



**Roll Call Number**

**Agenda Item Number**

13

**Date** April 22, 2019

**RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM FIRST MIDWEST OF IOWA CORPORATION FOR VACATION OF A PORTION OF THOMAS BECK ROAD ADJOINING 1235 THOMAS BECK ROAD**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on April 4, 2019, its members voted 11-0 to recommend **APPROVAL** of a request from First Midwest of Iowa Corporation (owner), represented by Robert Pomerantz, to vacate an irregular segment of the north edge of Thomas Beck Road adjoining 1235 Thomas Beck Road, which property is occupied by Confluence Brewing Company, to allow for reconfiguration of the off-street parking lot in front of the building and mitigate off-street parking encroachments, subject to reservation of easements for any existing utilities.

**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

(11-2019-1.06)

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

MOTION CARRIED APPROVED

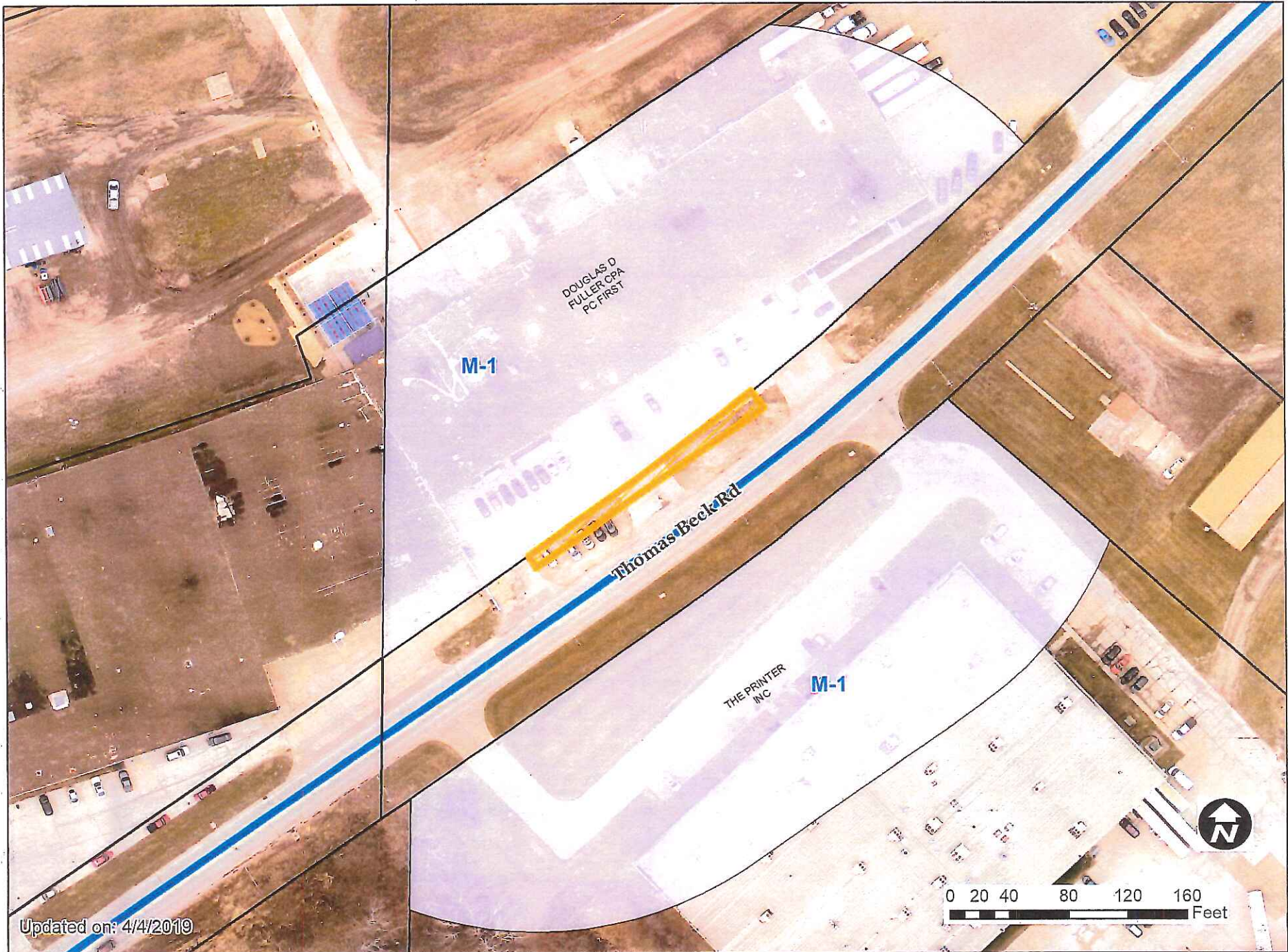
\_\_\_\_\_  
Mayor

**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: 4/4/2019

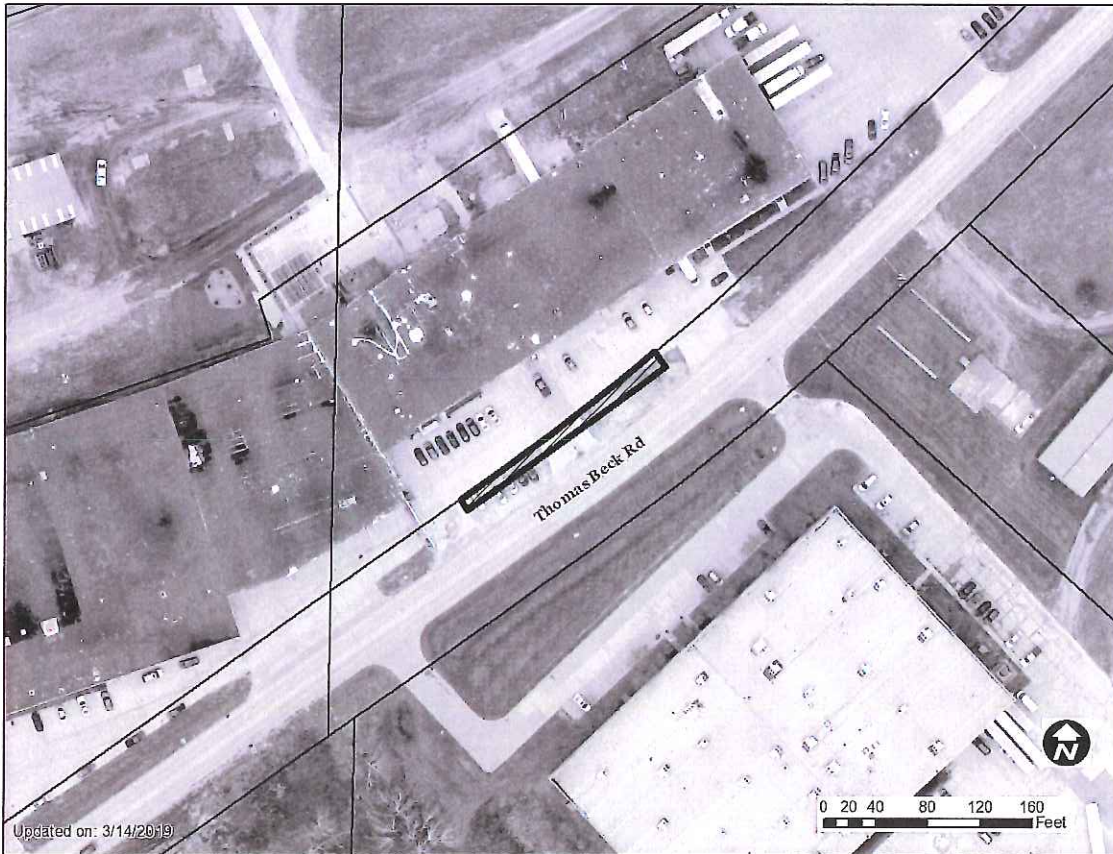
0 20 40 80 120 160 Feet

1 inch = 87 feet

First Midwest of Iowa Corporation (owner) 1235 Thomas Beck Road, represented by Robert Pomerantz.		File #		
		11-2019-1.06		
<b>Description of Action</b>	Vacation of an irregular segment of the north edge Thomas Beck Road adjoining the subject property to mitigate off-street parking encroachments.			
<b>PlanDSM Future Land Use</b>	Current: Downtown Mixed Use. Proposed: N/A.			
<b>Mobilizing Tomorrow Transportation Plan</b>	No planned improvements.			
<b>Current Zoning District</b>	"M-1" Light Industrial District, "GGP" Gambling Games Prohibition Overlay District and "FSO" Freestanding Signs Overlay District.			
<b>Proposed Zoning District</b>	N/A.			
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition
<b>Subject Property</b>	0	0		
<b>Outside Area (200 feet)</b>				
<b>Plan and Zoning Commission Action</b>	Approval	X	<b>Required 6/7 Vote of the City Council</b>	Yes
	Denial			No

First Midwest of Iowa Corporation, 1235 Thomas Beck Road

11-2019-1.06



April 16, 2019

Date 4/22/19  
Agenda Item 13  
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 4, 2019 meeting, the following action was taken regarding a request from First Midwest of Iowa Corporation (owner) 1235 Thomas Beck Road, represented by Robert Pomerantz, for vacation of an irregular segment of the north edge Thomas Beck Road adjoining the subject property to mitigate off-street parking encroachments.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 11-0 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			
Emily Webb	X			

**RECOMMEND APPROVAL** of the requested vacation of Right-of-Way, subject to reservation of easements for any existing utilities.

(11-2019-1.06)

Written Responses

0 in Favor

0 in opposition

## RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation of Right-of-Way, subject to reservation of easements for any existing utilities.

## STAFF REPORT TO THE PLANNING COMMISSION

### I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to vacate land adjoining the subject property, which is occupied by Confluence Brewing Company. The vacation would allow reconfiguration of the off-street parking lot in front of the building, which currently has customer parking that encroaches or maneuvers over the Right-Of-Way (ROW).
2. **Size of Site:** 1,616 square feet (0.04 acres)
3. **Existing Zoning (site):** "M-1" Light Industrial District, "GGP" Gambling Games Prohibition Overlay District and "FSO" Freestanding Signs Overlay District.
4. **Existing Land Use (site):** ROW that is semi-developed with paving and compacted gravel from the adjoining off-street parking lot.
5. **Adjacent Land Use and Zoning:**
  - North** – "M-1"; Use is Confluence Brewing Company and Gray's Lake Park.
  - South** – "M-1"; Use is The Printer, Inc. printing shop.
6. **General Neighborhood/Area Land Uses:** The subject adjoining property and ROW are generally located in a light industrial area to the south of Gray's Lake Park served by Thomas Beck Road.
7. **Applicable Recognized Neighborhood(s):** The subject property is in the Gray's Lake Neighborhood. This neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on March 15, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on March 25, 2019 (10 days prior to the hearing) to the Capitol East Neighborhood and to the primary titleholder on file with the Polk County Assessor for each property adjacent to the subject ROW. A final agenda was mailed on March 29, 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 Gray's Lake Neighborhood notices were mailed to Rick Trower, 1310 Broad Street, Des Moines, IA 50315.
8. **Relevant Zoning History:** None.
9. **2020 Community Character Land Use Plan Designation:** Downtown Mixed Use.

**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. Street System:** The ROW width of Thomas Beck Road is 90 feet. This should be sufficient for a widening project of the street in the future. At this time there are not any widening projects in the City Capital Improvements Program for the adjoining portion of Thomas Beck Road. The requested segment of ROW would be 14 feet wide at the widest point.
- 2. Utilities:** There are both 30-inch diameter public storm sewer pipe and 8-inch Des Moines Water Works water main within close proximity to the requested ROW. Easements must be reserved for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.

**SUMMARY OF DISCUSSION**

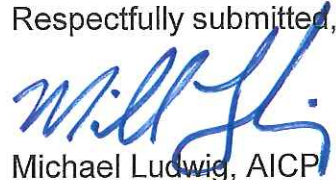
Jacqueline Easley asked if any member of the audience or the commission desired to speak regarding the item. None were present or requested to speak.

**COMMISSION ACTION:**

Will Page made a motion for approval of the requested vacation of Right-of-Way, subject to reservation of easements for any existing utilities.

Motion passed: 11-0

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:tjh  
Attachments