



Roll Call Number

Agenda Item Number

26

Date December 18, 2023

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM MERGE, LLC (OWNER), REPRESENTED BY BRENT DAHLSTROM (OFFICER) FOR PROPERTY IN THE VICINITY OF 1236 24TH STREET, FOR VACATION OF AIR RIGHT-OF-WAY WITHIN THE 25TH STREET RIGHT-OF-WAY AND VACATION OF SUBSURFACE RIGHT-OF-WAY WITHIN THE CARPENTER AVENUE RIGHT-OF-WAY

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on December 7, 2023, its members voted 12-0 to recommend **APPROVAL** of a request from Merge, LLC (owner), represented by Brent Dahlstrom (officer), for property in the vicinity of 1236 24th Street, for vacation of approximately 95 square feet of air right-of-way within the 25th Street right-of-way, to allow the encroachment of a proposed building awning, and for vacation of approximately 16.5 square feet of subsurface right-of-way within the Carpenter Avenue right-of-way to allow the encroachment of proposed building footings, 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-2023-000018)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
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 December 18, 2023

Agenda Item 26

Roll Call # _____

December 12, 2023

Communication from the City Plan and Zoning Commission advising that at their December 7, 2023 meeting, the following action was taken regarding a request from Merge, LLC (owner), represented by Brent Dahlstrom (officer), for review and approval of the following regarding property located in the vicinity of 1236 24th Street:

A) Vacation of approximately 95 square feet of air right-of-way within the 25th Street right-of-way, to allow the encroachment of a proposed building awning.

B) Vacation of approximately 16.5 square feet of subsurface right-of-way within the Carpenter Avenue right-of-way to allow the encroachment of proposed building footings.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0-1 as follows.

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus	X				
Leah Rudolphi	X				
Abby Chungath	X				
Kayla Berkson	X				
Chris Draper	X				
Laura Kessel				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 of segment of rights-of-way.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation of segment of rights-of-way.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to construct two (2) new five-story mixed-use buildings, totaling 117,000 square feet with a mix of residential, office, retail, brewery, and restaurant uses. The proposed vacation of air rights within the 25th Street would allow three (3) sets of solar awnings (roughly 24 square feet each) to project into the right-of-way. Additionally, the proposed vacation of 16.5 square feet of subsurface rights within the Carpenter Avenue right-of-way would allow the encroachment of new building footings.
2. **Size of Site:** The requested area for vacation of air rights is approximately 95 square feet. The requested area for vacation of subsurface rights is approximately 16.5 square feet.
3. **Existing Zoning (site):** “MX2” Mixed-Use District.
4. **Existing Land Use (site):** The subject areas proposed to be vacated are located within the 25th Street and Carpenter Avenue rights-of-way, respectively. The adjoining site is being proposed for a mixed-use project within the Drake Dogtown commercial node.
5. **Adjacent Land Use and Zoning:**
 - North** – “P2”, Uses are a building and surface parking lot owned by Drake University.
 - South** – ‘MX2, PUD’; Uses are a vacant commercial building and the Varsity theater.
 - East** – “University Square Legacy PUD”, Uses are multiple-household apartment building.
 - West** – “P2”; Uses are Drake University campus buildings.
6. **General Neighborhood/Area Land Uses:** The subject site is located north of University Avenue within a block bounded by 25th Street, Carpenter Avenue, and 24th Street. The area is within the Drake Dogtown mixed use Neighborhood Node.
7. **Applicable Recognized Neighborhood(s):** The subject property is in the Drake Neighborhood. All neighborhood associations were notified of the public hearing by emailing of the Preliminary Agenda on November 17, 2023 and Final Agenda on December 1, 2023. Additionally, separate notifications of the hearing for this specific item were mailed on November 27, 2023 (10 days prior to the public hearing) to the primary titleholder on file with the Polk County Assessor for each property adjacent to the request right-of-way.

