



Date June 28, 2021

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM DES MOINES CLIMATE CONTROLLED SELF STORAGE, LLC, FOR VACATION OF THE NORTH/SOUTH SEGMENT OF ALLEY RIGHT-OF-WAY EAST OF, AND ADJOINING, THE PROPERTY LOCATED AT 1106 SCOTT AVENUE IN THE BLOCK BOUNDED BY EAST M.L. KING JR. PARKWAY ON THE NORTH, SCOTT AVENUE ON THE SOUTH, SOUTHEAST 12TH STREET TO THE EAST AND SOUTHEAST 10TH STREET TO THE WEST

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 17, 2021, its members voted 12-0 to recommend APPROVAL of a request from Des Moines Climate Controlled Self Storage, LLC (owner), represented by Mark Bockenstadt (officer), to vacate the north/south segment of alley right-of-way east of, and adjoining, the property located at 1106 Scott Avenue in the block bounded by East M.L. King Jr. Parkway on the north, Scott Avenue on the south, Southeast 12th Street on the east, and Southeast 10th Street on the west, to allow the property to be assembled with adjoining property for purposes of commercial 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:

Judy K. Parks-Kruse

Judy K. Parks-Kruse, Assistant City Attorney

(11-2021-1.10)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include 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



June 22, 2021

Date June 28, 2021  
 Agenda Item 20  
 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 June 17, 2021 meeting, the following action was taken regarding a request from Des Moines Climate Controlled Self Storage, LLC (owner), represented by Mark Bockenstadt (officer), for vacation of the north/south segment of alley Right-Of-Way east of, and adjoining, the property located at 1106 Scott Avenue in the block bounded by East M.L. King Jr. Parkway on the north, Scott Avenue on the south, Southeast 12<sup>th</sup> Street on the east, and Southeast 10<sup>th</sup> Street on the west, to allow the property to be assembled with adjoining property for purposes of commercial redevelopment.

**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 right-of-way vacation subject to reservation of any existing utilities until such time that they are abandoned or relocated at the applicant's expense.  
 (11-2021-1.10)



Written Responses

0 in Favor

0 in opposition

**STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Staff recommends approval of the requested right-of-way vacation subject to 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 vacation would facilitate the assemblance of property for commercial development.
2. **Size of Site:** The requested segments of Right-of-Way encompass a total 2,236 square feet of area.
3. **Existing Zoning (site):** "ROW" Public Right-of-Way. The subject ROW segment would be zoned "DX2" Downtown Mixed-Use District upon vacation.
4. **Existing Land Use (site):** The subject areas consist of public alley rights-of-way.
5. **Adjacent Land Use and Zoning:**  
  
    **North** – "DXR"; Use is vacant land.  
  
    **South** – "N3C", Use is single household living.  
  
    **East** – "DX2"; Use is a City warehouse and office building.  
  
    **West** – "DX2", Use is City Cohen Park.
6. **General Neighborhood/Area Land Uses:** The applicant's property, which consists of multiple parcels split by the alley, is rectangular-shaped and bordered by SE 12<sup>th</sup> Street to the east and Scott Avenue to the south. The surrounding area consists of a mix of residential and commercial uses.
7. **Applicable Recognized Neighborhood(s):** The subject areas is located within the recognized Historic East Village neighborhood association. All recognized neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on May 28, 2021 and by mailing of the Final Agenda on June 11, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on June 7, 2021 (10 days prior) to the primary titleholder on file with the Polk County Assessor for each property adjoining the requested public 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 on the date of the mailing. The Historic East Village Neighborhood Association mailing were sent to Luke Dickens, 3311 54<sup>th</sup> Street, Des Moines, IA 50310.

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:** While no utilities have been identified within the requested Right-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. **Traffic/Access:** The requested vacations would not negatively impact access to private properties 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:

Jann Freed made a motion for approval of the requested right-of-way vacation subject to 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,



