

Date January 13, 2014

**SET HEARING FOR VACATION AND CONVEYANCE OF A SEGMENT OF
INGERSOLL AVENUE RIGHT-OF-WAY ADJOINING
525 17TH STREET TO ARTISAN ROW, LLC IN EXCHANGE FOR
A COMPARABLE PARCEL OF LAND ADJOINING 1623 GRAND AVENUE**

WHEREAS, on December 13, 2013, by Roll Call No. 13-1962, City Council received a recommendation from the City Plan and Zoning Commission regarding vacation of an irregular segment of Ingersoll Avenue right-of-way lying south of the travelled portion of the street between 16th Street and 17th Street, which right-of-way is north of and adjacent to the real property locally known as 525 17th Street, more particularly described below (hereinafter "City Right-of-Way"); and

WHEREAS, Artisan Row, LLC is purchasing the property located at 525 17th Street and has requested that the City Right-of-Way be vacated and conveyed to Artisan Row, LLC in order for the parcel to be incorporated into 525 17th Street and proposed development thereon; and

WHEREAS, Artisan Row, LLC and the City of Des Moines have negotiated a Land Exchange Agreement whereby the City will vacate and convey the City Right-of-Way to Artisan Row, LLC, and in exchange will receive a comparable parcel of land located south of and adjoining the real property locally known as 1623 Grand Avenue (hereinafter "Grand Avenue Parcel"), which has been determined by the City's Real Estate Division to be comparable in value to the City Right-of-Way; and

WHEREAS, there is no known current or future public need or benefit for the City Right-of-Way proposed to be vacated and sold, the City and public will not be inconvenienced by the vacation and sale of said property, and the City will benefit from acquisition of the Grand Avenue Parcel.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

1. That the City Council of the City of Des Moines shall consider adoption of an ordinance permanently vacating an irregular segment of Ingersoll Avenue right-of-way lying south of the travelled portion of the street between 16th Street and 17th Street and north of and adjacent to 525 17th Street, legally described as follows:

Part of Lots 1 and 2 in Linden, an Official Plat; part of Lots 1, 2 and 3 in Block D of Subdivision of Lot No. 6 of the Pursley Estate, an Official Plat; and part of 16th Street and Ingersoll Avenue rights-of-way, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, and being more particularly described as follows:

Beginning at the Northeast corner of Lot 1 in Block 46 of Lyon's Addition to Fort Des Moines, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa; thence South 89°(degrees) 48'(minutes) 18"(seconds) West, 339.87 feet along the South lines of said Linden and Block D of Subdivision of Lot No. 6 of the Pursley Estate to its intersection with the present East right-of-way line of 17th Street; thence North 87°47'59" East, 330.90 feet; thence South 38°35'02" East, 14.77 feet to the point of beginning. Containing 1,968 square feet.

2. That if the City Council decides to vacate the above described right-of-way, the City of Des Moines further proposes to convey such vacated City Right-of-Way, as legally described below, to Artisan Row, LLC, in exchange for conveyance by Artisan Row, LLC to the City of a comparable parcel of land located south of and adjoining the real property locally known as 1623 Grand Avenue:

Date January 13, 2014

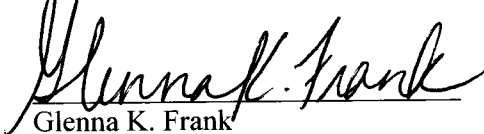
The vacated part of Lots 1 and 2 in Linden, an Official Plat; the vacated part of Lots 1, 2 and 3 in Block D of Subdivision of Lot No. 6 of the Pursley Estate, an Official Plat; and the vacated part of 16th Street and Ingersoll Avenue rights-of-way, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, and being more particularly described as follows:

Beginning at the Northeast corner of Lot 1 in Block 46 of Lyon's Addition to Fort Des Moines, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa; thence South 89°(degrees) 48'(minutes) 18"(seconds) West, 339.87 feet along the South lines of said Linden and Block D of Subdivision of Lot No. 6 of the Pursley Estate to its intersection with the present East right-of-way line of 17th Street; thence North 87°47'59" East, 330.90 feet; thence South 38°35'02" East, 14.77 feet to the point of beginning. Containing 1,968 square feet.

