



Date May 21, 2018

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM 400 SE 6TH STREET, LLC FOR VACATION OF THE NORTH 40 FEET OF EAST MARTIN LUTHER KING, JR. PARKWAY AND THE NORTH/SOUTH ALLEY BETWEEN RACCOON STREET AND EAST MARTIN LUTHER KING, JR. PARKWAY ADJOINING 401 SOUTHEAST 5TH STREET AND 410 SOUTHEAST 6TH STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 3, 2018, its members voted 12-0 to recommend **APPROVAL** of a request from 400 SE 6th Street, LLC (owner), represented by Jake Christensen (officer), for vacation of the north 40 feet of East Martin Luther King, Jr. Parkway right-of-way and the north/south alley between Raccoon Street and East Martin Luther King, Jr. Parkway, all adjoining 401 Southeast 5th Street and 410 Southeast 6th Street, to allow development of additional off-street parking for adjoining restaurant uses, subject to the following conditions:

1. Any necessary easements for all existing utilities in place shall be provided until such time that they are abandoned or are relocated.
2. Any off-street parking lot constructed on the property shall be setback at least 40 feet from the resulting front property line along East Martin Luther King, Jr. Parkway.
3. Any conveyance shall be subject to approval of a redevelopment plan by City Council that includes the requested Right-of-Way and an adjoining property.

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

(11-2018-1.11)

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

MOTION CARRIED APPROVED

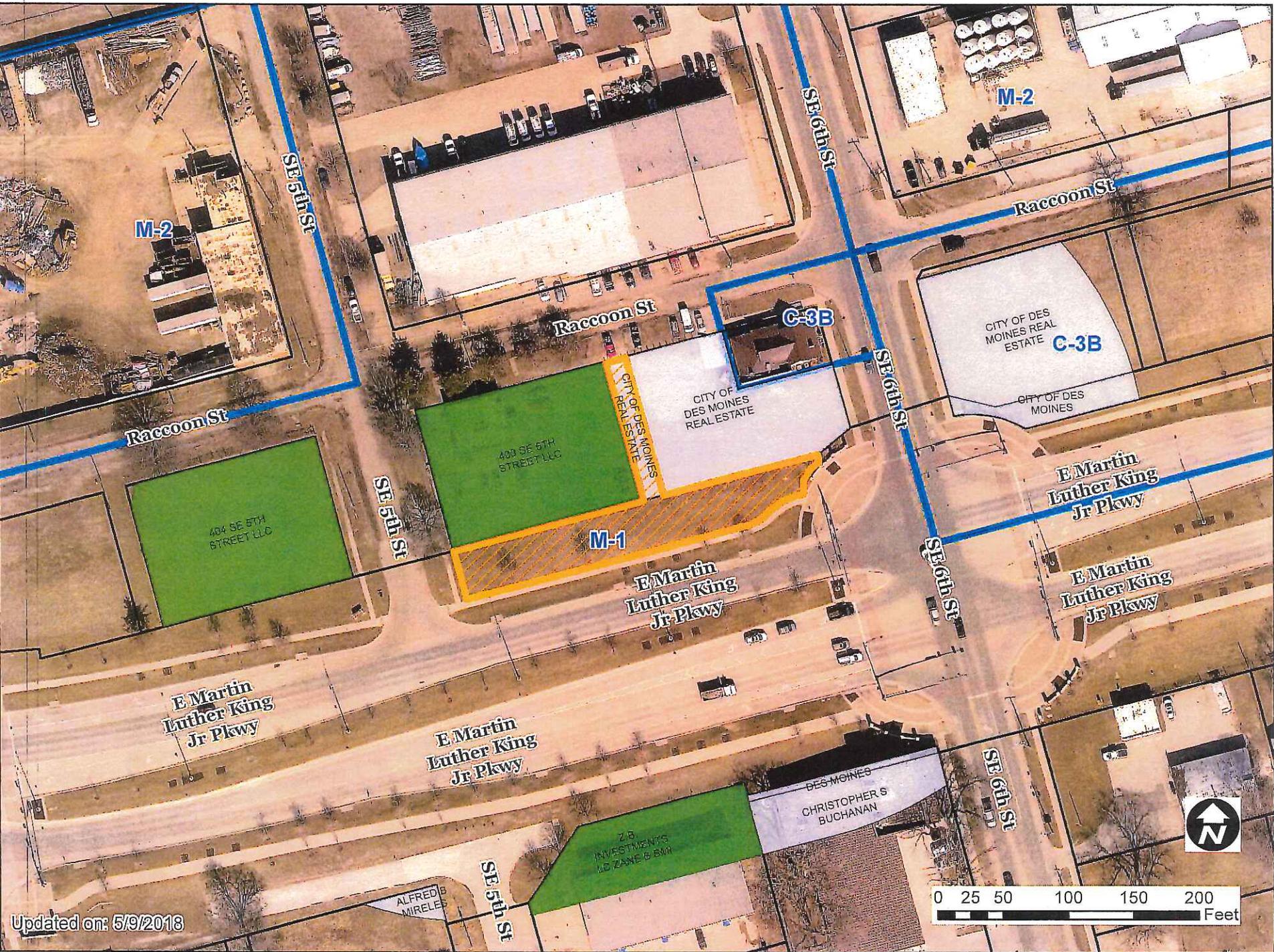
Mayor

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: 5/9/2018

28

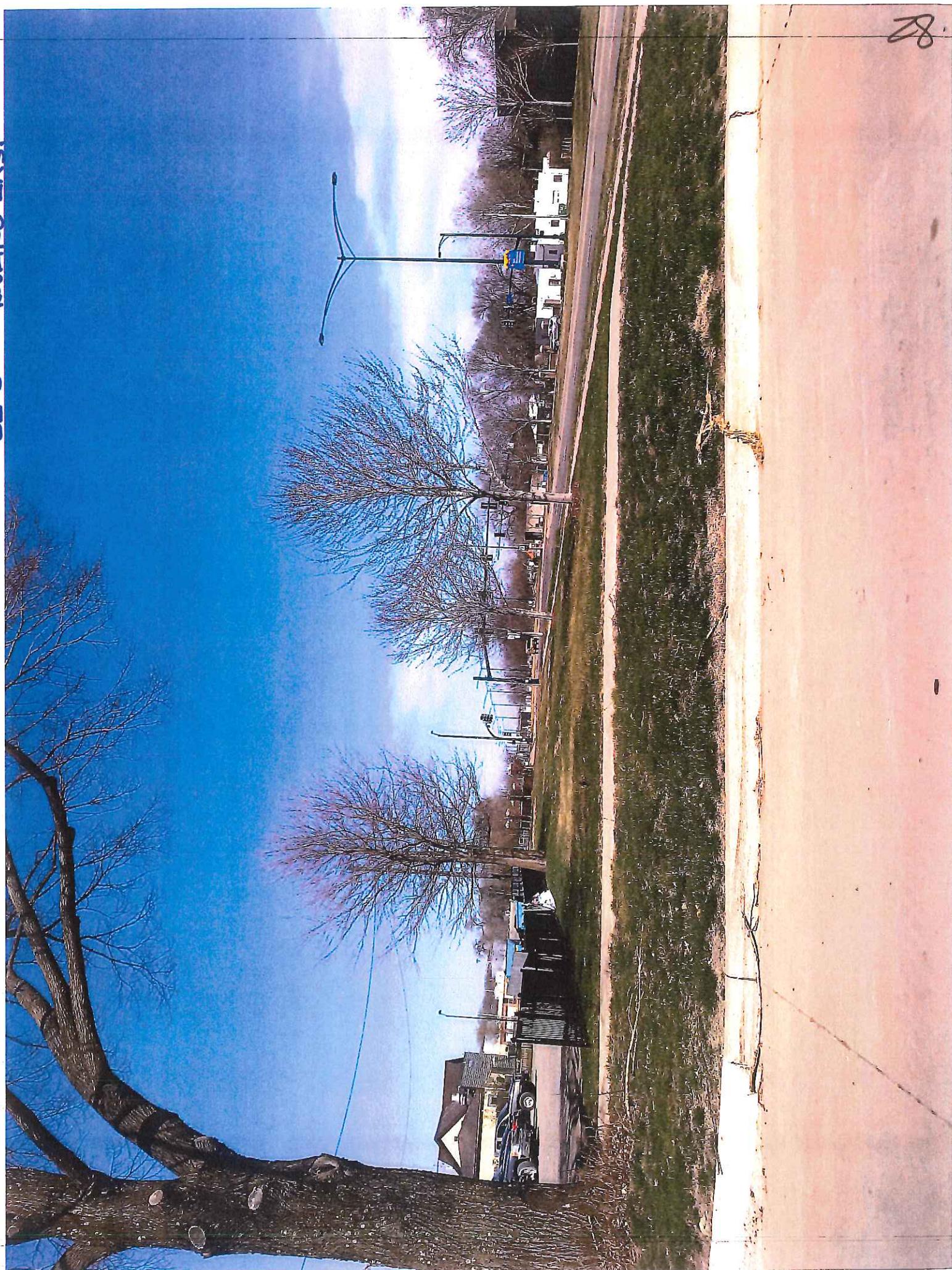








28.



