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Date December 21, 2020

**RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION
REGARDING REQUEST FROM 814 DEVELOPMENT/814 ACQUISITIONS, LLC FOR
VACATION OF SEGMENTS OF MULBERRY STREET, 12TH STREET, AND THE NORTH/SOUTH
ALLEY RIGHT-OF-WAY, ADJOINING 204 12TH STREET**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on December 3, 2020, its members voted 12-0 to recommend **APPROVAL** of a request from 814 Development/814 Acquisitions, LLC (purchaser), represented by Samantha Coponen (officer), to vacate an 8.54-foot by 4.50-foot segment of Mulberry Street for a front stoop, and segments of right-of-way with existing building encroachments on the adjoining north/south alley, 12th Street, and Mulberry Street, all adjoining the real property located at 204 12th Street, to accommodate said existing encroachments and utilization of the building by Kindercare, subject to reservation of easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.

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:

/s/ Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

(11-2020-1.15)

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

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.

Mayor

City Clerk



December 15, 2020

Date December 21, 2020

Agenda Item 21

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 December 3, 2020 meeting, the following action was taken regarding a request from 814 Development/814 Acquisitions, LLC (purchaser) represented by Samantha Coponen (officer) for vacation and conveyance of the following adjoining the property at 204 12th Street. The adjoining subject property is owned by Nationwide Mutual Insurance Company:

- A) An 8.54-foot by 4.50-foot segment of Mulberry Street for a front stoop.
- B) Segments of Right-Of-Way with existing building encroachments on the adjoining north/south alley, 12th Street and Mulberry Street.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles	X			
Abby Chungath	X			
Kayla Berkson	X			
Jann Freed				X
Johnny Alcivar	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			

APPROVAL of the requested vacation subject to the reservation of any existing utilities until such time that they are abandoned or relocated at the applicant's expense.

(11-2020-1.15)

Written Responses

0 in Favor

0 in opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

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

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed vacations accommodate existing building encroachments and for the building to be utilized by Kindercare.
2. **Size of Site:** Combined 65.07 square feet.
3. **Existing Zoning (site):** "DX1" Industrial District.
4. **Existing Land Use (site):** The affected area consists of public street and alley rights-of-way.
5. **Adjacent Land Use and Zoning:**
 - North** – "DX1"; Use is a surface parking lot.
 - South** – "DX1", Use is a parking structure.
 - East** – "DX1"; Use is a parking structure.
 - West** – "DX1"; Use is a 1-story office and warehouse building.
6. **General Neighborhood/Area Land Uses:** The subject property is located on the northwest corner of the 12th Street and Mulberry Street intersection in an area consisting of a mix of retail, residential, office/warehouse, and commercial uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is in the Downtown Des Moines Neighborhood. All neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhood associations on November 13, 2020 and by mailing of the Final Agenda on November 25, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on November 23, 2020 (10 days prior) to the neighborhood associations and to the primary titleholder on file with the Polk County Assessor for each property within 250

feet of the subject property. The Downtown Des Moines Neighborhood Association mailings were sent to Sebastian Hamirani, 1400 Walnut Street Unit 413, Des Moines, IA 50309.

8. **Relevant Zoning History:** None.
9. **PlanDSM: Creating Our Tomorrow Land Use Plan Designation:** Downtown 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:** A city signal conduit as well as a non-city signal handhold and conduit have been identified approximately 10 feet to the south of the requested area on the southeastern corner of the building. Easements must be reserved for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.
2. **Traffic/Access:** The requested vacations would not negatively impact the existing access or traffic patterns.

SUMMARY OF DISCUSSION

Dory Briles asked if any member of the public or the commission desired to speak on the item. No one requested to speak.

COMMISSION ACTION:

Carolyn Jension made a motion for approval of the requested vacation subject to the reservation of any existing utilities until such time that they are abandoned or relocated at the applicant's expense.