Jason Van Essen, AICP  
Planning & Urban Design Administrator

JMV:tjh

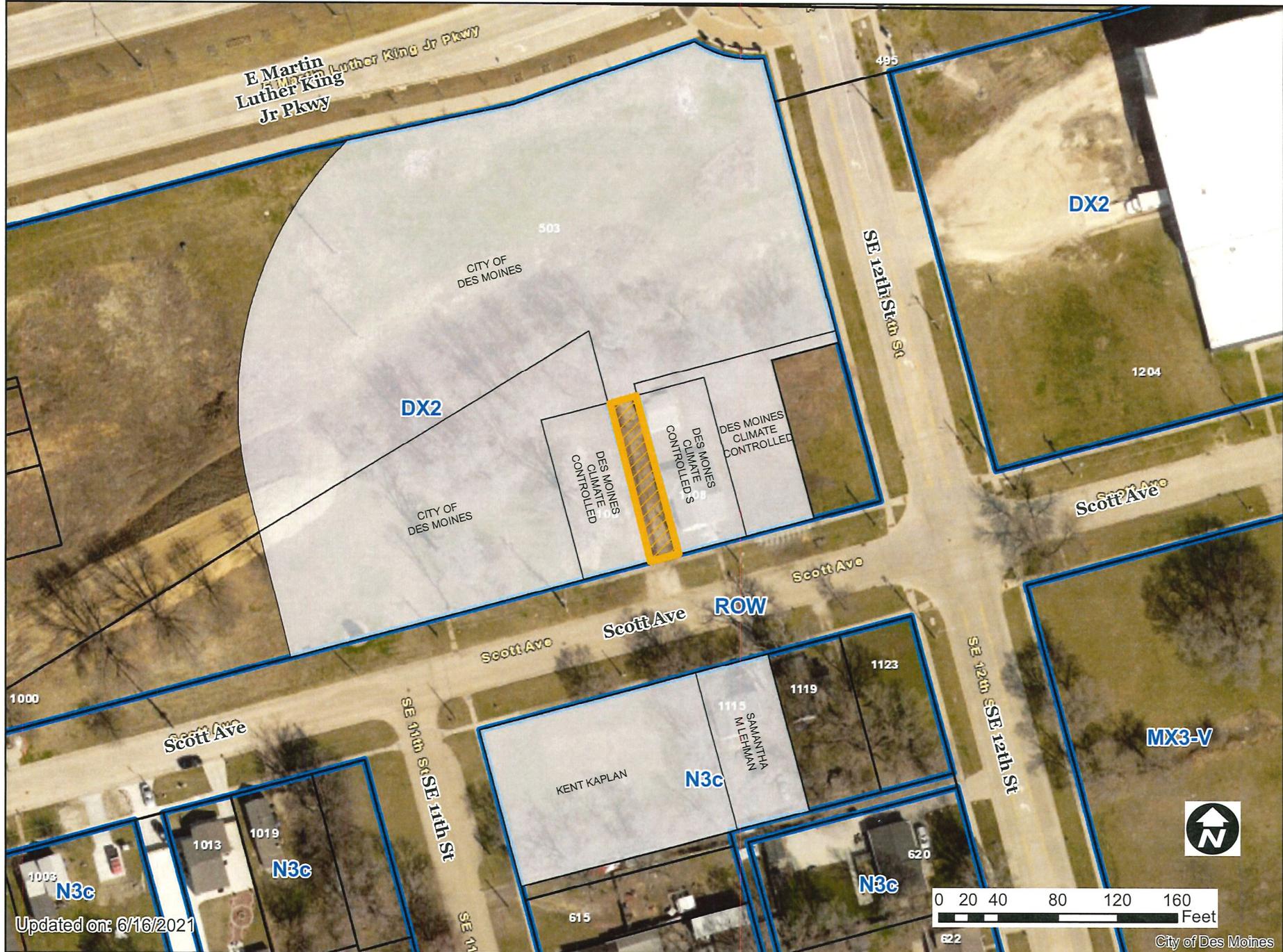
Request from Des Moines Climate Controlled Self Storage, LLC (owner), represented by Mark Bockenstadt (officer) for the property located at 1106 Scott Avenue in the block bounded by East M.L. King Jr. Parkway on the north, Scott Avenue on the south, Southeast 12 <sup>th</sup> Street on the east, and Southeast 10 <sup>th</sup> Street on the west				File #	
				11-2021-1.10	
Description of Action	Vacation of the north/south segment of alley Right-Of-Way east of, and adjoining, to allow the property to be assembled with adjoining property for purposes of commercial redevelopment.				
PlanDSM Future Land Use	Downtown Mixed Use				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"DX2" Downtown Mixed-Use District				
Proposed Zoning District	N/A.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Outside Area (200 feet)	0	0			
Within Subject Property					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Des Moines Climate Controlled Self Storage, LLC, 1106 Scott Avenue

11-2021-1.10



1 inch = 86 feet



Updated on: 6/16/2021

1 inch = 86 feet