



Roll Call Number

Agenda Item Number

21

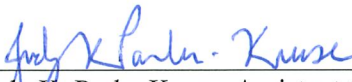
Date June 28, 2021

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM 3524 6th AVENUE, LLC, FOR VACATION OF A 5.50-FOOT BY 50.61- FOOT SEGMENT OF AIR RIGHTS AT THE WEST SIDE OF 6TH AVENUE ADJOINING PROPERTY LOCATED AT 3524 6TH AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 17, 2021, its members voted 12-0 to recommend **APPROVAL** of a request from 3524 6th Avenue, LLC (owner), represented by Joseph Cordaro (officer), to vacate a 5.50-foot by 50.61-foot segment of air rights at the west side of 6th Avenue adjoining property located at 3524 6th Avenue to allow continued encroachment of existing 2nd and 3rd floor bay window projections with the renovation of the building.

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:



Judy K. Parks-Kruse, Assistant City Attorney

(11-2021-1.09)

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

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.

Mayor

City Clerk



June 22, 2021

Date June 28, 2021

Agenda Item 21

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 June 17, 2021 meeting, the following action was taken regarding a request from 3524 6th Avenue, LLC (owner), represented by Joseph Cordaro (officer), for vacation of a 5.50-foot by 50.61-foot segment of Air Rights along the west side of 6th Avenue adjoining property located at 3524 6th Avenue, to allow continued encroachment of existing 2nd and 3rd Floor bay window projections with the renovation of the building.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 as follows:

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
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			

APPROVAL of the requested Right-of-Way vacations.

(11-2021-1.09)

Written Responses

2 in Favor

0 in opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested Right-of-Way vacation.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed vacations would facilitate renovation of the existing building.
2. **Size of Site:** The requested segments of Right-of-Way encompass a total 278 square feet of area.
3. **Existing Zoning (site):** “MX1” Mixed Use District.
4. **Existing Land Use (site):** The subject areas consist of public street rights-of-way.
5. **Adjacent Land Use and Zoning:**
 - North** – “MX1”; Use is multiple-tenant retail building.
 - South** – “MX1”, Use is multi-family residential building.
 - East** – “MX1”; Use is a multiple-tenant retail building.
 - West** – “MX1”, Use is multi-family residential building.
6. **General Neighborhood/Area Land Uses:** The applicant’s property is rectangular shaped and bordered by Euclid Avenue to the north, 6th Avenue to the east, and an alley to the south. The surrounding area consists of a mix of residential and commercial uses.
7. **Applicable Recognized Neighborhood(s):** The subject areas is located within the recognized Pak Park neighborhood association and is adjacent to the Highland Park neighborhood association. All recognized neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on May 28, 2021 and by mailing of the Final Agenda on June 11, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on June 7, 2021 (10 days prior) to the primary titleholder on file with the Polk County Assessor for each property adjoining the requested public Right-of-Way.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines on the date of the mailing. There was not a mailing address on file for the Highland Park Neighborhood at the time of the mailing.

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

9. **PlanDSM: Creating Our Tomorrow Land Use Plan Designation:** Community 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:** Not applicable.

2. **Traffic/Access:** The requested vacations would not negatively impact access to private properties or traffic patterns.

SUMMARY OF DISCUSSION

Dory Briles asked if any member of the public or the commission desired to speak on the item. No one requested to speak.

COMMISSION ACTION:

Jann Freed made a motion for approval of the requested Right-of-Way vacation.

Motion passed: 12-0

Respectfully submitted,



Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh

Request from 3524 6 th Avenue, LLC (owner), represented by Joseph Cordaro (officer), for property located at the west side of 6 th Avenue adjoining property located at 3524 6 th Avenue				File #	
				11-2021-1.09	
Description of Action	Vacation of a 5.50-foot by 50.61-foot segment of Air Rights to allow continued encroachment of existing 2 nd and 3 rd Floor bay window projections with the renovation of the building.				
Plan/DSM Future Land Use	Community Mixed Use				
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

3524 6th Avenue, LLC, 3524 6th Avenue

11-2021-1.09



1 inch = 75 feet

Item: 11-2021-1.09

Date:

²¹
June 19, 2021

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature:

William H. Wheeler

Name:

William H. Wheeler

Address:

3601 & 3613 6th Ave.

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT

JUN 16 2021

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

Item: 11-2021-1.09

Date:

6-11-21

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature:

Larry S. Johnson

Name:

Hilana Bakery

Address:

3615 6th Ave

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

JUN 16 2021

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

Looking for any and all improvements
to the business district.



Updated on: 6/16/2021

City of Des Moines

1 inch = 75 feet