



Roll Call Number

Agenda Item Number

14

Date November 6, 2017

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM CAPITOL VIEW CREDIT UNION FOR VACATION OF SURFACE AND SUBSURFACE PORTIONS OF EAST 12TH STREET ADJOINING 623 EAST 12TH STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 19, 2017, its members voted 13-0 to recommend APPROVAL of a request from Capitol View Credit Union (owner), for vacation of a 6.5-foot by 6.25-foot segment of East 12th Street subsurface adjoining 623 E. 12th Street to allow for a concrete stoop with frost depth footings, and for vacation of a 1-foot by 26-foot segment of East 12th Street surface adjoining 623 E. 12th Street to allow for placement of bollards to protect the storefront of the building on said property, subject to the following conditions:

- 1. Easements shall be provided for any existing utilities until such time that they are abandoned or are relocated.
2. Any bollards must be installed in accordance with an approved Site Plan and be of a design approved by the Planning Administrator.

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

(11-2017-1.13)

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

Date November 6, 2017

Agenda Item 14

Roll Call # _____

October 26, 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 19, 2017 meeting, the following action was taken regarding a request from Capitol View Credit Union (owner) 623 East 12th Street, represented by Brent Kowalsky for vacation of the following:

- A) A 6.5-foot by 6.25-foot segment of adjoining East 12th Street subsurface to allow for a concrete stoop with frost depth footings.
- B) A 1-foot by 26-foot segment of the adjoining East 12th Street surface to allow for placement of bollards to protect the storefront of the building.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 13-0 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 vacation subject to the following conditions:

(11-2017-1.13)

2. Any bollards must be installed in accordance with an approved Site Plan and be of a design approved by the Planning Administrator.

Written Responses

1 in Favor

0 in opposition

RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacations of right-of-way subject to the following conditions:

1. Easements shall be provided for any existing utilities until such time that they are abandoned or are relocated.
2. Any bollards must be installed in accordance with an approved Site Plan and be of a design approved by the Planning Administrator.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is in the process of renovating the subject building, which is built to the East 12th Street property line. This work includes creating a door opening on the East 12th Street façade of the building. To comply with the Building Code, the applicant must install a concrete stoop that has frost depth footings. Installing an inset door so that the stoop is located on the property is not practical as the building has a full basement. The stoop would appear to be a part of the sidewalk. Additionally, the applicant is proposing to install a series of bollards along the East 12th Street façade of the building for security purposes. The bollards would be along the building but within the right-of-way.
2. **Size of Site:** The subsurface vacation area would measure 6.5 feet by 6.25 feet. The vacation area for the bollards would measure 1 foot by 26 feet.
3. **Existing Zoning (site):** Limited "C-1" Neighborhood Retail Commercial District, "CDO" Capitol Dominance Overlay District, "D-O" Downtown Overlay District and "FSO" Freestanding Sign Overlay District.
4. **Existing Land Use (site):** Former medical office building.
5. **Adjacent Land Use and Zoning:**
East - "C-0"; Use is undeveloped land.
West - "C-0"; Use is a State of Iowa surface parking lot.
North - "C-0"; Use is the Interstate 235 corridor.
South - "C-0"; Use is undeveloped land.

6. **General Neighborhood/Area Land Uses:** The subject property is located in the East Village to the north of the State Capitol Complex along Interstate 235. The immediate area consists of surface parking and office buildings.
7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Historic East Village Neighborhood. All neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on September 29, 2017. Additionally, separate notifications of the hearing for this specific item were mailed on October 6, 2017 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the requested rezoning and to the neighborhood contract. A Final Agenda for the meetings were mailed to all the recognized neighborhood associations on October 13, 2017. The Historic East Village Neighborhood mailings were sent to Chris LoRang, P.O. Box 93904, Des Moines, IA 50393.
8. **Relevant Zoning History:** The City Council approved rezoning of the property from "C-0" Commercial-Residential District to Limited "C-1" Neighborhood Retail Commercial District on April 3, 2017 by Ordinance No. 15,574 subject to the following conditions:
 - 1) Any primary building shall have a glass storefront entrance that directly fronts East 12th Street to the satisfaction of the Planning Administrator.
 - 2) The site shall be brought into conformance with current Site Plan regulations.
9. **PlanDSM Land Use Plan Designation:** The proposed project area is designated as "Neighborhood Mixed Use" on the Future Land Use Map.
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.
2. **Street System/Access:** The requested vacations would have no impact on the public's ability to use the East 12th Street roadway or sidewalk.

