


Date December 20, 2010

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on December 2, 2010, its members voted 11-0-1 in support of a motion to recommend **APPROVAL** of a City Council initiated request to vacate the right-of-way parcel owned by the City of Des Moines located at 1120 Martin Luther King Jr. Parkway subject to the following conditions:

1. Reservation of adequate Right-of-Way for Martin Luther King, Jr. Parkway, including the public sidewalk along Martin Luther King, Jr. Parkway.
2. Provision of easements for all existing utilities until such time that they are relocated.
3. Provision of one (1) street tree along Martin Luther King, Jr. Parkway for each dwelling unit constructed

MOVED by _____ to receive and file and refer to the Engineering Department, Real Estate Division.

FORM APPROVED:


Michael F. Kelley
Assistant City Attorney

(11-2010-1.13)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				
MOTION CARRIED	APPROVED			

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.

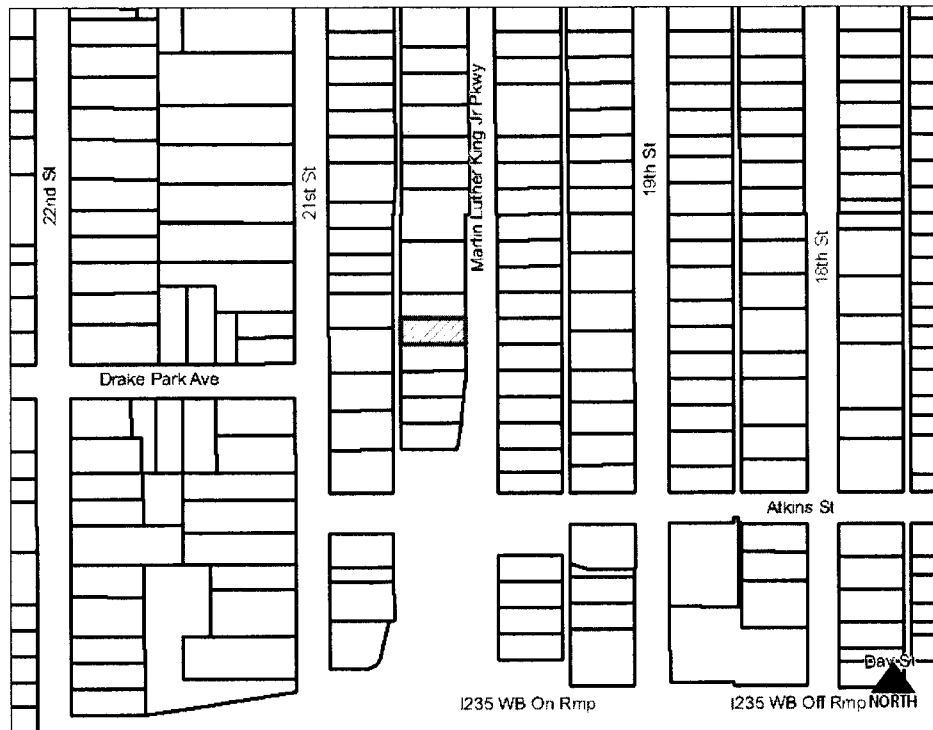
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Mayor_____
City Clerk

City Council initiated request for vacation of the following right-of-way parcels owned by the City of Des Moines in the vicinity of M.L. King Jr. Parkway and Interstate 235.				File #	
				11-2010-1.13	
Description of Action	Vacation of right-of-way parcels in vicinity of 1120 Martin Luther King Jr. Parkway				
2020 Community Character Plan	Low-Density Residential				
Horizon 2035 Transportation Plan	No Planned Improvements				
Current Zoning District	"R1-60" One-Family Low-Density Residential				
Proposed Zoning District	"R1-60" One-Family Low-Density Residential				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	1	0			
Outside Area					
Plan and Zoning Commission Action	Approval	11-0-1	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

City Council Initiated ROW Vacation - Vicinity of 1120 MLK Jr Pkwy

11-2010-1.13



Item 11-2010-1.13

Date November 24, 2010

☒ (am) ☐ (am not) in favor of the request.

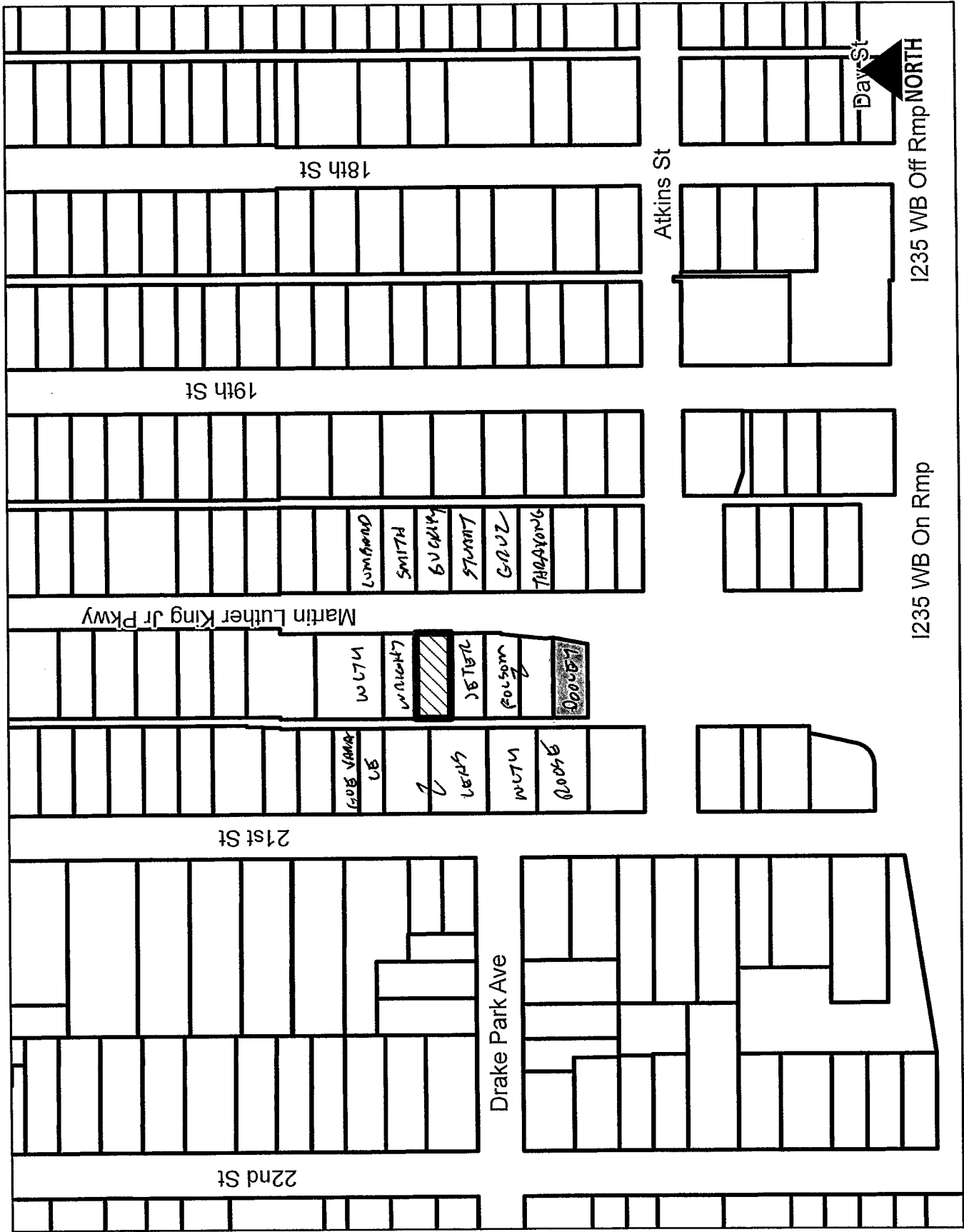
(Circle One)

Print Name Michael Dooley

Signature Michael Dooley

Address P.O. Box 314 Martensdale, Ia.
50160

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



Date _____

Agenda Item 21A

Roll Call # _____

December 7, 2010

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 December 2, 2010, the following action was taken:

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus				X
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Dann Flaherty	X			
John "Jack" Hilmes	X			
Joel Huston	X			
Ted Irvine	X			
Greg Jones	X			
Jim Martin	X			
Brian Millard	X			
William Page	X			
Mike Simonson			X	
Kent Sovern				X

APPROVAL of a City Council initiated request to vacate the following right-of-way parcel owned by the City of Des Moines located at 1120 Martin Luther King, Jr. Parkway subject to the following conditions: 11-2010-1.13

1. Reservation of adequate Right-of-Way for Martin Luther King, Jr. Parkway, including the public sidewalk along Martin Luther King, Jr. Parkway.
2. Provision of easements for all existing utilities until such time that they are relocated.
3. Provision of one (1) street tree along Martin Luther King, Jr. Parkway for each dwelling unit constructed.

