

Date September 14, 2009

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on August 20, 2009, its members voted 9-0 in support of a motion to recommend **APPROVAL** for vacation of the north/south alley between Southwest 4th Street and Southwest 5th Street between Vine Street and Market Street subject to the following conditions:

1. Conveyance shall be subject to the execution of the applicant's purchase agreements for 104 SW 4th Street and 101 SW 5th Street, and to the alley being developed in conjunction with the conversion of the Rumely Building, 104 SW4th Street into multiple-family dwelling units.
2. The brick paver alley shall be repaired and incorporated into the redevelopment of the adjoining parcels unless the Community Development Director determines that it is not practical. The brick pavers shall be salvaged in accordance with the City's Brick Salvage Policy as approved by the City Council on October 7, 2002 by Roll Call Number 02-2471 if the pavers are removed.
3. Reservation of easements for any existing utilities as necessary.

MOVED by _____ to receive and file and refer to the Engineering Department, Real Estate Division.

FORM APPROVED:


 Michael F. Kelley
 Assistant City Attorney

(11-2009-1.13)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
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

August 25, 2009

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 August 20, 2009, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 9-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus				X
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Dann Flaherty	X			
Ted Irvine				X
Jeffrey Johannsen	X			
Greg Jones	X			
Frances Koontz				X
Jim Martin	X			
Brian Millard	X			
Mike Simonson	X			
Kent Sovern				X

APPROVAL of the request from Rumely Lofts, L.P. (owner), 104 Southwest 4th Street, represented by George E. Sherman (officer), for vacation of the north/south alley between Southwest 4th Street and Southwest 5th Street between Vine Street and Market Street subject to the following conditions: 11-2009-1.13

1. Conveyance shall be subject to the execution of the applicant's purchase agreements for 104 SW 4th Street and 101 SW 5th Street, and to the alley being developed in conjunction with the conversion of the Rumely Building, 104 SW4th Street into multiple-family dwelling units.
2. The brick paver alley shall be repaired and incorporated into the redevelopment of the adjoining parcels unless the Community Development Director determines that it is not practical. The brick pavers shall be salvaged in accordance with the City's Brick Salvage Policy as approved by the City Council on October 7, 2002 by Roll Call Number 02-2471 if the pavers are removed.
3. Reservation of easements for any existing utilities as necessary

Written Responses

- 2 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 TO THE P&Z COMMISSION

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

1. Conveyance shall be subject to the execution of the applicant's purchase agreements for 104 SW 4th Street and 101 SW 5th Street, and to the alley being developed in conjunction with the conversion of the Rumely Building, 104 SW4th Street into multiple-family dwelling units.
2. The brick paver alley shall be repaired and incorporated into the redevelopment of the adjoining parcels unless the Community Development Director determines that it is not practical. The brick pavers shall be salvaged in accordance with the City's Brick Salvage Policy as approved by the City Council on October 7, 2002 by Roll Call Number 02-2471 if the pavers are removed.
3. Reservation of easements for any existing utilities as necessary

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is requesting the vacation to allow the alley to be incorporated with the surrounding properties to facilitate the development of a parking lot to serve the Rumely Building to the east. The applicant is proposing to convert the Rumely Building into residential dwelling units.
2. **Size of Site:** Approximately 94 lineal feet.
3. **Existing Zoning (site):** "C-3R" District.
4. **Existing Land Use (site):** Brick paver alley.
5. **Adjacent Land Use and Zoning:**
East – "C-3R", Use is vacant warehouse building (Rumely Building).
West – "C-3R", Use is vacant warehouse building.
6. **General Neighborhood/Area Land Uses:** The subject property is located to the north of the Science Center of Iowa in the Court Avenue district. The area includes a mix of commercial, industrial and residential uses.
7. **Applicable Recognized Neighborhood(s):** Downtown Des Moines 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.

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II. ADDITIONAL APPLICABLE INFORMATION

- 1. **Utilities:** Easements must be maintained for any existing utilities unless other arrangements are approved by the affected utility.
- 2. **Traffic/Street System:** The proposed vacation should have no impact on traffic or vehicular access as the applicant intends to redevelop the adjoin parcels in common with the alley.
- 3. **Urban Design:** The subject alley is constructed of brick pavers and appears to be in fair condition. Staff believes that the alley could be repaired and incorporated into the proposed parking lot. This would be prudent given the limited number of historic brick alleys that remain in the downtown. If it is found that it is not practical to repair the alley, staff believes that the bricks should be salvaged in accordance with the City's Brick Salvage Policy.

SUMMARY OF DISCUSSION

There was no discussion.

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one in the audience to speak in opposition.

CHAIRPERSON CLOSED THE PUBLIC HEARING

There was no discussion.

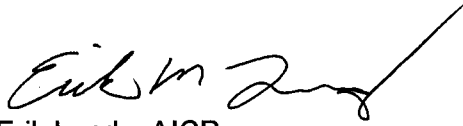
COMMISSION ACTION

Greg Jones moved staff recommendation to approve the proposed amendment for vacation of right-of-way subject to the following conditions:

- 1. Conveyance shall be subject to the execution of the applicant's purchase agreements for 104 SW 4th Street and 101 SW 5th Street, and to the alley being developed in conjunction with the conversion of the Rumely Building, 104 SW4th Street into multiple-family dwelling units.
- 2. The brick paver alley shall be repaired and incorporated into the redevelopment of the adjoining parcels unless the Community Development Director determines that it is not practical. The brick pavers shall be salvaged in accordance with the City's Brick Salvage Policy as approved by the City Council on October 7, 2002 by Roll Call Number 02-2471 if the pavers are removed.
- 3. Reservation of easements for any existing utilities as necessary.

Motion passed 9-0.

Respectfully submitted,

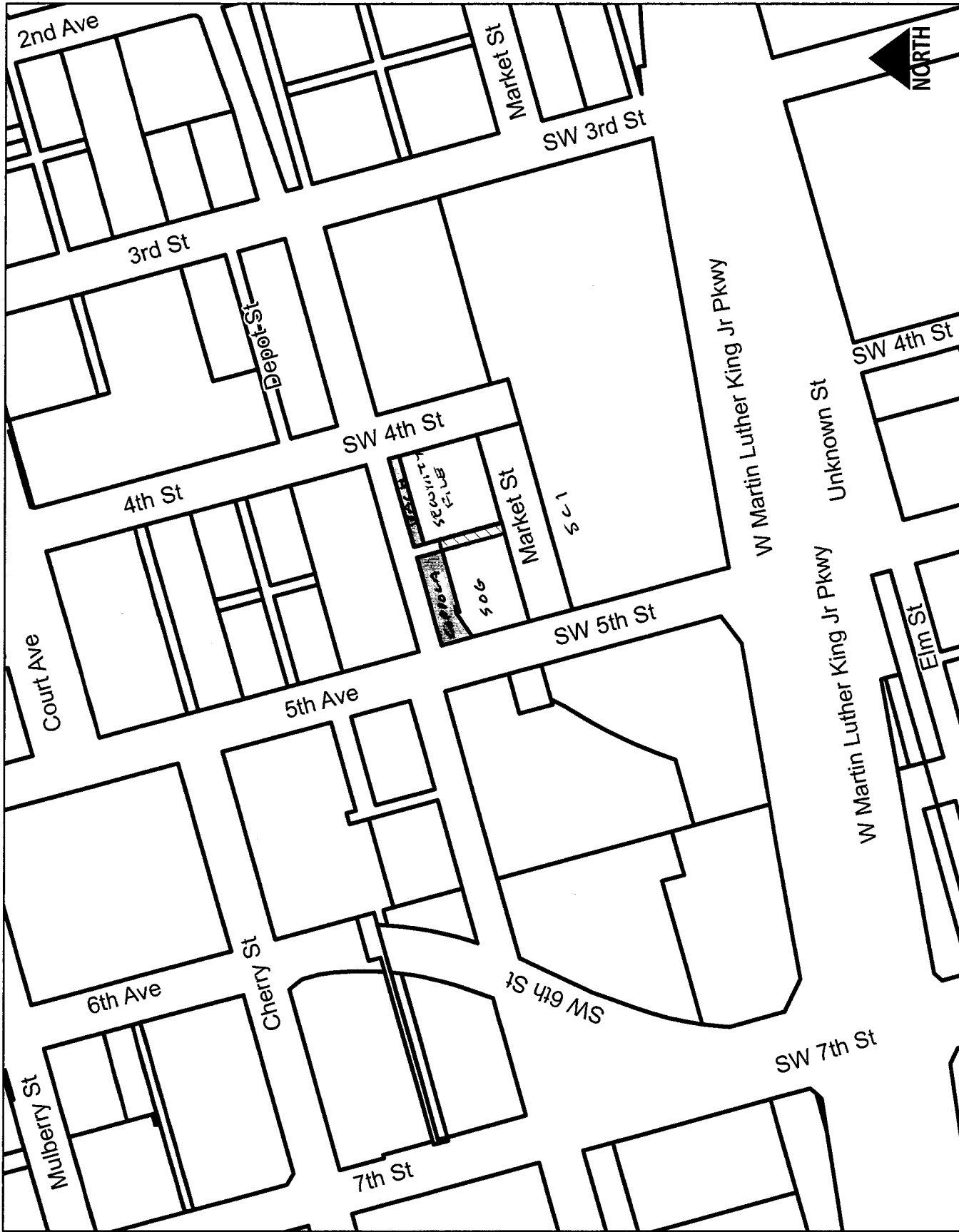


Erik Lundy, AICP
Senior Planner

EML:clw

Attachment

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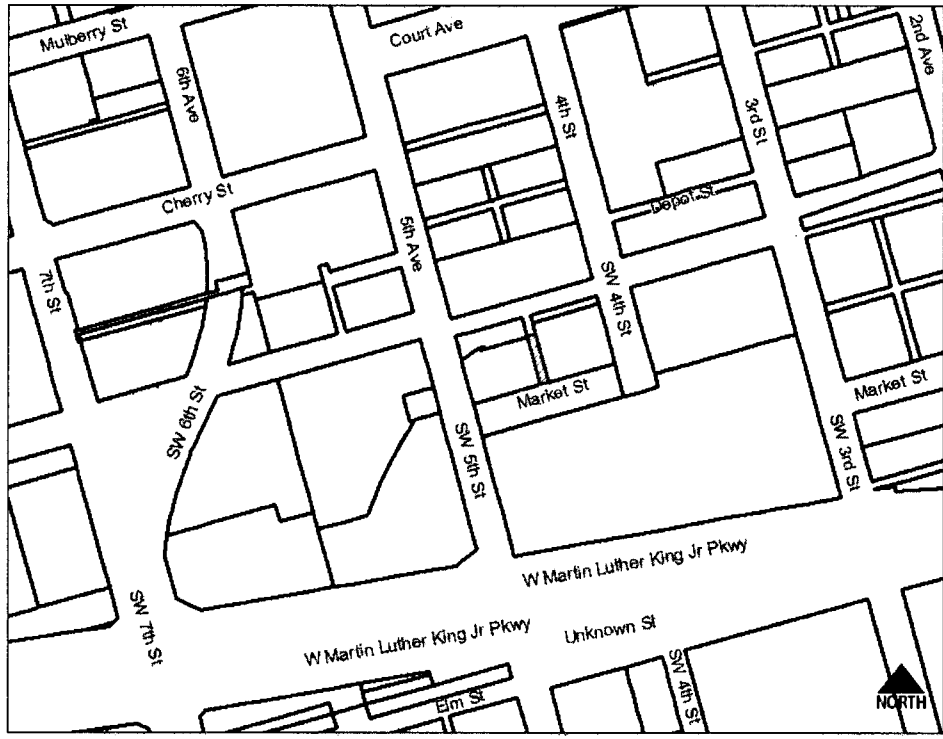


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Request from Rumely Lofts, L.P. (owner), 104 Southwest 4 th Street, represented by George E. Sherman (officer), for vacation of the north/south alley between Southwest 4 th Street and Southwest 5 th Street between Vine Street and Market Street.				File # 11-2009-1.13	
Description of Action	Vacation of the north/south alley between Southwest 4 th Street and Southwest 5 th Street between Vine Street and Market Street.				
2020 Community Character Plan	Downtown: Support Commercial				
Horizon 2025 Transportation Plan	No Planned Improvements				
Current Zoning District	"C-3R" Central Business District Mixed-Residential				
Proposed Zoning District	"C-3R" Central Business District Mixed-Residential				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	2	0		N/A	
Outside Area					
Plan and Zoning Commission Action	Approval	9-0	Required 6/7 Vote of the City Council	Yes	N/A
	Denial			No	N/A

Rumley Lofts LP - SW 4th Street & Market Street

11-2009-1.13



222 Item 11-2009-1.13 Date 7/14/07

(am) (am not) in favor of the request.

RECEIVED

Print Name CHRIS COPPOLA

Signature [Signature]

Address 99-5th Street

AUG 14 2009

COMMUNITY DEVELOPMENT DEPARTMENT

Reason for opposing or approving this request may be listed below:

Item 11-2009-1.13 Date 8-12-09

(am) (am not) in favor of the request.

RECEIVED

Print Name M.F. BACH

Signature [Signature]

Address 1030 NE 18th St Albany

AUG 17 2009

COMMUNITY DEVELOPMENT DEPARTMENT

Reason for opposing or approving this request may be listed below:

Item 11-2009-1.13 Date 8-12-09

(am) (am not) in favor of the request.

RECEIVED
(Circle One)

AUG 17 2009

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name M.F. BACH

Signature [Signature]

Address 1030 NE 18th St Albany

Reason for opposing or approving this request may be listed below:

