



## Roll Call Number

Agenda Item Number

21

Date August 5, 2024

**RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM STAR LOFTS CONDOS (OWNER), REPRESENTED BY SCOTT CUTLER (OFFICER), REGARDING THE VACATION OF 567 SQUARE FEET OF SURFACE RIGHT-OF-WAY, AND 90 SQUARE FEET OF SUB-SURFACE RIGHT-OF-WAY, ADJOINING PROPERTY AT 2701 INGERSOLL AVENUE**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 18, 2024, its members voted 13-0 to recommend **APPROVAL** of a request from Star Lofts Condos (owner), represented by Scott Cutler (officer), regarding the vacation of 567 square feet of surface right-of-way, and 90 square feet of sub-surface right-of-way, adjoining property at 2701 Ingersoll Avenue, 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-2024-000005)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
SIMONSON				
VOSS				
COLEMAN				
WESTERGAARD				
MANDELBAUM				
GATTO				
TOTAL				
MOTION CARRIED		APPROVED		

### 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.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

July 22, 2024

Communication from the City Plan and Zoning Commission advising that at their July 18, 2024 meeting, the following action was taken on request from Star Lofts Condos (owner), represented by Scott Cutler (officer), regarding the vacation of 567 square feet of surface right-of-way, and 90 square feet of sub-surface right-of-way, adjoining property at 2701 Ingersoll Avenue. The surface right-of-way vacation would allow additional patio space in front of the building, and the sub-surface right-of-way vacation would allow the foundation for a retaining wall.

#### COMMISSION RECOMMENDATION:

After public hearing, the members voted 13-0 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 constructing a 3-story, mixed-use building, that has commercial tenant bays on the ground floor and twenty (20) total residential dwelling units on the upper floors. The proposed vacation of surface right-of-way would allow the encroachment of a patio space fronting the mixed-use building and along Ingersoll Avenue. The proposed vacation of subsurface right-of-way would accommodate a foundation for a retaining wall.
2. **Size of Site:** The requested area for vacation of surface right-of-way is approximately 567 square feet in area. The requested area for vacation of subsurface right-of-way is approximately 90 square feet in area.
3. **Existing Zoning (site):** "MX2" Mixed-Use District.
4. **Existing Land Use (site):** The property is being developed with a 3-story, mixed-use building, that has commercial tenant bays on the ground floor and twenty (20) total residential dwelling units on the upper floors.
5. **Adjacent Land Use and Zoning:**
  - North* – "N5"; Uses are Linden Street and one-household dwelling units.
  - South* – "MX2"; Uses are Ingersoll Avenue, a parking lot, and 1-and 2-story commercial buildings.
  - East* – "MX2"; Use is a 1-story, multi-tenant commercial building.
  - West* – "MX2"; Uses are a parking lot and a 1-story commercial building.
6. **General Neighborhood/Area Land Uses:** The subject site is located along the north side of the Ingersoll Avenue commercial corridor in between 24<sup>th</sup> and 28<sup>th</sup> Streets. The corridor features a dense array of commercial uses and a mix of multiple-household residential densities. High-density residential uses are generally located to the south, between Ingersoll and Grand Avenues. Lower-density residential uses and one-household dwelling units characterize the neighborhood to the north of this site.
7. **Applicable Recognized Neighborhood(s):** The subject property is in the Woodland Heights Organization Neighborhood. All neighborhood associations were notified of the public hearing by emailing of the Preliminary Agenda on June 28, 2024, and Final Agenda on July 12, 2024. Additionally, separate notifications of the hearing for this specific item were mailed on July 8, 2024 (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 and notifications are mailed to the primary contact person designated to the City of Des Moines Neighborhood Services Department by the recognized neighborhood association. The Woodland Heights Neighborhood Association mailings were sent to Cameron Gale, 2520 Woodland Avenue, Des Moines, IA 50312.

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

**9. PlanDSM: Creating Our Tomorrow Land Use Plan Designation:** Community Mixed Use, partially 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 Ingersoll Avenue 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 vacation would not negatively impact access to private properties or traffic patterns.

