



Roll Call Number

Agenda Item Number

19 A

Date May 7, 2018

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM 201 EAST LOCUST, LLC FOR VACATION OF A SEGMENT OF EAST/WEST ALLEY ADJOINING 304 EAST WALNUT STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 19, 2018, its members voted 10-0 to recommend **APPROVAL** of a request from 201 East Locust, LLC (owner), represented by Troy Hansen (officer), for vacation of a segment of east/west alley right-of-way between East Walnut Street and the more northern east/west alley running from East 3rd Street to the north/south alley, adjoining 304 East Walnut Street, to allow for assemblage with the adjoining property, subject to (1) reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated; and (2) any conveyance of the alley right-of-way shall be subject to approval of a redevelopment plan by City Council.

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

(11-2018-1.06)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

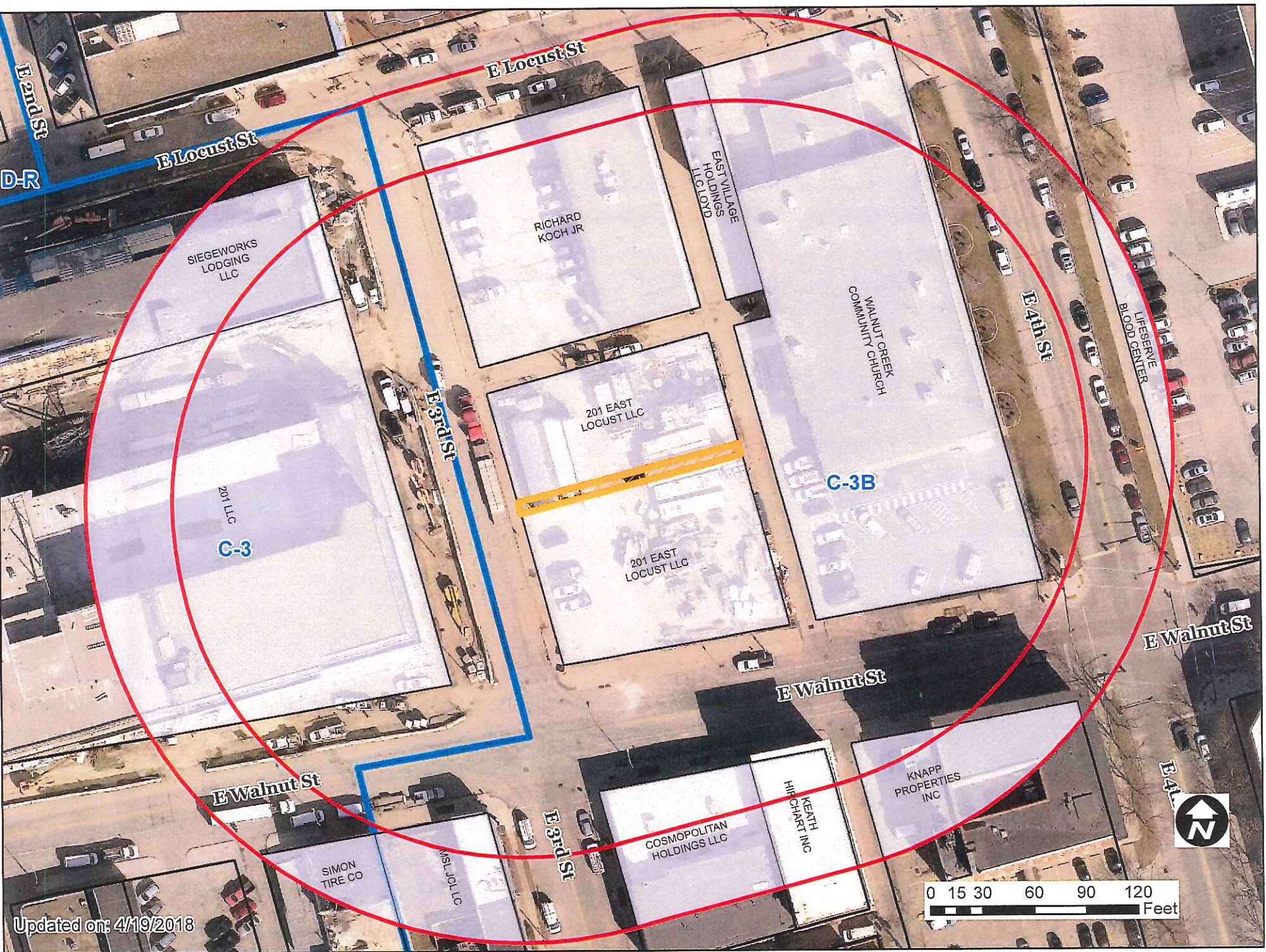
Mayor

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



Updated on: 4/19/2018

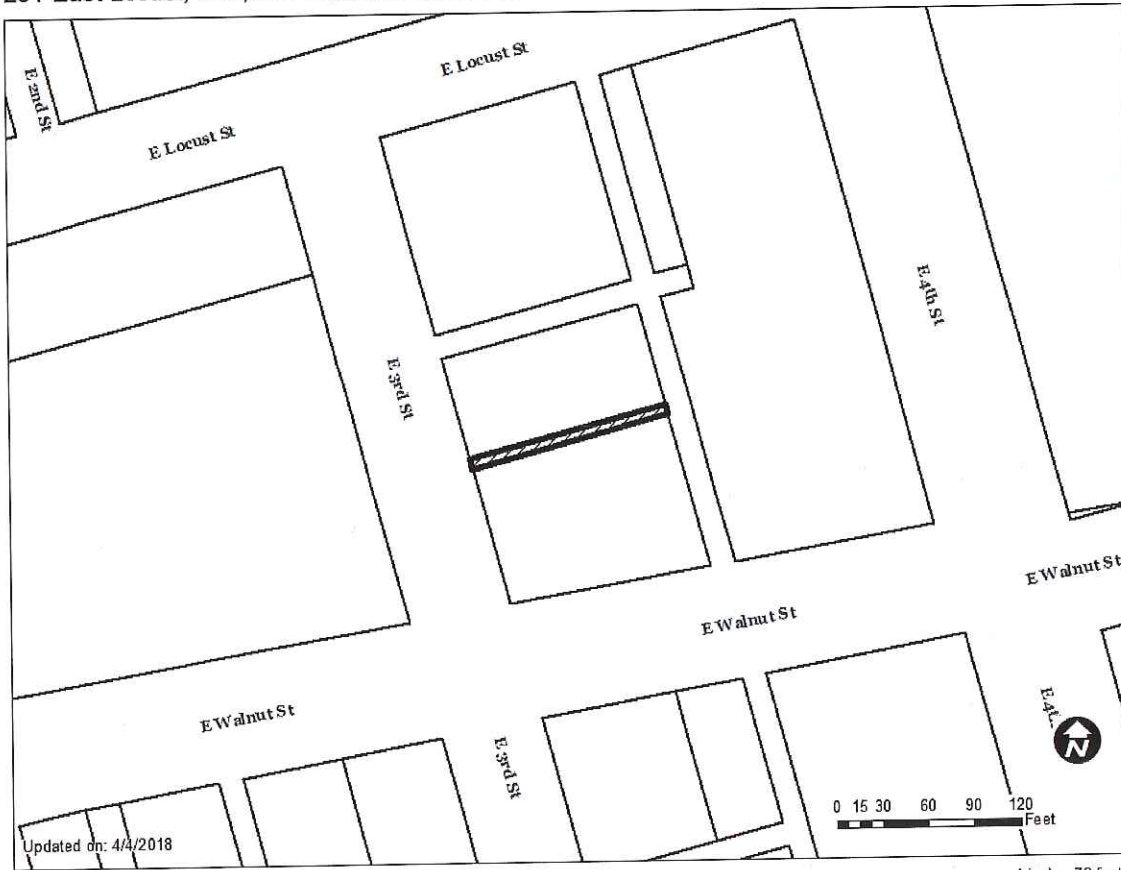
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201 East Locust, LLC (owner), regarding property adjacent to 304 East Walnut Street, represented by Troy Hansen (officer).				File #	
				11-2018-1.06	
Description of Action	Vacation of a segment of east/west alley Right-Of-Way (ROW) adjoining 304 East Walnut Street, to allow it to be assembled with adjoining property.				
PlanDSM Future Land Use	Current: Downtown Mixed Use. Proposed: N/A.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	Limited "C-3B" Central Business Mixed Use District, "CDO" Capitol Dominance Overlay District, "GGP" Gambling Games Prohibition Overlay District, "PSO" Pedestrian Sign 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	0	0			
Outside Area (200 feet)					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council		Yes
	Denial				No X

