| Roll Call Number | Agenda Item Number |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Date January 8, 2024 | |
| RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZON REGARDING REQUEST FROM NEIGHBORHOOD DEVELOPMENT COR REPRESENTED BY ABBEY GILROY (OFFICER) FOR THE FOLLOWIN PROPERTY LOCATED AT 2211 UNIVERSITY AVENUE: VACATION OF SQUARE FEET OF AIR RIGHT-OF-WAY ON UNIVERSITY AVENUE ENCROACHMENT OF A PROPOSED BUILDING AWNING; VACATION OF SQUARE FEET OF SURFACE RIGHT-OF-WAY ON 22ND STREET TENCROACHMENT OF A PROPOSED BUILDING DOOR SWING; VACATION OF SQUARE FEET OF SURFACE RIGHT-OF-WAY ON THE WESTERN NOR ADJOINING THE SUBJECT PROPERTY TO ALLOW THE ENCROACHMENT ASH ENCLOSURE GATES; AND VACATION OF APPROXIMATELY 1, SUBSURFACE RIGHT-OF-WAY ON 22ND STREET, UNIVERSITY AVEN ENCROACHMENT OF PROPOSED BUILDING FOOTING | PORATION (OWNER), G REGARDING THE APPROXIMATELY 40 TO ALLOW THE F APPROXIMATELY 24 TO ALLOW THE N OF APPROXIMATELY TH/SOUTH ALLEYWAY MENT OF PROPOSED 761 SQUARE FEET OF UE TO ALLOW THE |
| WHEREAS, the City Plan and Zoning Commission has advised that at a public hear 21, 2023, its members voted 10-0 to recommend APPROVAL of a request Development Corporation (owner), represented by Abbey Gilroy (officer) for reviet following regarding property located at 2211 University Avenue: A) Vacation of apfeet of air right-of-way on University Avenue to allow the encroachment of a prop B) Vacation of approximately 24 square feet of surface right-of-way on 22nd encroachment of a proposed building door swing, C) Vacation of approximately 90 right-of-way on the western north/south alleyway adjoining the subject property to a of proposed trash enclosure gates, and D) Vacation of approximately 1,761 square for of-way on 22nd Street, University Avenue, and the adjoining western north/south encroachment of proposed building footings, subject to the reservation of any necess existing utilities until such time that they are abandoned or relocated at the applicant | t from Neighborhood ew and approval of the eproximately 40 square cosed building awning, d Street to allow the expression of square feet of surface llow the encroachment eet of subsurface right- alleyway to allow the sary easements for any |
| MOVED by to receive and file the attached communica Zoning Commission, and refer to the Engineering Department, Real Estate Division | ntion from the Plan and |
| SECOND BY | |
| APPROVED AS TO FORM: | |
| /s/ Chas M. Cahill Chas M. Cahill | |

Assistant City Attorney

(ROWV-2023-000013)

| Roll Call Number | |
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| Agenda | Item | Nu /- | mber |
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| Date | January 8, 2024 |
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| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
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I, LAURA BAUMGARTNER, 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 |
|-------|--|------|-------|
|-------|--|------|-------|



| Date Janua | iry 8,202 | 24 |
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| Agenda Item_ | 17 | |
| Roll Call # | | |

December 22, 2023

Communication from the City Plan and Zoning Commission advising that at their December 21, 2023 meeting, the following action was taken regarding a request from Neighborhood Development Corporation (owner), represented by Abbey Gilroy (officer), for review and approval of the following regarding property located at 2211 University Avenue:

- A) Vacation of approximately 40 square feet of air right-of-way on University Avenue to allow the encroachment of a proposed building awning.
- B) Vacation of approximately 24 square feet of surface right-of-way on 22nd Street to allow the encroachment of a proposed building door swing.
- C) Vacation of approximately 90 square feet of surface right-of-way on the western north/south alleyway adjoining the subject property to allow the encroachment of proposed trash enclosure gates.
- D) Vacation of approximately 1,761 square feet of subsurface right-of-way on 22nd Street, University Avenue, and the adjoining western north/south alleyway to allow the encroachment of proposed building footings.

COMMISSION RECOMMENDATION:

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

| Yes | Nays | Pass | Abstain | Absent |
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APPROVAL of the requested vacations.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacations.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

- 1. Purpose of Request: The applicant is proposing to construct a 3-story, mixed-use building. The proposed vacation of air rights is being requested to allow a canopy to project from the building. The proposed vacations of surface rights within the 22nd Street and north/south alley right-of-way adjoining the subject property are being requested to allow a building door to swing into the 22nd Street right-of-way and trash enclosures gates to swing into the alley. The proposed vacation of subsurface rights within the University Avenue, 22nd Street, and north/south alley right-of-way is being requested to allow the encroachment of building footings.
- 2. Size of Site: The requested segment of air rights is approximately 40 square feet of area. The requested segments of surface rights are approximately 24 square feet and 90 square feet. The requested segments of subsurface rights are approximately 1,761 square feet.
- 3. Existing Zoning (site): "MX2" Mixed-Use District.
- **4. Existing Land Use (site):** The subject areas to be vacated consist of University Avenue, 22nd Street, and alley right-of-way. The adjoining site is an undeveloped parcel that was previously home to a Kum and Go gas station and convenience store.



- 5. Adjacent Land Use and Zoning:
 - North "NX1"; Use is a one-household dwelling unit.
 - **South** "RX2" and "N5"; Uses are University Avenue and one- and multiple-household dwelling units.
 - East "RX2" and "NX1"; Uses are 22nd Street, a commercial strip center, and one-household dwelling units.
 - West "MX2" and "NX1"; Uses are an alley and multiple-household dwelling units.
- **6. General Neighborhood/Area Land Uses:** The subject property is situated on the north side of University Avenue, between 22nd and 23rd Streets. The area is within the commercial and mixed-use corridor located east of Drake University.
- 7. Applicable Recognized Neighborhood(s): The subject property is in the Drake Neighborhood. The neighborhood associations were notified of the public hearing by emailing of the Preliminary Agenda on December 1, 2023 and the Final Agenda on December 15, 2023. Additionally, separate notifications of the hearing for this specific item were mailed on December 11, 2023 (10 days prior to the public hearing) to the primary titleholder on file with the Polk County Assessor for each property adjacent to the request right-of-way.
 All agendas are mailed to the primary contact person designated to the City of Des Moines Neighborhood Services Department by the recognized neighborhood association. The Drake Neighborhood Association mailings were sent to Lori Calhoun, 2808 Cottage Grove Avenue, Des Moines, IA 50311.
- 8. Relevant Zoning History: On January 9, 2023, the City Council, by ordinance No. 16,124, rezoned the property from "RX2" Neighborhood Mixed Use District to 'MX2" Mixed Use District classification. This rezoning request was before the Commission on December 1, 2022. The Commission recommended approval by a vote of 13-0.

A site plan for the new building and related site improvements is currently under review.

- 9. PlanDSM: Creating Our Tomorrow 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 right-of-way, easements must be reserved for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.
- 2. Traffic/Access: The requested vacation would not negatively impact access to private properties or traffic patterns.

Trash enclosure gates would swing no more than 5 feet into the alley, and only when a garage truck is present. The existing alley is approximately 16 feet wide. City Real Estate would work with the applicant to ensure that any future easements for door swings shall note that enclosure doors are to remain closed except during trash pick-up.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

Carolyn Jenison made a motion for approval of the requested vacations.

THE VOTE: 10-0

Respectfully submitted,

Jason Van Essen, AICP

Julia Com

Planning & Urban Design Administrator

JMV:tjh



UNIVERSITY AVENUE STATION

2211 UNIVERSITY AVE., DES MOINES, IA 50211

PROJECT MANAGER:

EXISTING: MX2 NEIGHBORHOOD MIX DISTRICT

SHAVE DEVICK
CIVIL ENGINEERING CONSULTANTS
2400 BOTH STREET, #12
DES MOINES, IONA 50822
SIS-276-4064
DEVICKOCECLAC.COM

BUILDING TYPE

USE / TYPE

BUILDING SUMMARY

LEGAL DESCRIPTION

LOTS 363, LOT 364, AND 365 IN INNERSITY LAND COMPANY'S SECOND ADDITION TO INNERSITY PLACE, NOW INCLIDING IN AND FORMING A PART OF THE CITY OF DES MOINES, IA

TONING



VICINITY MAP



ST TABLE
SHEET TITLE
COVER
DEVOLITION PLAN
CONFLICT PLAN
DIMENSION PLAN
GRADING PLAN
GRADING DETAIL
UTILITY PLAN
LANDSCAPE PLAN
DETAILS PROPERTY OWNER:

SHEET LIST TABLE SHEET # SHEET TITLE

PROJECT ARCHITECT:

TOTAL LAND AREA

IMPERVIOUS AREA

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GENERAL LEGEND

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LOT LINE SANITARY/STORM MANHOLE WATER VALVE FIRE HYDRANT STORM SEWER SINGLE INTAKE Civil Engineering Consultants, Inc. 100 86th Street. Unit 12. Des Moines, Iowa 5032 515.276.4884. mail@eeclac.com

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FLARED END SECTION DECIDUOUS TREE

CONFERCIS TREE SHRUD

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PARKING CALCULATIONS REGUIRED: RESIDENTIAL USES: I SPACE PER UNIT 84 SPACES

BIKE PARKING REQUIREMENTS

PROVIDED: 46 SPACES PROVIDED

CERTIFICATIONS



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SHANE J. DEVICK, IONA LIC. NO. 165071 DATE
MY LICENSE RENEWAL DATE IS DECEMBER 30, 2022
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UNIVERSITY / DES MOINES, IOWA SHEET

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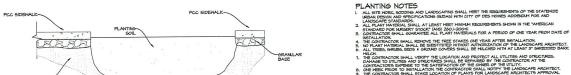
SITE PLAN APPROVAL:

□ APPROVED □ APPROVED WITH CONDITIONS – SEE EXHIBIT "A"

IN ACCORDANCE WITH SECTION 135-9, 2019 DES MOINES MUNICIPAL CODE, AS AMENDED.

NO CHANGES TO THIS PLAN UNLESS APPROVED IN WRITING FROM THE DEVELOPMENT SERVICES DIRECTOR.

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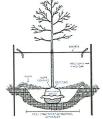
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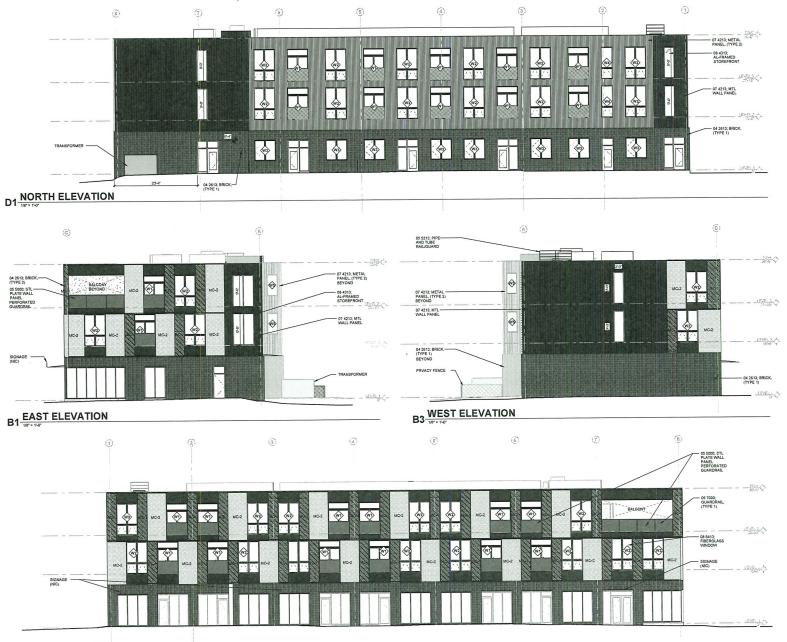
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| LS | 5 | Llauldambar styraciflua Sweetgum | 2* Cal. |
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GENERAL NOTE:

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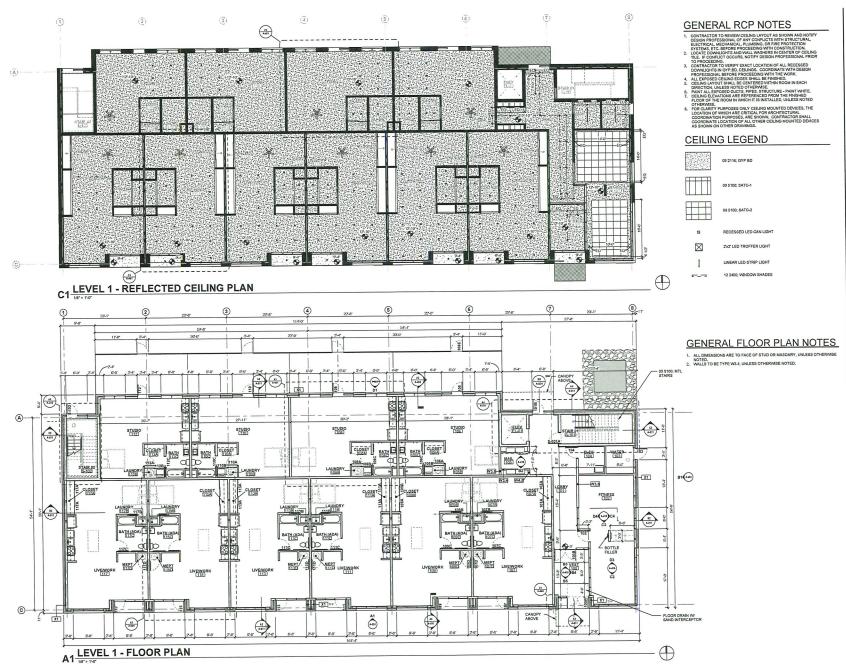
UNIVERSITY **AVENUE STATION**

OWNER
Neighborhood Development Corpor
2331 University Avec. Scale 2022
Des Moines, lives 503311
515,729,1004

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EXTERIOR ELEVATIONS

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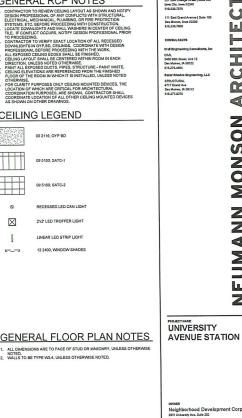


UNIVERSITY **AVENUE STATION**

Neighborhood Development Corporation 2331 thinkesty Avs. Suite 202 Des Mones, Icea 60311 515,720,1004

FLOOR PLAN & REFLECTED **CEILLING PLAN**

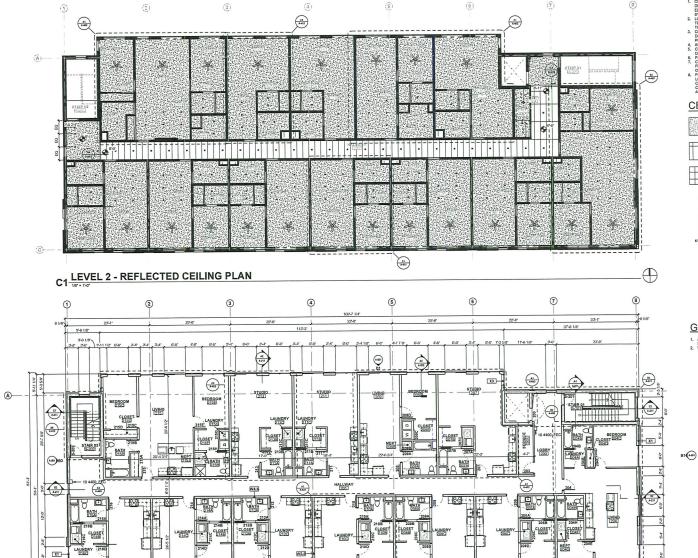
A-101



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FLOOR PLAN & REFLECTED CEILING PLAN

A-102



BEDROOM

LIVING 212

BEDROOM 214D

LIVING 214

BEDROOM 2120

BEDROOM 216D

LIVING 216

LEVEL 2 - FLOOR PLAN

BEDROOM 2010

LIVING (208)

122

LIVING 206

BEDROOM

GENERAL RCP NOTES

(7)

BEDROOM 2045

(6)

CEILING LEGEND



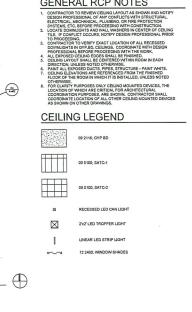
12 2400: WINDOW SHADES

GENERAL FLOOR PLAN NOTES

ALL DIMENSIONS ARE TO FACE OF STUD OR MASONRY, UNLESS OTHERWISE NOTED.
 WALLS TO BE TYPE W3.4, UNLESS OTHERWISE NOTED.

515.339.7800

Raker Rhodes Er



GENERAL RCP NOTES

GENERAL FLOOR PLAN NOTES

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PROJECTNAME UNIVERSITY AVENUE STATION

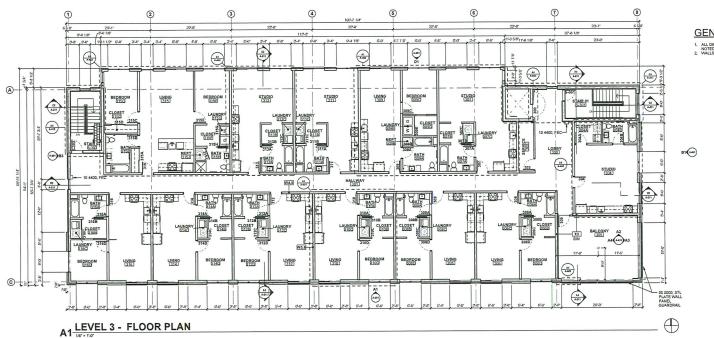
Neighborhood Development Corporation 2331 University Ave. Suite 202 Des Moins, Iowe 50311 518,720,1004

DESCRIPTION REMISED BID SET

FLOOR PLAN & REFLECTED

CEILING PLAN

A-103



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C1 LEVEL 3 - REFLECTED CEILING PLAN

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Civil Engineering Consul CN/II. 2400 80th Sheet, Unit 12 Des Molnes, IA (2022 515-278-4084 Raker Rhodes Engineeri STRUCTURAL 4717 Grand Ave Des Malins, IA (2012 616-277-2025

NEUMANN MONSON ARCHITECTS

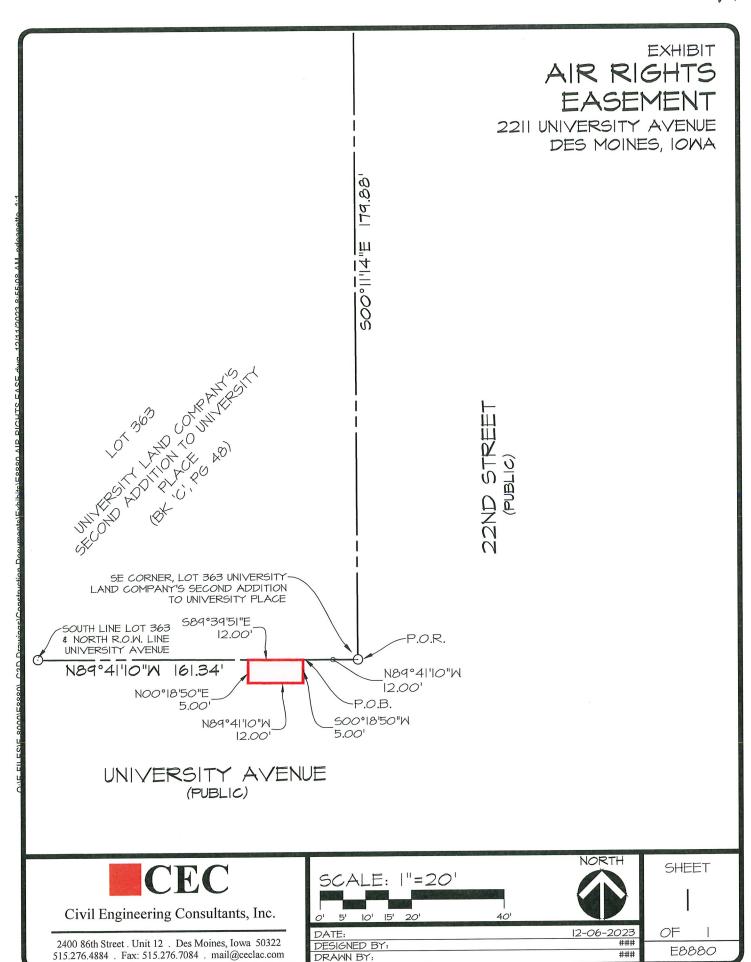
UNIVERSITY AVENUE STATION

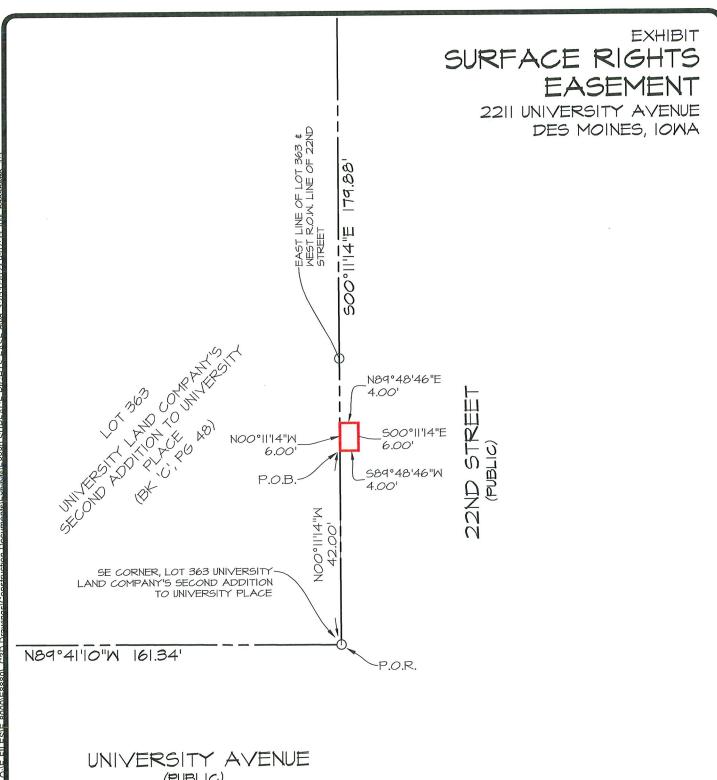
OWNER
Neighborhood Development Corpora
2331 University Ave., Suite 202
Des Monre, I love 50311
515,729,1004

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ROOF PLAN

A-104



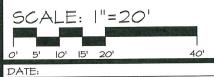


(PUBLIC)



Civil Engineering Consultants, Inc.

2400 86th Street . Unit 12 . Des Moines, Iowa 50322 515.276.4884 . Fax: 515.276.7084 . mail@ceclac.com



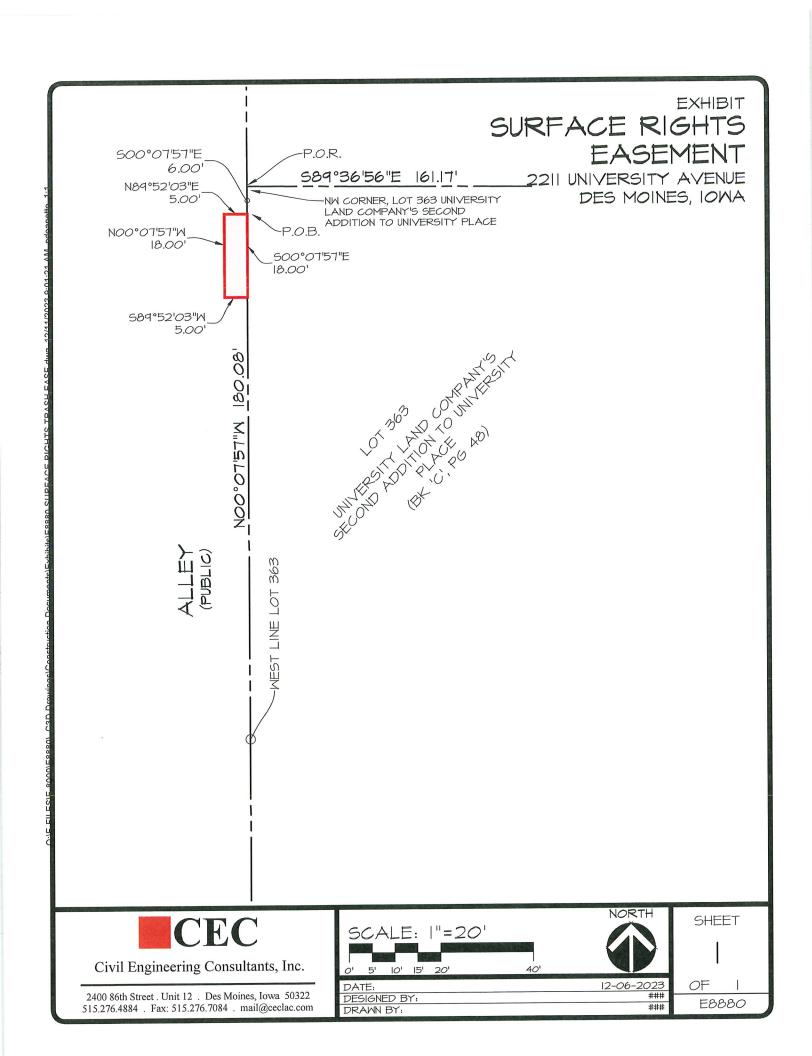
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DRAWN BY:



SHEET

12-06-2023 OF E8880





1 inch = 97 feet

| Item: _ | ROWV-2023-000013 Date | e: 12/21/2023 | | |
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| Please | mark one of the following: | Staff Use Only | | |
| | I support the request | | | |
| | I am undecided | | | |
| | I oppose the request | | | |
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| Name/Business: Best Food Mast #2000 | | | | |
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| Comm 10xe | ents: 100 closet the street the public mx3 Zonning perties nearby. | and unnecessary Nuisence | | |
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