

★ **Roll Call Number**

Agenda Item Number

18


Date August 7, 2006

WHEREAS, the City Plan and Zoning Commission has advised in the attached letter that at a public hearing held July 20, 2006, the members recommended by a vote of 12-0 for **APPROVAL** of a request from Monte and Krista Bennett (owners), for the vacation and conveyance of the north 7' of Crocker Street right-of-way adjoining the applicant's building at 1912 Cottage Grove Avenue, subject to the following conditions:

1. Issuance of a Certificate of Appropriateness for the redevelopment of the adjoining site and subject right-of-way by the Historic Preservation Commission prior to the conveyance of the right-of-way.
2. Provision of easements for all existing utilities.
3. Review and approval by the Traffic & Transportation Division.

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

(11-2006-1.17)

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

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.

 Mayor

 City Clerk

Request from Monte and Krista Bennett (owners) 1912 Cottage Grove for vacation and conveyance.			File #	
			11-2006-1.17	
Description of Action	Vacate and convey the north 14' of Crocker Street adjoining the applicants property between 19 th Street and M.L. King Jr. Parkway			
2020 Community Character Plan	Mixed use and Density Residential			
Horizon 2025 Transportation Plan	No Planned Improvements			
Current Zoning District	"NPC" Neighborhood Pedestrian Commercial			
Proposed Zoning District	"NPC" Neighborhood Pedestrian Commercial			
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	12-0	Required 6/7 Vote of the City Council	Yes
	Denial			No
				X

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

11-2006-1.17



August 7, 2006

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 July 20, 2006, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 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			

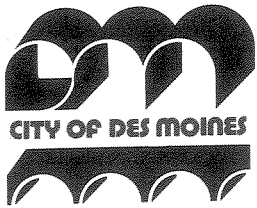
APPROVAL of a request from Monte and Krista Bennett (owners), for the vacation and conveyance of the north 7' of Crocker Street right-of-way adjoining the applicant's building at 1912 Cottage Grove Avenue, subject to the following conditions: (11-2006-1.17)

1. Issuance of a Certificate of Appropriateness for the redevelopment of the adjoining site and subject right-of-way by the Historic Preservation Commission prior to the conveyance of the right-of-way.
2. Provision of easements for all existing utilities.
3. Review and approval by the Traffic & Transportation Division.

Written Responses

0 In Favor

0 In Opposition



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. Limitation of the vacation and conveyance of right-of-way to the northern 6' of Crocker Street right-of-way adjoining the applicant's building at 1912 Cottage Grove Avenue.
2. Issuance of a Certificate of Appropriateness for the redevelopment of the adjoining site and subject right-of-way by the Historic Preservation Commission prior to the conveyance of the right-of-way.
3. Provision of easements for all existing utilities.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is requesting the subject portion of right-of-way in order to enlarge their site for the accommodation of an accessible ramp entrance on the south side of the existing building. The southern wall of the existing building is located on the property line and currently has an entrance that opens into the right-of-way. This entrance is accessed by a set of wooden stairs that are located in the right-of-way.

The applicant is planning to redevelop the site as a coffee shop. The property is zoned "NPC" Neighborhood Pedestrian Commercial and the redevelopment of the site will be subject to review and approval by the Plan and Zoning Commission in accordance with the "NPC" Design Guidelines (Sec 82-214). The applicant intends to submit a site plan and elevations once the boundaries of the site of been determined.

The eastern two-thirds of the subject right-of-way are within the boundary of the Sherman Hill Local Historic District. The requested vacation does not need to be approved by the Historic Preservation Commission (HPC). However, the planed improvements to the site and building will require the issuance of a Certificate of Appropriateness by the HPC. Conveyance of the requested right-of-way should only occur after a Certificate of Appropriateness has been issued for the proposed development.

2. **Size of Site:** 14' x 125'.
3. **Existing Land Use (site):** The subject area consists of paved sidewalk and a mixture of vegetation.
4. **Existing Zoning (site):** "NPC" Neighborhood Pedestrian Commercial District.
5. **Adjacent Land Use and Zoning:**

North - "NPC", Use is a commercial building owned by the applicant.

East - "NPC", Use is the Planned Parenthood of Iowa office building.

South - "R-HD", Use is single-family residential.

West - "NPC", Use is Martin Luther King Jr. Parkway.

- 6. **General Neighborhood/Area Land Uses:** The requested right-of-way is located in the northwest section of the Sherman Hill Neighborhood near the Martin Luther King Jr. Parkway and Cottage Grove Avenue intersection. This portion of the neighborhood consists of commercial uses with residential uses along Martin Luther King Jr. Parkway and Cottage Grove Avenue, and residential uses to the east and south.
- 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:** The requested right-of-way contains an overhead three-phase primary electric service and gas main. MidAmerican Energy Company has requested that an easement be reserved to allow for the continued operation and maintenance of these facilities.
- 2. **Traffic/Street System:** The applicant is requesting the northern 14' of Crocker Street right-of-way adjoining their entire site. If this request were granted the northern boundary of the right-of-way would become the curb. Staff believes this is excessive and that only the portion of right-of-way needed for the accessible ramp entrance should be vacated and conveyed. This will allow for the retention of a public sidewalk and room for any future street or utility maintenance needs. Staff recommends that the vacation and conveyance be limited to the northern 6' of right-of-way adjoining the applicant's building.

SUMMARY OF DISCUSSION

Kent Sovern joined the meeting at 6:06 p.m.

Mel Shivers, 645 46th Street: Architect on the project spoke on behalf of the applicant. Explained they were in opposition of the staff recommendation of 6'. Indicated their request was for 14' but they could get by with a minimum of 7'. He presented drawings to show why they needed 7' X 146.16'. Noted the restaurant requires two handicap exits by code. They would like to use the south exit as one of their exits because it would make the travel distance between the two exits shorter and since it is an existing door there would be no need to destroy the character of the historic building by cutting a door. However, the street slopes so there would have to be a ramp out of the doorway and to meet the building requirements and get a stairway out of it, they need a minimum of 7' wide, which would mean a conveyance of a minimum of 7'.

Jeffrey Johannsen joined the meeting at 6:08 p.m.

Brian Meyer: Asked if staff had considered the 7' as requested by the applicant.

Mike Ludwig: Indicated the 6' was based on the applicant's request for a 5' ramp on the side of the building. He noted it would be deferred to Traffic and Transportation and if they had no concerns staff would have no problem with 7'.

Mei Shivers: Explained the recommendation should read 126.61' for the record, in order for everything to work out right. Added they would like to have the requested 14' if possible, but they need a minimum of 7'. 18

CHAIRPERSON OPENED THE PUBLIC HEARING

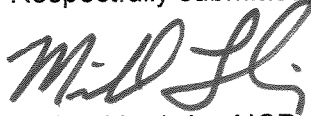
There was no one else in the audience to speak on this item

CHAIRPERSON CLOSED THE PUBLIC HEARING

Fran Koontz: Moved staff recommendation with the 7' the applicant needed to meet code to allow them to build their handicap access, based on approval by the Traffic & Transportation division.

Motion passed 12-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment