

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 16th Street and Day Street subject to the following conditions:

1. Reservation of adequate Right-of-Way for both 16<sup>th</sup> Street and Day Street, including the public sidewalks along both 16<sup>th</sup> Street and Day Street.
2. Provision of easements for all existing utilities until such time that they are relocated.
3. Provision of one (1) street tree along 16<sup>th</sup> Street 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

(11-2010-1.18)

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.

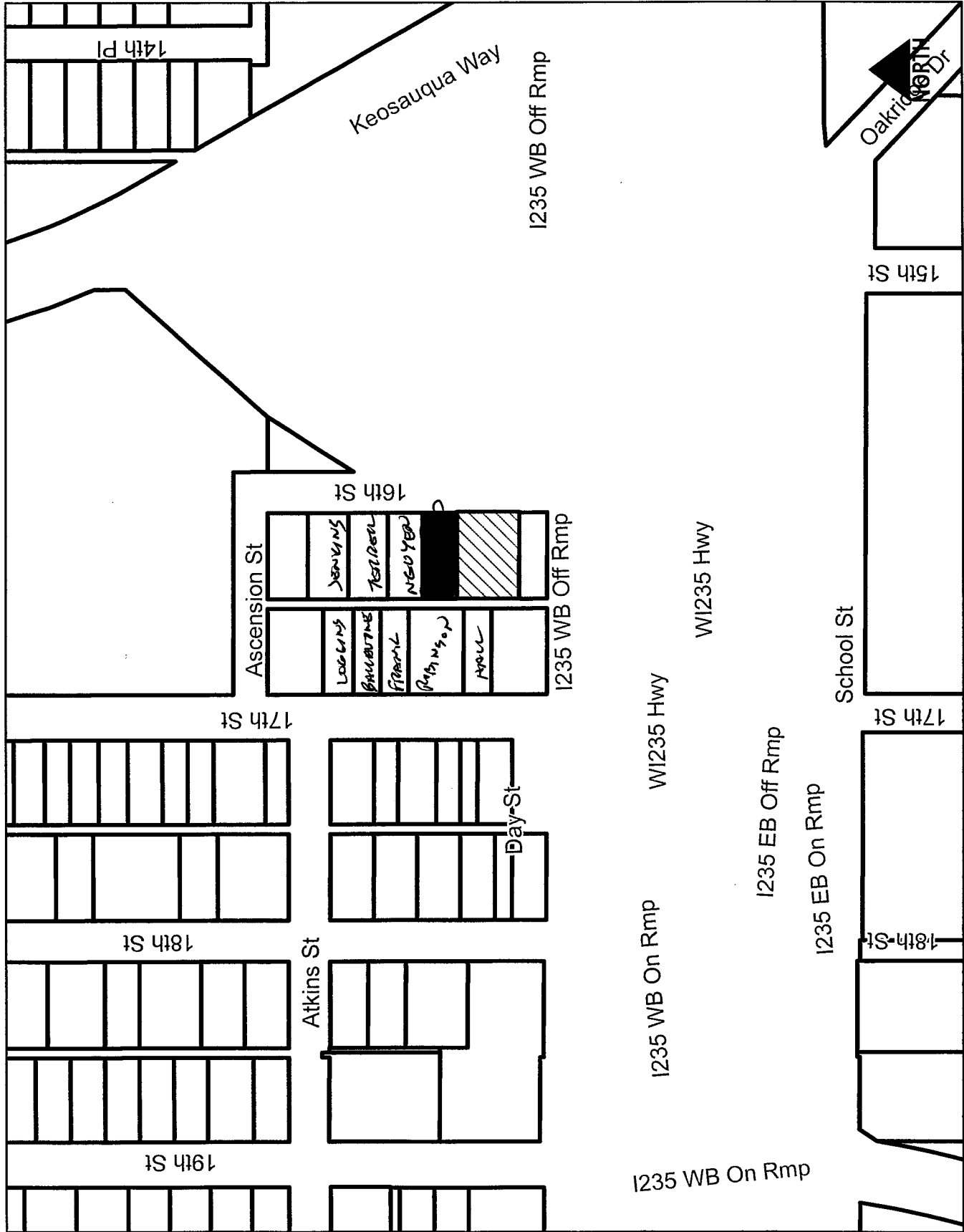
MOTION CARRIED APPROVED

\_\_\_\_\_  
 Mayor

\_\_\_\_\_  
 City Clerk

City Council Initiated ROW Vacation - Vicinity of 1050 16th Street 11-2010-1.18

21F



Date \_\_\_\_\_

December 7, 2010

Agenda Item 21F

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 16th Street and Day Street subject to the following conditions: 11-2010-1.18

1. Reservation of adequate Right-of-Way for both 16<sup>th</sup> Street and Day Street, including the public sidewalks along both 16<sup>th</sup> Street and Day Street.
2. Provision of easements for all existing utilities until such time that they are relocated.
3. Provision of one (1) street tree along 16<sup>th</sup> Street for each dwelling unit constructed.