Motion passed: 12-0

Respectfully submitted,



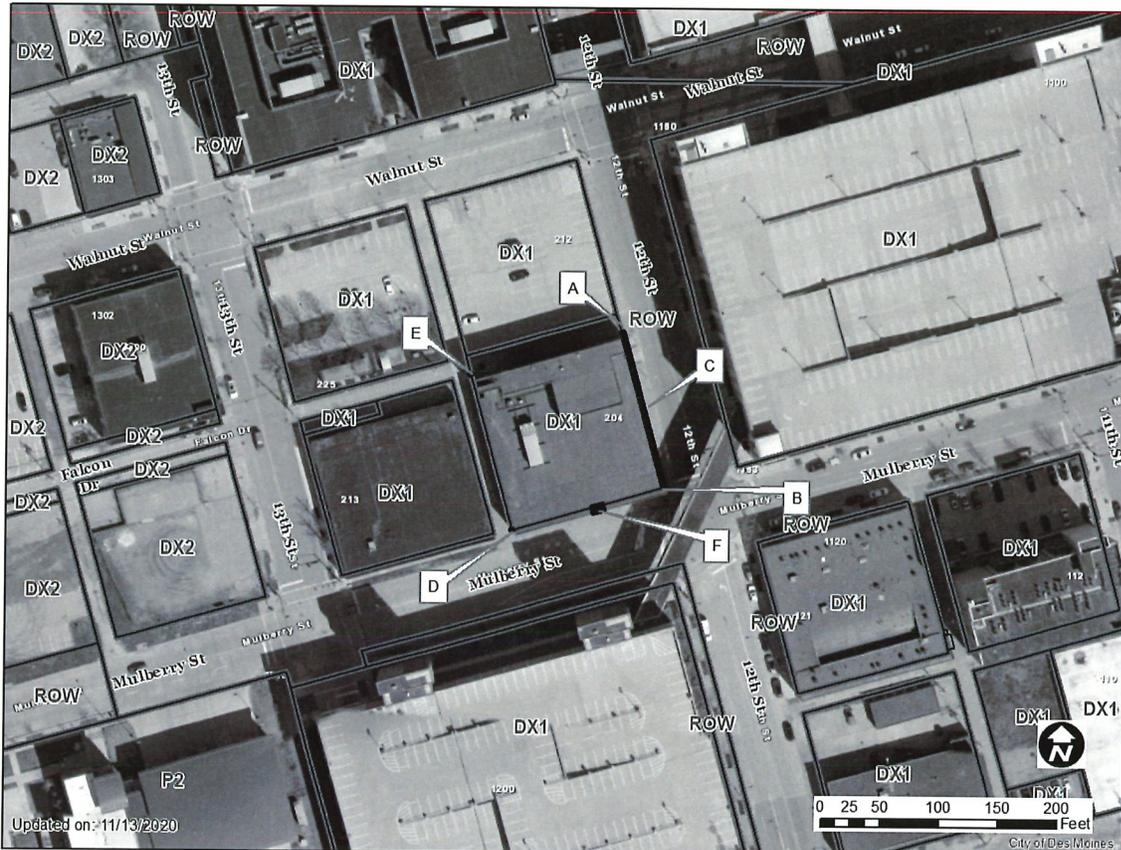
Michael Ludwig, AICP
Planning Administrator