All agendas are mailed to the primary contact person designated to the City of Des Moines Neighborhood Services Department by the recognized neighborhood association. The Drake Neighborhood Association mailings were sent to Courtney Ackerson, 979 26th Street, Des Moines, IA 50311.

- 8. **Relevant Zoning History:** On January 24, 2022, the City Council by Roll Call 22-0110, approved an amendment to the University Square Legacy Planned Unit Development to remove approximately 0.56 acres from the PUD District and to rezone the property from "PUD" to "MX2" Mixed Use District.
- 9. **PlanDSM: Creating Our Tomorrow Land Use Plan Designation:** Neighborhood Mixed Use within a Neighborhood Node.
- 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:** Existing utilities have been identified within the Carpenter Avenue and 25th Street 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. **Traffic/Access:** The requested vacation would not negatively impact access to private properties or traffic patterns.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

Carolyn Jenison made a motion for approval of the requested vacation of segment of rights-of-way.

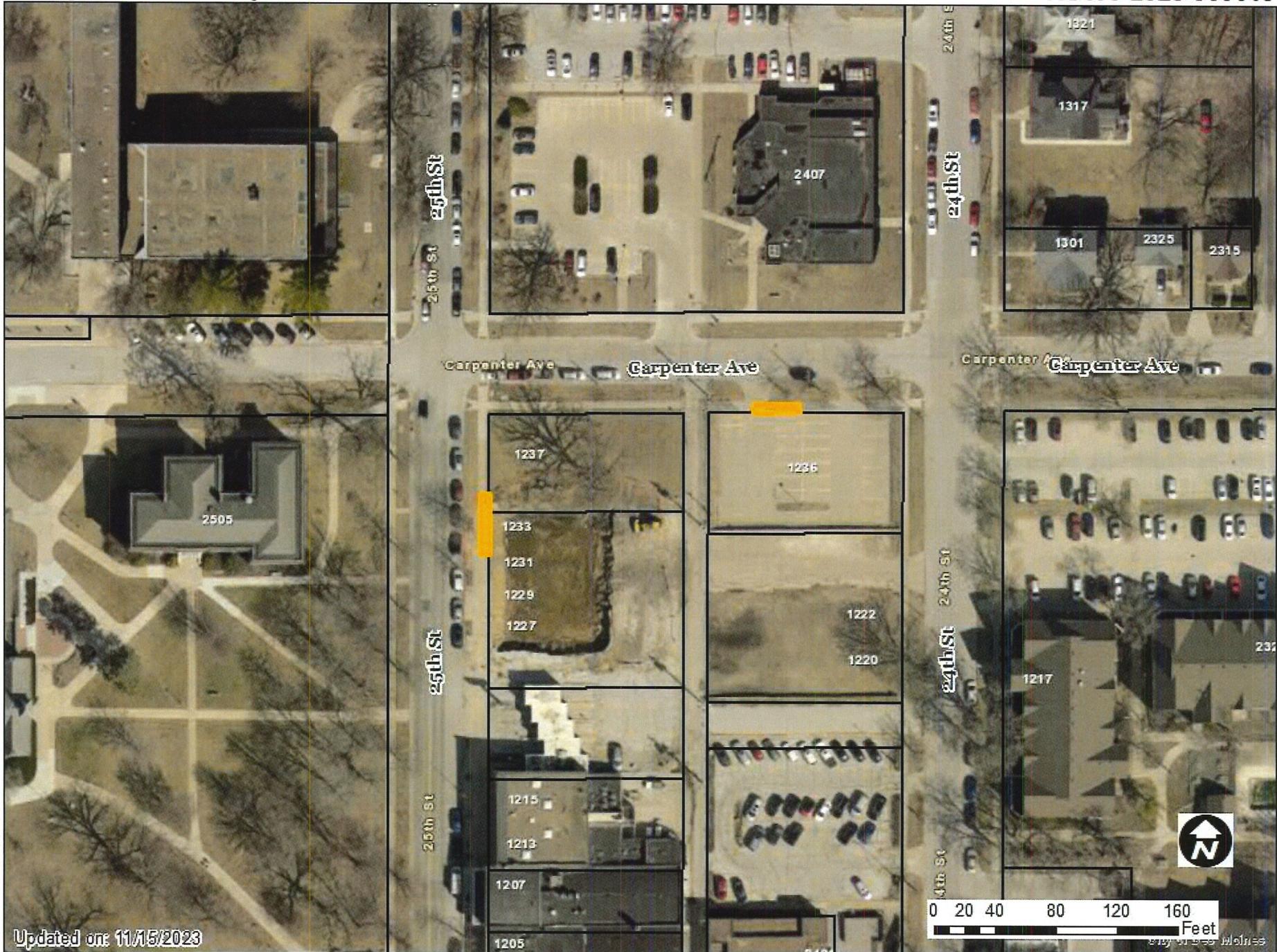
THE VOTE: 12-0-1

Respectfully submitted,



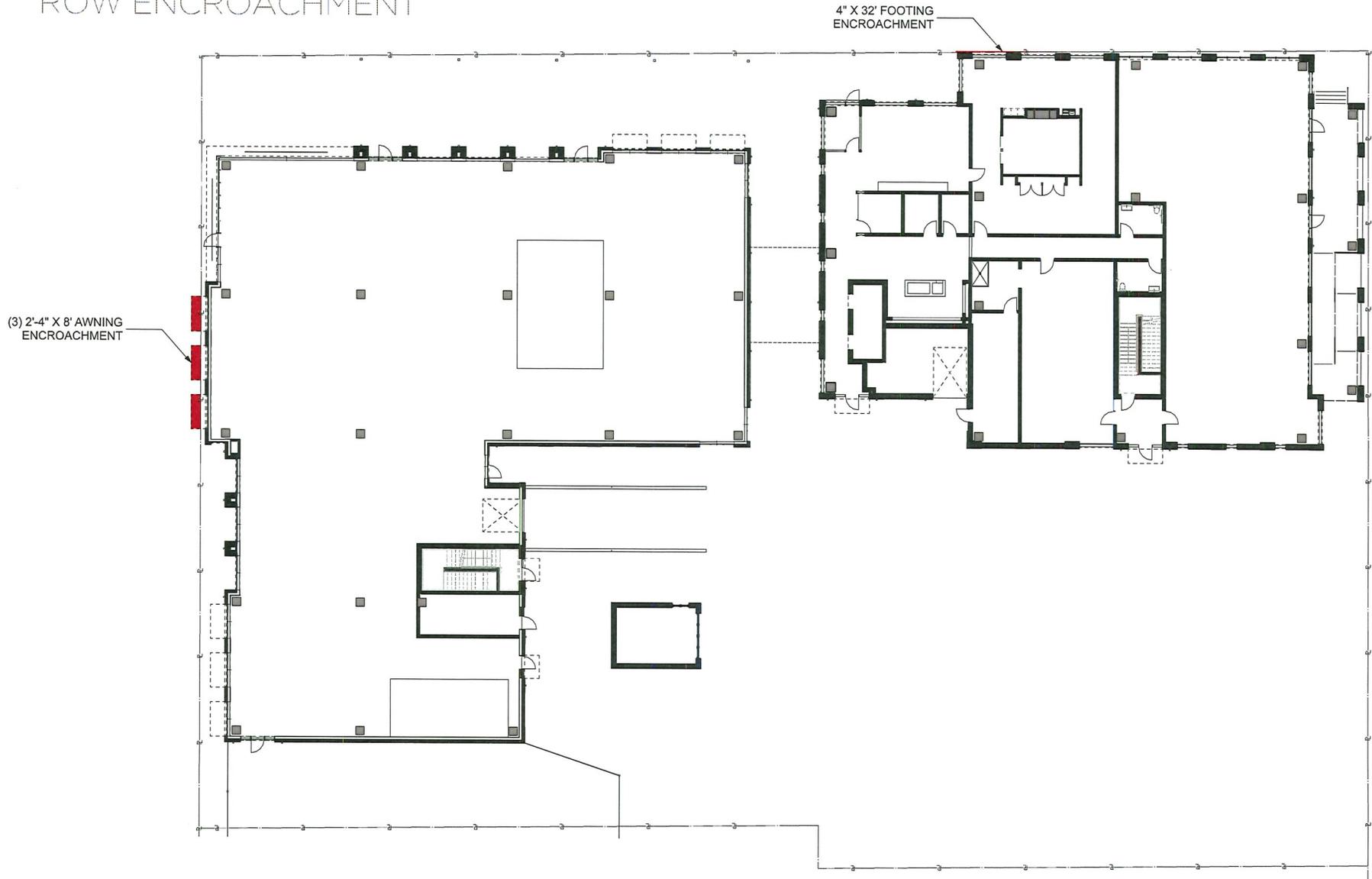
Jason Van Essen, AICP
Planning & Urban Design Administrator

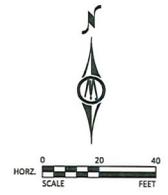
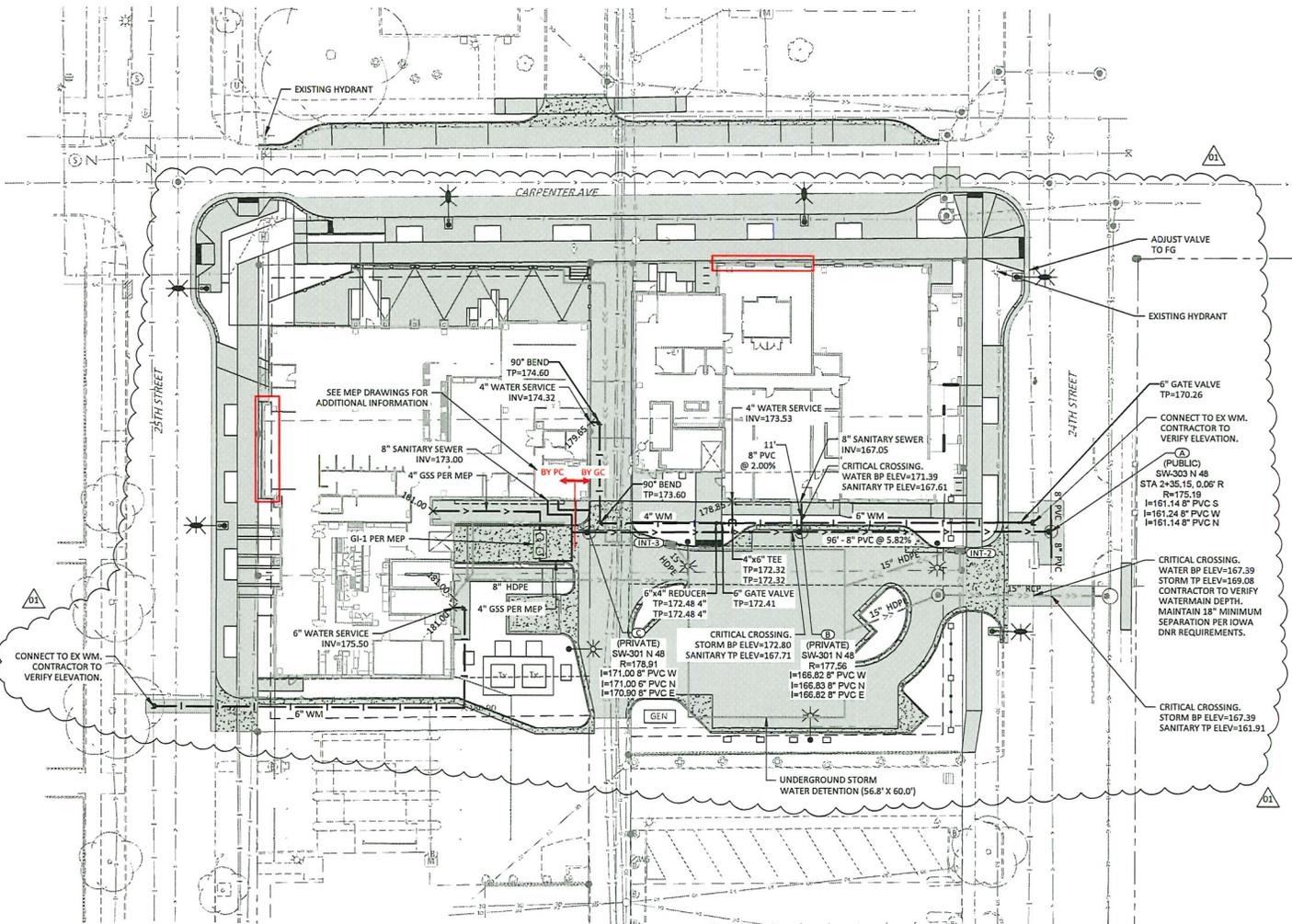
JMV:tjh