SUMMARY OF DISCUSSION

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

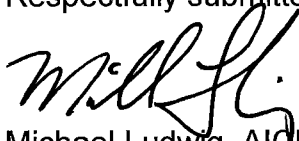
COMMISSION ACTION:

John "Jack" Hilmes moved staff recommendation for approval of the requested vacations of right-of-way subject to the following conditions:

1. Easements shall be provided for any existing utilities until such time that they are abandoned or are relocated.
2. Any bollards must be installed in accordance with an approved Site Plan and be of a design approved by the Planning Administrator.

Motion passed 13-0.

Respectfully submitted,



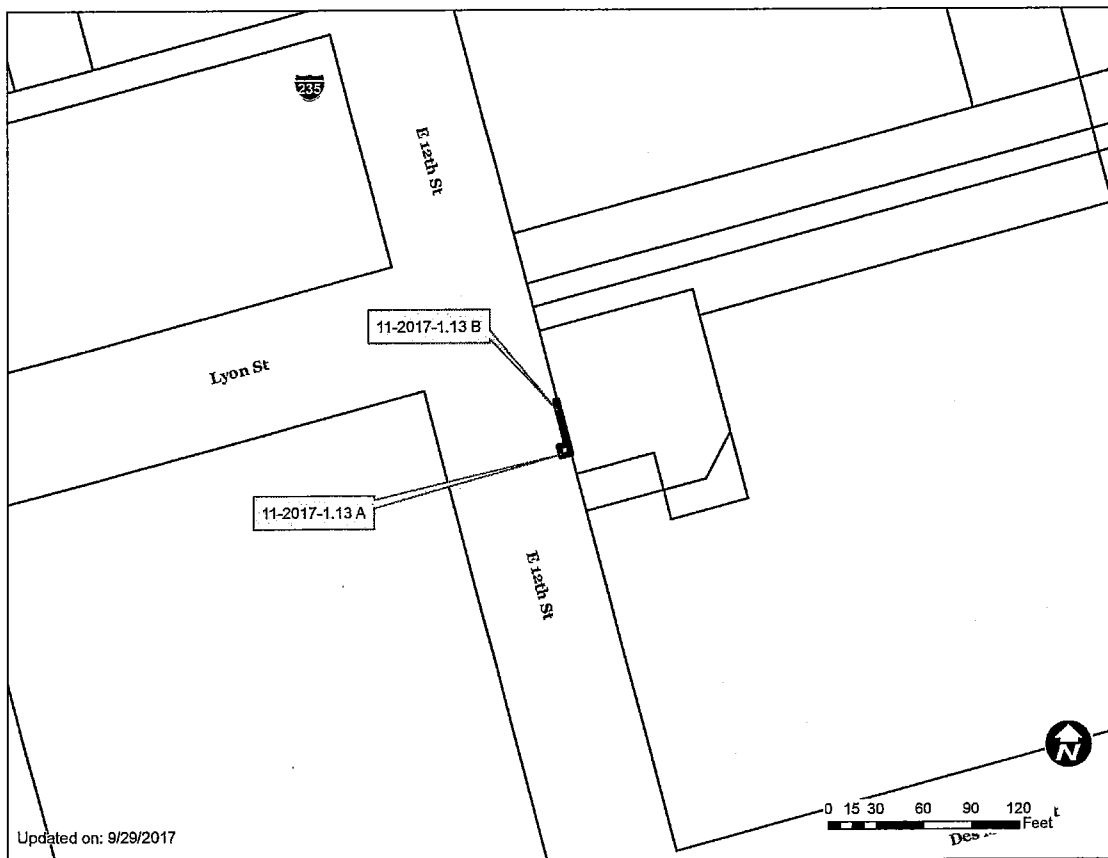
Michael Ludwig, AICP
Planning Administrator

MGL:tjh
Attachments

Capitol View Credit Union (owner) 623 12th Street, represented by Brent Kowalsky.		File # 11-2017-1.13		
Description of Action	Approval of vacation of the following Rights-Of-Way (ROW): A) A 6.5-foot by 6.25-foot segment of adjoining East 12th Street subsurface to allow for a concrete stoop with frost depth footings. B) A 1-foot by 26-foot segment of the adjoining East 12th Street surface to allow for placement of bollards to protect the storefront of the building, subject to conditions.			
PlanDSM Future Land Use	Current: Neighborhood Mixed Use. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"C-1" Neighborhood Retail Commercial District, "CDO" Capitol Dominance Overlay 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	1	0		
Outside Area (200 feet)				
Plan and Zoning Commission Action	Approval	13-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