3. That a public hearing will be held on January 27, 2014, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time, the City Council will consider the above-described proposals and any other(s) submitted prior to or during the public hearing.
4. That the City Clerk is hereby authorized and directed to publish notice of said proposals in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.
5. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

Moved by _____ to adopt.

APPROVED AS TO FORM:



Glenna K. Frank
Assistant City Attorney

RSW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
VOSS				
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

Ingersoll Ave



16th St

17th St

Grand Ave



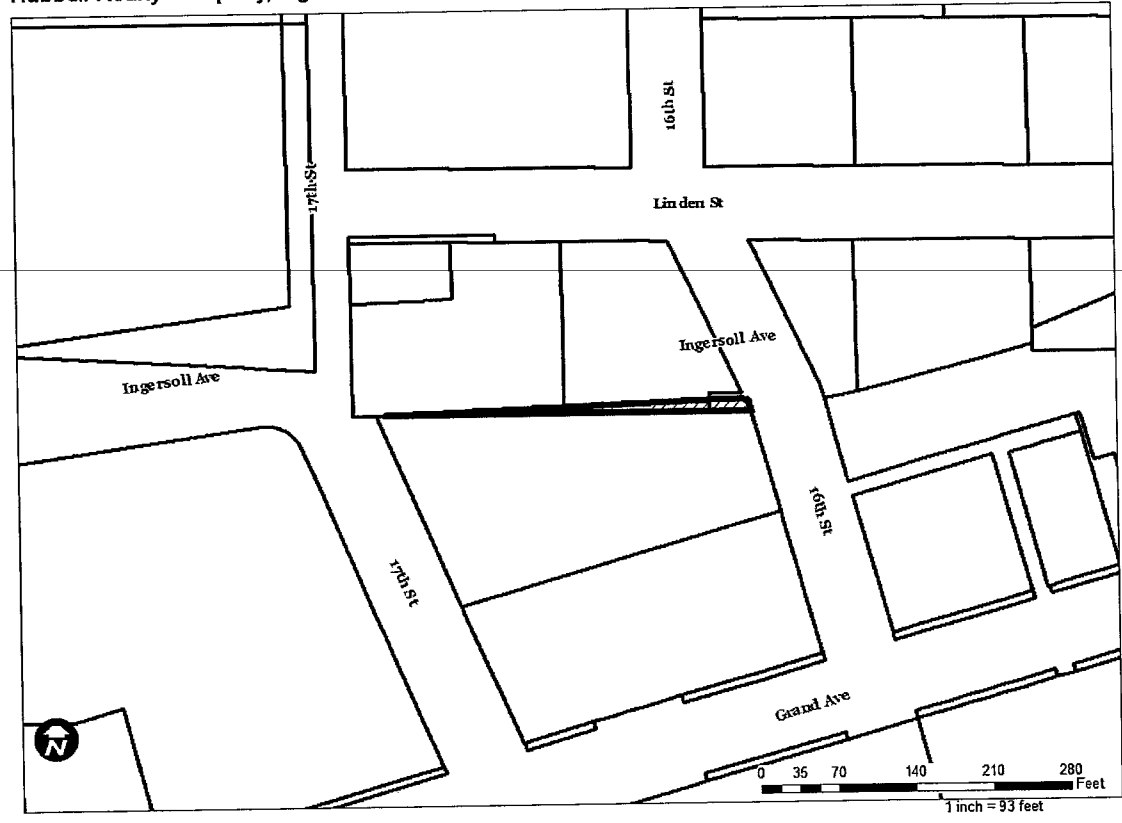
Legend

-  City of Des Moines to Artisan Row LLC
-  Artisan Row LLC to City of Des Moines

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Request from Hubbell Realty Company (purchaser), 525 17th Street, represented by Steve Niebuhr (officer). The adjoining subject property is owned by Meredith Corporation.				File # 11-2013-1.18		
Description of Action	Vacation of an irregular segment of Ingersoll Avenue right-of-way lying south of the travelled portion of the street between 16th Street and 17th Street, to incorporate within the proposed development site on that block					
2020 Community Character Plan	High-Density Residential (current & no change proposed)					
Horizon 2035 Transportation Plan	No Planned Improvements					
Current Zoning District	"R1-80" One-Family Residential and "R-3" Multiple-Family Residential					
Proposed Zoning District	N/A					
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition		
Inside Area						
Outside Area						
Plan and Zoning Commission Action	Approval	13-0	Required 6/7 Vote of the City Council		Yes	N/A
	Denial				No	N/A

Hubbell Realty Company, Ingersoll Avenue Right-of-Way between 16th & 17th Streets 11-2013-1.18



Date January 13, 2014
 Agenda Item 26

December 11, 2013

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 December 5, 2013, the following action was taken regarding a request from Hubbell Realty Company (purchaser) represented by Steve Niebuhr (officer) for review and approval of a Site Plan "Artisan Row" under design guidelines for multiple-family dwellings on property located at 1623 Grand Avenue and 525 17th Street to allow development of 27 two-story row dwellings and for vacation of an irregular segment of Ingersoll Avenue right-of-way lying south of the travelled portion of the street between 16th Street and 17th Street, to incorporate within the proposed development site on that block. The subject property is owned by Meredith Corporation.



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

COMMISSION RECOMMENDATION:

After public hearing, the members voted 13-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles				X
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley				X
Tim Fitzgerald	X			
Jann Freed	X			
Dann Flaherty	X			
John "Jack" Hilmes	X			
Ted Irvine	X			
Greg Jones	X			
William Page	X			
Christine Pardee	X			
CJ Stephens	X			
Vicki Stogdill	X			
Greg Wattier	X			

APPROVAL of a Site Plan "Artisan Row" under design guidelines for multiple-family dwellings to allow development of 27 two-story row dwellings subject to the following conditions: (10-2014.7.53)

1. Compliance with all administrative review comments of the City's Permit and Development Center.

ALL-AMERICA CITY
 1949, 1976, 1981
 2003

2. All overhead utility lines and poles shall be removed and replaced with underground lines and ground mounted switch gear boxes as necessary.
3. Provision of the Ingersoll Avenue Streetscape improvements as approved by the Planning Administrator. Streetscape elements include but are not limited to class "A" sidewalk generally scored into 2-foot by 2-foot squares with an integrated street curb, planter beds with a raised curb, street trees, shrub/flower plantings, planter urns, street furniture (bike racks, benches, trash cans), brick pavers and planter bed railings as associated with the beds that contain planter urns.
4. All site fencing in the vicinity of the Ingersoll Avenue shall consist of the established Ingersoll Avenue streetscape black metal fence design.
5. Provision of a bike rack near the entrance of the commercial building.
6. Provision of black Kim Lighting Archetype Street Light Fixtures.
7. All site lighting shall be directed downward and shielded from adjoining properties. Any pole mounted lighting along private walkways shall not exceed 15 feet in height and any pole mounted lighting in the parking lot shall not exceed 20 feet in height. Private light poles and pole mounted light fixtures are to be similar in style to a black KIM Archetype light fixture.
8. Provision of parking lot interior plantings in accordance with the City's Landscape Standards.
9. All utility meters, transformers, ground-mounted equipment, and other utilities shall be placed along facades that are internal to the site.
10. All rooftop mechanical equipment shall be screened with material that is architecturally compatible with the building.

And

APPROVAL of the vacation of an irregular segment of Ingersoll Avenue right-of-way lying south of the travelled portion of the street between 16th Street and 17th Street, to incorporate within the proposed development site on that block subject to the provision of any necessary easements for existing utilities. (11-2013-1.18)

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Item 2) Staff recommends approval of a Site Plan "Artisan Row" under design guidelines for multiple-family dwellings to allow development of 27 two-story row dwellings subject to the following conditions:

1. Compliance with all administrative review comments of the City's Permit and Development Center.
2. All overhead utility lines and poles shall be removed and replaced with underground lines and ground mounted switch gear boxes as necessary.

3. Provision of the Ingersoll Avenue Streetscape improvements as approved by the Planning Administrator. Streetscape elements include but are not limited to class "A" sidewalk generally scored into 2-foot by 2-foot squares with an integrated street curb, planter beds with a raised curb, street trees, shrub/flower plantings, planter urns, street furniture (bike racks, benches, trash cans), brick pavers and planter bed railings as associated with the beds that contain planter urns.
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8. Provision of parking lot interior plantings in accordance with the City's Landscape Standards.
9. All utility meters, transformers, ground-mounted equipment, and other utilities shall be placed along facades that are internal to the site.
10. All rooftop mechanical equipment shall be screened with material that is architecturally compatible with the building.

Item 3) Staff recommends approval subject to the provision of any necessary easements for existing utilities.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to retain the existing commercial building (aka Iowa Paint Building) and to construct 27 row house units on the balance of the site. Item 3 on the agenda would allow a triangular shaped portion of the Ingersoll Avenue right-of-way to be combined with the site to allow the Ingersoll buildings to be built in closer proximity to the Ingersoll Avenue sidewalk. The buildings need to frame the street in order to create an urban environment. The current irregular shape of the property and right-of-way would require the eastern building to be substantial setback from the Ingersoll Avenue sidewalk. The subject right-of-way is not needed for any current or foreseen future public use.
2. **Size of Site:** The site measures 1.86 acres (81,164 square feet). The portion of right-of-way proposed to be vacated measures 2,141 square feet.

3. **Existing Zoning (site):** "C-3A" Central Business Support Commercial District, Downtown Overlay District, and "GGP" Gambling Games Prohibition Overlay District.
4. **Existing Land Use (site):** Vacant commercial building and surface parking.
5. **Adjacent Land Use and Zoning:**
 - North* – "C-2"; Uses are commercial.
 - South* – "C-3A"; Use is office.
 - East* – "C-3A"; Uses are multiple-family residential and commercial.
 - West* – "C-3A"; Use is a mixed residential and commercial development.
6. **General Neighborhood/Area Land Uses:** The subject site is located in the western portion of the downtown along the Grand Avenue and Ingersoll Avenue corridors. The area consists of a mix of large and small scale commercial buildings and multiple-family residential development.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Downtown Des Moines Neighborhood and within 250 feet of the Sherman Hill Neighborhood. These neighborhoods were notified of the Commission meeting by mailing of the Preliminary Agenda on November 1, 2013. A Final Agenda for the November 21, 2013 meeting was mailed to the neighborhood associations on November 15, 2013. Additionally, separate notifications of the hearing for the site plan were mailed on November 8, 2013 (10 days prior to the hearing) to the Downtown Des Moines Neighborhood Association, the Sherman Hill Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda for the December 5, 2013 meeting was mailed to the neighborhood associations on November 27, 2013. Additionally, separate notifications of the proposed vacation of right-of-way were mailed to the neighborhood associations on November 25, 2013 (10 days prior to the hearing).

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Downtown Des Moines Neighborhood Association notices were mailed to Larry Bradshaw, 418 6th Avenue, Suite 902, Des Moines, IA 50309. The Sherman Hill Neighborhood Association notices were mailed to Ryan Howell, 831 16th Street, Des Moines, IA 50314.
8. **Relevant Zoning History:** None.
9. **2020 Community Character Land Use Plan Designation:** Downtown Support Commercial.