Written Responses

1 In Favor

0 In Opposition



CITY PLAN AND ZONING COMMISSION
ARMORY BUILDING
602 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309 -1881
(515) 283-4182

ALL-AMERICA CITY
1949, 1976, 1981
2003

STAFF RECOMMENDATION TO THE P&Z COMMISSION

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

1. Reservation of adequate Right-of-Way for Martin Luther King, Jr. Parkway, including the public sidewalk along Martin Luther King, Jr. Parkway.
2. Provision of easements for all existing utilities until such time that they are relocated.
3. Provision of one (1) street tree along Martin Luther King, Jr. Parkway for each dwelling unit constructed.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The request would allow for development of the site for residential use. A conceptual site layout has been submitted by Hatch Development Group that demonstrates future division of the requested Right-of-Way as two (2) 25-foot wide parcels for single-family residential development. Such a scenario would require the Zoning Board of Adjustment to grant multiple zoning appeals, including a Variance of 35 feet less than the minimum required 60 feet of lot width. Staff would not likely support such an appeal, as only 1 dwelling would be appropriate on this site given the character of the surrounding area. However, construction of 1 single-family dwelling would still require the Zoning Board of Adjustment to grant an Exception of 10 feet less than the minimum required 60 feet of lot width.
2. **Size of Site:** 50 feet by 125 feet (6,250 square feet).
3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District.
4. **Existing Land Use (site):** Undeveloped street Right-of-Way.
5. **Adjacent Land Use and Zoning:**

North – "R1-60"; Use is a single-family dwelling.

South – "R1-60"; Use is a single-family dwelling.

East – "R-3"; Uses are Martin Luther King, Jr. Parkway Right-of-Way and single-family dwellings.

West – "R1-60"; Uses are single-family dwellings.
6. **General Neighborhood/Area Land Uses:** The subject Right-of-Way is located along the west side of Martin Luther King, Jr. Parkway in a predominantly low-density residential area.

7. **Applicable Recognized Neighborhood(s):** Drake Park Neighborhood Association.
8. **Relevant Zoning History:** NA.
9. **2020 Community Character Land Use Plan Designation:** Low/Medium Density Residential.
10. **Applicable Regulations:** 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:** Easements must be provided for all existing utilities until such time they are relocated. MidAmerican Energy has indicated that there are utilities within the Right-of-Way, including over head electric poles, cable, gas main, and lighting.
2. **Street System/ Access:** The requested vacation of undeveloped Right-of-Way would not impact the surrounding street network so long as adequate Right-of-Way is retained for Martin Luther King, Jr. Parkway, including the public sidewalk along Martin Luther King, Jr. Parkway.
3. **Development Requirements:** Construction of any dwelling unit on the site shall be in conformance with all applicable building codes with issuance of all necessary permits by the City's Permit & Development Center.
4. **Landscaping:** Staff recommends that construction of any dwelling unit on the requested Right-of-Way be subject to provision of one (1) street tree along Martin Luther King, Jr. Parkway for each dwelling unit constructed.

SUMMARY OF DISCUSSION

There was no discussion.

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one to speak in support or opposition of applicant's request.

COMMISSION ACTION

Greg Jones moved staff recommendation to approve the requested vacation subject to the following conditions:

1. Reservation of adequate Right-of-Way for Martin Luther King, Jr. Parkway, including the public sidewalk along Martin Luther King, Jr. Parkway.
2. Provision of easements for all existing utilities until such time that they are relocated.

3. Provision of one (1) street tree along Martin Luther King, Jr. Parkway for each dwelling unit constructed.

Motion passed 11-0-1 (Mike Simonson abstained)

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. Ludwig".

Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment