

Date March 9, 2020

**RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION
REGARDING REQUEST FROM NEIGHBORHOOD DEVELOPMENT CORPORATION FOR
VACATION OF SEGMENTS OF RIGHT-OF-WAY ADJOINING PROPERTY
AT 2331 UNIVERSITY AVENUE**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 20, 2020, its members voted 8-0 to recommend **APPROVAL** of a request from Neighborhood Development Corporation (owner), represented by Abbey Gilroy (officer), to vacate the below listed segments of public right-of-way, all adjoining property at 2331 University Avenue:


1. A 3-foot by 3.5-foot segment of University Avenue, to allow for an exterior door swing;
2. A 43.73-foot long by 0.40-foot segment of University Avenue to accommodate existing building encroachment;
3. Two 7.5-foot by 5-foot segments of University Avenue air rights to allow for canopies; and
4. A 46.77-foot by 0.90-foot segment of 24th Street to allow for existing building encroachment,

subject to the following conditions:

1. Reservation of any existing utilities until such time that they are abandoned or relocated at the applicant's expense.
2. Provision of bolsters or planters to both sides of the 3-foot by 3.5-foot proposed vacation into the public right-of-way on University Avenue as approved by the Planning Administrator.

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:



Judy K. Parks-Kruse, Assistant City Attorney

(11-2020-1.01)

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

MOTION CARRIED APPROVED

Mayor

CERTIFICATE

I, P. Kay Cmelik, 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



Date 3/9/20
 Agenda Item 18
 Roll Call # _____

March 3, 2020

Honorable Mayor and City Council
 City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their February 20, 2020 meeting, the following action was taken regarding a request from Neighborhood Development Corporation (owner) represented by Abbey Gilroy (officer) for vacation of the following segments of Right-Of-Way adjoining property at 2331 University Avenue.

- A) A 3-foot by 3.5-foot segment of University Avenue to allow for an exterior door swing.
- B) A 43.73-foot by 0.40-foot segment of University Avenue to accommodate existing building encroachment.
- C) Two 7.5-foot by 5-foot segments of University Avenue air rights to allow for canopies.
- D) A 46.77-foot by 0.90-foot segment of 24th Street to allow for existing building encroachment.

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
Abby Chungath	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 vacations subject to the following conditions:

1. Reservation of any existing utilities until such time that they are abandoned or relocated at the applicant's expense.
2. Provision of bolsters or planters to both sides of the 3-foot by 3.5-foot proposed vacation into the public right-of-way on University Avenue as approved by the Planning Administrator. (11-2020-1.01)

Written Responses

2 in Favor

0 in opposition

RECOMMENDATION TO THE P&Z COMMISSION

Part A-D) Staff recommends approval of the requested vacations subject to the following conditions:

1. Reservation of any existing utilities until such time that they are abandoned or relocated at the applicant's expense.
2. Provision of bolsters or planters to both sides of the 3-foot by 3.5-foot proposed vacation into the public right-of-way on University Avenue as approved by the Planning Administrator.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed vacation would allow redevelopment of the addressed property for use as a mixed use building housing office and restaurant spaces.
2. **Size of Site:** 10,124 square feet (0.232 acre) for addressed property. 99.75 square feet total for 5 vacation areas.
3. **Existing Zoning (site):** "MX2" Mixed Use District. *MX2 is intended for mixed-use, regional-scale nodes and corridors within the city, where residents and visitors may access multiple uses by walking.*
4. **Existing Land Use (site):** The site consists of sidewalks within the public rights-of-way of University Avenue and 24th Street.
5. **Adjacent Land Use and Zoning:**

North – “PUD”; Use includes University Square PUD consisting of a mix of office, retail, and residential.

South – “PUD”; Use includes University Square PUD consisting of a mix of office, retail, and residential.

East – “PUD”; Use includes University Square PUD consisting of a mix of office, retail, and residential.

West – “PUD”; Use includes University Square PUD consisting of a mix of office, retail, and residential.

6. General Neighborhood/Area Land Uses: The subject property is located in Drake Neighborhood, which is an area consisting of a mix of single-household residential, multiple-household residential, office, commercial, religious, educational, and institutional uses.

7. Applicable Recognized Neighborhood(s): The subject property is located in the Drake Neighborhood and within 250 feet of the Carpenter (and Drake) Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on January 31, 2020 and by mailing of the Final Agenda on February 14, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on February 10, 2020 (10 days prior to public hearing) to the Neighborhood Associations and to the primary titleholder on file with the Polk County Assessor for each property adjacent or directly across the street from the requested right-of-way.

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 on the date of the mailing. The Drake Neighborhood Association notices were mailed to Jennifer Sayers, 1129 28th Street, Des Moines, IA 50311. The Carpenter (and Drake) Neighborhood Association notices were mailed to Robert Gieber, 2315 Carpenter Avenue, Des Moines, IA 50311.

8. Relevant Zoning History: None.

9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation: Neighborhood Mixed Use.

10. Applicable Regulations: Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission 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: While no utilities have been identified within the requested rights-of-way, easements must be reserved for any existing utilities until such time that they are abandoned or relocated at the applicant’s expense.

2. **Streets/Sidewalk:** The 3-foot by 3.5-foot proposed vacation to allow for an exterior door swing would be onto the sidewalk in the public right-of-way on University Avenue. Staff feels that bolsters or planters as approved by the Planning Administrator would ensure public safety of pedestrians utilizing the subject sidewalk.

SUMMARY OF DISCUSSION

Dory Briles 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:

Rocky Sposato made a motion for approval of the requested vacations subject to the following conditions:

1. Reservation of any existing utilities until such time that they are abandoned or relocated at the applicant's expense.
2. Provision of bolsters or planters to both sides of the 3-foot by 3.5-foot proposed vacation into the public right-of-way on University Avenue as approved by the Planning Administrator.

Motion passed: 8-0

Respectfully submitted,



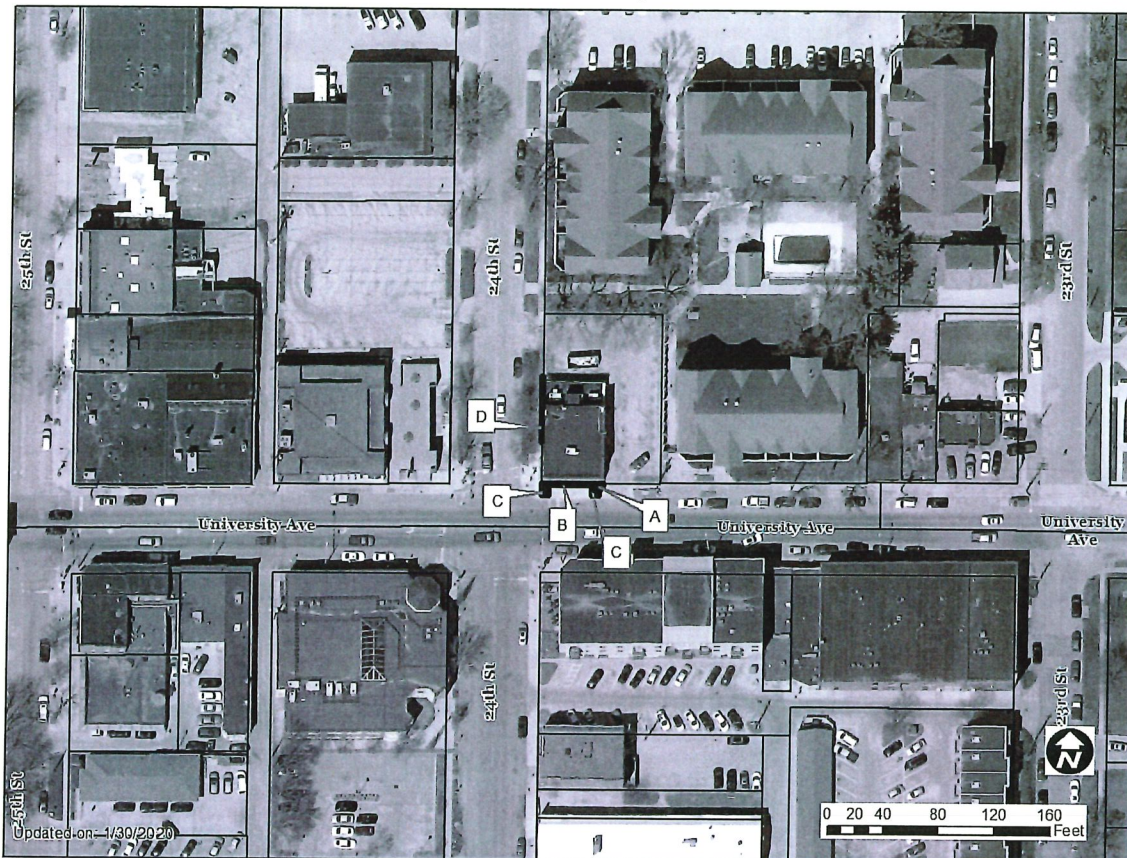
Erik Lundy, AICP
Senior City Planner

EML:tjh
Attachments

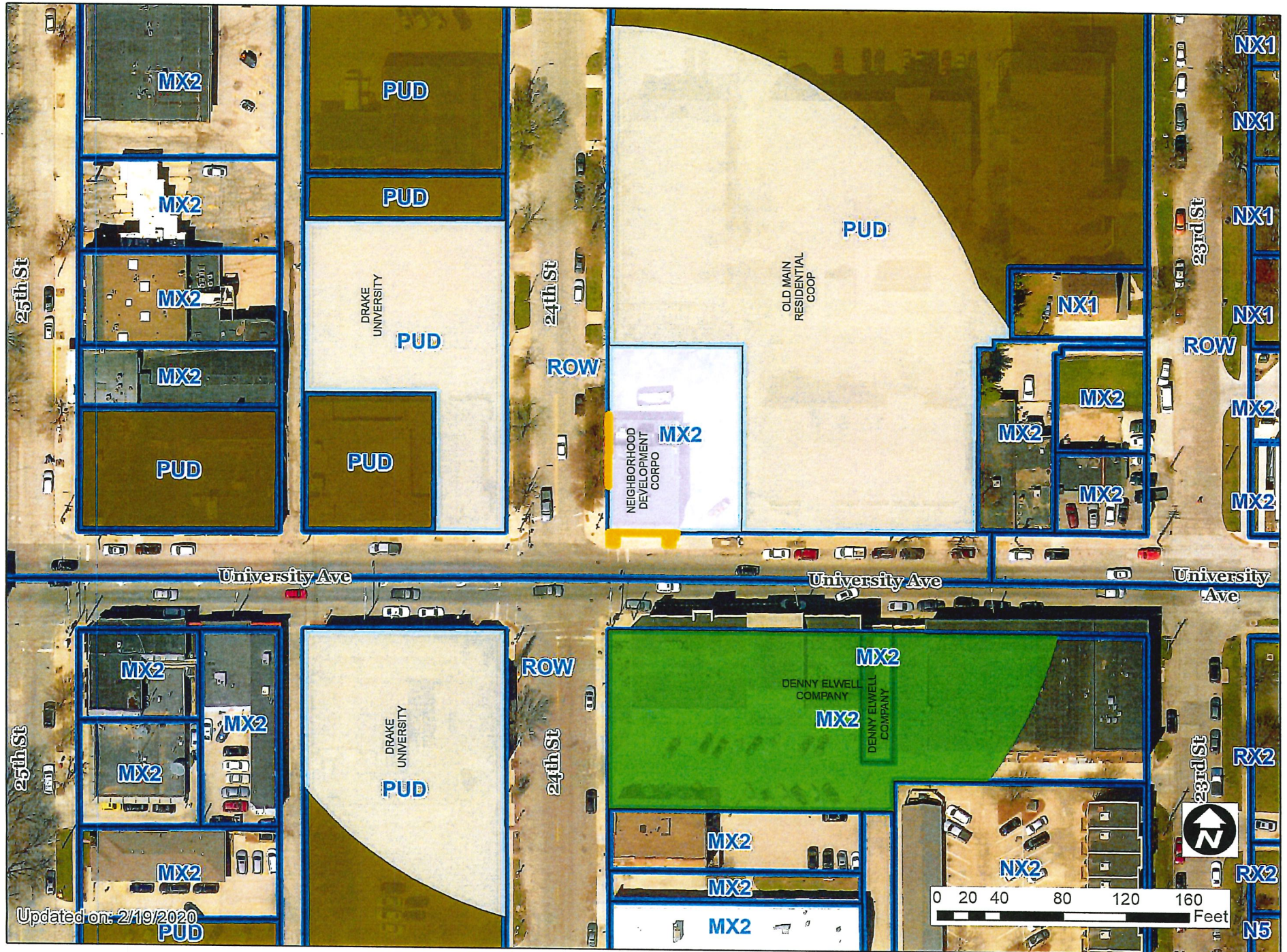
Neighborhood Development Corporation (owner) represented by Abbey Gilroy (officer) for property at 2331 University Avenue.		File # 11-2020-1.01		
