



Roll Call Number

Agenda Item Number

19

Date December 5, 2016

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM VUE 23, LLC FOR VACATION OF THE NORTH 2 FEET OF INGERSOLL AVENUE ADJOINING 2301 INGERSOLL AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on November 17, 2016, its members voted 10-0 to recommend APPROVAL of a request from Vue 23, LLC (developer) represented by Jeff Koch (officer), for vacation of the north 2 feet of Ingersoll Avenue adjoining 2301 Ingersoll Avenue to allow for subsurface encroachment of patio footings, subject to reservation of any necessary easements for any existing utilities 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 (handwritten signature)

Glenna K. Frank Assistant City Attorney

(11-2016-1.25)

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

November 22, 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 November 17, 2016, the following action was taken regarding a request from Vue 23, LLC (developer) 2301 Ingersoll Avenue, represented by Jeff Koch (officer), for vacation of the north 2 feet of Ingersoll Avenue adjoining the subject property to allow for subsurface encroachment of patio footings. The subject property is owned by All People Re Investment, LLC.

COMMISSION RECOMMENDATION:

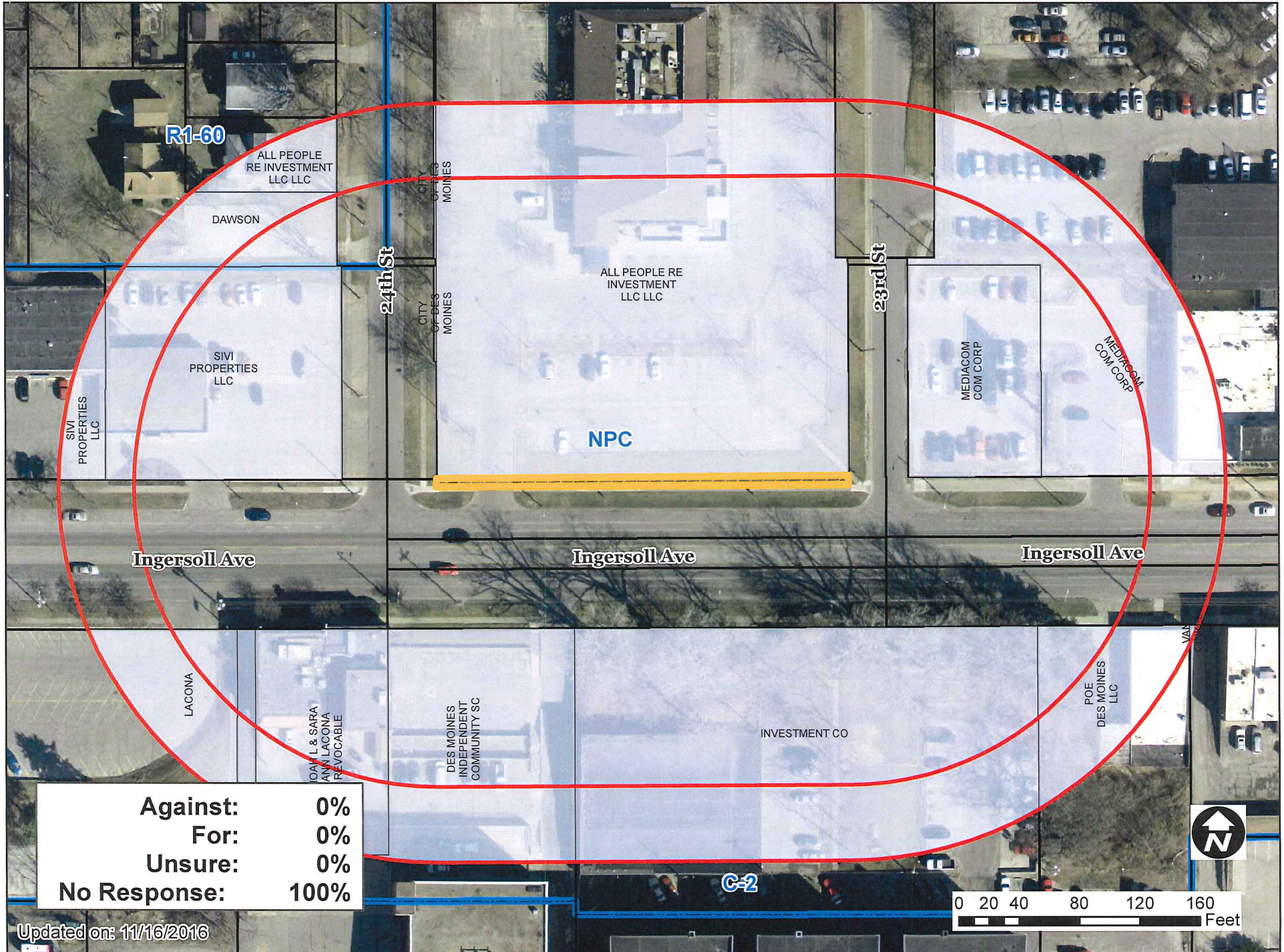
After public hearing, the members voted 10-0 as follows:

| 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 |
| Rocky Sposato | X | | | |
| Steve Wallace | X | | | |
| Greg Wattier | X | | | |

APPROVAL of the requested vacation subject to reservation of any necessary easements for any existing utilities until such time that they are abandoned or are relocated.

(11-2016-1.25)

19



| | |
|--------------|------|
| Against: | 0% |
| For: | 0% |
| Unsure: | 0% |
| No Response: | 100% |

Updated on: 11/16/2016

19

RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation subject to reservation of any necessary easements for any existing utilities until such time that they are abandoned or are relocated.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** On October 10, 2016, by Roll Call Number 16-1746, the City Council approved Ordinance Number 15,516, rezoning the property at 2301 Ingersoll Avenue from “NPC” District to “PUD” District. This action allows the construction of a mixed-use development consisting of 192 multiple-family dwelling units and 10,000 square feet of ground floor commercial space along Ingersoll Avenue. The requested vacation of subsurface rights would allow footings for a patio that would run the entire length of the Ingersoll Avenue frontage. The patio would provide outdoor space to support the commercial tenants and would assist with the grade transition from the right-of-way to the floor level of the building.
2. **Size of Site:** 2 feet by 273.39 feet (546.78 square feet).
3. **Existing Zoning (site):** 2301 Ingersoll Avenue “PUD” District and “FSO” Freestanding Sign Overlay District.
4. **Existing Land Use (site):** The property includes a vacant 11,315 square foot restaurant building (formerly China One Buffet) and associated surface parking lot.
5. **Adjacent Land Use and Zoning:**
 - East** - “NPC”; Uses are surface parking lots and offices (Mediacom).
 - West** - “NPC” and “R1-60”; Uses are office/retail (Vogue Vision Center) and single-family dwellings.
 - North** - “R1-60”; Uses are single-family dwellings.
 - South** - “NPC”; Uses are restaurant (Noah’s Ark), office (Des Moines Public Schools), surface parking lots and multi-family residential.
6. **General Neighborhood/Area Land Uses:** The subject property fronts the Ingersoll mixed use corridor and is within the Woodland Heights Organization, which has a vibrant mix of retail, office, restaurant, multi-family residential and single-family residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Woodland Heights Organization. All neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on October 28, 2016. Additionally, separate notifications of the hearing for this specific item were mailed on November 7, 2016 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for each property adjoining or across Ingersoll Avenue from the subject property. A Final Agenda for the meeting was mailed to all the recognized neighborhood

associations on November 10, 2016. The Woodland Heights Organization mailings were sent to Doug McBride, 716 26th Street, Des Moines, IA 50312.

- 8. **Zoning History:** On October 10, 2016, by Roll Call Number 16-1746, the City Council approved Ordinance Number 15,516 rezoning the property at 2301 Ingersoll Avenue from "NPC" District to "PUD" District.
- 9. **PlanDSM Land Use Plan Designation:** Community Mixed-Use within a Neighborhood Node.
- 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:** Any existing utilities impacted by the proposed footings must be relocated in coordination with the impacted utility.
- 2. **Right-of-Way Network:** The proposed vacation would have no impact on the Ingersoll Avenue sidewalk or roadway.

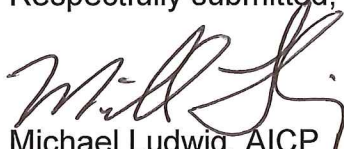
SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

Jann Freed moved staff recommendation for approval of the requested vacation subject to reservation of any necessary easements for any existing utilities until such time that they are abandoned or are relocated.

Motion passed 10-0.

Respectfully submitted,

 Michael Ludwig, AICP
 Planning Administrator

MGL:clw
Attachment