



Roll Call Number

Agenda Item Number

25

Date July 17, 2023

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM SHATTERED HOLDINGS, LLC (OWNER), REPRESENTED BY JACKIE JOHANSEN (OFFICER) FOR VACATION OF 284 LINEAL FEET OF THE EAST/WEST ALLEYWAY ADJOINING THE PROPERTY LOCATED AT 204 SOUTHWEST 2ND STREET, AND BOUNDED BY SOUTHWEST 2ND STREET TO THE EAST, AND SOUTHWEST 3RD STREET TO THE WEST

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 6, 2023, its members voted 12-0 to recommend **APPROVAL** of a request from Shattered Holdings, LLC (Owner), represented by Jackie Johansen (Officer) for vacation of 284 lineal feet of the East/West alleyway adjoining the property located at 204 Southwest 2nd Street, and bounded by Southwest 2nd Street to the East, and Southwest 3rd street to the west, to allow the vacated area to be assembled for a mixed-use development, subject to the reservation of any necessary 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.

SECOND BY _____.

APPROVED AS TO FORM:

/s/ Chas M. Cahill

Chas M. Cahill
Assistant City Attorney

(ROWV-2023-000002)

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

MOTION CARRIED

APPROVED

Mayor

CERTIFICATE

I, Laura Baumgartner, 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 July 15, 2023

Agenda Item 25

Roll Call # _____

July 11, 2023

Communication from the City Plan and Zoning Commission advising that at their July 6, 2023 meeting, the following action was taken regarding a request from Shattered Holdings, LLC (owner), represented by Jackie Johansen (officer), for vacation of 284 lineal feet of the east/west alleyway adjoining the property at 204 Southwest 2nd Street, and bounded by Southwest 2nd Street to the east, and Southwest 3rd Street to the west, to allow the vacated area to be assembled for a mixed-use development.

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus					X
Leah Rudolphi	X				
Carol Maher	X				
Abby Chungath					X
Kayla Berkson	X				
Chris Draper					X
Todd Garner	X				
Johnny Alcivar	X				
Justyn Lewis	X				
Carolyn Jenison	X				
William Page	X				
Andrew Lorentzen	X				
Emily Webb	X				
Katie Gillette	X				
Rick Trower	X				

APPROVAL of the requested vacation, subject to the following conditions:

- 1) Reservation of easements for any utilities in place until such time they are abandoned or relocated at the applicant's expense.
- 2) Conveyance shall not occur until redevelopment plans for the alley and the adjoining land are presented and approved by the City of Des Moines.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation, subject to the following conditions:

- 1) Reservation of easements for any utilities in place until such time they are abandoned or relocated at the applicant's expense.
- 2) Conveyance shall not occur until redevelopment plans for the alley and the adjoining land are presented and approved by the City of Des Moines.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing a multi-phase mixed use project utilizing the existing building within the property to the north and the alley. New construction is proposed utilizing the alley and the land to the south of the alley.
2. **Size of Site:** The requested surface rights-of-way consists of approximately 4,743 square feet of area (approximately 284 feet by 16.7 feet).
3. **Existing Zoning (site):** "DX2" Downtown District.
4. **Existing Land Use (site):** The subject area consists of public alley right-of-way.
5. **Adjacent Land Use and Zoning:**
 - North** – "DX2", Uses are restaurant and bar with a surface parking lot.
 - East** – "DX2", Uses are multiple-household apartment building.
 - South** – "DX2"; Uses are multiple-household apartment building.
 - West** – "PUD"; Uses are the Science Center of Iowa PUD.
6. **General Neighborhood/Area Land Uses:** The subject portion of alley right-of-way is located to the north of the MLK Jr Parkway corridor between Southwest 2nd Street and Southwest 3rd Street. It is within the heart of the Downtown area with a variety of high density residential uses, as well as a mix of commercial, institutional, office, and other uses complementary to entertainment and tourism.
7. **Applicable Recognized Neighborhood(s):** The subject right-of-way is within the Downtown Des Moines Neighborhood. The neighborhood associations were notified of the public hearing by email of the Preliminary Agenda on June 16, 2023, and by email of the Final Agenda on June 30, 2023. Additionally, separate notifications of the hearing for this specific item were mailed on June 26, 2023 (10 days prior to the public hearing) to the neighborhood association and to the primary titleholder on file with the Polk County Assessor for each property adjacent to the request right-of-way.

All agendas and notices are sent to the primary contact person designated to the City of Des Moines Neighborhood Services Dept. by the recognized neighborhood association. The Downtown Des Moines Neighborhood Association emails and mailings were sent to Brandon Brown, 120 SW 5th St, Unit 101, Des Moines, IA 50309.

8. **Relevant Zoning History:** N/A.

9. **PlanDSM 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:** There was an exclusive access easement agreement between the City and the Wastewater Reclamation Authority for use of the alley to access the triangular parcel to the south for construction staging purposes along the MLK Jr. Parkway. This agreement has since been terminated. As such the requested vacation would not negatively impact access to the surrounding public and private properties or existing traffic patterns.

SUMMARY OF DISCUSSION

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

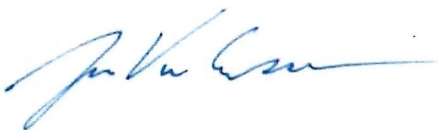
COMMISSION ACTION:

Todd Garner made a motion for approval of the requested vacation, subject to the following conditions:

- 1) Reservation of easements for any utilities in place until such time they are abandoned or relocated at the applicant's expense.
- 2) Conveyance shall not occur until redevelopment plans for the alley and the adjoining land are presented and approved by the City of Des Moines.

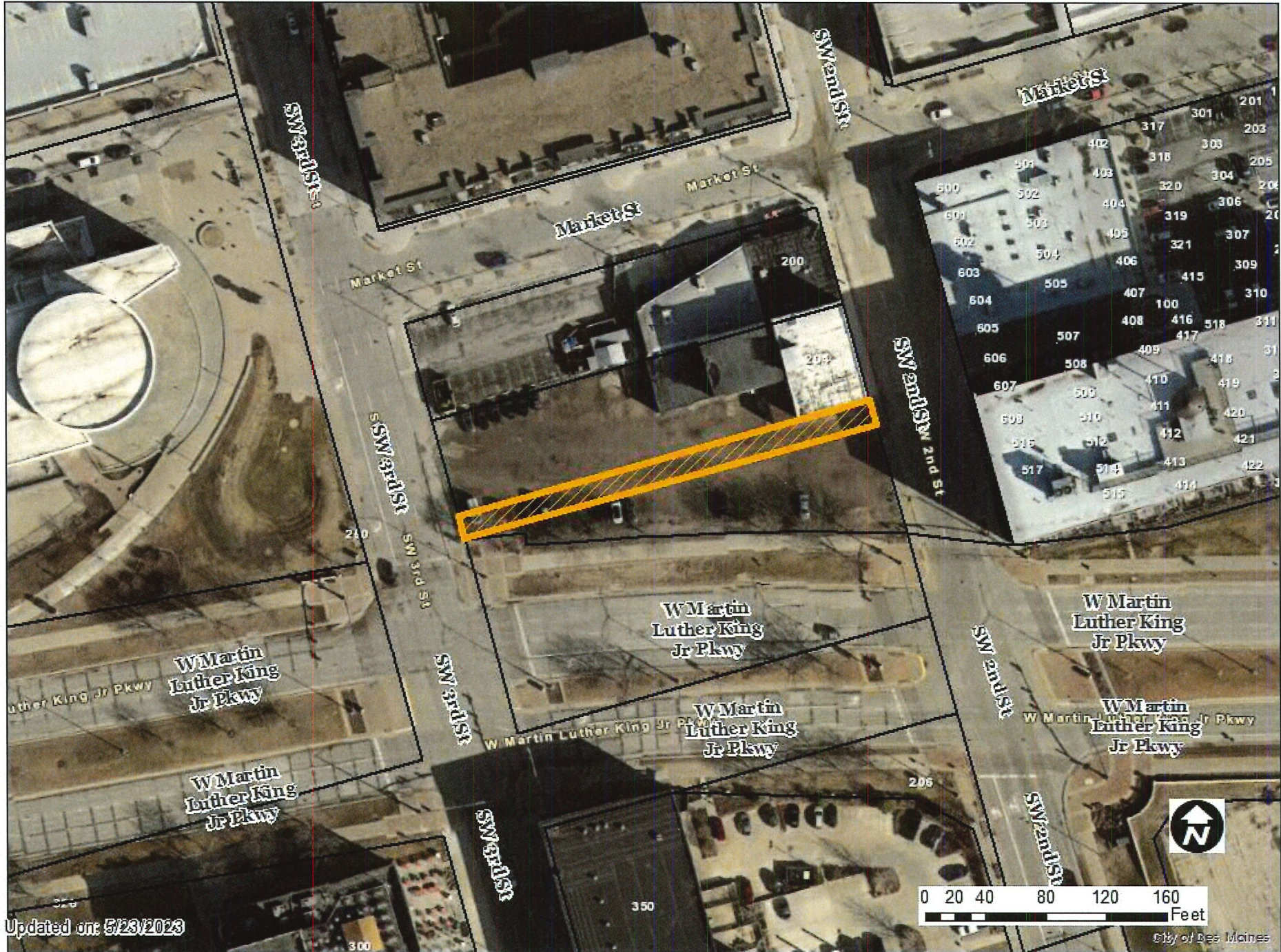
Motion passed: 12-0

Respectfully submitted,



Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh

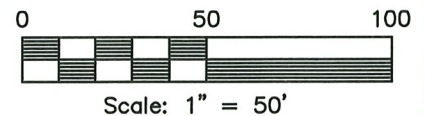
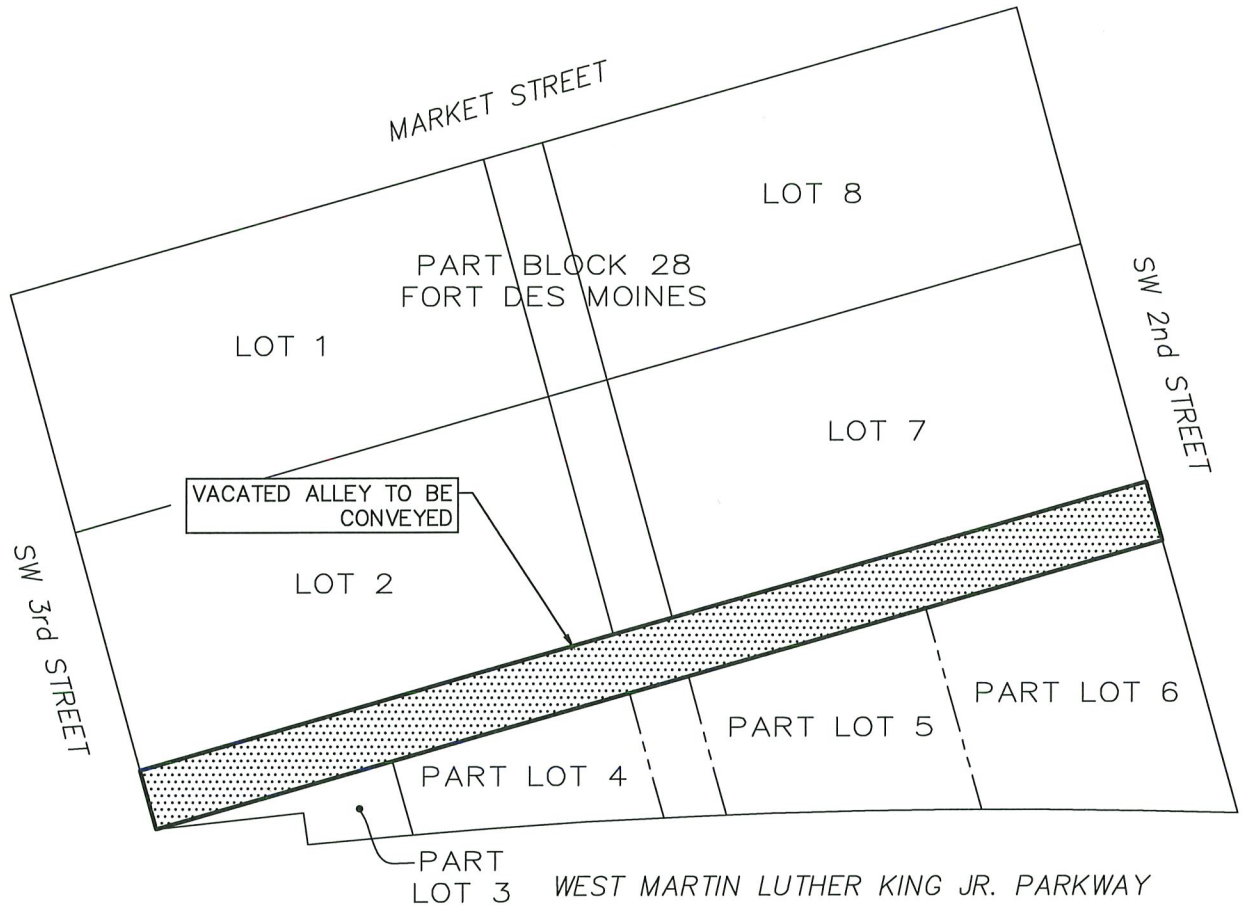


Updated on: 5/23/2023

1 inch = 84 feet

96

EXHIBIT
PROPERTY BEING CONVEYED BY THE CITY OF DES MOINES



PROPERTY TO BE CONVEYED

All of the vacated East/West alley in Block 28 of Fort Des Moines, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa.

ERG	Engineering Resource Group, Inc. 2413 GRAND AVENUE DES MOINES, IOWA 50312 (515) 288-4823	
	EXHIBIT	
DATE: 5/16/2023	PROJ. NO.:	
DWG: 23-009-BND.DWG	23-009	







Item: ROWV-2023-000002

Date: 6-30-2023

Please mark one of the following:

- I support the request
- I am undecided
- I oppose the request

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

JUL 05 2023

Titleholder Signature: Chad Austin

Name/Business: CHAD AUSTIN

Impacted Address: 100 MARKET ST. #108

Comments: _____

Item: ROWV-2023-000002

Date: 6/29/23

Please mark one of the following:

- I support the request
- I am undecided
- I oppose the request

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

JUL 05 2023

Titleholder Signature: [Signature]

Name/Business: I. BROWN SUIPFLER 100 MARKET ST.

Impacted Address: #209

Comments: _____

Item: ROWV-2023-000002

Date: 6/29/2023

Please mark one of the following:

- I support the request
- I am undecided
- I oppose the request

Staff Use Only
RECEIVED
 COMMUNITY DEVELOPMENT
 JUL 05 2023

Titleholder Signature: *[Signature]*

Name/Business: JEFF PAWSON

Impacted Address: 100 Market St #315 DSM 50309

Comments: _____

Item: ROWV-2023-000002

Date: 6-29-2023

Please mark one of the following:

- I support the request
- I am undecided
- I oppose the request

Staff Use Only
RECEIVED
 COMMUNITY DEVELOPMENT
 JUL 05 2023

Titleholder Signature: *[Signature]*

Name/Business: Stephen Maze

Impacted Address: 100 Market St. #419 Des Moines, IA

Comments: _____
_____ 30 JUN 2023 PM 1 L
_____ CEDAR RAPIDS IA 522

Item: ROWV-2023-000002

Date: June 29 '23

Please mark one of the following:

- I support the request
- I am undecided
- I oppose the request

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
JUL 05 2023

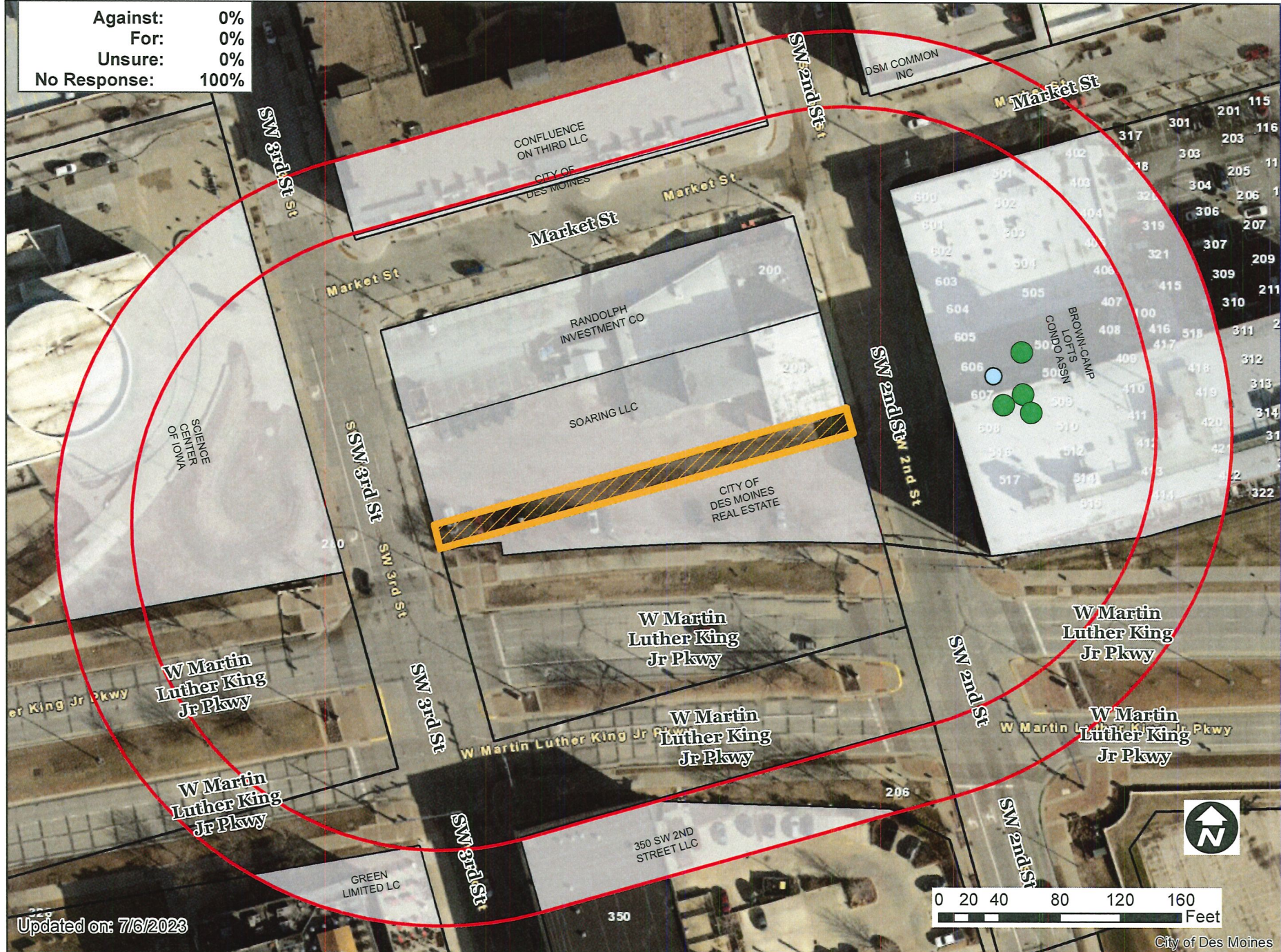
Titleholder Signature: [Signature]

Name/Business: Rebecca Shaffer

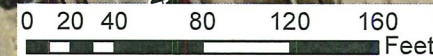
Impacted Address: 100 Market St. #510

Comments: If this is to be residential
development it MUST be required to
include adequate parking for ALL
residential units — or likewise
adequate parking for commercial use

Against:	0%
For:	0%
Unsure:	0%
No Response:	100%



Updated on: 7/6/2023



City of Des Moines

1 inch = 84 feet

25

OWNER AFFIDAVIT



The City of Des Moines requires Property Owner's Consent for each development application. A completed and signed copy of this form is required to be included with every application request. For property with more than one owner/titleholder, each owner/titleholder must sign a copy of this form. If the owner/titleholder of the property is an organization/entity, proof of signature authority on behalf of the organization/entity must be attached to this form.

I Jackie Johansen am the Titleholder(s)/Owner(s), or authorized representative of
 (printed name)
 the Titleholder(s)/Owner(s), of the property located at 204 SW 2nd Street, Des Moines, IA
 (address)
 in Des Moines, Iowa.

I hereby give consent to the submittal and consideration of the following application regarding my property:

- Zoning Map Amendment (Rezoning)
- Land Use Plan Amendment
- PUD Amendment
- Conditional Use Approval
- Zoning Exception
- Zoning Variance
- Site Plan
- Plat of Survey
- Preliminary Plat
- Vacation Request
- Other (write in): _____

I am authorized to submit this application on behalf of the Titleholder/Owner. I certify under penalty of perjury and according to the laws of the State of Iowa that the foregoing is true and correct.

Signature: DocuSigned by:
Jackie Johansen
401CDDCDCF7443C... _____ Date: 5/15/2023
 Signature: _____ Date: _____