

December 7, 2010

53- III.

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 southeast corner of the intersection of Martin Luther King, Jr. Parkway and Atkins Street subject to the following conditions: 11-2010-1.15

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.

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 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 likely support amended appeals necessary to allow construction of two (2) single-family semi-detached dwelling units, which would allow for an increased future building setback along Atkins Street.
2. **Size of Site:** Up to 95 feet by 125 feet (11,875 square feet).
3. **Existing Zoning (site):** "R-3" Multiple-Family Residential District.
4. **Existing Land Use (site):** Undeveloped excess Right-of-Way.
5. **Adjacent Land Use and Zoning:**
  - North** – "R-3"; Use is Atkins Street Right-of-Way.
  - South** – "R-3"; Use is a single-family dwelling.
  - East** – "R-3"; Use is a single-family dwelling.
  - West** – "R1-60"; Use is Martin Luther King, Jr. Parkway Right-of-Way.
6. **General Neighborhood/Area Land Uses:** The subject Right-of-Way is located at the southeast corner of Martin Luther King, Jr. Parkway and Atkins Street in a predominantly low-density 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, 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 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 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 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,

A handwritten signature in black ink, appearing to read "Michael Ludwig". The signature is stylized and cursive.

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> 11-2010-1.15	
<b>Description of Action</b>	Vacation of right-of-way parcels in vicinity of C 1055 Martin Luther King, Jr. Parkway and District Parcel Number 030-04837-000-000 (at the southeast corner of the intersection of Martin Luther King, Jr. Parkway and Atkins 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	1	0			
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 1055 & 1059 MLK Jr Pkwy 11-2010-1.15



Item 11-2010-1.15 Date November 24, 2010

I (am) (am not) in favor of the request.

(Circle One)

RECEIVED  
COMMUNITY DEVELOPMENT

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:

NOV 25 2010

DEPARTMENT

---

---

---

---

---

