Roll Call Nun	nber				Agenda Item Number
DateJun	e 23, 2	2008	_.		
hearing he recommen (purchased conveyance from 12 th 5	eld on and APP r) 204 ce of a Street t	lune 5, PROVA 12 th Str segme o the n	2008, L of a eet, re nt of e orth/so	its mem request present ast/wes outh alle	Zoning Commission has advised that at a public obers voted 12-0-1 in support of a motion to from Nationwide Mutual Insurance Company ed by Donald Freiert (officer) for vacation and t alley between Walnut Street and Mulberry Street y, to allow for a loading dock addition on the north , subject to the following conditions:
		f easer er's exp		for all ut	ilities in place until they are removed or relocated
					ommon with an adjoining property shall be in approved by the Permit and Development Center.
The subjecting.	ct adjo	ining p	roperty	/ is own	ed by K.C. Real Estate, L.C. and Graham Group,
MO Engineerin	VED b g Depa	y artmen	t, Real	Estate	to receive and file and refer to the Division.
FORM API Michael F. Assistant C	Ox Kelley	1			(11-2008-1.10)
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT	CERTIFICATE
COLEMAN					CERTIFICATE
HENSLEY KIERNAN					I, DIANE RAUH, City Clerk of said City hereby certify
MAHAFFEY					that at a meeting of the City Council of said City of Des Moines, held on the above date, among other
//EYER		-	1		proceedings the above was adopted

HENSLEY
KIERNAN
MAHAFFEY
MEYER
VLASSIS
TOTAL
MOTION CARRIED
MAYOR

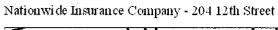
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

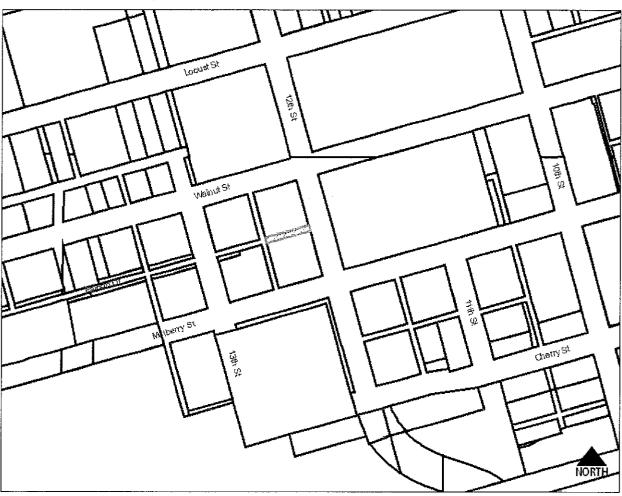
City Clerk

Mayor

Request from Nationwi								File #
represented by Donald east/west alley betwee north/south alley. The and Graham Group, In	n Walr subjec	iut Stree	t and Mulbe	erry	Street from 12 th	Street to t	he	11-2008-1.10
of Action Street	from 12	2 th Street	segment of to the nort	h/so		veen Waln w for a loa	ut Street ding doc	and Mulberry k addition to the
2020 Community Character Plan		Downto	wn: Suppo	rt Co	ommercial		•	
Horizon 2025 Transportation Plan		No Plar	ned Impro	vem	ents			
Current Zoning Distric	t	"C-3A"	Central Bus	sines	ss District Supp	ort Comme	rcial Dist	rict
Proposed Zoning Dist	rict	N/A						
Consent Card Respon	ses	ln f	avor	ı	Not In Favor	Undeter	mined	% Opposition
Outside Area			0		0	1		N/A
Plan and Zoning	Appr	oval	12-0-1		Required 6/7		Yes	
Commission Action	Denia	ai			the City Coun	cil	No	N/A



11-2008-1.10



City of Des Moines, Iowa

Honorable Mayor and City Council

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held May 15, 2008, the following action was taken:

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	Χ			
JoAnne Corigliano				X
David Cupp	Χ			
Shirley Daniels	Χ			
Dann Flaherty	Χ			
Bruce Heilman	Χ			
Jeffrey Johannsen	Χ			•
Greg Jones	Χ			
Frances Koontz	Χ			
Kaye Lozier				Χ
Brian Millard			Χ	
Mike Simonson	Χ			
Kent Sovern	Χ			
Tim Urban	Χ			
Marc Wallace	Χ			

APPROVAL of a request from Nationwide Mutual Insurance Company (purchaser) 204 12th Street, represented by Donald Freiert (officer) for vacation and conveyance of a segment of east/west alley between Walnut Street and Mulberry Street from 12th Street to the north/south alley, to allow for a loading dock addition on the north side of the subject three story building subject to the following conditions:

(11-2008-1.10)

- 1. Provision of easements for all utilities in place until they are removed or relocated at the owner's expense.
- Any use of the right-of-way in common with an adjoining property shall be in conformance with a site plan as approved by the Permit and Development Center.

The subject adjoining property is owned by K.C. Real Estate, L.C. and Graham Group, Inc.

Written Responses

- 0 In Favor
- 0 In Opposition
- 1 Undetermined



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

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

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

- 1. Provision of easements for all utilities in place until they are removed or relocated at the owner's expense.
- 2. Any use of the right-of-way in common with an adjoining property shall be in conformance with a site plan as approved by the Permit and Development Center.

STAFF REPORT

I. GENERAL INFORMATION

- 1. Purpose of Request: The applicant has a purchase agreement to buy the property adjoining to the south that is subject to acquiring the requested right-of-way. The applicant is seeking to assemble the right-of-way with the adjoining property in order to construct a loading dock onto the north side of the existing structure that is built up to the north property line. According to the submitted site sketch, the loading dock would require delivery vehicles to back-up into the driveway from 12th Street. Construction of such a dock would require compliance with a site plan as approved by the City's Permit and Development Center.
- 2. Size of Site: 16 feet by 133 feet or 2,128 square feet (0.05 acre).
- 3. Existing Zoning (site): "C-3A" Central Business District Support Commercial District.
- 4. Existing Land Use (site): East/west alley with underground gas main.
- 5. Adjacent Land Use and Zoning:

North – "C-3A", Use is a surface parking lot.

South - "C-3A", Use is a 3-story commercial structure.

- **6. General Neighborhood/Area Land Uses:** The property is located in the southwestern fringe of the west Downtown central business district.
- 7. Applicable Recognized Neighborhood(s): Downtown Neighborhood.
- 8. Relevant Zoning History: N/A.
- 9. 2020 Community Character Land Use Plan Designation: Downtown: Support Commercial.
- 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:** Easements must be provided for all utilities in place until they are removed or relocated at the owner's expense. MidAmerican has indicated there is an underground gas

main within the easternmost portion of the requested right-of-way. Construction of a loading dock would not be permitted to occur above the buried gas main so it must be constructed at the west terminus of the requested right-of-way to avoid the gas main unless the gas main is relocated at the owner's expense.

2. Traffic/Street System: Traffic engineering staff has indicated that the requested vacation would not negatively impact the surrounding street system since no properties require access from the subject alley. The other remaining alleys forming a "T" within the subject block would remain.

SUMMARY OF DISCUSSION

Brian Millard abstained from voting on this item.

There was no one in the audience to speak on this item and there was no discussion.

Kent Sovern: Moved to approve the requested vacation and conveyance subject to conditions.

Motion passed 12-0-1 (Brian Millard abstained).

Respectfully submitted,

Michael Ludwig, AICP Planning Administrator

MGL:dfa

Attachment

	Item 1/-2008-1:10 Date 5-27.08
	I (am) (am not) in favor of the request.
· ·	(Circle One) Print Name ALFRED Leiserowitz MAY 2 8 2008 Signature
	COMMUNITY DEVELOPMENT DEPARTMENT Reason for opposing or approving this request may be listed below:
	COMMUNITY DEVELOPMENT 2 13 - 13 + 1
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