201 East Locust, LLC, 304 East Walnut Street

11-2018-1.06



1 inch = 73 feet

May 4, 2018

Date _____

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Roll Call # _____

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their April 19, 2018 meeting, the following action was taken regarding a request from 201 East Locust, LLC (owner), represented by Troy Hansen (officer) for vacation of a segment of east/west alley Right-Of-Way (ROW) adjoining 304 East Walnut Street, to allow it to be assembled with adjoining property.

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles	X			
Chris Cutler	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 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.
2. Any conveyance shall be subject to approval of a redevelopment plan by City Council. (11-2018-1.06)

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Written Responses

0 in Favor

0 in opposition

RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation 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.
2. Any conveyance shall be subject to approval of a redevelopment plan by City Council.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed vacation would allow assembly of the existing Right-of-Way with the adjoining parcels for redevelopment.
2. **Size of Site:** The east/west segment of Right-of-Way measures 8 feet by 132 feet (1,056 square feet).
3. **Existing Zoning (site):** "C-3B" Central Business Mixed Use District, "D-O" Downtown Overlay District, "FSO" Freestanding Sign Overlay District, and "GGP" Gambling Games Prohibition District.
4. **Existing Land Use (site):** Vacant alley Right-of-Way.
5. **Adjacent Land Use and Zoning:**
 - North** – "C-3B": Use is surface parking.
 - South** - "C-3B": Use is surface parking.
 - East** – "C-3B": Uses are religious organization and surface parking.
 - West** - "C-3": Uses are hotel, parking ramp, and multiple-family residential.
6. **General Neighborhood/Area Land Uses:** The surrounding neighborhood consists of a mix of commercial and retail mixed use development, surface parking, and multiple-family dwellings.
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 March 30, 2018. Additionally, separate notifications of the hearing for this specific item were mailed on April 9, 2018 (10 days prior) to the neighborhood associations and to the primary titleholder on file with the Polk County Assessor for each property adjacent to the subject alley Right-of-Way. A

Final Agenda was mailed to all the recognized neighborhood associations on April 13, 2018. 19A

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 mailings were sent to Chris LoRang, PO Box 93904, Des Moines, IA 50393.

8. **Relevant Zoning History:** NA.

9. **PlanDSM Land Use Plan Designation:** Downtown Mixed Use.

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:** No utilities are identified within the subject alley segment. Easements must be reserved for any existing utilities until such time that they are abandoned or relocated.
2. **Street System/Access:** The requested vacation would not impact the existing street system or the vehicular or pedestrian flow in the area. The requested vacation would not impact any existing parking areas on the adjoining properties as the subject alley right-of-way does not provide direct access to these areas.

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 made a motion for approval of the requested vacation 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.
2. Any conveyance shall be subject to approval of a redevelopment plan by City Council.

Motion passed: 10-0

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Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:tjh
Attachments