Description of Action	Vacation of the following segments of Right-Of-Way: A) A 3-foot by 3.5-foot segment of University Avenue to allow for an exterior door swing. B) A 43.73-foot by 0.40-foot segment of University Avenue to accommodate existing building encroachment. C) Two 7.5-foot by 5-foot segments of University Avenue air rights to allow for canopies. D) A 46.77-foot by 0.90-foot segment of 24th Street to allow for existing building encroachment.			
PlanDSM Future Land Use	Current: Neighborhood Mixed Use. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"MX2" Mixed Use District.			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Outside Area (200 feet)				
Within Subject Property	2	0		
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes
	Denial			No

Neighborhood Development Corporation, 2331 University Avenue

11-2020-1.01



1 inch = 81 feet



Item: 11-2020-1.01 Date: 2-14-20

I (am) (am not) in favor of the request: DENNY ELWELL CO.

(Circle One) Print Name: Ben Biggett

RECEIVED COMMUNITY DEVELOPMENT Signature: [Signature]

FEB 18 2020 Address: 2300 University Ave., Tallahassee, FL

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

No issues noted in letter.

Item: 11-2020-1.01 Date: _____

I (am) (am not) in favor of the request: CARPENTER (AND GRAVE) NEIGHBORHOOD ASSOC.

(Circle One) Print Name: ROBERT GIEBER

RECEIVED COMMUNITY DEVELOPMENT Signature: [Signature]

FEB 18 2020 Address: 2315 CARPENTER AVE

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

The company is a good anchor for the neighborhood. I recommend approval.