



Roll Call Number

Agenda Item Number

16

Date November 7, 2016

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM HARBACH LOFTS, LLC FOR VACATION OF RIGHT-OF-WAY ADJOINING 300 SOUTHWEST 5TH STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 6, 2016, its members voted 12-0 to recommend APPROVAL of a request from Harbach Lofts, LLC (owner), represented by Angie Pfannkuch (officer), for vacation of a 3-foot by 10-foot (30 square feet) segment of the west side of the Southwest 5th Street right-of-way adjoining 300 Southwest 5th Street, to allow for permanent door swing from the entrance of the existing building into the right-of-way subject to the following conditions:

- 1. Review and approval of an amended Site Plan by the City's Permit and Development Center to ensure that proposed vacation does not negatively impact the street trees or planter beds within Southwest 5th Street right-of-way.
2. Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are 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
Glenna K. Frank
Assistant City Attorney

(11-2016-1.22)

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

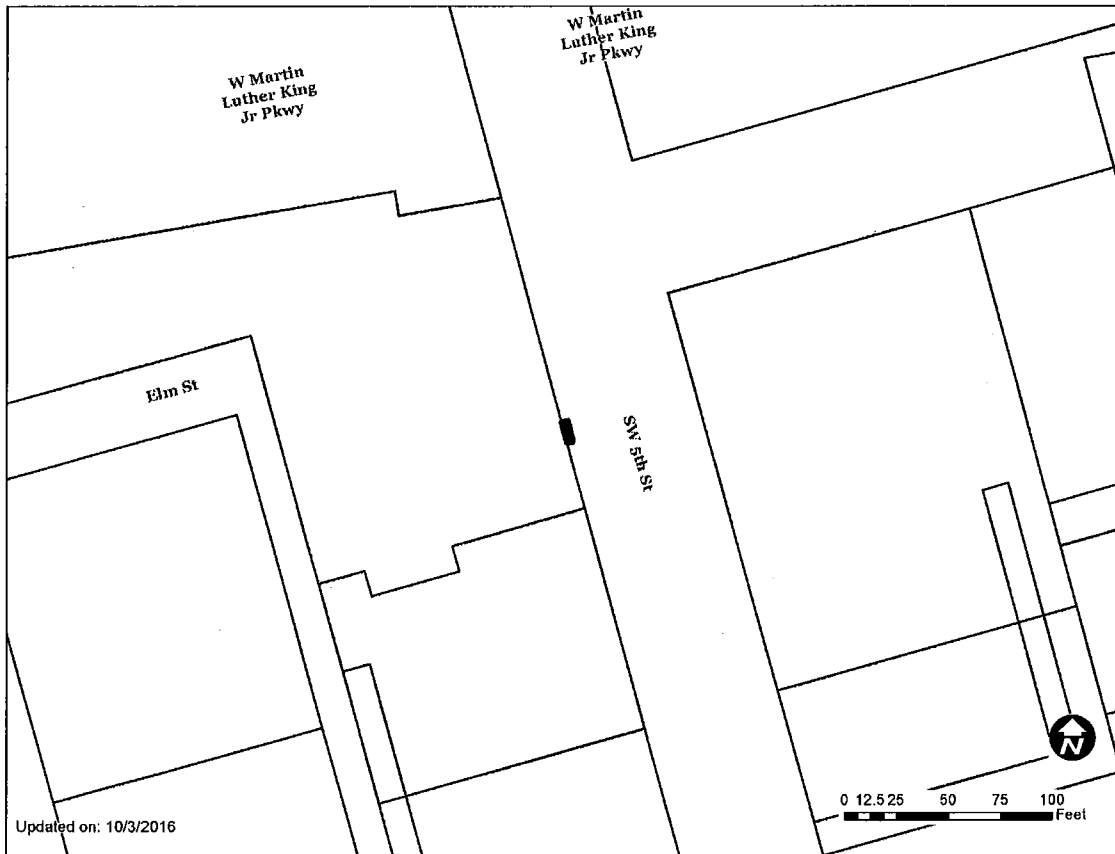
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

Harbach Lofts, LLC (owner) 300 Southwest 5th Street, represented by Angie Pfannkuch (officer),		File #		
		11-2016-1.22		
<b>Description of Action</b>	Approval of a request for vacation of a 3-foot by 10-foot (30 square feet) segment of the west side of the Southwest 5th Street Right-Of-Way (ROW) adjoining the subject property, to allow for permanent door swing from the entrance of the building into the ROW.			
<b>PlanDSM Future Land Use</b>	Current: Downtown Mixed Use. Proposed: N/A.			
<b>Mobilizing Tomorrow Transportation Plan</b>	No planned improvements.			
<b>Current Zoning District</b>	"C-3R" Central Business Mixed-Residential District, "GGP" Gambling Games Prohibition District, "D-O" Downtown Overlay District and "FSO" Freestanding Signs Overlay District.			
<b>Proposed Zoning District</b>	N/A.			
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area				
<b>Plan and Zoning Commission Action</b>	Approval	12-0	<b>Required 6/7 Vote of the City Council</b>	Yes
	Denial			No X

Harbach Lofts, LLC, 300 Southwest 5th Street

11-2016-1.22



Updated on: 10/3/2016

1 inch = 54 feet



October 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 October 20, 2016, the following action was taken regarding a request from Harbach Lofts, LLC (owner) 300 Southwest 5th Street, represented by Angie Pfannkuch (officer), for vacation of a 3-foot by 10-foot (30 square feet) segment of the west side of the Southwest 5th Street Right-Of-Way (ROW) adjoining the subject property, to allow for permanent door swing from the entrance of the building into the ROW.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 12-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles	X			
JoAnne Corigliano	X			
David Courard-Hauri	X			
Jacqueline Easley	X			
Jann Freed				X
John "Jack" Hilmes	X			
Carolyn Jenison	X			
Greg Jones	X			
William Page	X			
Mike Simonson	X			
Steve Wallace	X			
Greg Wattier	X			

**APPROVAL** of the requested vacation subject to the following conditions. (11-2016-1.22)

1. Review and approval of an amended Site Plan by the City's Permit and Development Center to ensure that proposed vacation does not negatively impact the street trees or planter beds within Southwest 5th Street Right-of-Way.
2. 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 requested vacation subject to the following conditions:

1. Review and approval of an amended Site Plan by the City's Permit and Development Center to ensure that proposed vacation does not negatively impact the street trees or planter beds within Southwest 5th Street Right-of-Way.
2. 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 applicant is requesting vacation of a 3-foot wide segment of Right-of-Way along the east façade of the structure to allow the existing double-doors at the entrance of the building to swing into the Right-of-Way. According to the application, the developer is required to maintain the placement and swing of the existing double doors in order to comply with the requirements for historic tax credits.
2. **Size of Site:** 3-foot by 10-foot (30 square feet) segment of Southwest 5<sup>th</sup> Street Right-of-Way.
3. **Existing Zoning (site):** "C-3R" Central Business District Mixed Residential, "D-O" Downtown Overlay District, "GGP" Gambling Games Prohibition Overlay District and "FSO" Freestanding Sign Overlay District.
4. **Existing Land Use (site):** Right-of-Way adjoining a 5-story warehouse building being converted to a multiple-family residential use.
5. **Adjacent Land Use and Zoning:**
  - North** – "C-3R"; Use is Martin Luther King, Jr. Parkway and the Science Center of Iowa.
  - South** – "C-3R"; Use is warehouse building.
  - East** – "C-3R"; Use is an office and warehouse building.
  - West** – "C-3R"; Use is an office and warehouse building.
6. **General Neighborhood/Area Land Uses:** The site is located along the west side of Southwest 5<sup>th</sup> Street to the south of Martin Luther King, Jr. Parkway. The building was formerly used as a furniture warehouse and sits among several historic warehouse buildings that have been converted into apartments and offices.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Downtown Des Moines Neighborhood. The neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on September 30, 2016. A Final Agenda was mailed to the neighborhood association on October 14, 2016. Additionally, separate notifications of the hearing for the site plan were mailed on

October 10, 2016 (10 days prior to the hearing) to the neighborhood association and to the primary titleholder on file with the Polk County Assessor for every owner of property adjacent to the site.

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.

- 6. **Relevant Zoning History:** On August 20, 2015, the Plan & Zoning Commission approved a Site Plan for "Harbach Lofts" under design guidelines for multiple-family dwellings, to allow the adjoining 5-story warehouse building and 5-story artist studio building to be converted to 103 units of multiple-family residential apartments.

On October 5, 2016, the applicant submitted an application for a minor amendment to this Site Plan in order to accommodate the proposed door swing encroachment. This amendment is being reviewed administratively since it would not eliminate any planter beds.

- 7. **PlanDSM Land Use Plan Designation:** Downtown Mixed Use.

- 8. **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. **Street System & Access:** The Site Plan amendment that has been submitted to the City's Permit & Development Center for administrative review demonstrates that the proposed vacation would not impact the minimum required 6-foot wide pedestrian path within the Right-of-Way. This Site Plan amendment does not require the elimination of any street trees or planter beds within Southwest 5<sup>th</sup> Street Right-of-Way.
- 2. **Utilities:** It does not appear that the requested vacation would impact any utilities. However, easements must be provided for any existing utilities in place until such time that they may be abandoned or are relocated. Any change to the existing water service would need to be submitted to the Des Moines Water Works.

**SUMMARY OF DISCUSSION**

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

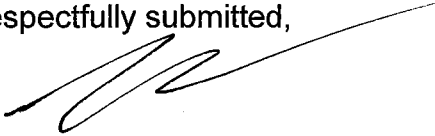
**COMMISSION ACTION:**

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

- 16
1. Review and approval of an amended Site Plan by the City's Permit and Development Center to ensure that proposed vacation does not negatively impact the street trees or planter beds within Southwest 5th Street Right-of-Way.
  2. Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated

Motion passed 12-0.

Respectfully submitted,



Jason Van Essen, AICP  
Senior City Planner

JMV:clw  
Attachment