



Roll Call Number

Agenda Item Number

14

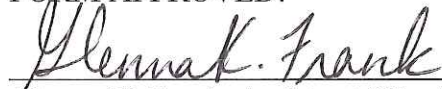
Date April 22, 2019

**RECEIVE AND FILE COMMUNICATION FROM THE
PLAN AND ZONING COMMISSION REGARDING REQUEST FROM MRI 1222, LLC
FOR VACATION OF ELM STREET FROM VACATED SOUTHWEST 4TH STREET
TO SOUTHWEST 5TH STREET**

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 MRI 1222, LLC (owner), represented by Rich Eychaner (officer), to vacate Elm Street from vacated Southwest 4th Street to Southwest 5th Street, to allow for immediate use as a surface parking lot and long-term use for assemblage and redevelopment with the adjoining property located at 313 Southwest 5th Street, subject to (1) reservation of easements for any existing utilities; and (2) approval of an administrative Site Plan for the proposed redevelopment prior to any conveyance of the vacated right-of-way.

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

(11-2019-1.05)

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

MOTION CARRIED

APPROVED

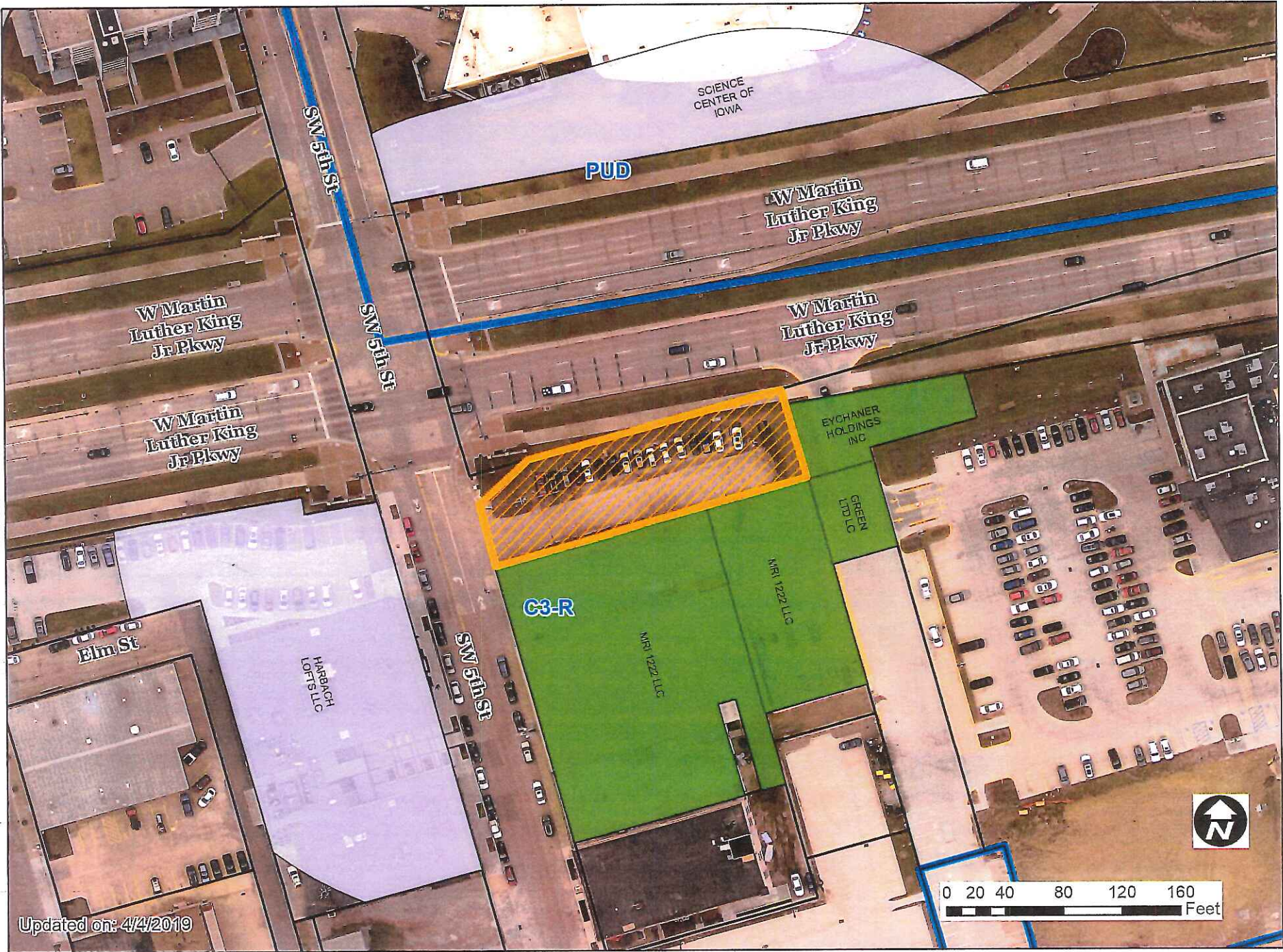
Mayor

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



11-2019-1.05

Date April 1, 2019

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

(Circle One)
RECEIVED
COMMUNITY DEVELOPMENT

APR 03 2019

Print Name ECHTNER HOLDINGS

Signature

Address

PO BOX 1797, DM IA 50305
LOT 60, 61, 62

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

Opportunity to clear up an eye sore
and help develop neighborhood

11-2019-1.05

Date 4-1-2019

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

(Circle One)
RECEIVED
COMMUNITY DEVELOPMENT

APR 03 2019

Print Name GREEN LLC - ANDY BURTON

Signature

Address

300 MLK, DES MOINES, IA
50309

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

STREET TO NOWHERE SHOULD BE
TURNED OVER TO BETTER USES AND
REMOVE THIS LAND FROM CITY
MAINTENANCE AND LIABILITY

April 16, 2019

Date 4/22/19
Agenda Item 14
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 MRI 1222, LLC (owner) 313 Southwest 5th Street, represented by Rich Eychaner (officer) for vacation of Elm Street from vacated Southwest 4th Street to Southwest 5th Street.

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 the following conditions:

1. Reservation of easements for any existing utilities.
2. Approval of an administrative Site Plan for the redevelopment prior to any conveyance of the property.

(11-2019-1.05)

Written Responses

2 in Favor

0 in opposition

RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation of Right-of-Way, subject to the following conditions:

1. Reservation of easements for any existing utilities.