DNO - VALO

ROW ENCROACHMENT





AS-BUILT

- CONTRACTOR TO AS-BUILT ALL UTILITIES.
- CONTRACTOR TO SCHEDULE A FINAL INSPECTION OF ALL STORM WATER BMP'S WITH DEPARTMENT OF PUBLIC WORKS.
- CONTRACTOR TO HAVE AS-BUILTS OF STORM WATER BMP'S COMPLETED AND CERTIFIED BY A PROFESSIONAL ENGINEER.

NOTE:

- CONTRACTOR TO VERIFY ALL EXISTING UTILITY LOCATION AND DEPTH PRIOR TO COMMENCEMENT OF CONSTRUCTION. INFORM OWNER AND ENGINEER WITH ANY DIFFERENT INFORMATION.
- POT HOLE EXISTING UTILITIES AT ALL PROPOSED UTILITY CROSSINGS TO VERIFY CONTRACTIBILITY OR TO DETERMINE IF UTILITIES NEED TO BE RELOCATED.
- CONTRACTOR TO COORDINATE ANY REQUIRED UTILITY RELOCATIONS.
- CONTRACTOR TO FIELD VERIFY EXISTING INVERT ELEVATIONS AND PIPE SIZE PRIOR TO ORDERING STRUCTURE.
- WATER SERVICE TO BE DUCTILE IRON PIPE WITH NITRILE GASKETS

NOTES:

- UTILITY CONNECTIONS TO THE BUILDINGS ARE SHOWN WITHIN 5 FEET OF BUILDING ENVELOPE. CONTRACTOR TO COORDINATE EXACT FINAL LOCATIONS OF UTILITY CONNECTIONS WITH MEP/ARCHITECT/OWNER.
- ALL SANITARY AND STORM SEWER WORK TO COMPLY WITH CITY AND SUDAS SPECIFICATIONS.
- ALL WATER SERVICES SHALL COMPLY WITH DES MOINES WATER WORKS (DMMW) RULES AND REGULATIONS.
- MAINTAIN SEPARATION DISTANCES FROM WATER MAIN AND SEWERS.

GNITSHOT ARCHITECTURE
300 EAST COURT PATRIE LEE BOHNE, P.05050

432 E. MAIN STREET, SUITE 200
DES MOINES, IOWA 50309
PH: 515.281.3333
WWW.GNITSHOT.COM

BOLTON & MENK

DOGTOWN NEIGHBORHOOD MIXED-USE DEVELOPMENT
In the vicinity of:
1232 24TH STREET
DES MOINES, IOWA 50317

2018.43
SITE PLAN APPLICATION #5
1631.2023

REVISION NUMBER DATE
01 16/07/2023

SITE UTILITIES -
SANITARY SEWER &
WATERMAIN

C4.03

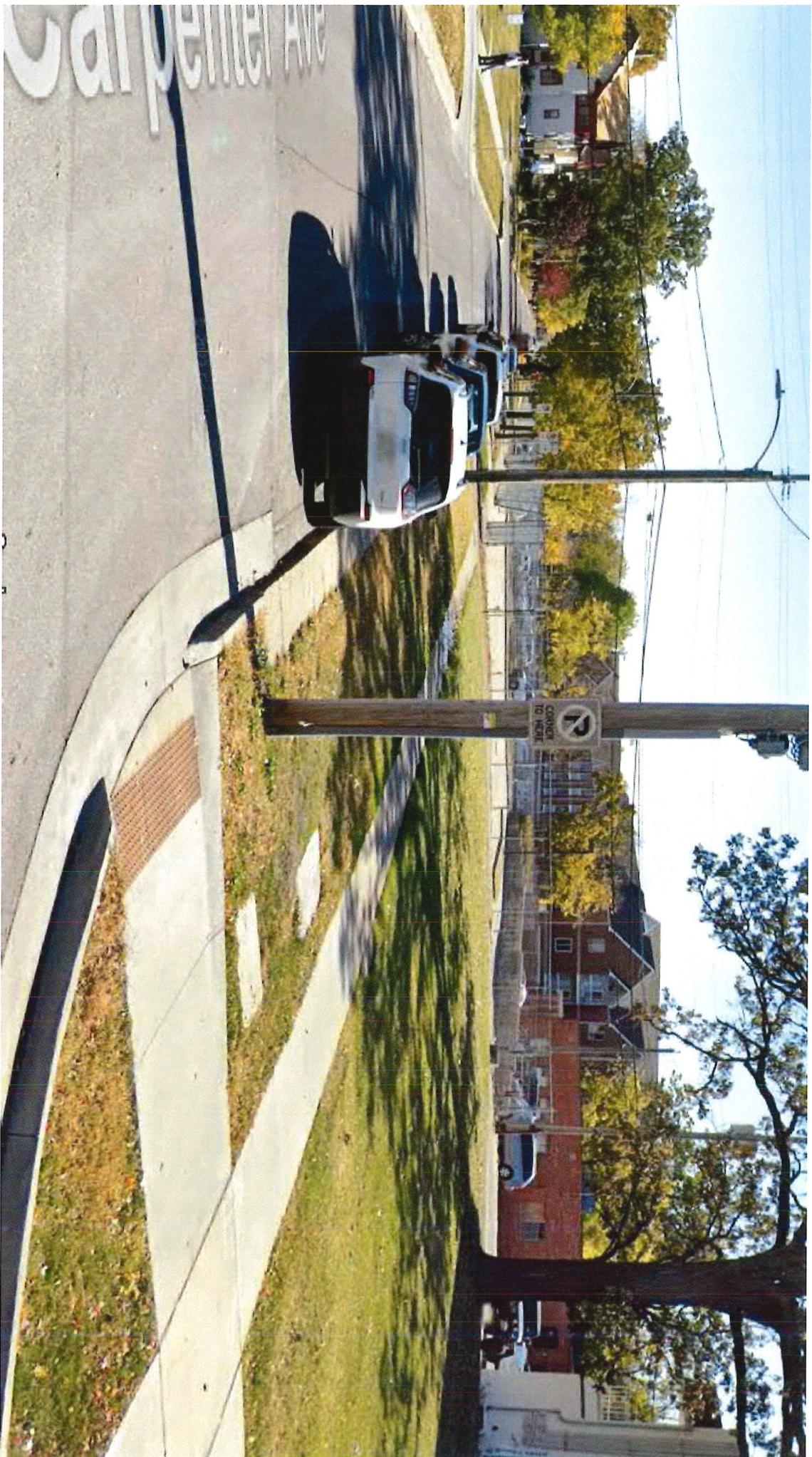
PRELIMINARY - NOT FOR CONSTRUCTION



No Parking
CORNER TO HERE

WELCOME TO
DRAKE

D
LEAD





Updated on: 12/6/2023

1 inch = 83 feet