

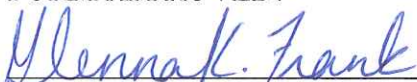
Date September 23, 2019

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM LUTHERAN CHURCH OF HOPE FOR VACATION OF A SEGMENT OF EAST/WEST ALLEY RIGHT-OF-WAY NORTH OF AND ADJOINING 1821 INGERSOLL AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 5, 2019, its members voted 11-0 to recommend **APPROVAL** of a request from Lutheran Church of Hope (owner), represented by Chris Gunnave (officer), to vacate the east/west segment of alley between Ingersoll Avenue and High Street, adjoining the north side of 1821 Ingersoll Avenue, to allow for assembly with the property for future redevelopment.

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

(11-2019-1.20)

| 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



1 inch = 73 feet

16

September 17, 2019

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their September 5, 2019 meeting, the following action was taken regarding a request from Lutheran Church of Hope (owner), 1821 Ingersoll Avenue represented by Chris Gunnave (officer) for vacation of the east/west segment of alley between Ingersoll Avenue and High Street adjoining the north side of the subject property, to allow the property to be assembled with the applicant's property.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 as follows:

| Commission Action: | Yes | Nays | Pass | Absent |
|---------------------|-----|------|------|--------|
| Francis Boggus | | | | X |
| Dory Briles | | | | X |
| Abby Chungath | 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 | | | |
| Rocky Sposato | X | | | |
| Steve Wallace | X | | | |
| Greg Wattier | X | | | |
| Emily Webb | X | | | |

RECOMMEND APPROVAL of the requested vacation, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated at the applicant's expense. (11-2019-1.20)

Written Responses

1 in Favor

0 in opposition

RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated at the applicant's expense.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The requested vacation would allow the parcels to the north and south of the request right-of-way to be assembled for a future redevelopment. Any future redevelopment would require the use and ownership of the subject alley right-of-way. The applicant has requested the entire width of right-of-way be conveyed to them.
2. **Size of Site:** 16 feet by 175 feet (2,800 square feet).
3. **Existing Zoning (site):** "C-3A" Central Business District Support, "C-2" General Retail and Highway Oriented Commercial District, "D-O" Downtown Overlay District, "GGP" Gambling Games Prohibition Overlay District and "FSO" Freestanding Signs Overlay District.
4. **Existing Land Use (site):** Alley right-of-way.
5. **Adjacent Land Use and Zoning:**
 - North** – "C-2" and "C-3A", Uses are office buildings and associated parking lots.
 - South** – "C-3A"; Use is religious assembly and parking lot for Lutheran Church of Hope.
6. **General Neighborhood/Area Land Uses:** The subject east/west alley right-of-way segment is located between Ingersoll Avenue and High Street to east of 19th Street. The surrounding area contains a mix of uses including single-family residential, multiple-family residential, office, commercial, and retail.
7. **Applicable Recognized Neighborhood(s):** The subject property is in the Sherman Hill Neighborhood. This neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on August 16, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on August 26, 2019 (10 days prior to the hearing) to the Sherman Hill Neighborhood and to the primary titleholder on file with the Polk County Assessor for each property adjacent to the subject right-of-way. A final agenda was mailed on August 30, 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 Sherman Hill Neighborhood notices were mailed to Ryan Howell, 831 16th Street, Des Moines, IA 50314.

8. Relevant Zoning History: None.

9. PlanDSM 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/Access: All adjoining property owners have consented to the proposed vacation. The parking lot on the adjoining property to the east utilizes a separate access from Ingersoll Avenue.

2. Utilities: A water main and hydrant are located in the requested right-of-way segment. 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, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated at the applicant's expense.

Motion passed: 11-0

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:tjh
Attachments

| | | | | |
|---|--|--------------|---------------------------------------|--------------|
| Lutheran Church of Hope (owner) represented by Chris Gunnave (officer) for property located at 1821 Ingersoll Avenue. | | | File # | |
| | | | 11-2019-1.20 | |
| Description of Action | Vacation of the east/west segment of alley between Ingersoll Avenue and High Street adjoining the north side of the subject property, to allow the property to be assembled with the applicant's property. | | | |
| 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 |
| Outside Area (200 feet) | 1 | 0 | | |
| Within Subject Property | | | | |
| Plan and Zoning Commission Action | Approval | X | Required 6/7 Vote of the City Council | Yes |
| | Denial | | | No |

Lutheran Church of Hope, 1821 Ingersoll Avenue

11-2019-1.20



1 inch = 73 feet

Item 11-2019-1.20 Date 8/28/19

I (am) / (am not) in favor of the request Frank Marcovir
(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT
SEP 03 2019

Print Name Loft Properties LLC

Signature [Signature]

Address 1801 Iversoll Ave &
1812 High St

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

this is the last remaining public part of
the alley