

Date January 28, 2019

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM WEST END LOFTS I, LLC FOR VACATION OF RIGHT-OF-WAY ADJOINING 1440 LOCUST STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on January 17, 2019, its members voted 8-0 to recommend **APPROVAL** of a request from West End Lofts I, LLC, represented by B.J. Miller (officer), to vacate a 3.5-foot by 5.2-foot segment of the surface rights within the east/west alley, to the south of and adjoining 1440 Locust Street, to allow for assemblage with the adjoining property and allow modification of the egress door alcove for security purposes, subject to the following conditions:

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

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

(11-2018-1.30)

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



January 22, 2019

Date January 28, 2019

Agenda Item _____

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 January 17, 2019 meeting, the following action was taken regarding a request from West End Lofts I, LLC (owner), 1440 Locust Street, represented by B.J. Miller (officer) for vacation of an adjoining 3.5-foot by 5.2-foot segment of the surface rights within the east/west alley to the south of the subject property, to allow modification of the egress door alcove for security purposes.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 8-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles				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

RECOMMEND 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.

(11-2018-1.30)

Written Responses

1 in Favor

0 in opposition

RECOMMENDATION TO THE P&Z COMMISSION

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 proposed vacation would allow modification of the emergency rear exit alcove to eliminate loitering, safety, and security issues. The applicant proposes to install a black ornamental gate with exit panic hardware. The proposed gate would swing into the alley right-of-way.
2. **Size of Site:** The applicant's property measures 150 feet by 167 feet (25,050 square feet). A total of 18.2 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 multiple-family dwelling.
5. **Adjacent Land Use and Zoning:**

North – "C-3A"; Use is the Western Gateway Park.
South – "C-3A"; Uses are offices and warehouse buildings.
East – "C-3A"; Use is an office building.
West – "C-3A"; Use is an auto sales business.
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. The neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on December 28, 2018. Additionally, separate notifications of the hearing for this specific item were mailed on January 7, 2019 (10

days prior to the hearing) to the Downtown Des Moines Neighborhood Association. A final agenda was mailed on January 11, 2019.

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.

On June 21, 2012, the Plan and Zoning Commission approved Site Plan "14Forty Lofts" under design guidelines for multiple-family residential and design guidelines within the Downtown overlay district to allow the renovation of the existing buildings for 37 multiple-family residential units on the upper two levels, with 55 main level indoor parking spaces and 3,574 square feet of main level retail/office space, subject to subject to compliance with all Site Plan requirements of the Permit and Development Center.

- 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.
- 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 vacation would have a negligible impact on the function of the adjoining alley. However, staff believes that bollards should be provided for the alley side door as a safety precaution.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

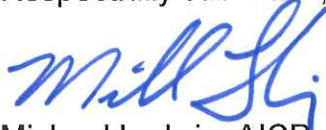
Mike Simonson made a motion for approval of the requested vacation of rights-of-way subject to the following conditions:

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: 8-0

Respectfully submitted,



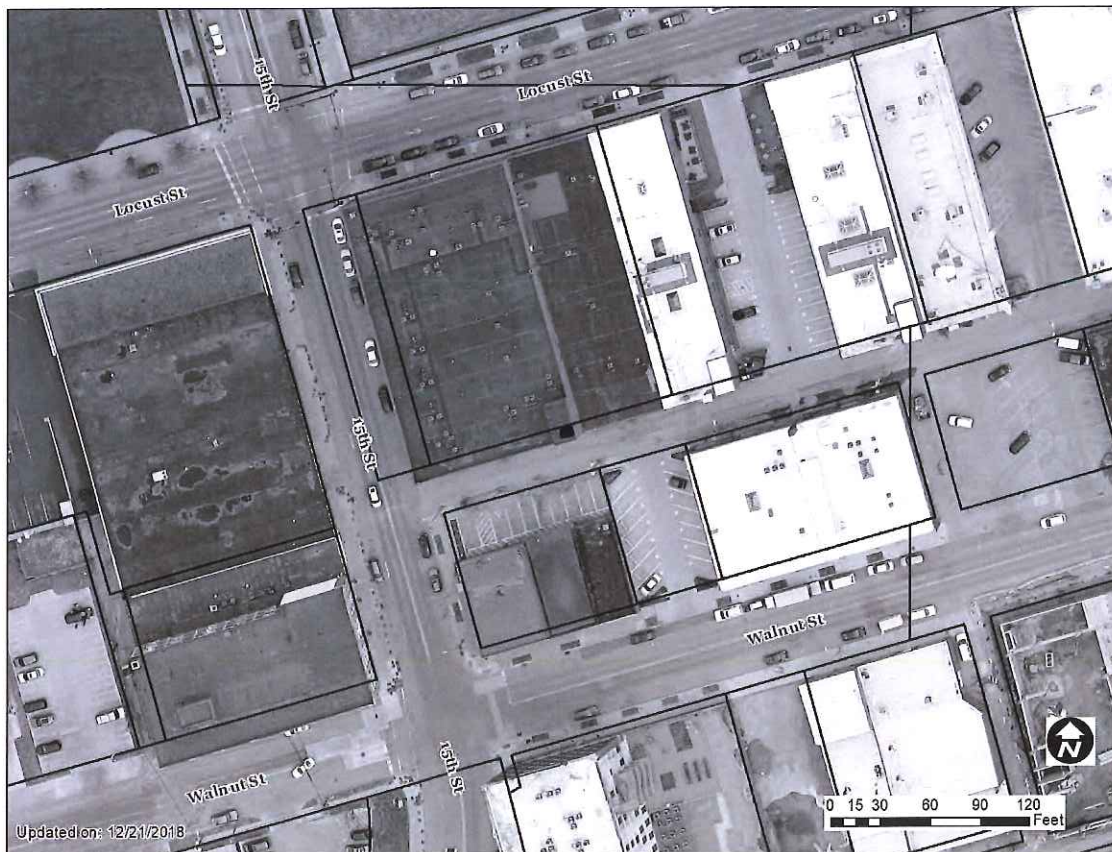
Michael Ludwig, AICP
Planning Administrator

MGL:tjh
Attachments

West End Lofts I, LLC (owner), 1440 Locust Street, represented by B.J. Miller (officer).		File #		
		11-2018-1.30		
Description of Action	Vacation of an adjoining 3.5-foot by 5.2-foot segment of the surface rights within the east/west alley to the south of the subject property, to allow modification of the egress door alcove for security purposes.			
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	1	0		
Outside Area (200 feet)				
Plan and Zoning Commission Action	Approval	x	Required 6/7 Vote of the City Council	Yes
	Denial			No

West End Lofts 1, LLC, 1440 Locust Street

11-2018-1.30



1 inch = 68 feet



Updated on: 1/16/2019

0 15 30 60 90 120 Feet



1 inch = 68 feet

81

Jan 15, 2019 12:40:01
Des Moines



18

Jan 15 2019 12:40:46
Des Moines



18

Jan 15, 2019 12:40:52
Des Moines



Jan 15, 2019 12:40:38
Des Moines



Jan 15, 2019 12:41:05
Des Moines



18

Jan 15, 2019 12:41:33
Des Moines



Item 11-2018-1.30

Date 1-11-18 SUBJECT PROPERTY

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

(Circle One)

West End Lots LLC

Print Name

Kris Saldon's

RECEIVED

Signature

[Signature]

COMMUNITY DEVELOPMENT

Address

JAN 16 2018

6900 Westown Key, Wm Fl
20264

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