Capitol View Credit Union, 623 East 12th Street

11-2017-1.13



1 inch = 71 feet

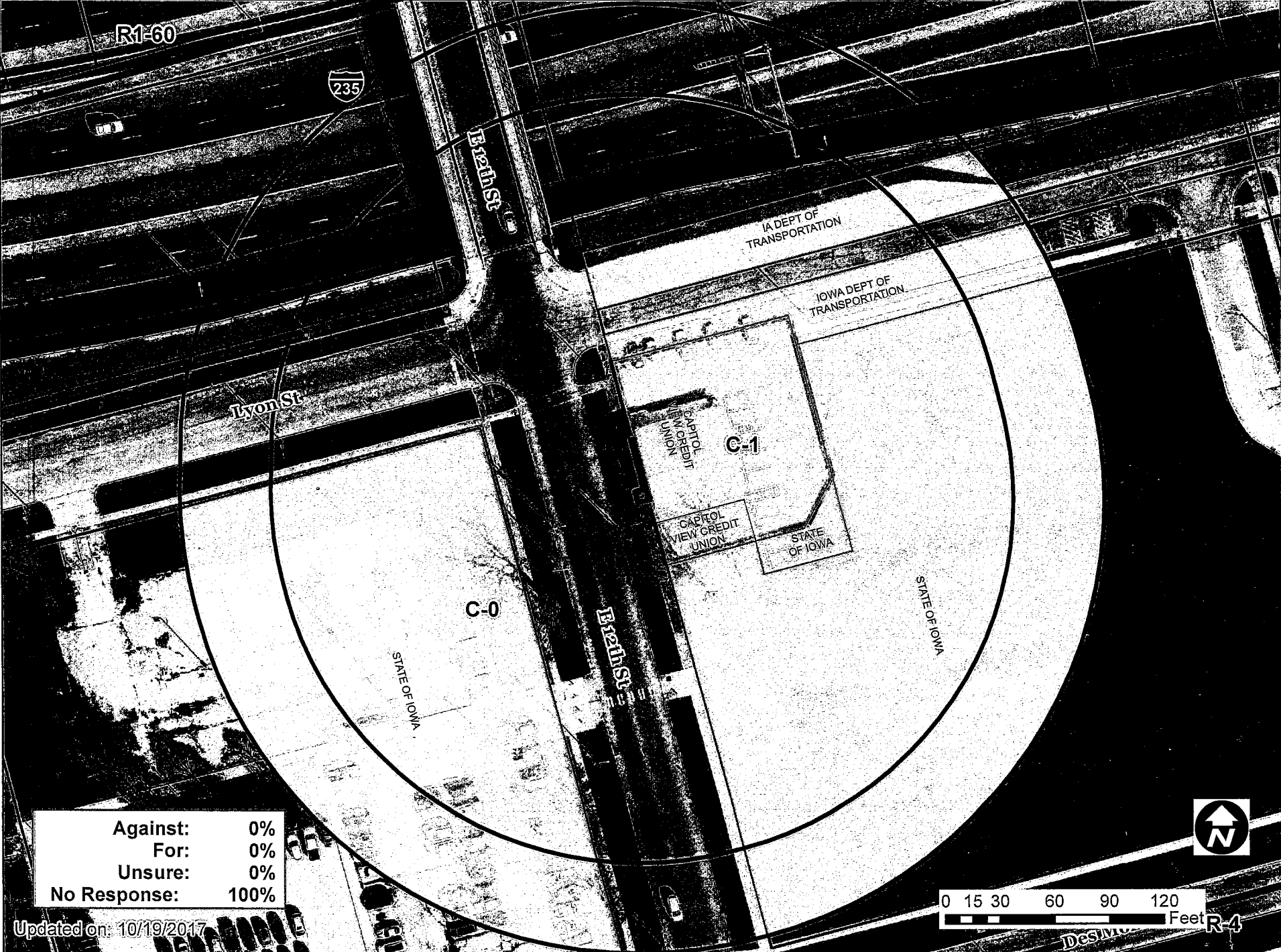
Item 11-2017-1.13 Date 10-9-2017

I (am) (am not) in favor of the request. TITLEHOLDERS

~~Circle one~~
RECEIVED
COMMUNITY DEVELOPMENT
OCT 13 2017
Print Name Brent Kowalsky
Signature [Handwritten Signature]
Address 623 E 12th, DSM

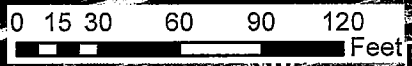
Reason for opposing or approving this request may be listed below.

We are the owners (Capitol View
Credit Union)



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

Updated on: 10/19/2017



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