## **SUMMARY OF DISCUSSION**

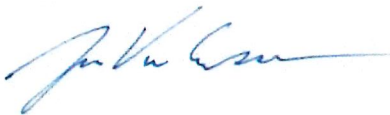
Johnny Alcivar asked if any member of the public or commission desired to speak on the item. No one requested to speak.

## **COMMISSION ACTION**

Rick Trower made motion for approval of the requested vacation of segment of rights-of-way.

## **THE VOTE 13-0**

Respectfully submitted,

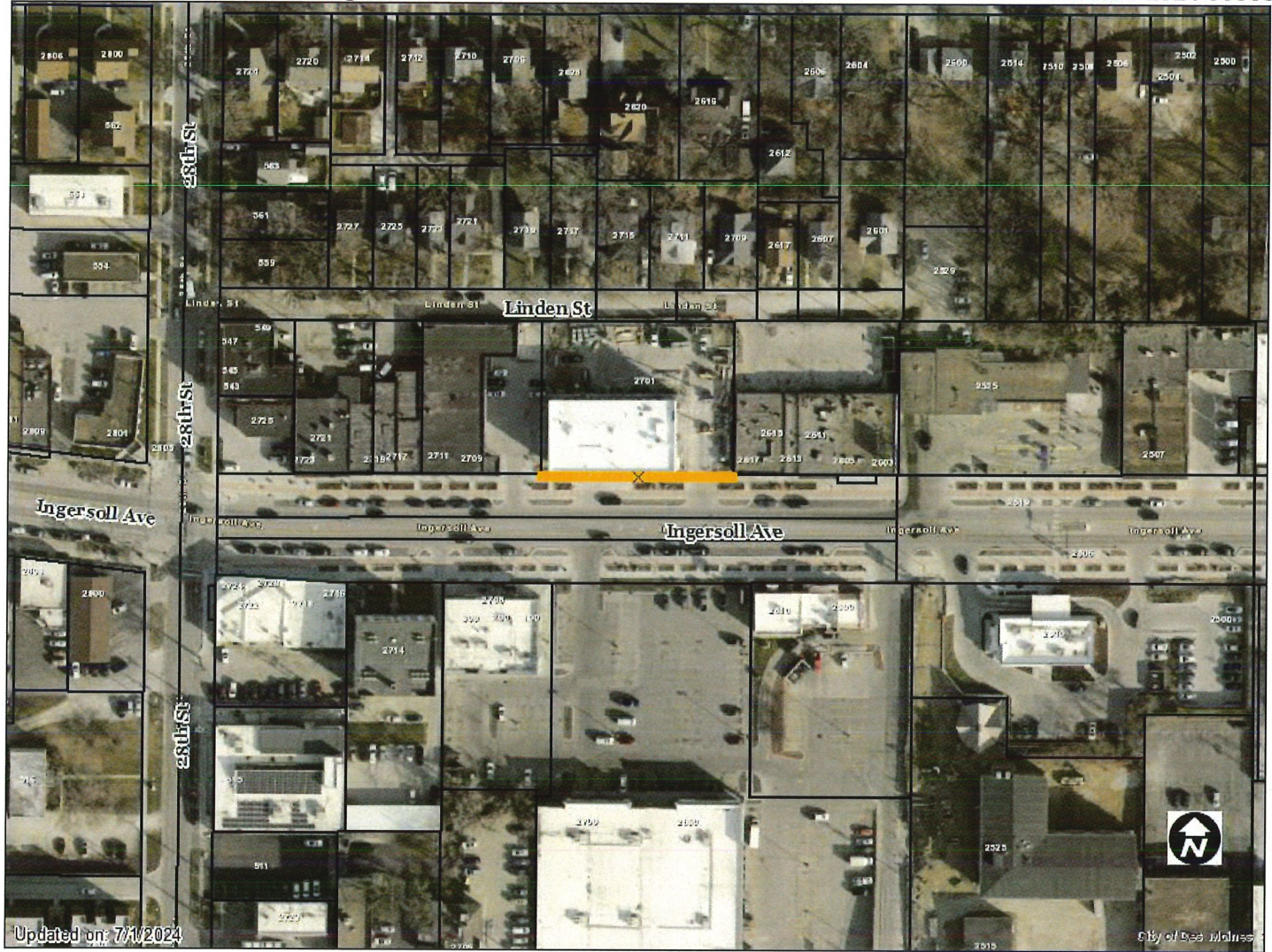


Planning & Urban Design Administrator

JMV:mrw

Star Loft Condos 2701 Ingersoll Avenue

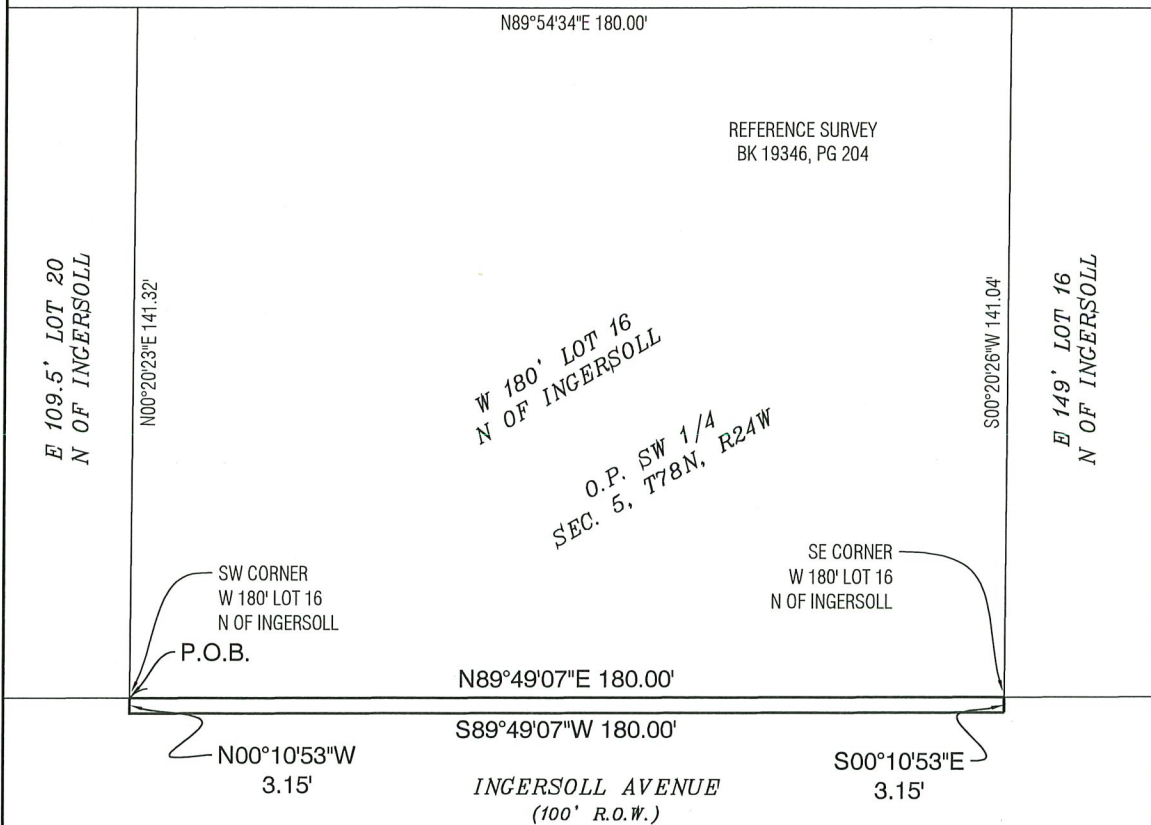
ROWV-2024-000005





# EXHIBIT RIGHT-OF-WAY VACATION

LINDEN STREET



**PREPARED FOR:**  
STAR LOFTS CONDOS  
STAR APARTMENTS, LLC  
STAR COMMERCIAL, LLC  
1307 50th STREET  
WEST DES MOINES, IA 50266