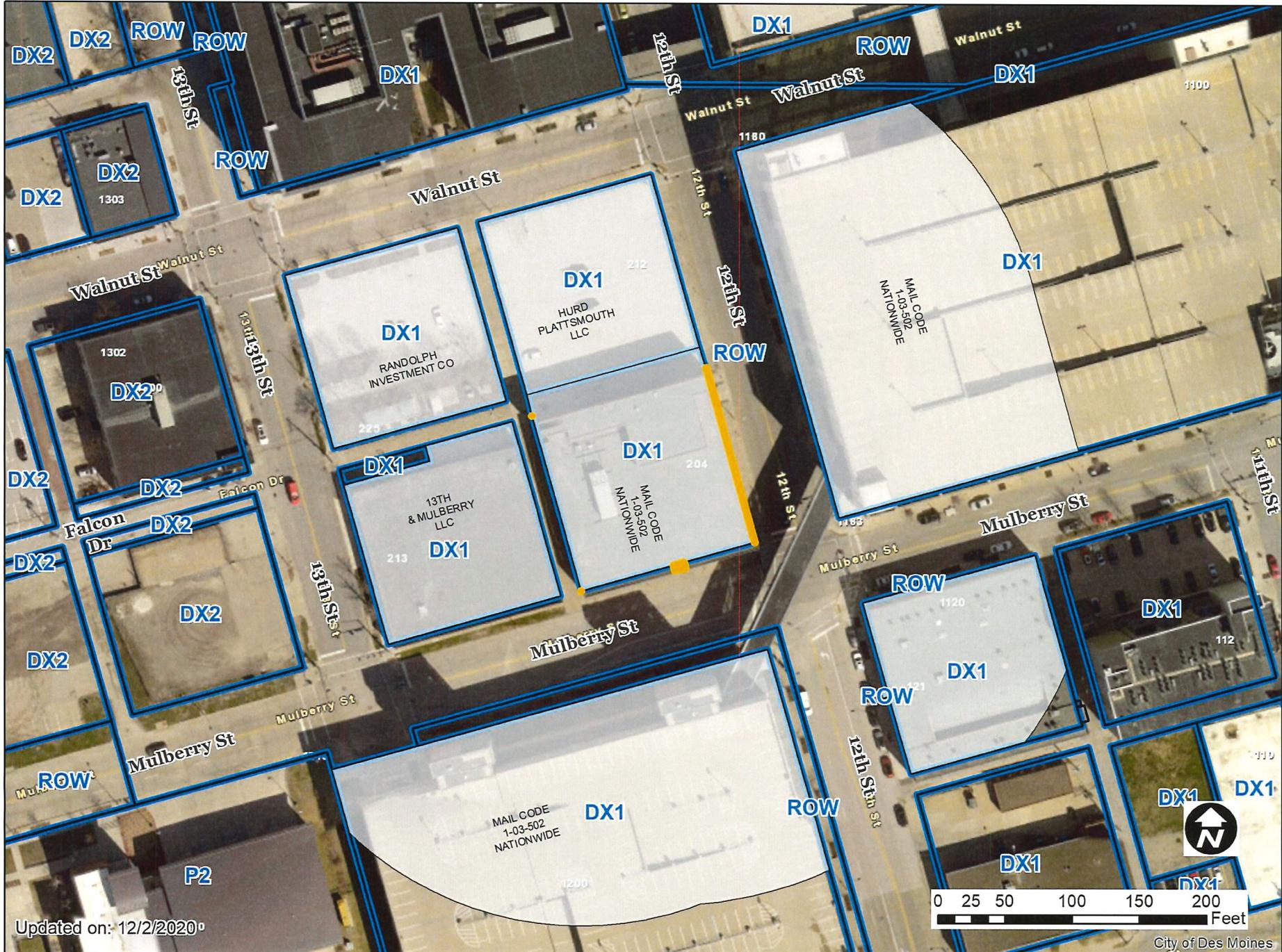
MGL:tjh

814 Development/814 Acquisitions, LLC (purchaser) represented by Samantha Coponen (officer) for property located at 204 12 th Street. The adjoining subject property is owned by Nationwide Mutual Insurance Company.				File #	
				11-2020-1.15	
Description of Action		Vacation and conveyance of the following adjoining the property at 204 12th Street: A) An 8.54-foot by 4.50-foot segment of Mulberry Street for a front stoop. B) Segments of Right-Of-Way with existing building encroachments on the adjoining north/south alley, 12th Street and Mulberry Street.			
PlanDSM Future Land Use		Current: Downtown Mixed Use. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan		No planned improvements.			
Current Zoning District		"DX1" Downtown District.			
Proposed Zoning District		N/A.			
Consent Card Responses Outside Area (200 feet)		In Favor	Not In Favor	Undetermined	% Opposition
Within Subject Property		0	0		
Plan and Zoning Commission Action		Approval	X	Required 6/7 Vote of the City Council	
		Denial		Yes	
				No	X

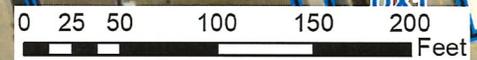
814 Development/814 Acquisitions, LLC, 204 12th Street

11-2020-1.15





Updated on: 12/2/2020



City of Des Moines

1 inch = 95 feet

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