May 16, 2018

Date May 21, 2018
Agenda Item 28
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 May 3, 2018 meeting, the following action was taken regarding a request from 400 SE 6th Street, LLC (owner), 401 Southeast 5th Street and 410 Southeast 6th Street, represented by Jake Christensen (officer) for vacation of the north 40 feet of Right-of-Way (ROW) acquired for East M.L. King, Jr. Parkway and the north/south alley ROW between Raccoon Street and East M.L. King, Jr. Parkway, to allow development of additional off-street parking for adjoining restaurant uses. Additional adjoining property is owned by the City of Des Moines.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 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. Any necessary easements for all existing utilities in place shall be provided until such time that they are abandoned or are relocated.

2. Any off-street parking lot constructed on the property shall be setback at least 40 feet from the resulting front property line along East Martin Luther King, Jr. Parkway.
3. Any conveyance shall be subject to approval of a redevelopment plan by City Council that includes the requested Right-of-Way and an adjoining property. (11-2018-1.11)

Written Responses

3 in Favor

0 in opposition

RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation subject to the following conditions:

1. Any necessary easements for all existing utilities in place shall be provided until such time that they are abandoned or are relocated.
2. Any off-street parking lot constructed on the property shall be setback at least 40 feet from the resulting front property line along East Martin Luther King, Jr. Parkway.
3. Any conveyance shall be subject to approval of a redevelopment plan by City Council that includes the requested Right-of-Way and an adjoining property.

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:** 12,458 square feet (0.29 acres).
3. **Existing Zoning (site):** "M-1" Light Industrial District, "D-O" Downtown Overlay District, "FSO" Freestanding Sign Overlay District, and "GGP" Gambling Games Prohibition District.
4. **Existing Land Use (site):** Excess Right-of-Way along East Martin Luther King, Jr. Parkway and undeveloped alley Right-of-Way.
5. **Adjacent Land Use and Zoning:**

North – "M-1": Uses are Raccoon Street and AJ Allen (light industrial).

South - "M-1": Uses are East Martin Luther King, Jr. Parkway and Scotty's Body Shop (auto repair).

East – "M-1": Uses are Southeast 6th Street and Truman's (restaurant).

West - "M-1": Uses are Southeast 5th Street and Mad Meatball (restaurant).

6. **General Neighborhood/Area Land Uses:** The surrounding neighborhood is within the area of the Historic East Village that is known as the Market District. It consists of a mix of commercial, industrial, and residential uses.
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 April 13, 2018. Additionally, separate notifications of the hearing for this specific item were mailed on April 23, 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 27, 2018.

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. However, given its highly visible location along East Martin Luther King, Jr. Parkway, Staff recommends that any off-street parking lot constructed on the property should be setback at least 40 feet from the resulting front property line along East Martin Luther King, Jr. Parkway.
3. **Additional Information:** The proposed vacation would allow assembly of the existing Right-of-Way with the adjoining parcels for future redevelopment. Staff recommends that any conveyance of the Right-of-Way should be subject to approval of a redevelopment plan by City Council that includes the requested Right-of-Way and an adjoining property.

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 made a motion for approval of the requested vacation subject to the following conditions:

1. Any necessary easements for all existing utilities in place shall be provided until such time that they are abandoned or are relocated.
2. Any off-street parking lot constructed on the property shall be setback at least 40 feet from the resulting front property line along East Martin Luther King, Jr. Parkway.
3. Any conveyance shall be subject to approval of a redevelopment plan by City Council that includes the requested Right-of-Way and an adjoining property.

Motion passed: 12-0

Respectfully submitted,



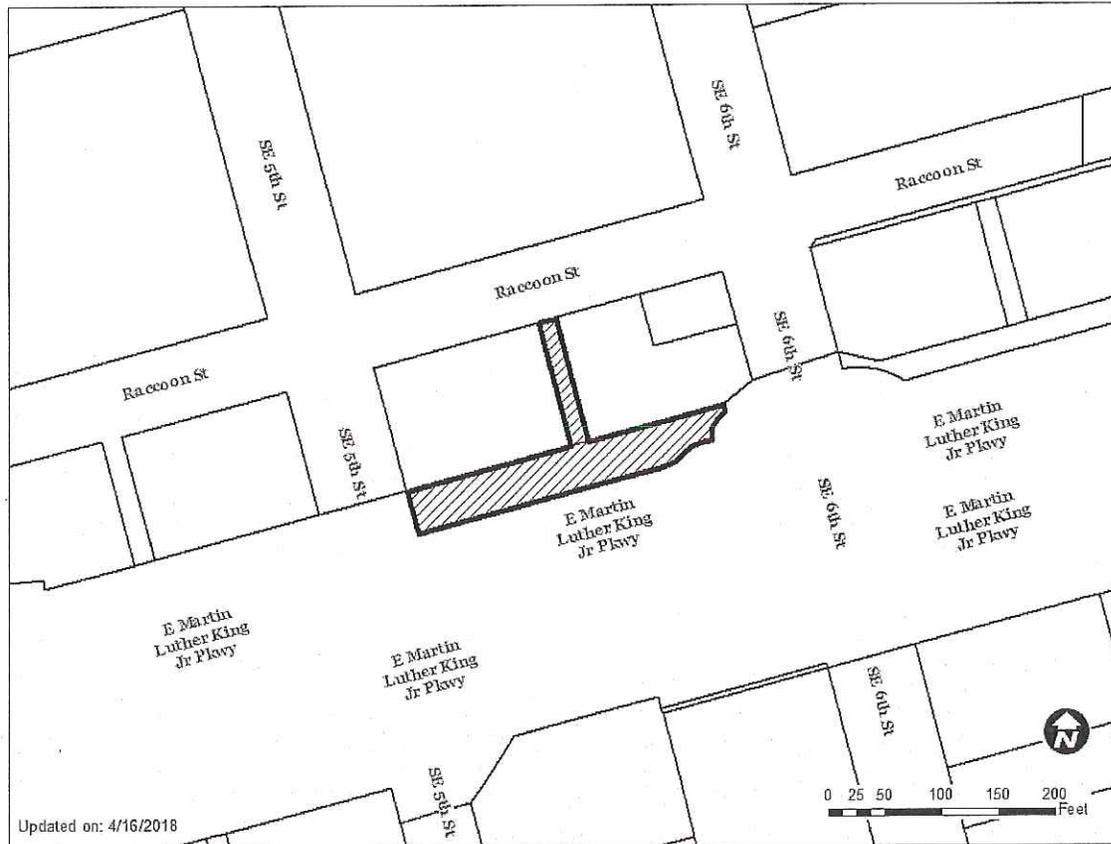
Michael Ludwig, AICP
Planning Administrator

MGL:tjh
Attachments

400 SE 6th Street, LLC (owner), 401 Southeast 5th Street and 410 Southeast 6th Street, represented by Jake Christensen (officer). Additional adjoining property is owned by the City of Des Moines.				File #	
				11-2018-1.11	
Description of Action	Vacation of the north 40 feet of Right-of-Way (ROW) acquired for East M.L. King, Jr. Parkway and the north/south alley ROW between Raccoon Street and East M.L. King, Jr. Parkway, to allow development of additional off-street parking for adjoining restaurant uses.				
Plan/DSM Future Land Use	Current: Downtown Mixed Use. Proposed: N/A.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"M-1" Light Industrial 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	3	0			
Outside Area (200 feet)					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council		Yes
	Denial				No
					X

400 SE 6th Street, LLC, 401 Southeast 5th Street and 410 Southeast 6th Street

11-2018-1.11



1 inch = 98 feet

11-2018-1.11

Date 4/25/18

I (am) in favor of the request.

(Circle One) RECEIVED Print Name Jake Christensen

COMMUNITY DEVELOPMENT Signature

400 SE 6th ST. WC

MAY 07 2018 Address

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

Four horizontal lines for notes.

11-2018-1.11

Date 4/25/18

I (am) in favor of the request.

(Circle One) RECEIVED Print Name Jake Christensen

COMMUNITY DEVELOPMENT Signature

404 SE 5th ST. WC

MAY 07 2018 Address

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

Four horizontal lines for notes.

11-2018-1.11

Item

Date 04/24/2018

I (am) in favor of the request.

(Circle One)

RECEIVED

Print Name Zane Smith

COMMUNITY DEVELOPMENT Signature

Zane B. Smith

MAY 07 2018

Address 500 Scott

501-03 05 Allen

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

Needed improvement for the Area.

Zane B. Smith