

Date September 14, 2020

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM HOTEL FRANCIS, LLC (OWNER), REPRESENTED BY MICHAEL NELSON (OFFICER), FOR VACATION OF A 4-FOOT BY 4-FOOT SEGMENT OF THE SOUTH EDGE OF UNIVERSITY AVENUE, TO ALLOW FOR A DOOR SWING AND LANDING FOR EMERGENCY EGRESS FOR PROPERTY AT 2650 UNIVERSITY AVENUE

WHEREAS, on August 20, 2020, the City of Des Moines Plan and Zoning Commission voted 11-0-1 for **APPROVAL** of a Request from Hotel Francis, LLC (Owner), represented by Michael Nelson (Officer) for vacation of a 4-foot by 4-foot segment of the south edge of University Avenue adjoining property at 2650 University Avenue, to allow for a door swing and landing for emergency egress only from a restaurant tenant space within the hotel building, subject to the following conditions:

1. Reservation of any existing utilities until such time that they are abandoned or relocated at the applicant's expense; and
2. Provision of bollards or planters to both sides of the 4-foot by 4-foot proposed vacation into the public right-of-way on University Avenue as approved by the Planning Administrator.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the attached communication from the City Plan and Zoning Commission is hereby received and filed.

MOVED by _____ to receive and file.

FORM APPROVED:



 Judy K. Parks-Kruse, Assistant City Attorney

(11-2020-1.08)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

 Mayor

CERTIFICATE

I, P. Kay Cmelik, 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

September 8, 2020

Date September 14, 2020
 Agenda Item 29
 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 August 20, 2020 meeting, the following action was taken regarding a request from Hotel Francis, LLC (owner), represented by Michael Nelson (officer), for vacation of a 4-foot by 4-foot segment of the south edge of University Avenue adjoining property at 2650 University Avenue, to allow for a door swing and landing for emergency egress only from a restaurant tenant space within the hotel building.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
Abby Chungath	X			
Kayla Berkson			X	
Jann Freed	X			
Johnny Alcivar	X			
Lisa Howard	X			
Carolyn Jenison	X			
Greg Jones				X
William Page				X
Rocky Sposato	X			
Steve Wallace	X			
Greg Wattier	X			
Emily Webb	X			

RECOMMEND APPROVAL of the requested vacation subject to the following conditions:

1. Reservation of any existing utilities until such time that they are abandoned or relocated at the applicant's expense.
2. Provision of bollards or planters to both sides of the 4-foot by 4-foot proposed vacation into the public right-of-way on University Avenue as approved by the Planning Administrator. (11-2020-1.08)

Written Responses

2 in Favor

0 in opposition

RECOMMENDATION TO THE P&Z COMMISSION

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

1. Reservation of any existing utilities until such time that they are abandoned or relocated at the applicant's expense.
2. Provision of bollards or planters to both sides of the 4-foot by 4-foot proposed vacation into the public right-of-way on University Avenue as approved by the Planning Administrator.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed vacation would allow use of the addressed property as a restaurant space within mixed use building.
2. **Size of Site:** 16 square feet) for the addressed property.
3. **Existing Zoning (site):** "MX2" Mixed Use District. The "MX2" District is "intended for mixed-use, regional-scale nodes and corridors within the city, where residents and visitors may access multiple uses by walking."
4. **Existing Land Use (site):** The affected area consists of sidewalk within the public Right-Of-Way (ROW) of University Avenue between 26th Street and 27th Street.

5. Adjacent Land Use and Zoning:

North – "P2"; Use is Drake University's campus.

South – "N5", Use is a recently constructed hotel development.

East – "MX2"; Use is a mixed-use building under construction.

West – "MX1"; Uses are Drake University's Alumni House and undeveloped lots.

6. **General Neighborhood/Area Land Uses:** The subject property is located along the south side of the University Avenue mixed-use corridor, directly across from Drake University's campus.
7. **Applicable Recognized Neighborhood(s):** The subject property is in the Drake Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on July 31, 2020 and by mailing of the Final Agenda on August 14, 2020. Additionally, separate notifications of the hearing for this specific

item were mailed on August 10, 2020 (10 days prior to public hearing) to the Neighborhood Associations and to the primary titleholder on file with the Polk County Assessor for each property adjacent or directly across the street from the requested ROW.

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 on the date of the mailing. The Drake Neighborhood Association notices were mailed to Lori Calhoun, 2808 Cottage Grove Avenue, Des Moines, IA 50311.

8. Relevant Zoning History: None.

9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation: Neighborhood Mixed Use.

10. Applicable Regulations: Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, 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: While no utilities have been identified within the requested ROW, easements must be reserved for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.

2. Streets/Sidewalk: The 4-foot by 4-foot proposed vacation to allow for an exterior door swing would be onto the sidewalk in the public ROW on University Avenue. Staff feels that bollards or planters as approved by the Planning Administrator and Traffic Engineering would ensure public safety of pedestrians utilizing the subject sidewalk.

SUMMARY OF DISCUSSION

Jann Freed asked if any member of the public or the commission desired to speak regarding the item. None requested to speak.

COMMISSION ACTION:

Emily Webb made a motion for approval of the requested vacation subject to the following conditions:

1. Reservation of any existing utilities until such time that they are abandoned or relocated at the applicant's expense.
2. Provision of bollards or planters to both sides of the 4-foot by 4-foot proposed vacation into the public right-of-way on University Avenue as approved by the Planning Administrator.

Motion passed: 11-0-1

Respectfully submitted,



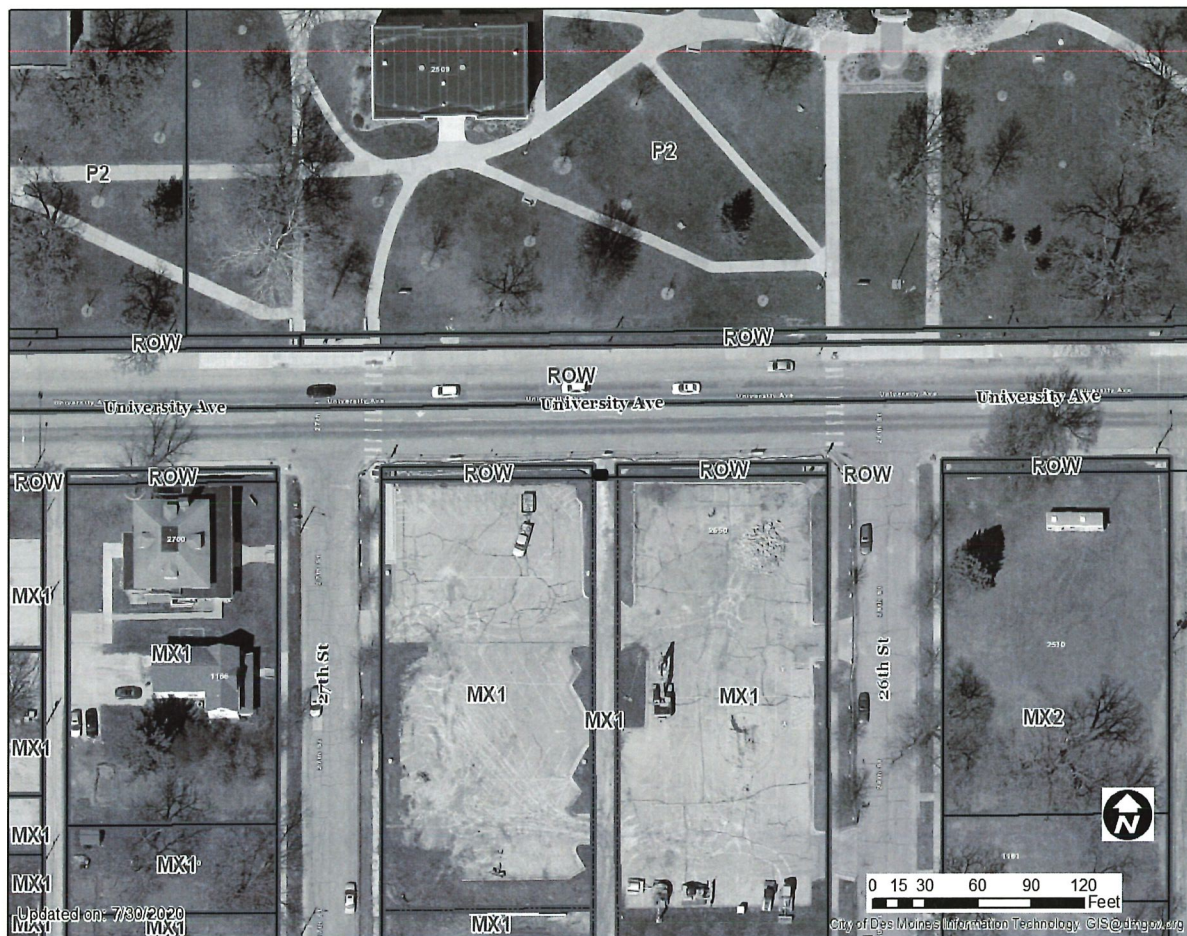
Michael Ludwig, AICP
Planning Administrator

MGL:tjh
Attachments

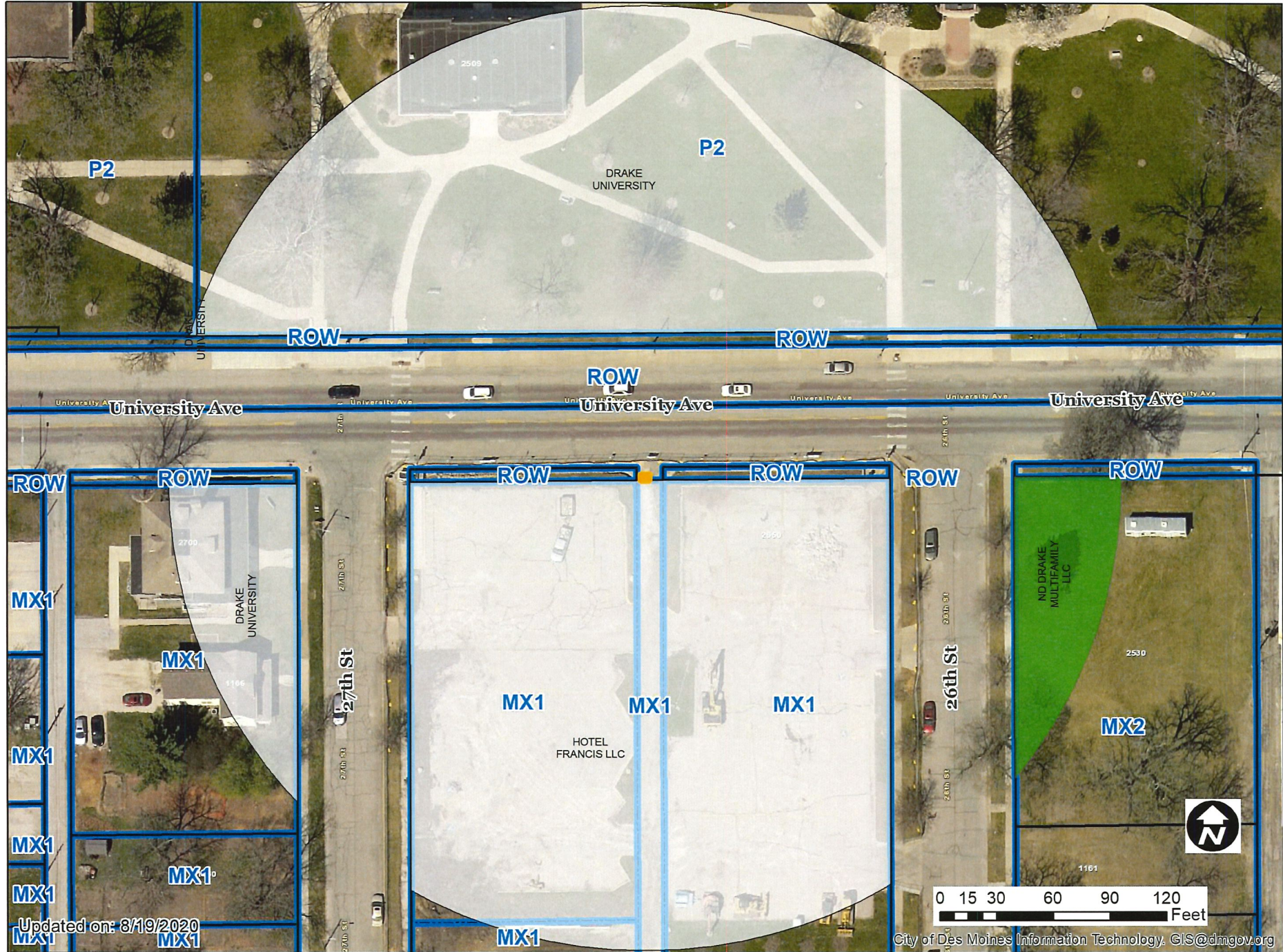
Request from Hotel Francis, LLC (owner), represented by Michael Nelson (officer) for property located at 2650 University Avenue.				File #	
				11-2020-1.08	
Description of Action	Vacation of a 4-foot by 4-foot segment of the south edge of University Avenue adjoining property at 2650 University Avenue, to allow for a door swing and landing for emergency egress only from a restaurant tenant space within the hotel building.				
PlanDSM Future Land Use	Current: Neighborhood Mixed Use. Proposed: N/A.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"MX1" Mixed Use District.				
Proposed Zoning District	N/A				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Outside Area (200 feet)	2	0			
Within Subject Property					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Hotel Francis, LLC, 2650 University Avenue

11-2020-1.08



1 inch = 68 feet



Updated on: 8/19/2020

1 inch = 68 feet

11-2020-1.08

Item:

Date:

08/13/20

29

I (am) (am not) in favor of the request:

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT
AUG 19 2020

Print Name: ALEXANDER GRBURICH

Signature: 

Address: 2530 UNIVERSITY

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

NICE, VALUE-ADDING PROJECT THAT WILL
BE GREAT FOR THE CITY

11-2020-1.08

Item:

Date:

08/13/20

I (am) (am not) in favor of the request:

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT
AUG 19 2020

Print Name: ALEXANDER GRBURICH

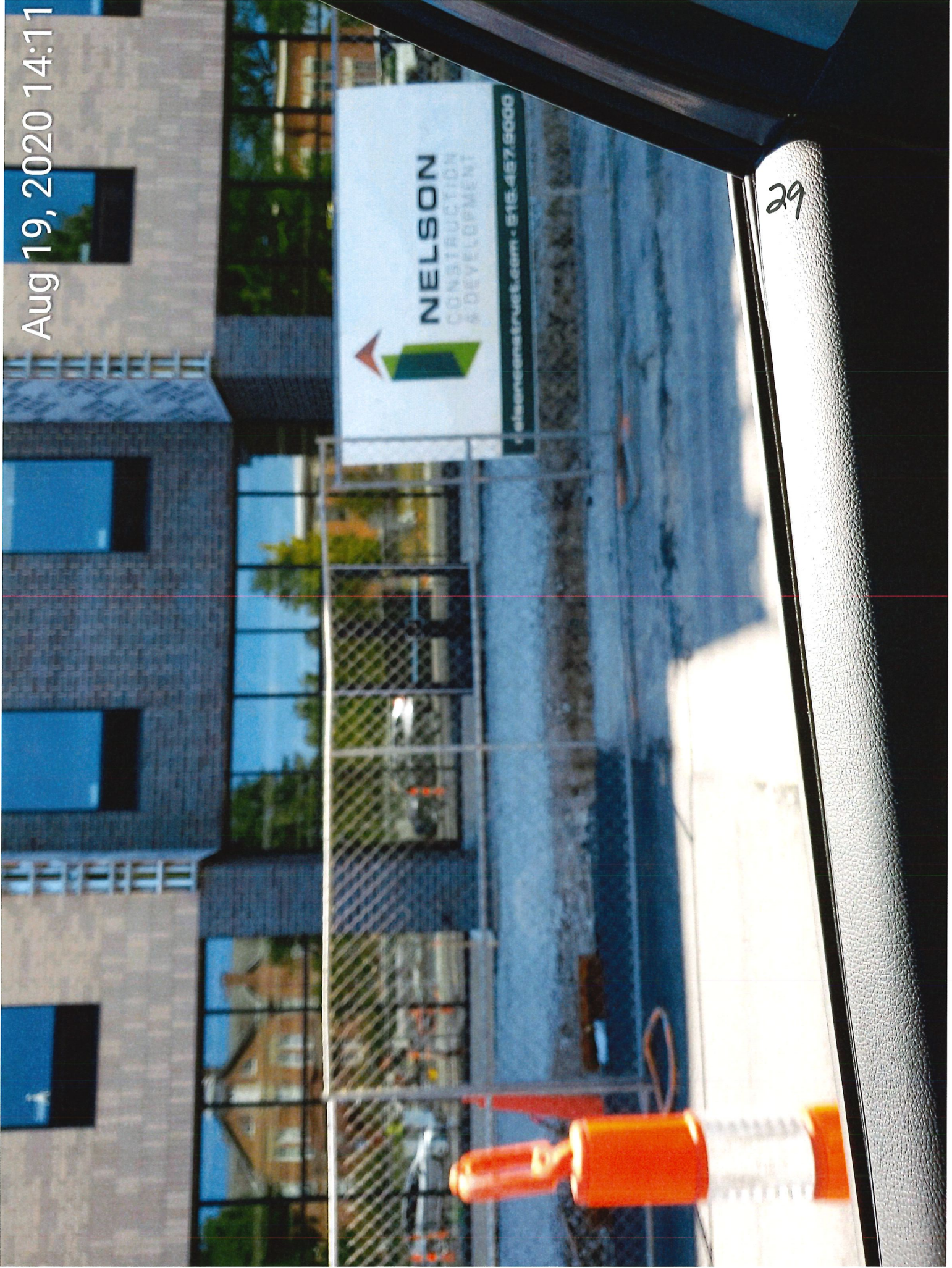
Signature: 

Address: 2650 UNIVERSITY

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

GREAT NEW RETAIL SPACE FOR THIS AREA

Aug 19, 2020 14:11



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