

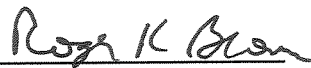
Date June 5, 2006

WHEREAS, the City Plan and Zoning Commission has advised in the attached letter that at a public hearing held May 18, 2006, the members recommended by a vote of 10-0 for **APPROVAL** of a request from Monte and Krista Bennett (owners) 1910 Crocker, for vacation and conveyance of a segment of 19<sup>th</sup> Place between Cottage Grove Avenue and Crocker Street along with adjoining excess parcels from Martin Luther King, Jr. Parkway project subject to the following conditions:

1. The Historic Preservation Commission must review and issue a Certificate of Appropriateness for the entire proposed site, including the existing structure at 1910 Crocker Street and the future parking lot on the adjoining land prior to conveyance of the right-of-way to property at 1910 Crocker Street.
2. Easements shall be provided for access, operation, and maintenance of all existing utilities in place.
3. The future construction of an off-street parking lot on the requested land and reuse of the adjoining structure at 1910 Crocker Street shall be subject to review and approval of a site plan under design guidelines applicable to the "NPC" District (Section 82-214) by the Plan and Zoning Commission.
4. The future site plan shall provide landscaping in accordance with the standards applicable to the "C-2" District.

MOVED by \_\_\_\_\_ to receive and file, and to refer to the City Manager for further processing in accordance with standard City property disposition procedures.

FORM APPROVED:

  
 Roger K. Brown  
 Assistant City Attorney

(11-2006-1.08)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
KIERNAN				
HENSLEY				
MAHAFFEY				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

**CERTIFICATE**

I, DIANE RAUH, 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

Request from Monte and Krista Bennett (owners) 1910 Crocker, for vacation and conveyance of public right-of-way along with adjoining excess parcels from Martin Luther King, Jr. Parkway realignment project.				File #
				11-2006-1.08
Description of Action	Vacate and convey a segment of 19 <sup>th</sup> Place between Cottage Grove Avenue and Crocker Street along with adjoining excess parcels from Martin Luther King, Jr. Parkway realignment project.			
2020 Community Character Plan	High-Density Residential.			
Horizon 2025 Transportation Plan	No Planned Improvements.			
Current Zoning District	"NPC" Neighborhood Pedestrian Commercial District.			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area	0	0	0	N/A
Plan and Zoning Commission Action	Approval	10-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

Monte & Krista Bennett (Smoky Row) - 1910 Cottage Grove Avenue

11-2006-1.08



June 5, 2006

Date \_\_\_\_\_

Agenda Item 19

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 meeting held May 18, 2006, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 10-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
David Cupp				X
Shirley Daniels	X			
Dann Flaherty	X			
Bruce Heilman	X			
Jeffrey Johannsen				X
Greg Jones	X			
Frances Koontz				X
Kaye Lozier	X			
Brian Meyer	X			
Brian Millard	X			
Brook Rosenberg	X			
Mike Simonson	X			
Kent Sovern				X
Tim Urban				X
Marc Wallace	X			



CITY PLAN AND ZONING COMMISSION  
 ARMORY BUILDING  
 602 ROBERT D. RAY DRIVE  
 DES MOINES, IOWA 50309-1881  
 (515) 283-4182

ALL-AMERICA CITY  
 1949, 1976, 1981  
 2003

**APPROVAL** of a request from Monte and Krista Bennett (owners) 1910 Crocker, for vacation and conveyance of a segment of 19<sup>th</sup> Place between Cottage Grove Avenue and Crocker Street along with adjoining excess parcels from Martin Luther King, Jr. Parkway project subject to the following conditions: (11-2006-1.08)

1. The Historic Preservation Commission must review and issue a Certificate of Appropriateness for the entire proposed site, including the existing structure at 1910 Crocker Street and the future parking lot on the adjoining land prior to conveyance of the right-of-way to property at 1910 Crocker Street.
2. Easements shall be provided for access, operation, and maintenance of all existing utilities in place.
3. The future construction of an off-street parking lot on the requested land and reuse of the adjoining structure at 1910 Crocker Street shall be subject to review and approval of a site plan under design guidelines applicable to the "NPC" District (Section 82-214) by the Plan and Zoning Commission.
4. The future site plan shall provide landscaping in accordance with the standards applicable to the "C-2" District.

Written Responses

0 In Favor

0 In Opposition

*This item would not require a 6/7 vote by City Council.*

**STAFF RECOMMENDATION AND BASIS FOR APPROVAL**

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

1. The Historic Preservation Commission must review and issue a Certificate of Appropriateness for the entire proposed site, including the existing structure at 1910 Crocker Street and the future parking lot on the adjoining land prior to conveyance of the right-of-way to property at 1910 Crocker Street.
2. Easements shall be provided for access, operation, and maintenance of all existing utilities in place.
3. The future construction of an off-street parking lot on the requested land and reuse of the adjoining structure at 1910 Crocker Street shall be subject to review and approval of a site plan under design guidelines applicable to the "NPC" District (Section 82-214) by the Plan and Zoning Commission.
4. The future site plan shall provide landscaping in accordance with the standards applicable to the "C-2" District.

**STAFF REPORT**

**I. GENERAL INFORMATION**

1. **Purpose of Request:** Vacation of 19<sup>th</sup> Place right-of-way and excess parcels from the Martin Luther King, Jr. Parkway realignment project would allow conveyance to the adjoining property at 1910 Crocker Street and development of off-street parking to serve the existing commercial structure. Future reuse of this adjoining structure and construction of off-street parking would be subject to review and approval of a site plan under design guidelines applicable to the "NPC" District (Section 82-214) by the Plan and Zoning Commission.

The eastern half of the subject right-of-way is within the boundaries of the Sherman Hill Local Historic District, although the requested vacation does not need to be approved by the Historic Preservation Commission. However, since the adjoining property at 1910 Crocker Street is within the Local Historic District, all improvements to this property are subject to review and issuance of a Certificate of Appropriateness by the Historic Preservation Commission. Since the subject right-of-way and excess parcels would be combined with this property, conveyance of the requested right-of-way and excess parcels should occur only after issuance a Certificate of Appropriateness for the entire proposed site, including the existing structure at 1910 Crocker Street and the future parking lot on the adjoining land.

2. **Size of Site:** Irregular-shaped area generally measuring 100' x 110' or approximately 10,000 square feet.
3. **Existing Land Use (site):** The subject area includes a dead-end segment of 19<sup>th</sup> Place and undeveloped excess parcels along realigned 19<sup>th</sup> Street.
4. **Existing Zoning (site):** "NPC" Neighborhood Pedestrian Commercial District.

**5. Adjacent Land Use and Zoning:**

**West** - "NPC", Use is northbound 19<sup>th</sup> Street and southbound Martin Luther King, Jr. Parkway.

**East** - "NPC", Use is a commercial structure being renovated for use as a coffee house.

- 6. General Neighborhood/Area Land Uses:** The requested right-of-way and excess parcels are located south of the intersection of 19<sup>th</sup> Street and Cottage Grove Avenue. The immediate vicinity includes commercial uses on the northern fringe of the mixed-density residential area recognized as Sherman Hill Neighborhood.
- 7. Applicable Recognized Neighborhood(s):** Sherman Hill Neighborhood.
- 8. Relevant Zoning History:** N/A.
- 9. 2020 Community Character Land Use Plan Designation:** Mixed Use and Density Residential.
- 10. Applicable Regulations:** 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:** No existing utilities have been identified within this right-of-way. Easements must be provided for any existing utilities.
- 2. Landscaping:** The applicant intends to develop the requested right-of-way and excess parcels with an off-street parking lot accessed from Crocker Street to serve the adjoining commercial structure. Such a parking lot would be subject to review and approval a site plan under the Design Guidelines for the "NPC" District by the Plan and Zoning Commission. Since the "NPC" District does not have landscape standards, the requested conveyance should be conditional upon the future site plan providing landscaping in accordance with the standards applicable to the "C-2" District.
- 3. Traffic/Street System:** The removal of this segment of 19<sup>th</sup> Place street right-of-way would not have a detrimental impact on the traffic system, as the right-of-way stubs approximately 90' north of Crocker Street. No properties require access from this segment of right-of-way.

**SUMMARY OF DISCUSSION**

*There was no discussion on this item.*

*Bruce Heilman moved for approval of the requested vacation and conveyance subject to the following conditions:*

- 1. The Historic Preservation Commission must review and issue a Certificate of Appropriateness for the entire proposed site, including the existing structure at 1910 Crocker Street and the future parking lot on the adjoining land prior to conveyance of the right-of-way to property at 1910 Crocker Street.*
- 2. Easements shall be provided for access, operation, and maintenance of all existing utilities in place.*

3. *The future construction of an off-street parking lot on the requested land and reuse of the adjoining structure at 1910 Crocker Street shall be subject to review and approval of a site plan under design guidelines applicable to the "NPC" District (Section 82-214) by the Plan and Zoning Commission.*
4. *The future site plan shall provide landscaping in accordance with the standards applicable to the "C-2" District.*

*Motion passed 10-0.*

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Ludwig', written in a cursive style.

Michael Ludwig, AICP  
Planning Administrator

MGL:dfa

Attachment