Written Responses

- 0 In Favor
- 1 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 16<sup>th</sup> Street and Day Street, including the public sidewalks along both 16<sup>th</sup> Street and Day Street.
2. Provision of easements for all existing utilities until such time that they are relocated.
3. Provision of one (1) street tree along 16<sup>th</sup> Street for each dwelling unit constructed.

## STAFF REPORT

### I. GENERAL INFORMATION

1. **Purpose of Request:** The request would allow for development of the site for single-family residential use. A conceptual site layout has been submitted by Hatch Development Group that demonstrates a 41-foot wide parcel for single-family residential development. Such a scenario would require the Zoning Board of Adjustment to grant multiple zoning appeals, including an Exception of 19 feet less than the minimum required 60 feet of lot width.
2. **Size of Site:** Up to 90 feet by 125 feet (11,250 square feet).
3. **Existing Zoning (site):** "R-3" Multiple-Family Residential District.
4. **Existing Land Use (site):** Undeveloped Right-of-Way.
5. **Adjacent Land Use and Zoning:**
  - North** – "R-3"; Use is a single-family dwelling.
  - South** – "R-3"; Uses are Day Street Right-of-Way and undeveloped land.
  - East** – "R-3"; Use is undeveloped land.
  - West** – "R-3"; Use is undeveloped land.
6. **General Neighborhood/Area Land Uses:** The subject Right-of-Way is located at the northwest corner of 16<sup>th</sup> Street and Day Street in a residential area.
7. **Applicable Recognized Neighborhood(s):** NA.
8. **Relevant Zoning History:** NA.
9. **2020 Community Character Land Use Plan Designation:** Low 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 located in the Right-of-Way, including overhead electric poles, cable, and lighting. The Des Moines Water Works has indicated that there is an existing water main within the southern portion of the Right-of-Way for which a minimum 10-foot easement measured from the main must be provided. Depending on the exact location of this water main, the required easement may limit future development on the site.
- 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 both 16<sup>th</sup> Street and Day Street, including the public sidewalks along both 16<sup>th</sup> Street and Day 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 dwelling unit on the requested Right-of-Way be subject to provision of one (1) street tree along 16<sup>th</sup> Street.

## **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 16<sup>th</sup> Street and Day Street, including the public sidewalks along both 16<sup>th</sup> Street and Day Street.
2. Provision of easements for all existing utilities until such time that they are relocated.

3. Provision of one (1) street tree along 16<sup>th</sup> Street for each dwelling unit constructed.

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

Respectfully submitted,

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

Michael Ludwig, AICP  
Planning Administrator

MGL:clw

Attachment

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.				<b>File #</b>	
				11-2010-1.18	
<b>Description of Action</b>	Vacation of right-of-way parcels in vicinity of District Parcel Number 030/00986-000-000 (at the northwest corner of the intersection of 16th Street and Day Street)				
<b>2020 Community Character Plan</b>	Low-Density Residential				
<b>Horizon 2035 Transportation Plan</b>	No Planned Improvements				
<b>Current Zoning District</b>	"R-3" Multiple-Family Residential				
<b>Proposed Zoning District</b>	"R-3" Multiple-Family Residential				
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	0	1			
Outside Area					
<b>Plan and Zoning Commission Action</b>	Approval	11-0-1	<b>Required 6/7 Vote of the City Council</b>	Yes	
	Denial			No	X

City Council Initiated ROW Vacation - Vicinity of 1050 16th Street

11-2010-1.18



Item 11-2010-1.18

Date 11.29.2010 21F

I (am)  in favor of the request.

(Circle One)

RECEIVED  
COMMUNITY DEVELOPMENT  
NOV 30 2010  
DEPARTMENT

Print Name Mattie Whitfield

Signature MW

Address 1054 110th St.

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

I run a daycare in my home  
and with apartments next door  
it will cause too much traffic  
and nonsense for the area. There  
isn't enough room for this type  
of project.