

★ **Roll Call Number**

Agenda Item Number

17

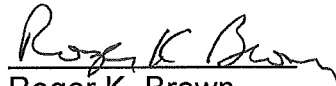
December 4, 2006

Date

WHEREAS, the City Plan and Zoning Commission has advised in the attached letter that at a public hearing held November 16, 2006, the members recommended by a vote of 11-0 for **APPROVAL** of a request from Kingsway Cathedral, Inc. (owner), 901 19th Street, represented by James David Brown (officer) for the future vacation of 19th Street from Olive Avenue to Cottage Grove, with the condition that the vacation shall not occur until a development plan is submitted for the redevelopment of the right-of-way in combination with other adjoining property, and an agreement is reached for the sale of the right-of-way.

MOVED by _____ to receive and file.

FORM APPROVED:


 Roger K. Brown
 Assistant City Attorney

(11-2006-1.39)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
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 Kingsway Cathedral, Inc. (owner), 901 19 th Street, represented by James David Brown (officer) for vacation and conveyance.			File # 11-2006-1.39	
Description of Action	Vacate and convey 19 th Street from Olive Avenue to Cottage Grove Avenue.			
2020 Community Character Plan	Mixed Use and Density Residential and Park/Open Space.			
Horizon 2025 Transportation Plan	No Planned Improvements.			
Current Zoning District	"R-3" Multiple-Family Residential District and "NPC" Neighborhood Pedestrian Commercial District.			
Proposed Zoning District	N/A			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
	0	0	0	N/A
Plan and Zoning Commission Action	Approval	11-0	Required 6/7 Vote of the City Council	Yes
	Denial			No N/A

Kingsway Cathedral, Inc. - Vacate 19th St from Olive St to Cottage Grove 11-2006-1.39



December 4, 2006

Date 12-4-06

Agenda Item 17

Roll Call # _____

Honorable Mayor and City Council
City of Des Moines, Iowa

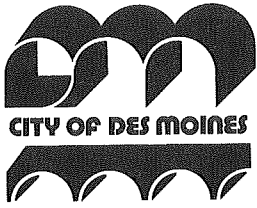
Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held November 16, 2006, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 110 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 Kingsway Cathedral, Inc. (owner), 901 19th Street, represented by James David Brown (officer) for the future vacation of 19th Street from Olive Avenue to Cottage Grove, with the condition that the vacation shall not occur until a development plan is submitted for the redevelopment of the right-of-way in combination with other adjoining property, and an agreement is reached for the sale of the right-of-way. (11-2006-1.39)

Written Responses

0 In Favor
0 In Opposition

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Staff recommends denial of the requested vacation and conveyance at this time, as there is no definite redevelopment plan to consider.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to incorporate the subject portion of right-of-way into the Kingsway Cathedral site to create a larger site for redevelopment. The applicant indicated that they are also pursuing the purchase of excess land from the Martin Luther King Jr. Parkway project to the west of the subject right-of-way. The information submitted indicates that the portion of the Kingsway Cathedral site along 18th Street would likely be developed with housing and that the project would include commercial uses. However, the applicant provided no substantive details of the site's redevelopment.
2. **Size of Site:** Generally 60' x 330'.
3. **Existing Zoning (site):** "NPC" Neighborhood Pedestrian Commercial District and "R-3" Multiple-Family Residential District.
4. **Existing Land Use (site):** Developed public right-of-way.
5. **Adjacent Land Use and Zoning:**
 - East* – "NPC" & "R-3", Use is the Kingsway Cathedral and associated parking lot.
 - West* – "NPC", Use is Martin Luther King Jr. Parkway and land associated with its reconstruction.
6. **General Neighborhood/Area Land Uses:** The surrounding area is a historic neighborhood with a dense mix of single and multi-family dwellings and scattered small-scale commercial uses.
7. **Applicable Recognized Neighborhood(s):** Sherman Hill Neighborhood.
8. **Relevant Zoning History:** N/A.
9. **2020 Community Character Land Use Plan Designation:** Public/ Semi Public.
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 subject right-of-way contains an 8" water main and a 12" sanitary sewer line. Easements must be provided for all existing public utilities in place until such time they are relocated at the applicant's expense.
2. **Access/Street System:** The subject segment of street provides direct access to an office building located on 19th Street to the north of the Kingsway site. The only access to the office building is from the south due to the alignment of Interstate 235 and Martin Luther King Jr. Parkway. If the subject street segment is vacated, traffic from Crocker Street to the south would likely take 18th Street to Olive Street to access the office building.
3. **2020 Community Character Plan:** The maintenance of the City's street grid system and its development in new areas is a goal of Des Moines's 2020 Community Character Plan. It is not

possible to determine the merits of vacating a street for redevelopment without knowing how the area will be redeveloped and traffic will be handled. Staff believes the request should not be considered until the applicant has submitted a conceptual redevelopment plan.

SUMMARY OF DISCUSSION

Kaye Lozier left the meeting at 8:31 p.m.

Erik Lundy: Presented staff report and recommendation.

Brook Rosenberg left the meeting at 8:35 p.m.

Bruce Heilman: Asked if the land to the west is owned by the City or State.

Erik Lundy: Noted it is currently excess and it is not clear if it is available. Some is City and there might be components that are State.

Brian Millard: Noted it makes no sense to vacate because of the access; they would have to go over a block. Asked if a cul-de-sac would have to be put in.

Erik Lundy: Noted a turnaround of some sort would have to be put in, but there is no through traffic.

Bernie VanTil, 2808 Virginia Place: Consultant to the owner of the Kingsway site. The owner would like to use the site for parking as part of a new street or building. Asking that the south side of the property be closed. When traffic is turning right onto MLKing from Crocker it is a blind spot. Noted it would be a four or five-month process to get it approved, but would like to have plans drawn up if they can get the street vacated. Noted they would like to proceed with plans to develop the site. Addressed traffic concerns, noting the school in the area will be expanding. Noted at this time everything is under study, but it will cost \$4,000,000 to repair the Church, not including ADA compliance. Would prefer not to have a bar or nightclub put in and would like an indication that they could move forward and they will return with detailed plans at a later date.

CHAIRPERSON OPENED THE PUBLIC HEARING

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

CHAIRPERSON CLOSED THE PUBLIC HEARING

Tim Urban: Suggested there would be a motion that could be made to show the Commission's intent to vacate the street without moving it forward to vacation so the applicant knows they have a positive recommendation to go to Council, but that it not be moved forward until such time they come in with a development plan.

Larry Hulse: Noted concern that the school situation has not been determined so there could be some traffic considerations that could involve the street. Suggested the Commission could make that motion so it would be in the minutes and Mr. VanTil could advise his client to begin putting some plans together.

Tim Urban: Moved to recommend vacation of the street but withhold a recommendation on its conveyance until such time a development plan for the property is submitted.

Brian Millard: Supportive of the motion. Traffic will come off the other two streets and there will be a light there. The Meals on Wheels site is directly to the west of Olive Street that also uses this street. The School District has dropped their decision to try to have a through street. School Street will get rebuilt and they are trying to get the DOT to put in a drop-off lane to make it extra-wide. There is no way to get out along Kingsway Cathedral.

Bruce Heilman: Noted the intersection is dangerous and indicated it should be closed off; supportive of the motion.

Roger Brown: Noted vacating the street would indicate placing barricades and questioned if it would create a landlocked situation.

Tim Urban: Clarified the motion to be conditional that the City maintain it as a public street until the development plan is received.

Motion passed 11-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment