



Roll Call Number

Agenda Item Number

17

Date June 24, 2019

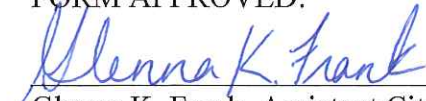
RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM SCHIMBERG COMPANY OF IOWA PROPERTY, LLC FOR VACATION OF EAST/WESTALLEY RIGHT-OF-WAY NORTH OF AND ADJOINING 4060 DIXON STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 6, 2019, its members voted 13-0 to recommend **APPROVAL** of a request from Schimberg Company of Iowa Property, LLC (owner), represented by David Schimberg (officer), to vacate a segment of east/west alley right-of-way adjoining and immediately north of 4060 Dixon Street, between Dixon Street and East 17th Street, to allow for assemblage with the adjoining property for construction of an addition to the existing building, subject to:

- (1) Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated at the applicant's expense; and
- (2) All parcels in the vicinity owned by the applicant must be combined and recorded with Polk County.

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

(11-2019-1.12)

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

MOTION CARRIED APPROVED

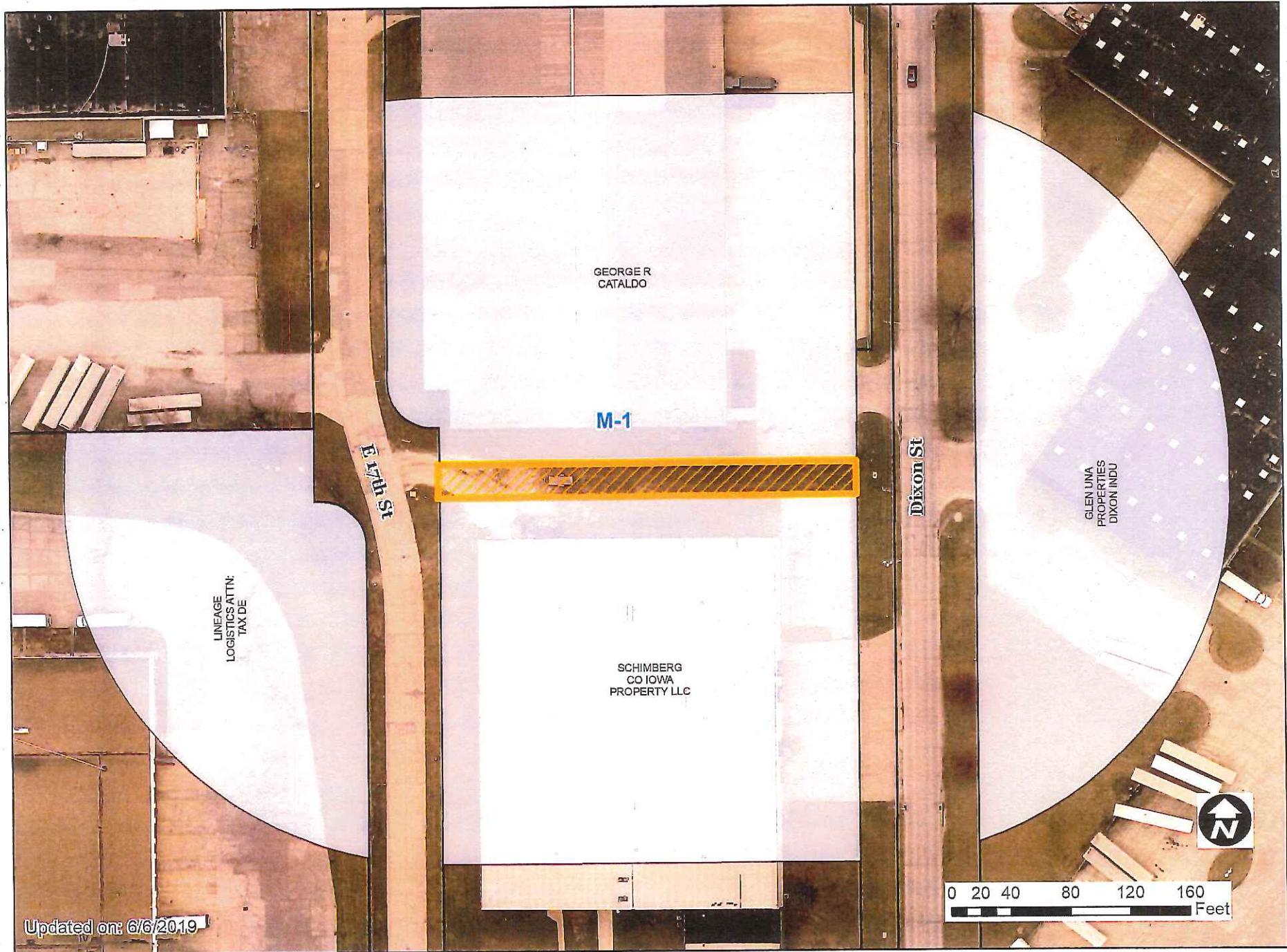
Mayor

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: 6/6/2019

0 20 40 80 120 160 Feet



1 inch = 86 feet

19

May 31, 2019 14:01





June 18, 2019

Date 6/24/19
Agenda Item 17
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 May 16, 2019 meeting, the following action was taken regarding a request from Schimberg Company of Iowa Property, LLC (owner) 4060 Dixon Street, represented by David Schimberg (officer) for vacation of an adjoining segment of Right-Of-Way on the north of the subject property running from Dixon Street to East 17th Street, to allow assembly with the adjoining subject property.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 13-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles	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			
Emily Webb				X

RECOMMEND 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 at the applicant's expense..
2. All parcels owned by the applicant must be combined and recorded with Polk County. (11-2019-1.12)

Written Responses

0 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 necessary easements for all existing utilities in place until such time that they are abandoned or are relocated at the applicant's expense.
2. All parcels owned by the applicant must be combined and recorded with Polk County.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is interested in acquiring the subject right-of-way. The proposed vacation would allow the applicant to assemble the requested alley right-of-way with their adjoining property to the south. The applicant is in the process of constructing an addition to the south façade of the existing building. The applicant has requested the entire width of right-of-way be conveyed to them.
2. **Size of Site:** 6,905 square feet (25 feet by 278 feet).
3. **Existing Zoning (site):** "M-1" Light Industrial District, "GGP" Gambling Games Prohibition Overlay District and "FSO" Freestanding Signs Overlay District.
4. **Existing Land Use (site):** Undeveloped alley right-of-way.
5. **Adjacent Land Use and Zoning:**

North – "M-1", Use is warehousing for Shelter Wood Windows.

South – "M-1"; Use is office and warehousing owned by the applicant.

East – "M-1", Use is warehousing.

West – "M-1"; Use is cold storage warehousing.
6. **General Neighborhood/Area Land Uses:** The subject property is located midway between East Madison Avenue and East Aurora Avenue and between Dixon Street and East 17th Street. It is within the Northeast Gateway 2 Urban Renewal Area which consists primarily of industrial properties.
7. **Applicable Recognized Neighborhood(s):** The subject property is not located within a recognized neighborhood or within 250 feet of a recognized neighborhood. All neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on May 17, 2019. Additionally, separate notifications of the hearing for this

specific item were mailed on May 24, 2019 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for each property adjacent to the requested right-of-way vacation. A Final Agenda was mailed to all the recognized neighborhood associations on May 31, 2019.

8. Relevant Zoning History: None.

9. PlanDSM Land Use Plan Designation: Industrial.

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. Street System/Access: All adjoining property owners have consented to the proposed vacation. The requested vacation would not impact the existing vehicular or pedestrian movement in the area or eliminate any existing access by adjoining property owners.

2. Utilities: While Staff is not aware of any existing utilities 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.

SUMMARY OF DISCUSSION

Jacqueline Easley asked if any member of the audience or the commission desired to speak regarding the item. None were present or requested to speak.

COMMISSION ACTION:

Greg Wattier made a motion 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 at the applicant's expense.
2. All parcels owned by the applicant must be combined and recorded with Polk County.

Motion passed: 13-0

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Michael Ludwig".

Michael Ludwig, AICP
Planning Administrator

MGL:tjh
Attachments

Request from Schimberg Company of Iowa Property, LLC (owner) 4060 Dixon Street, represented by David Schimberg (officer).				File #	
				11-2019-1.12	
Description of Action	Vacation of an adjoining segment of Right-Of-Way on the north of the subject property running from Dixon Street to East 17th Street, to allow assembly with the adjoining subject property.				
PlanDSM Future Land Use	Current: Industrial. Proposed: N/A.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"M-1" Light Industrial District and "FSO" Freestanding Signs Overlay District.				
Proposed Zoning District	N/A.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Subject Property	0	0			
Outside Area (200 feet)					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Schimberg Company of Iowa Property, LLC, 4060 Dixon Street

11-2019-1.12

