



Date October 23, 2017

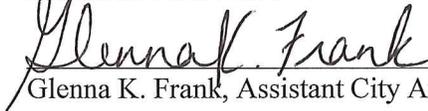
RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM BRONSON PARTNERS, LLC FOR VACATION OF ALLEY RIGHT-OF-WAY ADJOINING 1417 WALNUT STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 5, 2017, its members voted 11-0 to recommend **APPROVAL** of a request from Bronson Partners, LLC (owner), for vacation of a segment of north/south alley adjoining 1417 Walnut Street between 14th Street and 15th Street from Walnut Street to the east/west alley, and a segment of the east/west alley adjoining 1417 Walnut Street, to allow for use as an outdoor patio service area for a restaurant, subject to the following conditions:

1. The right-of-way shall be leased in accordance with a Sidewalk Café Lease approved by the City.
2. Easements shall be provided for public pedestrian ingress and egress across any portion of the alley not being leased.
3. Easements shall be provided for any existing utilities until such time that they are abandoned or are relocated.
4. Removal of the Walnut Street driveway entrance, with restoration of the street curb and provision of a Class A sidewalk and street tree planter, is required.
5. Any future use of the right-of-way shall be in accordance with all applicable City stormwater management requirements.
6. Any future use of the right-of-way shall be in accordance with an approved site plan and in accordance with design guidelines applicable in the "C-3A" and "D-O" Districts or any applicable zoning that may be adopted.

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

(11-2017-1.02)

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

Date October 23, 2017

Agenda Item 20

Roll Call # _____

October 17, 2017

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their October 5, 2017 meeting, the following action was taken regarding a request from Bronson Partners, LLC (owner), 1417 Walnut Street, for vacation of a segment of north/south alley between 14th Street and 15th Street from Walnut Street to the east/west alley, and a 5-foot segment of Walnut Street adjoining the north/south alley and subject property to allow for use as an outdoor patio service area for a restaurant.

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			
Jann Freed	X			
John "Jack" Hilmes	X			
Lisa Howard	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 of north/south alley right-of-way, subject to the following conditions: (11-2017-1.11)

1. The right-of-way shall be leased in accordance with a Sidewalk Café Lease and with a site plan approved by the City.

2. Easements shall be provided for public pedestrian ingress and egress across any portion of the alley not being leased.
3. Easements shall be provided for any existing utilities until such time that they are abandoned or are relocated.
4. Removal of the Walnut Street driveway entrance with restoration of the street curb and provision of a Class A sidewalk and street tree planter.
5. Any future use of the right-of-way shall be in accordance with all applicable City storm water management requirements.
6. Any future use of the right-of-way shall be in accordance with an approved site plan and in accordance with design guidelines applicable in the "C-3A" and "D-O" Districts or any applicable zoning that may be adopted.

RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation of north/south alley right-of-way, subject to the following conditions:

1. The right-of-way shall be leased in accordance with a Sidewalk Café Lease and with a site plan approved by the City.
2. Easements shall be provided for public pedestrian ingress and egress across any portion of the alley not being leased.
3. Easements shall be provided for any existing utilities until such time that they are abandoned or are relocated.
4. Removal of the Walnut Street driveway entrance with restoration of the street curb and provision of a Class A sidewalk and street tree planter.
5. Any future use of the right-of-way shall be in accordance with all applicable City stormwater management requirements.
6. Any future use of the right-of-way shall be in accordance with an approved site plan and in accordance with design guidelines applicable in the "C-3A" and "D-O" Districts or any applicable zoning that may be adopted.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed vacation would allow the subject segment of right-of-way to be used as an outdoor patio for a restaurant in the adjoining building. Any future use of the right-of-way must be in accordance with all Site Plan policies.

2. **Size of Site:** 17 feet by 95 feet (1,540 square feet) of alley right-of-way.
3. **Existing Zoning (site):** “C-3A” Central Business District Commercial District, “GGP” Gambling Games Prohibition Overlay District, “D-O” Downtown Overlay District, and “FSO” Freestanding Sign Overlay District.
4. **Existing Land Use (site):** The north/south right-of-way contains a paved alley that provides access to the east/west alley to the north of the subject property.
5. **Adjacent Land Use and Zoning:**

North – “C-3A”; Use is an east/west alley that is the main alley for the surrounding properties.

South – “C-3A”; Use is the Walnut Street right-of-way.

East – “C-3A”; Use is a surface parking lot owned by Saga Communications of Iowa, LLC.

West – “C-3A”; Use is a 2-story building that is being repurposed from to office and retail uses.

6. **General Neighborhood/Area Land Uses:** The subject segment of right-of-way is located in the Downtown Des Moines neighborhood, which contains of a mix of commercial, retail, and residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Downtown Des Moines Neighborhood. All recognized neighborhoods were notified of the meeting by mailing of the Preliminary Agenda on September 15, 2017. Additionally, separate notifications of the hearing for this specific item were mailed on September 15, 2017 (20 days prior to the scheduled hearing) and on September 25, 2017 (10 days prior to the scheduled hearing) to the Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on September 29, 2017.

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 Historic East Village Neighborhood Association notices were mailed to Tony Filippini, 1719 Grand Avenue #210, Des Moines, IA 50309.

8. **Relevant Zoning History:** None.
9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** The subject segment of right-of-way is within an area designated as Downtown Mixed Use on the Plan DSM future land use map. 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.”