**SITE ADDRESS:**  
2701 INGERSOLL AVENUE  
DES MOINES, IA 50312

## PROPERTY DESCRIPTION:

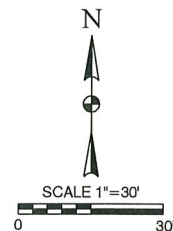
Part of Ingersoll Avenue right-of-way abutting the West 180 feet of that part of Lot 16 of the Official Plat of the Southwest Quarter of Section 5, Township 78 North, Range 24 West of the 5th P.M., lying North of Ingersoll Avenue, now included in and forming a part of the City of Des Moines, Polk County, Iowa, being more particularly described as follows:

Beginning at the Southwest corner of the West 180 feet of said Lot 16 lying North of Ingersoll Avenue; thence North 89°(degrees) 49'(minutes) 07"(seconds) East, 180.00 feet along the North right-of-way line of said Ingersoll Avenue to the Southeast corner of the West 180 feet of said Lot 16 lying North of Ingersoll Avenue; thence South 00°10'53" East, 3.15 feet; thence South 89°49'07" West, 180.00 feet; thence North 00°10'53" West, 3.15 feet to the point of beginning.

Containing 567 square feet.

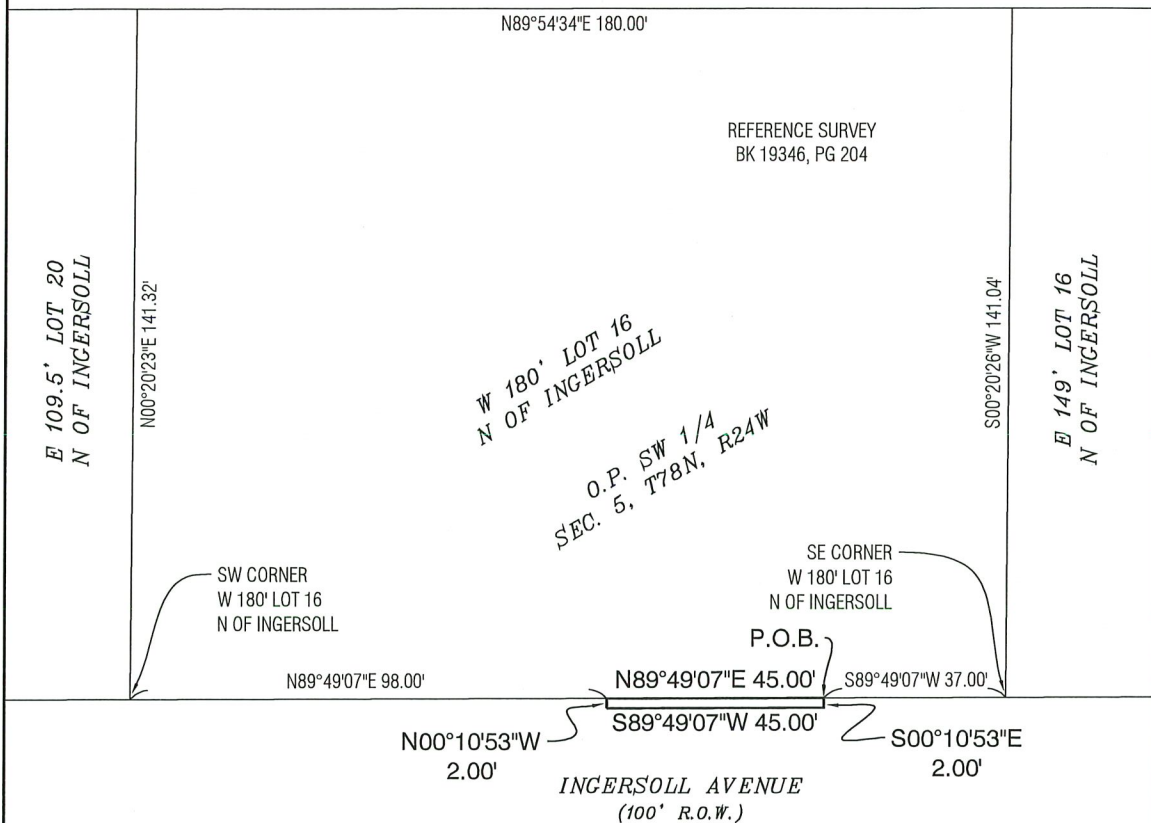


Clapsaddle-Garber Associates, Inc  
2413 Grand Avenue  
Des Moines, Iowa 50312  
Ph 515-288-4823  
www.cgaconsultants.com



