



Roll Call Number

Agenda Item Number

21

Date October 22, 2018

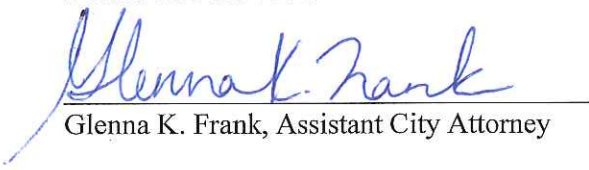
**RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION
REGARDING REQUEST FROM SAGA COMMUNICATIONS OF IOWA, LLC FOR
VACATION OF SEGMENTS OF LOCUST STREET AND EAST/WEST ALLEY
ADJOINING 1416 LOCUST STREET**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 4, 2018, its members voted 12-0 to recommend **APPROVAL** of a request from Saga Communications of Iowa, LLC d/b/a Des Moines Radio Group (owner), represented by Jeffery Delvaux (officer), to vacate the following segments of City-owned right-of-way adjoining 1416 Locust Street, to allow for existing door swing encroachments for the adjoining property, subject to reservation of easements for all public utilities in place and subject to provision of bollards to protect the alley entrance and pedestrians from vehicles:

1. A 6-foot by 2-foot (12 square feet) segment of Locust Street; and
2. A 7-foot by 3-foot (21 square feet) segment of the East/West alley.

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

(11-2018-1.22)

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: 10/4/2018

0 25 50 100 150 200 Feet



1 inch = 95 feet

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Date October 22, 2018

Agenda Item 21

Roll Call # _____

October 17, 2018

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their October 4, 2018 meeting, the following action was taken regarding a request from Saga Communications of Iowa, LLC (owner) 1416 Locust Street, dba Des Moines Radio Group represented by Jeffery Delvaux (officer), for vacation of the following adjoining segments of Right-Of-Way to allow for existing door swing encroachments: A) A 6-foot by 2-foot (12 square feet) segment of Locust Street. B) A 7-foot by 3-foot (21 square feet) segment of the East/West Alley.

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 of rights-of-way subject to the following conditions:

1. Reservation of easements for all public utilities in place.
2. Provision of bollards to protect the alley entrance and pedestrians from vehicles.

(11-2018-1.22)

Written Responses

0 in Favor

0 in opposition

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RECOMMENDATION TO THE P&Z COMMISSION

Parts A & B) Staff recommends approval of the requested vacation of rights-of-way subject to the following conditions:

1. Reservation of easements for all public utilities in place.
2. Provision of bollards to protect the alley entrance and pedestrians from vehicles.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is in the process of renovating the site and building. The proposed vacations would allow existing door swing encroachments to be retained. A copy of the applicant's site plan is included in the Commission's packet for reference. It is being reviewed through the administrative process by staff and is not subject to Commission review.
2. **Size of Site:** The applicant's property measures 100.5 feet by 167 feet (16,783.5 square feet). A total of 22 square feet of right-of-way is proposed to be vacated.
3. **Existing Zoning (site):** "C-3A" Central Business District Support Commercial District, "D-O" Downtown Overlay District, "GGP" Gambling Games Prohibition Overlay District, and "FSO" Freestanding Sign Overlay District.
4. **Existing Land Use (site):** The adjoining parcel is occupied by a radio station use.
5. **Adjacent Land Use and Zoning:**
 - North** – "C-3A"; Use is the Western Gateway Park.
 - South** – "C-3A"; Uses are an alley and surface parking.
 - East** – "C-3A"; Use is an office building.
 - West** – "C-3A"; Use is a commercial building with a restaurant and office tenants.
6. **General Neighborhood/Area Land Uses:** The site is located in the western portion of the downtown. The area contains a mix of office, restaurant and residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is in the Downtown Des Moines Neighborhood. This neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on September 14, 2018. Additionally, separate notifications of the hearing for this specific item were mailed on September 24, 2018 (10

days prior to the hearing) to the Downtown Des Moines Neighborhood Association. A final agenda was mailed on September 28, 2018.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Downtown Des Moines Neighborhood Association notices were mailed to Austin Lewis, 915 Mulberry Street, Unit 504, Des Moines, IA 50309.

- 8. **Relevant Zoning History:** On July 26, 2004, by Ordinance No. 14,361, the City Council rezoned the subject property with the "GGP" Gambling Games Prohibition Overlay District. On November 7, 2011, by Ordinance No. 15,060, the City Council rezoned the subject property with the "D-O" Downtown Overlay District.
- 9. **PlanDSM Land Use Plan Designation:** The subject property and rights-of-way are designated as "Downtown Mixed Use" on the Future Land Use Map. The Plan describes this category as an "area that allows mixed-use, high-density residential uses, and compact combinations of pedestrian-oriented retail, office, residential, and parking in downtown. Should include active uses (e.g. retail) on ground floor, particularly at key intersections."
- 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:** No utilities have been identified that would be impacted by the proposed vacation. Staff recommends approval subject to the reservation of easements for any existing utilities.
- 2. **Street System/Access:** The proposed vacations would have a negligible impact on the function of the Locust Street sidewalk and the adjoining alley. Staff believes that bollards should be provided for the alley side door as a safety precaution. A canopy is proposed above the alley entrance, which will require an Areaway Permit from the City's Traffic and Transportation Division.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

Jann Freed made a motion for approval of the requested vacation of rights-of-way subject to the following conditions:

1. Reservation of easements for all public utilities in place.
2. Provision of bollards to protect the alley entrance and pedestrians from vehicles.

Motion passed: 12-0

Respectfully submitted,


Michael Ludwig, AICP
Planning Administrator

MGL:tjh
Attachments

Saga Communications of Iowa, LLC (owner) 1416 Locust Street, dba Des Moines Radio Group represented by Jeffery Delvaux (officer).		File #		
		11-2018-1.22		
Description of Action	Vacation of the following adjoining segments of Right-Of-Way to allow for existing door swing encroachments: A) A 6-foot by 2-foot (12 square feet) segment of Locust Street. B) A 7-foot by 3-foot (21 square feet) segment of the East/West Alley.			
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 District 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	0	0		
Outside Area (200 feet)				
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes
	Denial			No

Saga Communications of Iowa, LLC, 1416 Locust Street

11-2018-1.22



1 inch = 95 feet