

Date March 20, 2017

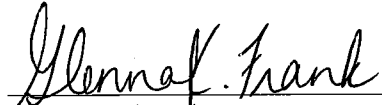
**RECEIVE AND FILE COMMUNICATION FROM THE  
PLAN AND ZONING COMMISSION REGARDING REQUEST FROM  
CATHOLIC HEALTH INITIATIVES OF IOWA CORPORATION D/B/A MERCY MEDICAL  
CENTER OF DES MOINES FOR VACATION OF ALLEY RIGHT-OF-WAY  
ADJOINING 1116 6<sup>TH</sup> AVENUE**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on March 2, 2017, its members voted 10-0-2 to recommend **APPROVAL** of a request from Catholic Health Initiatives of Iowa Corporation d/b/a Mercy Medical Center of Des Moines (owner) for vacation of the north/south alley between 6th Avenue and 7th Street, from Ascension Street to Laurel Street, adjoining property locally known as 1116 6th Avenue, subject to the following conditions:

1. Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.
2. The brick pavers within the right-of-way shall be salvaged for reuse to the extent possible in accordance with a salvage plan approved by the Planning Administrator.

**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

(11-2017-1.02)

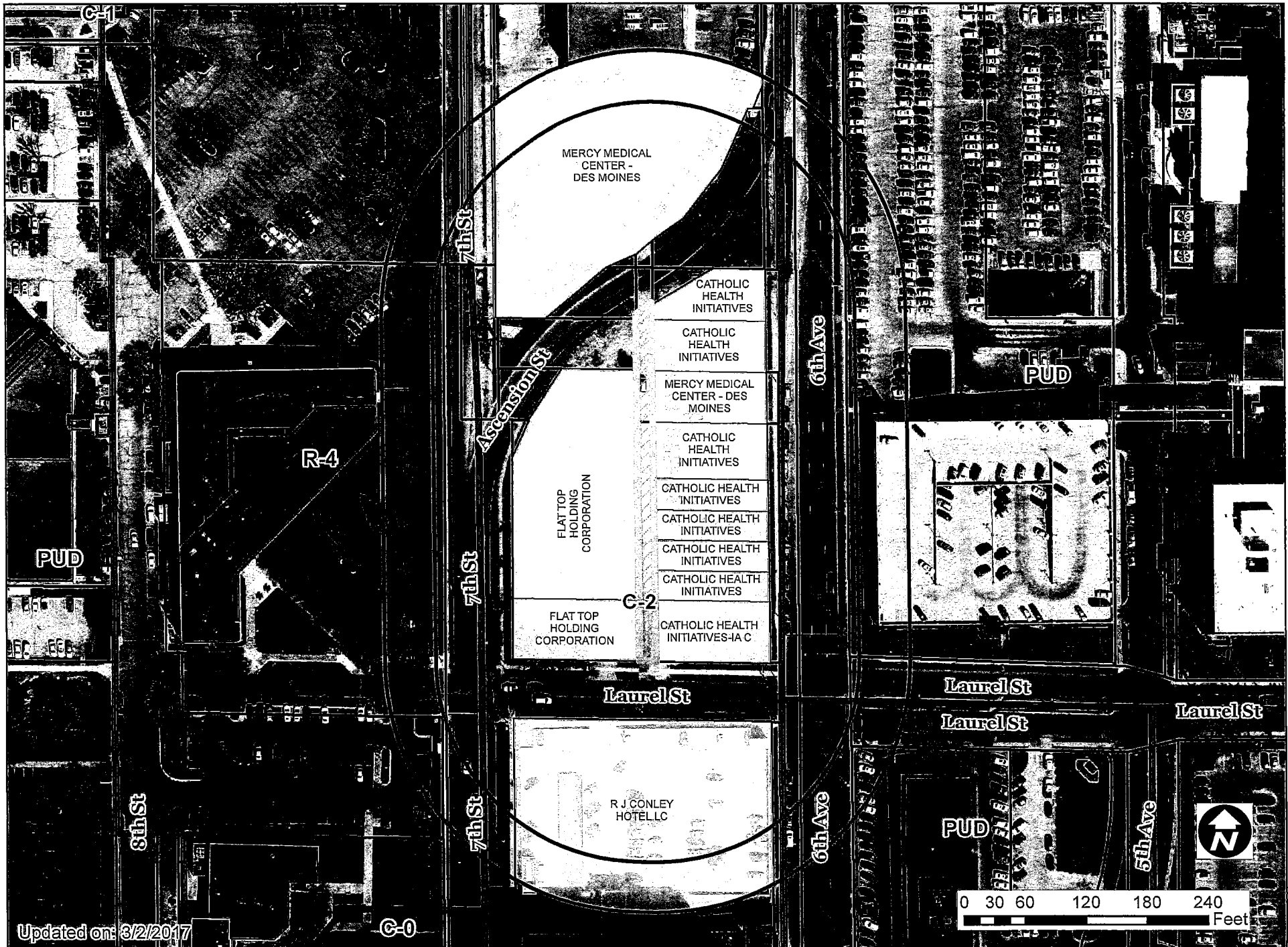
| COUNCIL ACTION | YEAS | NAYS | PASS     | ABSENT |
|----------------|------|------|----------|--------|
| COWNIE         |      |      |          |        |
| COLEMAN        |      |      |          |        |
| GATTO          |      |      |          |        |
| GRAY           |      |      |          |        |
| HENSLEY        |      |      |          |        |
| MOORE          |      |      |          |        |
| WESTERGAARD    |      |      |          |        |
| 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



Updated on: 3/2/2017

ADA



CITY OF DES MOINES  
COMMUNITY DEVELOPMENT

Date March 20, 2017

Agenda Item 20A

Roll Call # \_\_\_\_\_

March 9, 2017

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 March 2, 2017, the following action was taken regarding a request from Catholic Health Initiatives of Iowa Corporation d/b/a Mercy Medical Center of Des Moines (owner) adjoining property in the vicinity of 1116 6th Avenue, represented by Ronald Muecke (officer) for vacation of the north/south alley between 6th Avenue and 7th Street running from Ascension Street to Laurel Street. Additional adjoining property is owned by Flat Top Holding Corporation.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 10-0-2 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    |        |
| Lisa Howard         | X   |      |      |        |
| Carolyn Jenison     | X   |      |      |        |
| Greg Jones          |     |      |      | X      |
| William Page        | X   |      |      |        |
| Mike Simonson       | X   |      |      |        |
| Rocky Sposato       | X   |      |      |        |
| Steve Wallace       | X   |      |      |        |
| Greg Wattier        |     |      |      | X      |

**APPROVAL** of the requested vacation subject to the following conditions: (11-2017-1.02)

1. Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.

2. The brick pavers within the right-of-way shall be salvaged for reuse to the extent possible in accordance with a salvage plan approved by the Planning Administrator:

## **RECOMMENDATION TO THE P&Z COMMISSION**

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

1. Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.
2. The brick pavers within the right-of-way shall be salvaged for reuse to the extent possible in accordance with a salvage plan approved by the Planning Administrator.

## **STAFF REPORT TO THE PLANNING COMMISSION**

### **I. GENERAL INFORMATION**

1. **Purpose of Request:** The applicant is proposing to acquire the alley segment adjoining the west property lines and combine it with the adjoining property they own. The proposed vacation will allow the applicant to improve and pave the site for a new surface parking lot.
2. **Size of Site:** 16 feet by 350 feet (4,795 square feet or 0.11 acres).
3. **Existing Zoning (site):** "C-2" General Retail and Highway-Oriented Commercial District, "GGP" Gambling Games Prohibition Overlay District, and "FSO" Freestanding Sign Overlay District.
4. **Existing Land Use (site):** Brick alley that is partially covered by gravel from the adjoining parking lot.
5. **Adjacent Land Use and Zoning:**  
**North** – "C-2"; Uses are Ascension Street and Accounts Payable Mercy Medical Center –Des Moines office.  
**South** – "C-2"; Uses are Laurel Street right-of-way and the hotel parking.  
**East** – "PUD"; Uses are 6<sup>th</sup> Avenue and Mercy Medical Center.  
**West** – "R-4"; Use is the Des Moines Area Community College Urban Campus.
6. **General Neighborhood/Area Land Uses:** The subject property is located west of 6<sup>th</sup> Avenue between Ascension Street and Laurel Street. The area consists of a mix of commercial and institutional uses, including Mercy Medical Center and the Des Moines Area Community College.

**7. Applicable Recognized Neighborhood(s):** The subject property is located in the Cheatom Park Neighborhood. The neighborhood association was notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhood associations on February 10, 2017 and by mailing of the Final Agenda on February 24, 2017. Additionally, separate notifications of the hearing for this specific item were mailed on February 20, 2017 (10 days prior to the original public hearing) to the neighborhood association and the primary titleholder on file with the Polk County Assessor for each property adjoining or directly across the subject segment of alley right-of-way.

All agendas and notices are mailed to the primary contact designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Cheatom Park Neighborhood Association notices were mailed to Susan Wells, 1157 14<sup>th</sup> Place, Des Moines, IA 50314.

**8. Relevant Zoning History:** None.

**9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** The subject property is designated as Neighborhood Mixed Use in the PlanDSM future land use map. The plan defines this category as "small scale mixed use development typically located at the intersections of collector and/or arterial streets and along transportation corridors."

**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 no identified sewer, water, or electrical facilities existing within the subject right-of-way. Easements must be reserved for any existing utilities until such time that they are abandoned or relocated.
- 2. Street System/Access:** The subject alley does not serve as an access way for the adjoining properties. The requested vacation would not impact the existing street system or the vehicular or pedestrian flow in the area.
- 3. Brick Salvage Policy:** On October 7, 2002, the City Council adopted the Brick Salvage Policy by Roll Call No. 02-2471. The goal of the policy promotes salvage of brick from city owned sidewalks, alleys, and streets for reuse in Des Moines' neighborhoods.

The subject alley is paved with brick. Much of the alley has suffered damage. However, Staff believes there is an opportunity for some of the brick to be salvaged for reuse. Staff recommends approval of the vacation be subject to the applicant working with staff to explore the potential for salvage.

## **SUMMARY OF DISCUSSION**

Jacqueline Easley asked if anyone was present to speak on this item. None were present or requested to speak.

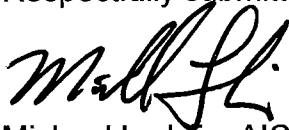
**COMMISSION ACTION:**

Dory Briles moved staff recommendation for approval of the requested vacation subject to the following conditions:

1. Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.
2. The brick pavers within the right-of-way shall be salvaged for reuse to the extent possible in accordance with a salvage plan approved by the Planning Administrator.

Motion passed 10-0-2 (Jacqueline Easley and John "Jack" Hilmes recused themselves).

Respectfully submitted,



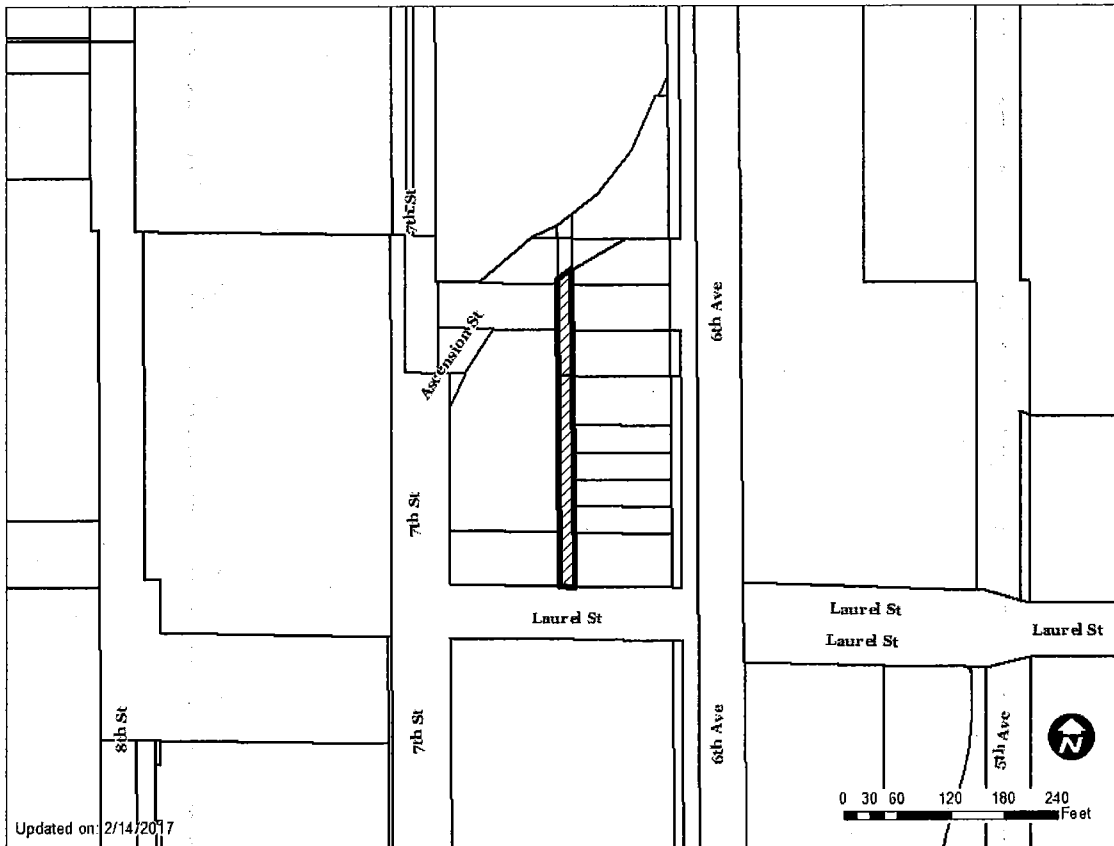
Michael Ludwig, AICP  
Planning Administrator

MGL:clw  
Attachment

|   |  |  |              |                                       |              |
|---|--|--|--------------|---------------------------------------|--------------|
| Catholic Health Initiatives of Iowa Corporation d/b/a Mercy Medical Center of Des Moines (owner) represented by Ronald Muecke (officer), for adjoining property in the vicinity of 1116 6th Avenue. Additional adjoining property is owned by Flat Top Holding Corporation. |  |  |              | File #                                |              |
|   |  |  |              | 11-2017-1.02                          |              |
| Description of Action   |  | Approval of the request for vacation of the north/south alley between 6th Avenue and 7th Street running from Ascension Street to Laurel Street, subject to conditions. |              |                                       |              |
| PlanDSM Future Land Use   |  | Current:<br>Proposed:  |              |                                       |              |
| Mobilizing Tomorrow Transportation Plan   |  | No planned improvements.   |              |                                       |              |
| Current Zoning District   |  | "C-2" General Retail and Highway-Oriented Commercial 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                          | % Opposition |
| Subject Property  |  |  |              |                                       |              |
| Outside Area (200 feet)   |  |  |              |                                       |              |
| Plan and Zoning Commission Action   |  | Approval   | 12-0         | Required 6/7 Vote of the City Council |              |
|   |  | Denial   |              | Yes                                   | No           |
|   |  |  |              |                                       | X            |

Catholic Health Initiatives of IA, 1116 6th Avenue

11-2017-1.02



1 inch = 127 feet

11-2017-1.02

Item \_\_\_\_\_ Date 3-1-2017

I  am  am not in favor of the request.

(Circle One)  
**RECEIVED**

COMMUNITY DEVELOPMENT

Print Name Glen Calkins - President

Signature Glen Calkins

MAR 06 2017

Address HOLIDAY INN DOWNTOWN

1050 6TH AVE.

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

HOLIDAY INN DOWNTOWN IS IN FAVOR  
OF MERCY MEDICAL CENTER'S REQUEST!