



Roll Call Number

Agenda Item Number

29

Date September 12, 2016

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM EAST 4TH STREET, LLC FOR VACATION OF SEGMENT OF SOUTHEAST 4TH STREET ADJOINING 118 SOUTHEAST 4TH STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on August 18, 2016, its members voted 10-0 to recommend APPROVAL of a request from East 4th Street, LLC (owner), represented by Mike Kinter (officer), 118 Southeast 4th Street, for vacation of a 6-foot by 50-foot segment of the west side of Southeast 4th Street adjoining the subject property, to allow for accommodation of a new emergency egress landing and stairway as well as existing building egress stair encroachments, subject to reservation of any necessary easements for all existing utilities.

MOVED by _____ to receive and file the attached communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division.

FORM APPROVED:

Glenna K. Frank
Assistant City Attorney

(11-2016-1.17)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and 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



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East 4 th Street, LLC (owner) for property located at 118 Southeast 4 th Street.		File #	
		11-2016-1.17	
Description of Action	Approval of vacation of a 6-foot by 50-foot segment of the west side of Southeast 4 th Street adjoining the subject property, to allow for accommodation of a new emergency egress landing and stairway. This also would accommodate existing building egress stair encroachments subject to reservation of easements for all existing utilities.		
PlanDSM Future Land Use	Current: Neighborhood Mixed Use. Proposed: N/A.		
Mobilizing Tomorrow Transportation Plan	No planned improvements.		
Current Zoning District	Limited "C-3A" Central Business Support District, "D-O" Downtown Overlay District, "CDO" Capitol Dominance Overlay District, "GGP" Gambling Games Prohibition Overlay District and "FSO" Freestanding Signs Overlay District.		
Proposed Zoning District	N/A		
Consent Card Responses	In Favor	Not In Favor	Undetermined
Inside Area			
Outside Area			
Plan and Zoning Commission Action	Approval	10-0	Required 6/7 Vote of the City Council
	Denial		Yes
			No
			X

East 4th Street, LLC, 118 Southeast 4th Street

11-2016-1.17



1 Inch = 50 feet

August 30, 2016

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 18, 2016, the following action was taken regarding a request from East 4th Street, LLC (owner), 118 Southeast 4th Street, represented by Mike Kinter (officer) for vacation of a 6-foot by 50-foot segment of the west side of Southeast 4th Street adjoining the subject property, to allow for accommodation of a new emergency egress landing and stairway. This also would accommodate existing building egress stair encroachments.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
JoAnne Corigliano				X
David Courard-Hauri	X			
Jacqueline Easley				X
Jann Freed	X			
John "Jack" Hilmes				X
Carolyn Jenison	X			
Greg Jones	X			
William Page				X
Mike Simonson	X			
CJ Stephens	X			
Steve Wallace	X			
Greg Wattier	X			

APPROVAL of the requested vacation of Southeast 4th Street ROW subject to reservation of easements for all existing utilities. (11-2016-1.17)

RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation of Southeast 4th Street ROW subject to reservation of easements for all existing utilities.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed Right-Of-Way (ROW) vacation would allow the construction of a permanent egress staircase from a proposed emergency exit on the east side of the building. This exit would give street level emergency egress from an interior staircase to provide secondary emergency access from the upper floor of the building. The proposed stairs would not encroach any further into the ROW than stairs serving two existing exits on the same side of the building. The vacation would also resolve these existing encroachments.
2. **Size of Site:** 6 feet by 50 feet (300 square feet).
3. **Existing Zoning (site):** Limited "C-3A" Central Business Support Commercial District, "D-O" Downtown Overlay District, "GGP" Gambling Games Prohibition Overlay District and "FSO" Freestanding Sign Overlay.
4. **Existing Land Use (site):** Sidewalk adjoining the applicant's building.
5. **Adjacent Land Use and Zoning:**
 - North** – "M-1"; Use is *The Garden tavern/nightclub.*
 - South** – "D-R"; Use is *a City of Des Moines Public Work storage yard.*
 - East** – "M-1"; Use is *a City of Des Moines Public Works storage yard.*
 - West** – "M-1"; Use is *an off-street parking lot for Market One.*
6. **General Neighborhood/Area Land Uses:** The site is located on Southeast 4th Street between East Court Avenue and East Market Street in the portion of Downtown known as the Historic East Village. The area contains a mix of office and industrial uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Historic East Village Neighborhood. This neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on July 29, 2016 and a Final Agenda on August 12, 2016. Additionally, separate notifications of the hearing for this specific item were mailed on August 8, 2016 (10 days prior to the hearing) to the Historic East Village Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property adjoining or across the public street from the site.

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 Historic East Village Neighborhood Association notices were mailed to Chris LoRanz, PO Box 93904, Des Moines, IA 50393.

8. **Zoning History:** The City Council rezoned the subject property to Limited "C-3A" Central Business Support Commercial District on April 6, 2009 by Ordinance 14,845. This was subject to prohibition of the following uses:
 1. Adult entertainment businesses.
 2. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
 3. Mobile home parks.
 4. Off-premises advertising signs.
 5. Pawnshops.
 6. Used car lots, except as accessory use to new vehicles dealership.
9. **PlanDSM Creating Our Tomorrow Future Land Use Plan Designation:** Downtown Mixed Use.
10. **Applicable Regulations:** The Commission, considering the criteria set forth in Chapter 18B of the Iowa Code, 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:** There are existing public storm and sanitary sewers in the affected or adjoining Southeast 4th Street ROW. Easements for access and maintenance must be reserved for any existing utilities as part of any vacation.
2. **Street System/Access:** There is currently 90-degree parking heading into the building within the Southeast 4th Street ROW. With any major improvements to the building or change of use a pedestrian streetscape would be required to replace this parking under the current Site Plan landscape standards. It is not anticipated that the proposed stair encroachment would prevent this streetscape pedestrian design at some point in the future as there is adequate width between the proposed stairs and the vehicle travelled way to provide these improvements.

SUMMARY OF DISCUSSION

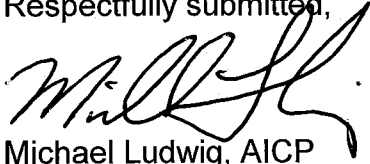
Greg Jones asked if anyone was present to speak on this item. None were present or requested to speak.

COMMISSION ACTION:

Jann Freed moved staff recommendation for approval of the requested vacation of Southeast 4th Street ROW subject to reservation of easements for all existing utilities.

Motion passed 10-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:clw
Attachment