any necessary easements for all existing 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

(11-2016-1.14)

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

Robert J. Tursi, Jr. (owner) for property located at 1514 Walnut Street.		File #		
		11-2016-1.14		
Description of Action	Approval of request for vacation of an irregular segment of 15th Street Right-Of-Way (ROW) east of and adjoining the subject property, to allow conveyance for site expansion of Exile Brewing Company, subject to conditions.			
PlanDSM Future Land Use	Current: Downtown Mixed Use. 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

Tursi, Jr., 1514 Walnut Street

11-2016-1.14



1 Inch = 61 feet

July 12, 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 July 7, 2016, the following action was taken regarding a request from Robert J. Tursi, Jr. (owner), 1514 Walnut Street, for vacation of an irregular segment of 15th Street Right-Of-Way (ROW) east of and adjoining the subject property, to allow conveyance for site expansion of Exile Brewing Company.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 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			
Carolyn Jenison	X			
Greg Jones	X			
William Page	X			
Mike Simonson	X			
CJ Stephens				X
Steve Wallace	X			
Greg Wattier				X

APPROVAL of the vacation request subject to the following conditions. (11-2016-1.14)

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

RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the vacation request 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.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed vacation would allow Exile Brewing Company to assemble land required to expand the existing business on the property.
2. **Size of Site:** 312 square feet.
3. **Existing Zoning (site):** "C-3A" Central Business Support District, "GGP" Gambling Games Prohibition Overlay District, "D-O" Downtown Overlay District and "FSO" Freestanding Sign Overlay District.
4. **Existing Land Use (site):** Open space in parking.
5. **Adjacent Land Use and Zoning:**
 - North* – "C-3A"; Use is retail (Exile Brewing Company).
 - South* – "C-3A", Use is 15th Street ROW.
 - East* – "C-3A"; Use is 15th Street ROW.
 - West* – "C-3A"; Use is retail (Exile Brewing Company).
6. **General Neighborhood/Area Land Uses:** The site is located in the southwestern portion of the Downtown Central Business District along the West Martin Luther King Jr. Parkway loop.
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 June 20, 2016. Additionally, separate notifications of the hearing for this specific item were mailed on June 27, 2016 (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 adjoining or across public streets from the subject ROW. A Final Agenda was mailed to all recognized neighborhood associations on July 1, 2016.

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 Jon Thompson, 1719 Grand Avenue, #330, Des Moines, IA 50309.
8. **Relevant Zoning History:** N/A.

9. **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."

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. **Traffic/Street System:** The requested vacation would not impact the existing street network or traffic movement in the area.
- 2. **Utilities:** Fiber optic conduits are located at the east edge of the subject right-of-way along 15th Street. 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 Exile Brewing Company to assemble land required to expand its existing business. The applicant has indicated that the vacated right-of-way would be contain portions of a future building.

SUMMARY OF DISCUSSION

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

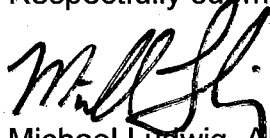
COMMISSION ACTION:

John "Jack" Hilmes moved staff recommendation for approval of the vacation request subject to the following condition:

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

Motion passed 11-0.

Respectfully submitted,


 Michael Ludwig, AICP
 Planning Administrator

MGL:clw
Attachment