



Date February 22, 2021

**RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION
REGARDING CITY-INITIATED REQUEST FOR VACATION OF SEGMENTS OF
RIGHT-OF-WAY WITHIN THE MARKET DISTRICT**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 4, 2021, its members voted 13-0 to recommend **APPROVAL** of a City-initiated request to vacate the following segments of City right-of-way within an area generally bounded by East Vine Street on the north, East Martin Luther King, Jr. Parkway on the south, Southeast 5th Street on the east, and Southeast 3rd Street on the west, within the Market District area, to accommodate right-of-way acquisitions needed to reconfigure block areas for redevelopment in accordance with the Market District at East Village Large-Scale Development Plan, subject to reservation of easements for any existing utilities until such time that they are abandoned or relocated as part of redevelopment of the Market District at East Village area at the expense of private developers or in accordance with a development agreement with the City of Des Moines:

- A) Segment of the west side of Southeast 3rd Street between East Vine Street and East Market Street.
- B) Southeast 3rd Street from the south side of East Market Street to a point 71.90 feet north.
- C) East Market Street from Southeast 3rd Street to Southeast 4th Street.
- D) Segment of the west side of Southeast 4th Street between East Market Street and Vacated East Elm Street.
- E) Segment of the west side of Southeast 4th Street between Vacated East Elm Street to the south side of Vacated Raccoon Street.
- F) Segment of the west side of Southeast 4th Street between Vacated Raccoon Street and East M.L. King Jr. Parkway.
- G) Segment of the east side of Southeast 4th Street between East Vine Street and Vacated East Market Street.
- H) Segment of the east side of Southeast 4th Street at Vacated East Market Street.
- I) Segment of the east side of Southeast 4th Street between Vacated East Market Street and East Elm Street.
- J) Segment of the east side of Southeast 4th Street between East Elm Street and East Raccoon Street.
- K) Segment of the east side of Southeast 4th Street at Vacated Raccoon Street.
- L) Segment of the east side of Southeast 4th Street between Vacated Raccoon Street and East M.L. King Jr. Parkway.
- M) Segment of the west side of Southeast 5th Street between East Vine Street and Vacated East Market Street.
- N) Segment of the west side of Southeast 5th Street at Vacated East Market Street.
- O) Segment of the west side of Southeast 5th Street between Vacated East Market Street and East Elm Street.
- P) Segment of the west side of Southeast 5th Street between Vacated East Elm Street and Raccoon Street.
- Q) Segment of the west side of Southeast 5th Street at Vacated Raccoon Street.
- R) Segment of the west side of Southeast 5th Street between Vacated Raccoon Street and East M.L. King Jr. Parkway.
- S) Segment of the east side of Southeast 5th Street between East Vine Street and East Market Street.
- T) Segment of East Market Street from Southeast 5th Street to Southeast 6th Street.



Roll Call Number

Agenda Item Number

15

Date February 22, 2021

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

(11-2021-1.02)

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 February 22, 2021
Agenda Item 15
Roll Call # _____

February 16, 2021

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their February 4, 2021 meeting, the following action was taken regarding a City initiated request from Erin Olson-Douglas (Development Service Director) for vacation of the following scattered segments of public street Right-Of-Way in furtherance of the implementation of the Market District at East Village Large-Scale Development Plan:

- A) Segment of the west side of Southeast 3rd Street between East Vine Street and East Market Street.
- B) Southeast 3rd Street from the south side of East Market Street to a point 71.90 feet north.
- C) East Market Street from Southeast 3rd Street to Southeast 4th Street.
- D) Segment of the west side of Southeast 4th Street between East Market Street and Vacated East Elm Street.
- E) Segment of the west side of Southeast 4th Street between Vacated East Elm Street to the south side of Vacated Raccoon Street.
- F) Segment of the west side of Southeast 4th Street between Vacated Raccoon Street and East M.L. King Jr. Parkway.
- G) Segment of the east side of Southeast 4th Street between East Vine Street and Vacated East Market Street.
- H) Segment of the east side of Southeast 4th Street at Vacated East Market Street.
- I) Segment of the east side of Southeast 4th Street between Vacated East Market Street and East Elm Street.
- J) Segment of the east side of Southeast 4th Street between East Elm Street and East Raccoon Street.
- K) Segment of the east side of Southeast 4th Street at Vacated Raccoon Street.
- L) Segment of the east side of Southeast 4th Street between Vacated Raccoon Street and East M.L. King Jr. Parkway.
- M) Segment of the west side of Southeast 5th Street between East Vine Street and Vacated East Market Street.
- N) Segment of the west side of Southeast 5th Street at Vacated East Market Street.
- O) Segment of the west side of Southeast 5th Street between Vacated East Market Street and East Elm Street.

- P) Segment of the west side of Southeast 5th Street between Vacated East Elm Street and Raccoon Street.
- Q) Segment of the west side of Southeast 5th Street at Vacated Raccoon Street.
- R) Segment of the west side of Southeast 5th Street between Vacated Raccoon Street and East M.L. King Jr. Parkway.
- S) Segment of the east side of Southeast 5th Street between East Vine Street and East Market Street.
- T) Segment of East Market Street from Southeast 5th Street to Southeast 6th Street.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 13-0 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 right-of-way vacations subject to the reservation of easements for any existing utilities until such time that they are abandoned or relocated as part of redevelopment of the Market District at East Village area at the expensed of private developers or in accordance with a development agreement with the City of Des Moines.
(11-2021-1.02)

Written Responses

5 in Favor
0 in opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested right-of-way vacations subject to the reservation of easements for any existing utilities until such time that they are abandoned or relocated as part of redevelopment of the Market District at East Village area at the expensed of private developers or in accordance with a development agreement with the City of Des Moines

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed vacations would be in furtherance of the Market District Large-Scale Development Plan, to accommodate Right-Of-Way (ROW) acquisitions needed to reconfigure block areas for redevelopment.
2. **Size of Site:** Approximately 1.723 acres (75,051 square feet) of ROW cumulatively.
3. **Existing Zoning (site):** “DX1” Downtown District.
4. **Existing Land Use (site):** The affected areas consist of public street ROWs.
5. **Adjacent Land Use and Zoning:** Adjacent land uses include a mix of industrial, public, and commercial uses.

North – “DX2”

South – “DX2”

East – “DX2”

West – “DXR” & “DX2”.

6. **General Neighborhood/Area Land Uses:** The subject area is generally bounded by East Vine Street on the North, East M.L. King Jr. Parkway on the south, Southeast 6th Street on the east, and Southeast 3rd Street on the west. The area consists of a mix of industrial, public, and commercial uses within the Market District.
7. **Applicable Recognized Neighborhood(s):** The subject ROWs are in the Historic East Village Neighborhood. All recognized neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on January 15, 2021 and by mailing of the Final Agenda on January 29, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on January 25, 2021 (10 days prior) to the applicable neighborhood association and to the primary titleholder on file with the Polk County Assessor for each property adjoining the requested public Right-of-Way. The Historic East Village Neighborhood Association mailings were sent to Taylor Frame, PO Box 93904, Des Moines, IA 50393.
8. **Relevant Zoning History:** On December 20, 2020 by Ordinance No. 15,961, the City Council rezoned the subject area of the Market District and East Village to “DX1” Downtown District along with the adoption of the Market District Large-Scale Development Plan. The plan established maximum building heights for the Capitol Viewshed Corridor and each of the blocks outside the corridor.
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:** Identified utilities located in or near the affected ROW areas include Des Moines Water Works mains, water valves, water hydrants; City of Des Moines public sanitary sewer mains, manholes; City of Des Moines storm sewer mains, manholes, intakes; City of Des Moines traffic signal underground fiber; non-City owned communications fiber; and MidAmerican Energy overhead and underground electrical utilities, underground gas utilities. Easements must be reserved for any existing utilities until such time that they are abandoned or relocated as part of redevelopment by private developers or in accordance with a development agreement with the City of Des Moines.
- 2. Traffic/Access:** The requested ROW vacations are in furtherance of the Traffic Study for the Market District at East Village and the Market District at East Village Large Scale Development Plan would not negatively impact access to private properties or traffic patterns.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

Dory Briles made a motion for approval of the requested right-of-way vacations subject to the reservation of easements for any existing utilities until such time that they are abandoned or relocated as part of redevelopment of the Market District at East Village area at the expensed of private developers or in accordance with a development agreement with the City of Des Moines.

Motion passed: 13-0

Respectfully submitted,



Michael Ludwig, AICP
Deputy Director of Development Services

MGL:tjh

City initiated request from Erin Olson-Douglas (Development Service Director) for property within the Market District at East Village area.			File #	
			11-2021-1.02	
Description of Action	Vacation of scattered segments of public street Right-Of-Way in furtherance of the implementation of the Market District at East Village Large-Scale Development Plan.			
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	In Favor	Not In Favor	Undetermined	% Opposition
Outside Area (200 feet)	5	0		
Within Subject Property				
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes
	Denial			No
				X

City initiated, Market District Scattered Sites

11-2021-1.02



1 inch = 263 feet

Item: 11-2021-1.02

Date: 2/1/2021

15

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: [Handwritten Signature]

Name: Hugh F. SHAGAI

Address: 113 SE 3rd St., Des Moines
130 E 3rd St., Des Moines

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
FEB 03 2021

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

Please advise if and when the ingress-egress driveway to our property
will be blocked or obstructed and your plan for accommodating
us during these instances. Our property only has a single
ingress-egress driveway:

Item: 11-2021-1.02

Date: 2/1/21

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: [Handwritten Signature]

Name: Paul D. Hayer

Address: 350 E. Locust #500

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
FEB 02 2021

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

Critical to redevelopment efforts

Item: 11-2021-1.02

Date: 2/1/21

15

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: [Handwritten Signature]

Name: Paul D. Hayes

Address: 350 E Locust #500

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
FEB 02 2021

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

Critical to redevelopment efforts

Item: 11-2021-1.02

Date: _____

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: [Handwritten Signature]

Name: Tim Ryman

Address: 512 1/2 EAST GRAND AVE.
DES MOINES, IA 50309

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
FEB 02 2021

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

Item: 11-2021-1.02 Date: _____

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: *[Handwritten Signature]*

Name: *220 SE 6th St Properties*

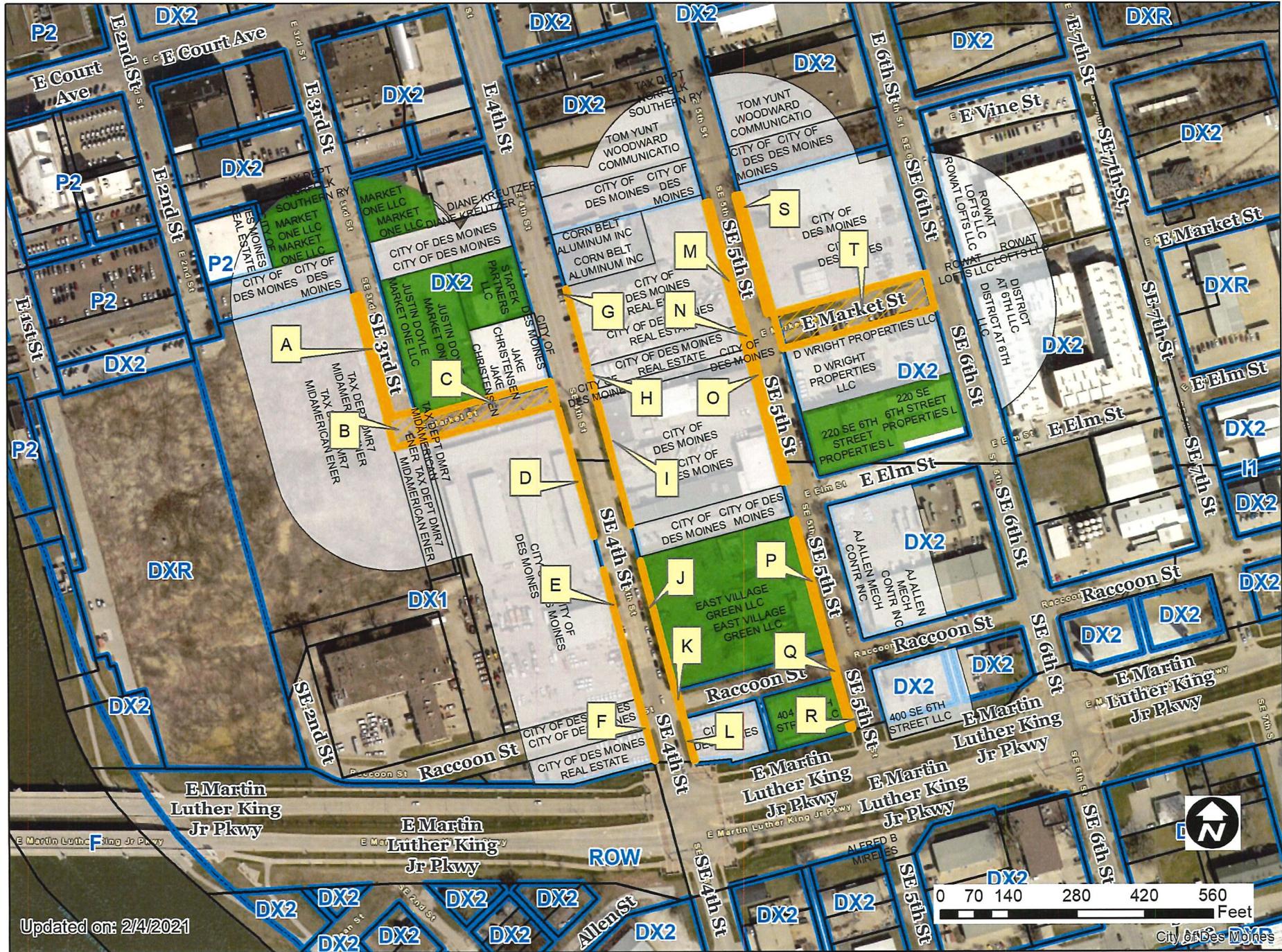
Address: *220 SE 6th St, Ste 100, DSM, IA 50309*

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
FEB 03 2021

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

City initiated, Market District Scattered Sites

11-2021-1.02



15

1 inch = 262 feet