2. Approval of an administrative Site Plan for the redevelopment prior to any conveyance of the property.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to vacate ROW adjoining the subject property. The vacation would allow land to be assembled with the adjoining property and redeveloped. The applicant has indicated intent to develop a surface parking lot to serve commercial and residential property in the immediate surrounding area.
2. **Size of Site:** 13,933 square feet (0.32 acres)
3. **Existing Zoning (site):** "C-3R" Central Business District Mixed Residential District, "D-O" Downtown Overlay District, "GGP" Gambling Games Prohibition Overlay District and "FSO" Freestanding Signs Overlay District.
4. **Existing Land Use (site):** ROW that is developed with a dead-end paved segment of Elm Street and compacted gravel.
5. **Adjacent Land Use and Zoning:**

 North – Science Center of Iowa "PUD"; Uses are West M.L. King Jr. Parkway and Science Center of Iowa.

 South – "C-3R"; Use is Crescent Electrical Supply Company.
6. **General Neighborhood/Area Land Uses:** The subject adjoining property and ROW are generally located in the western Downtown business district along the West M.L. King Jr. Parkway corridor.
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 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 Downtown Des Moines Neighborhood notices were mailed to Austin Lewis, 915 Mulberry Street, #504, Des Moines, IA 50309.

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 dead-end segment of Elm Street does not serve any access purpose for the adjoining street network. Redevelopment would include removing the existing street paving and intersection with Southwest 5th Street. This would improve traffic conflicts which currently occur at that intersection.

2. Utilities: There are both 30-inch diameter and 8-inch diameter Des Moines Water Works water mains, a 60-inch public sanitary sewer pipe, and fiber utility lines within 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 the following conditions:

1. Reservation of easements for any existing utilities.
2. Approval of an administrative Site Plan for the redevelopment prior to any conveyance of the property.

Motion passed: 11-0

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'M. Ludwig'.

Michael Ludwig, AICP
Planning Administrator

MGL:tjh
Attachments

14

MRI 1222, LLC (owner) 313 Southwest 5th Street, represented by Rich Eychaner (officer).				File #	
				11-2019-1.05	
Description of Action		Vacation of Elm Street from vacated Southwest 4th Street to Southwest 5th Street.			
PlanDSM Future Land Use		Current: Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan		No planned improvements.			
Current Zoning District		"C-3R" Central Business District Mixed Residential 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		2	0		
Outside Area (200 feet)					
Plan and Zoning Commission Action		Approval	X	Required 6/7 Vote of the City Council	
		Denial			
				Yes	
				No	X

MRI 1222, LLC, 313 Southwest 5th Street

11-2019-1.05