10. Applicable Regulations: The Commission, considering the criteria set forth in Chapter 18B of the Iowa Code, 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 reserved for any existing utilities until such time that they are abandoned or relocated. There are no identified sewer, water, or electrical facilities within the right-of-way at this time. The subject alley right-of-way is designed to carry stormwater flow and this provision must be maintained.
- 2. **Street System/Access:** The requested alley right-of-way is not needed for a public purpose as it is one of several means of access for the existing east/west alley. The existing east/west alley bisecting the block would remain.

SUMMARY OF DISCUSSION

Jacqueline Easley asked if anyone was present to speak on this item. None were present or requested to speak.

COMMISSION ACTION:

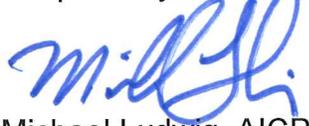
Dory Briles moved staff recommendation for approval of the requested vacation of north/south alley right-of-way, subject to the following conditions:

- 1. The right-of-way shall be leased in accordance with a Sidewalk Café Lease and with a site plan approved by the City.
- 2. Easements shall be provided for public pedestrian ingress and egress across any portion of the alley not being leased.
- 3. Easements shall be provided for any existing utilities until such time that they are abandoned or are relocated.
- 4. Removal of the Walnut Street driveway entrance with restoration of the street curb and provision of a Class A sidewalk and street tree planter.
- 5. Any future use of the right-of-way shall be in accordance with all applicable City stormwater management requirements.

6. Any future use of the right-of-way shall be in accordance with an approved site plan and in accordance with design guidelines applicable in the "C-3A" and "D-O" Districts or any applicable zoning that may be adopted.

Motion passed 11-0.

Respectfully submitted,



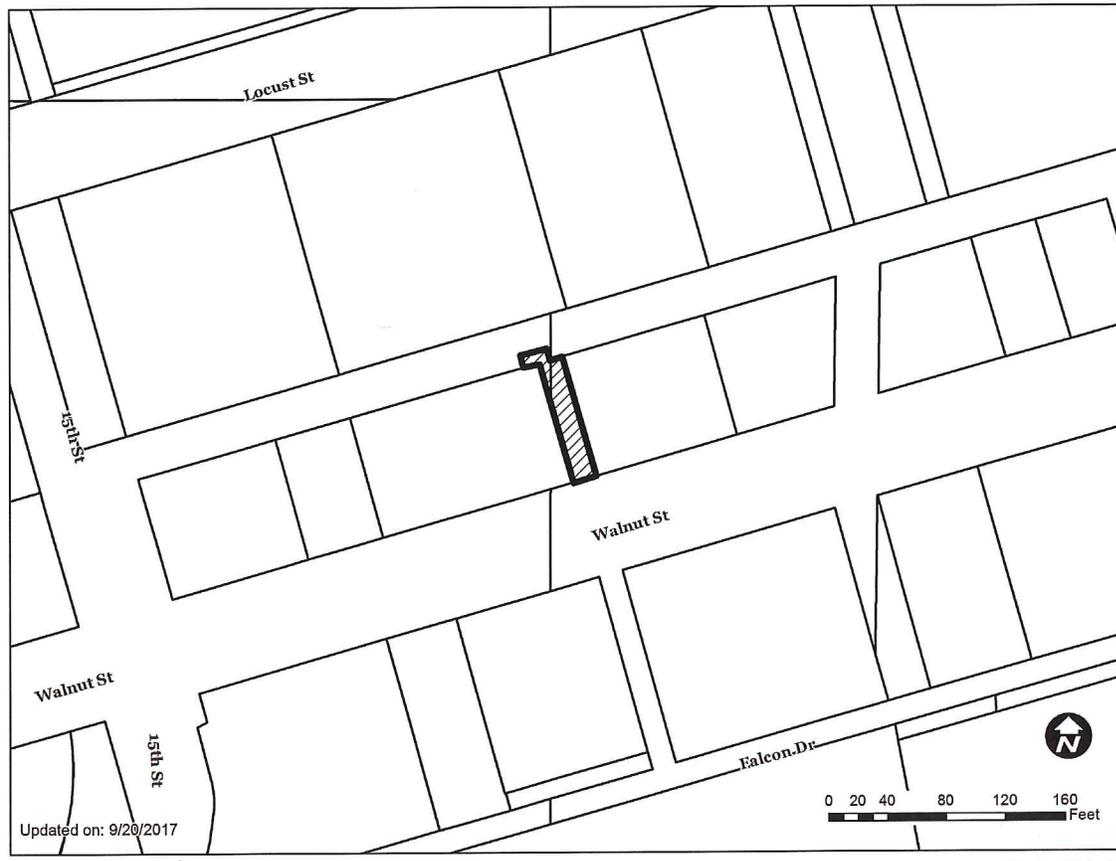
Michael Ludwig, AICP
Planning Administrator

MGL:tjh
Attachments

Bronson Partners, LLC (owner), 1417 Walnut Street.		File #		
		11-2017-1.11		
Description of Action	Approval of the requested vacation of a segment of north/south alley between 14th Street and 15th Street from Walnut Street to the east/west alley, and a segment of the east/west alley adjoining the subject property to allow for use as an outdoor patio service area for a restaurant 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 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
Subject Property				
Outside Area (200 feet)				
Plan and Zoning Commission Action	Approval	11-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

Bronson Partners, LLC, 1417 Walnut Street

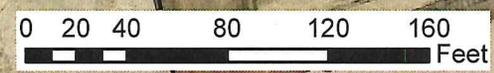
11-2017-1.11



1 inch = 76 feet



Updated on: 9/20/2017



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