

Z/B

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 in the vicinity of Martin Luther King, Jr. Parkway and Interstate 235 at the northwest corner of the intersection of Martin Luther King, Jr. Parkway & Atkins Street subject to the following conditions:

1. Reservation of adequate Right-of-Way for both Martin Luther King, Jr. Parkway and Atkins Street, including the public sidewalks along both Martin Luther King, Jr. Parkway and Atkins Street.
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

(11-2010-1.14)

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

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.

MOTION CARRIED APPROVED

 Mayor

 City Clerk

Date _____

December 7, 2010

Agenda Item 21B

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 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 in the vicinity of Martin Luther King, Jr. Parkway and Interstate 235 at the northwest corner of the intersection of Martin Luther King, Jr. Parkway & Atkins Street subject to the following conditions: 11-2010-1.14

1. Reservation of adequate Right-of-Way for Martin Luther King, Jr. Parkway and Atkins Street, including the public sidewalks along both Martin Luther King, Jr. Parkway and Atkins Street.
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 both Martin Luther King, Jr. Parkway and Atkins Street, including the public sidewalks along both Martin Luther King, Jr. Parkway and Atkins Street.
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 into three (3) parcels for single-family residential development, including two 28-foot wide parcels and one 26-foot wide parcel. Such a scenario would require the Zoning Board of Adjustment to grant multiple zoning appeals, including a Variance of up to 32 feet less than the minimum required 60 feet of lot width. Staff would not likely support such an appeal, as no more than two dwellings would be appropriate on this site given the character of the surrounding area. However, division of the site into two 41-foot wide lots for single-family residential use would still require the Zoning Board of Adjustment to grant an Exception of 19 feet less than the minimum required 60 feet of lot width.
2. **Size of Site:** Up to 82 feet by 126 feet (10,332 square feet).
3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District.
4. **Existing Land Use (site):** Undeveloped excess Right-of-Way.
5. **Adjacent Land Use and Zoning:**
 - North** – "R1-60"; Use is undeveloped land.
 - South** – "R1-60"; Use is undeveloped land.
 - East** – "R-3"; Uses are Martin Luther King, Jr. Parkway Right-of-Way and single-family dwellings.
 - West** – "R-3"; Use is a multiple-family residential dwelling.
6. **General Neighborhood/Area Land Uses:** The subject Right-of-Way is located at the northwest corner of Martin Luther King, Jr. Parkway and Atkins Street 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 electrical utilities located in the Right-of-Way, including overhead electric poles, cable, and lighting.
2. **Street System/ Access:** The requested vacation of undeveloped excess Right-of-Way will not impact the surrounding street network so long as adequate Right-of-Way is retained for both Martin Luther King, Jr. Parkway and Atkins Street, including the public sidewalks along both Martin Luther King, Jr. Parkway and Atkins Street.
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 single-family dwelling 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 both Martin Luther King, Jr. Parkway and Atkins Street, including the public sidewalks along both Martin Luther King, Jr. Parkway and Atkins Street.
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,



Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment

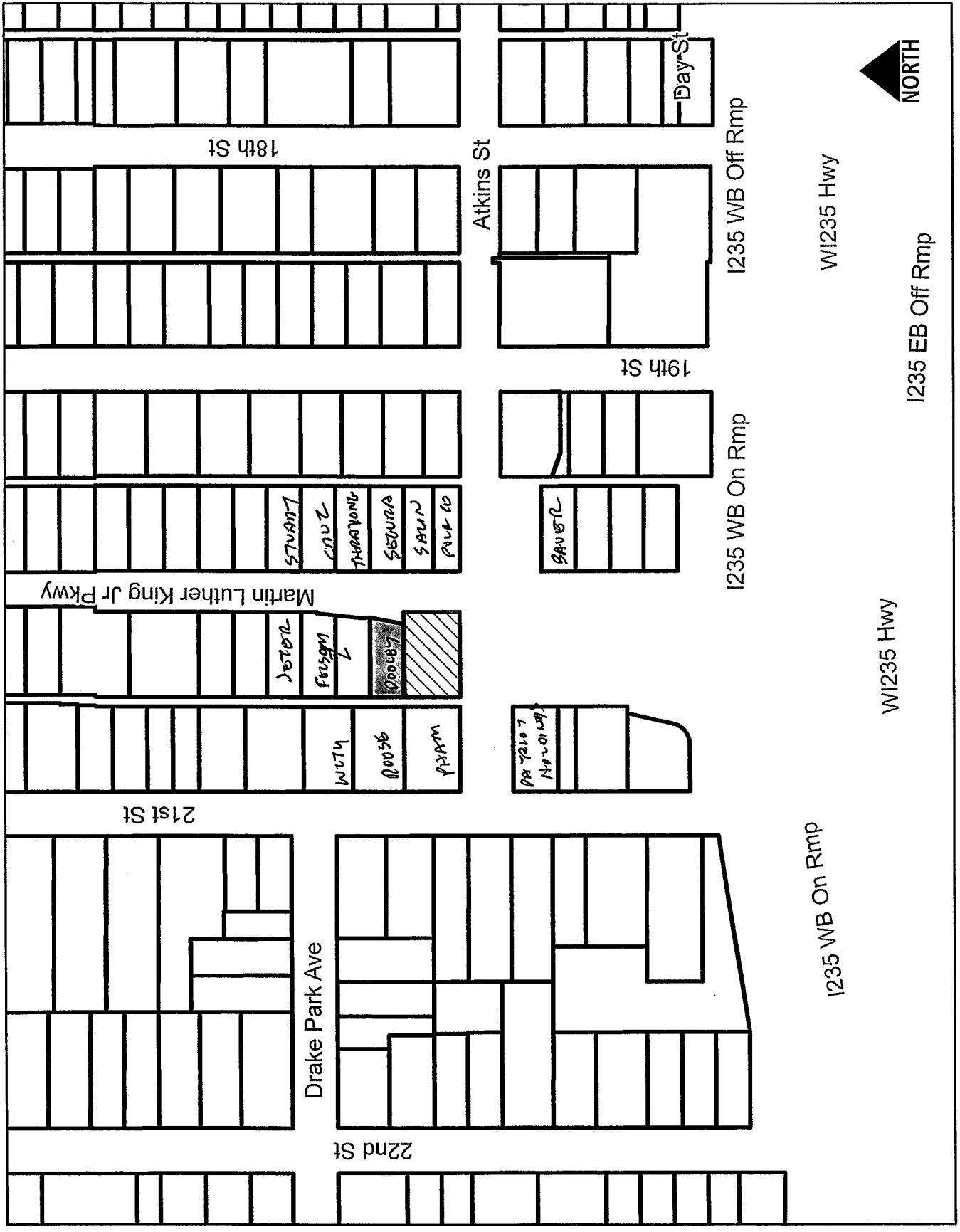
21B

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 #	
			11-2010-1.14	
Description of Action	Vacation of right-of-way parcels in the vicinity of District Parcel Number 030/00768-001-000 (at the northwest corner of the intersection of Martin Luther King, Jr. Parkway & Atkins Street)			
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

City Council Initiated ROW Vacation - Vicinity of 1100 MLK Jr Pkwy

11-2010-1.14





Martin Luther King Jr Pkwy

WUTY
00056
P2AM

Water
Ferguson
000087

STUART
CNUZ
THAYONG
SEBURA
SALIN
PUB CO

PA 72107
140-01-047

SAU ET C

1235 WB On Rmp

1235 WB Off Rmp

1235 WB On Rmp

WI235 Hwy

WI235 Hwy

1235 EB Off Rmp



21st St

18th St

Drake Park Ave

22nd St

Atkins St

Day St

21B

Item 11-2010-1.14 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 Martinsdale, Ia.
50160

RECEIVED
COMMUNITY DEVELOPMENT

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

NOV 29 2010

DEPARTMENT