# EXHIBIT RIGHT-OF-WAY VACATION

LINDEN STREET



**PREPARED FOR:**  
STAR LOFTS CONDOS  
STAR APARTMENTS, LLC  
STAR COMMERCIAL, LLC  
1307 50th STREET  
WEST DES MOINES, IA 50266

**SITE ADDRESS:**  
2701 INGERSOLL AVENUE  
DES MOINES, IA 50312

## PROPERTY DESCRIPTION:

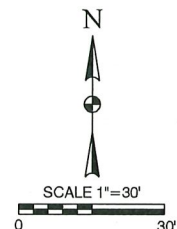
Part of Ingersoll Avenue right-of-way abutting the West 180 feet of that part of Lot 16 of the Official Plat of the Southwest Quarter of Section 5, Township 78 North, Range 24 West of the 5th P.M., lying North of Ingersoll Avenue, now included in and forming a part of the City of Des Moines, Polk County, Iowa, being more particularly described as follows:

Commencing at the Southeast corner of the West 180 feet of said Lot 16 lying North of Ingersoll Avenue; thence South 89°(degrees) 49'(minutes) 07"(seconds) West, 37.00 feet along the North right-of-way line of said Ingersoll Avenue to the Point of Beginning; thence South 00°10'53" East, 2.00 feet; thence South 89°49'07" West, 45.00 feet; thence North 00°10'53" West, 2.00 feet to the North right-of-way line of said Ingersoll Avenue; thence North 89°49'07" East, 45.00 feet along the North right-of-way line of said Ingersoll Avenue to the point of beginning.

Containing 90 square feet.



Clapsaddle-Garber Associates, Inc  
2413 Grand Avenue  
Des Moines, Iowa 50312  
Ph 515-289-4823  
www.cgaconsultants.com



**From:** [WHO Woodland Heights Organization](#)  
**To:** [Chakraborty, Sreyoshi](#)  
**Cc:** [Cameron Gale](#); [Catherine Porter](#)  
**Subject:** Plan and Zoning Statement: ROWV-2024-000005  
**Date:** Wednesday, July 17, 2024 8:40:29 AM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

The Woodland Heights Neighborhood would like to submit the following statement in regards to Item ROWV-2024-000005:

The Woodland Heights Organization supports the request from Star Lofts Condos regarding the surface right-of-way vacation allowing additional patio space in front of the building, and the sub-surface right-of-way vacation allowing the foundation for a retaining wall. Membership voted unanimously on 7/16/24 to support the request. The neighborhood values outdoor spaces that promote connection between retail and pedestrian/bike use. Our understanding is that the patio space would not impede the sidewalk.

Thank you!

--

Woodland Heights Organization  
Cameron Gale (he/him), President, 515-314-9961  
Catherine Porter (she/her), Vice President and Secretary, 515-326-0456

Item: ROWV-2024-000005

Date: \_\_\_\_\_

Please mark one of the following:

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

RECEIVED

Staff Use Only

JUL 18 2024

Per \_\_\_\_\_

Titleholder Signature: Two Rivers Realty LLC JH

Name/Business: II Jeff Clayton JH

Impacted Address: 2719 Linden

Comments: So much better

Than the gas station!

Item: ROWV-2024-000005

Date: 7/17/24

Please mark one of the following:

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

Staff Use Only

Titleholder Signature: 

Name/Business: Wong Hee Loong

Impacted Address: 2617-15-13-11-2605 INGERSOLL

Comments:

Item: ROWV-2024-000005

Date: 7/17/24

Please mark one of the following:

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

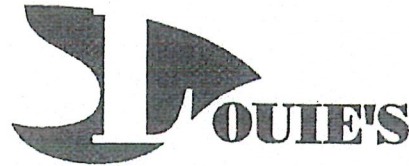
Staff Use Only

Titleholder Signature: 

Name/Business: Wong Hee Loong

Impacted Address: 2717 INGERSOLL

Comments:



FLOOR COVERING, INC.  
2709 INGERSOLL AVE.  
DES MOINES, IOWA 50312  
515-243-8608

**RE:**

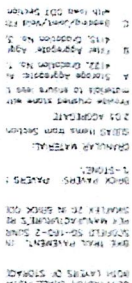
Item #ROWV-2024-000005  
Star Loft Patio variance

We (Louie's Floor Covering) would be ok with the variance of a patio area in front of the Star Lofts, under some circumstances. The patio area would go straight south towards Ingersoll and **not** extend west past the building. That would leave a walk way access for the Star Loft to clients to access the rear of the building.

We have a few concerns we would like to address. We would like a fence put up on the property line between the Star Lofts and Louie's Floor Covering. Because we are concerned about customers parking in our lot and using the future restaurant, and trash blowing over from the patio. Also we have a concern with multiple different curb height elevations where the properties meet. We are afraid a customer/pedestrian could easily trip and hurting themselves. In some locations there is at least 18" of height difference. In putting up a fence it would keep the properties separate and easier to enforce parking and keeping the areas clean. Also it would serve as a safety railing to prevent customers/pedestrians from any tripping hazards.

If you have any questions please call Jonathan Scholten at Louie's Floor Covering #515-243-8608.

Thank you,  
Randy Corat – Owner  
Louie's Floor Covering  
#2709 Ingersoll Ave.  
Des Moines, IA. 50312  
#515-243-8608



1. The first step is to identify the problem. In this case, the problem is that the user is unable to access the internet.

2. The next step is to check the network connection. This can be done by checking the status of the network adapter and the network cable.

3. If the network connection is not working, the user should try to restart the network adapter. This can be done by unplugging the network cable and then plugging it back in.

4. If the network connection is still not working, the user should try to restart the computer. This can be done by holding down the power button for a few seconds.

5. If the network connection is still not working, the user should try to reset the network settings. This can be done by going to the network settings in the operating system and selecting the option to reset the network settings.

6. If the network connection is still not working, the user should try to contact their internet service provider (ISP) for further assistance.

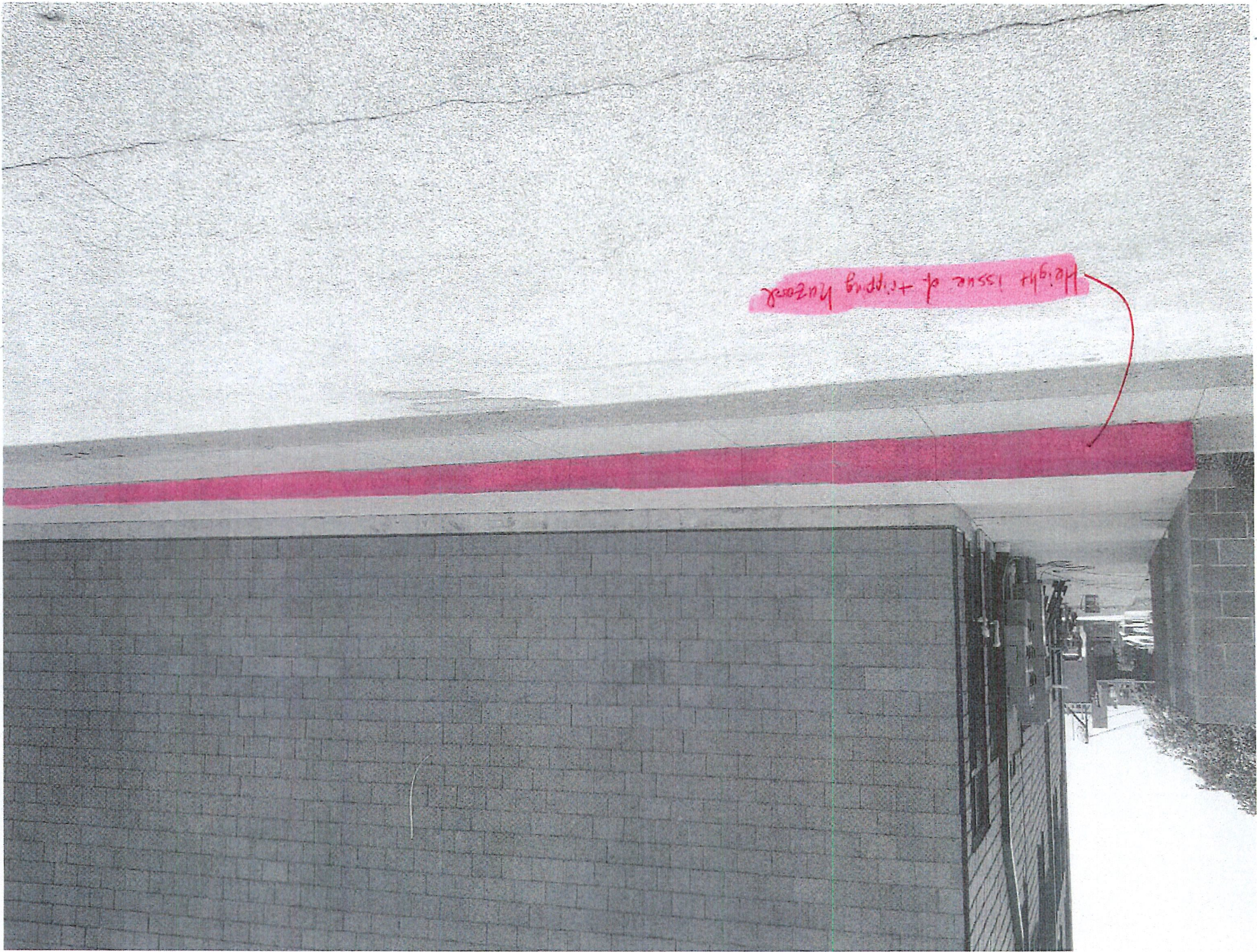
7. If the network connection is still not working, the user should try to contact their network administrator for further assistance.

8. If the network connection is still not working, the user should try to contact their network vendor for further assistance.

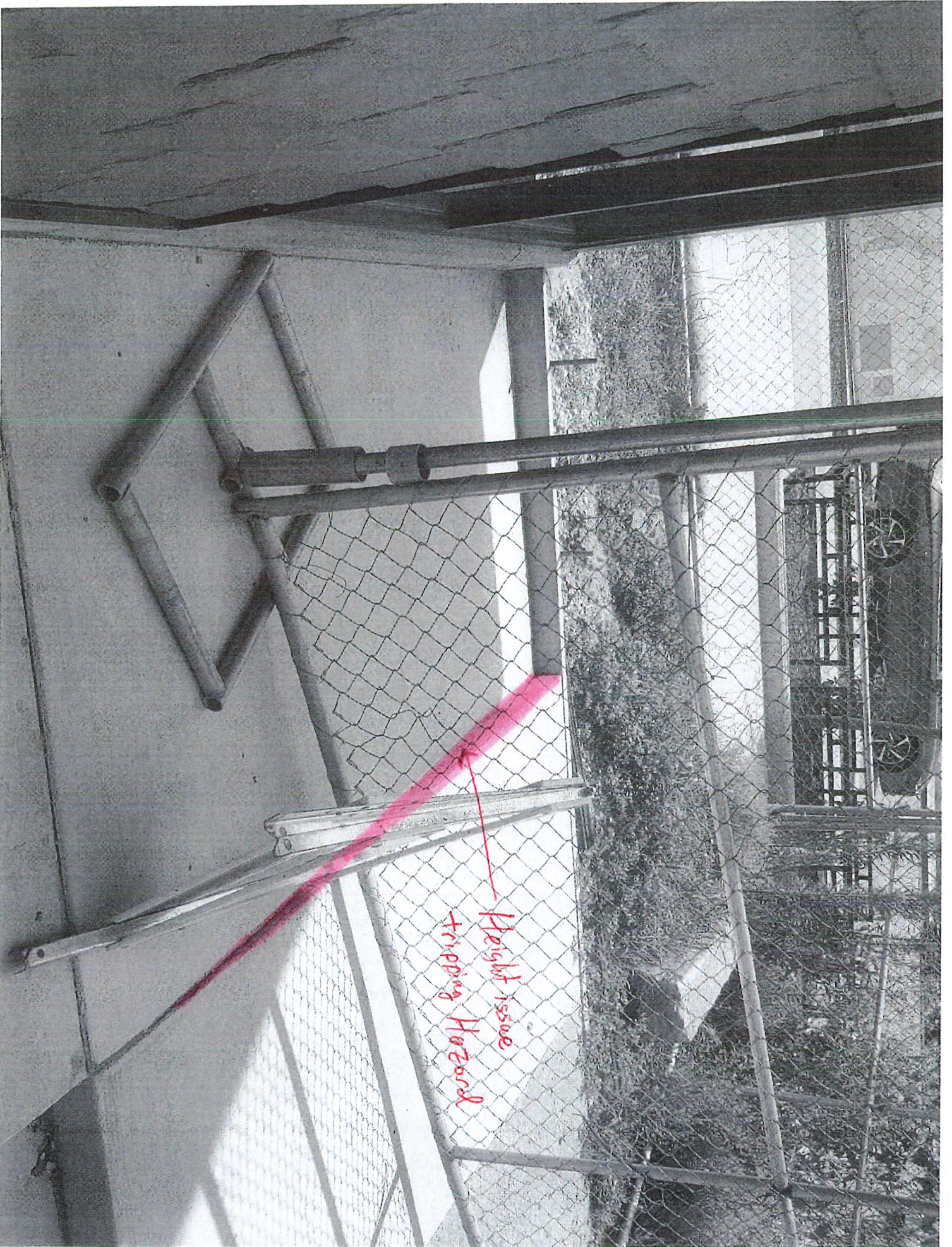
9. If the network connection is still not working, the user should try to contact their network support team for further assistance.

10. If the network connection is still not working, the user should try to contact their network provider for further assistance.

NOTE: THE LOCATION OF ALL UTILITIES INDICATED ON THE PLANS ARE TAKEN FROM EXISTING RECORDS. THE EXACT LOCATION AND EXTENSION OF ALL UTILITIES MUST BE DETERMINED BY THE CONTRACTOR. IT SHALL BE THE DUTY OF THE CONTRACTOR TO ADDITIONAL MINING AND ADDITIONAL FACILITIES OTHER THAN THOSE SHOWN ON THE PLANS MAY BE PRESENT.



Height issue of tripping hazard



Height Issue  
Tripping Hazard

Item: ROWV-2024-000005Date: 7-11-24

Please mark one of the following:

☐ I support the request☐ I am undecided☒ I oppose the request

Staff Use Only

Titleholder Signature: J N Han

Louies Floor

Name/Business: Louies Floor covering INImpacted Address: 2701 IngensollComments: Please see enclosed paperwork

Item: ROWV-2024-000005

Date: 7/15/24

Please mark one of the following:

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



Titleholder Signature: \_\_\_\_\_

Name/Business: Ingersoll Properties Group LLC

Impacted Address: 2700 Ingersoll Ave

Comments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Updated on: 7/18/2024

Star Loft Condos 2701 Ingersoll Avenue

ROWV-2024-000005



# 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 Scott Cutler am the Titleholder(s)/Owner(s), or authorized representative of  
*(printed name)*  
the Titleholder(s)/Owner(s), of the property located at 2701 Ingersoll  
*(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: Scott Cutler Date: 6/26/24  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_