



Roll Call Number

Agenda Item Number

16

Date November 23, 2015

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM GARY RANDA FOR VACATION OF A SEGMENT OF THE EASTERN PORTION OF SOUTHWEST 31ST STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on November 5, 2015, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Gary Randa (adjoining owner) for vacation of a segment of the eastern portion of Southwest 31st Street adjoining the west boundary of 3029 Wolcott Avenue to mitigate an existing fence encroachment.

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:

Lawrence R. McDowell
Deputy City Attorney

(11-2015-1.21)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
TOTAL				

MOTION CARRIED

APPROVED

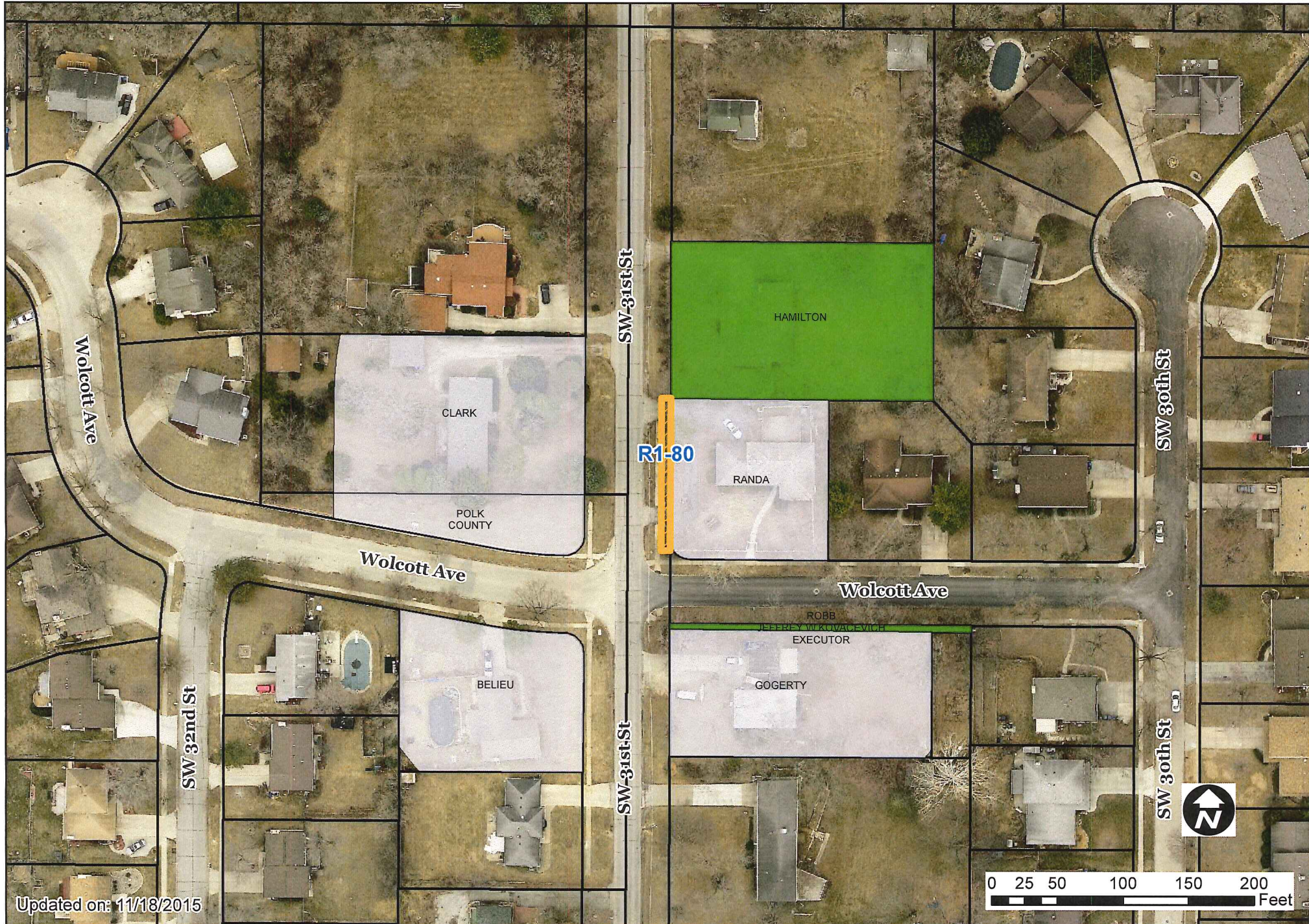
CERTIFICATE

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

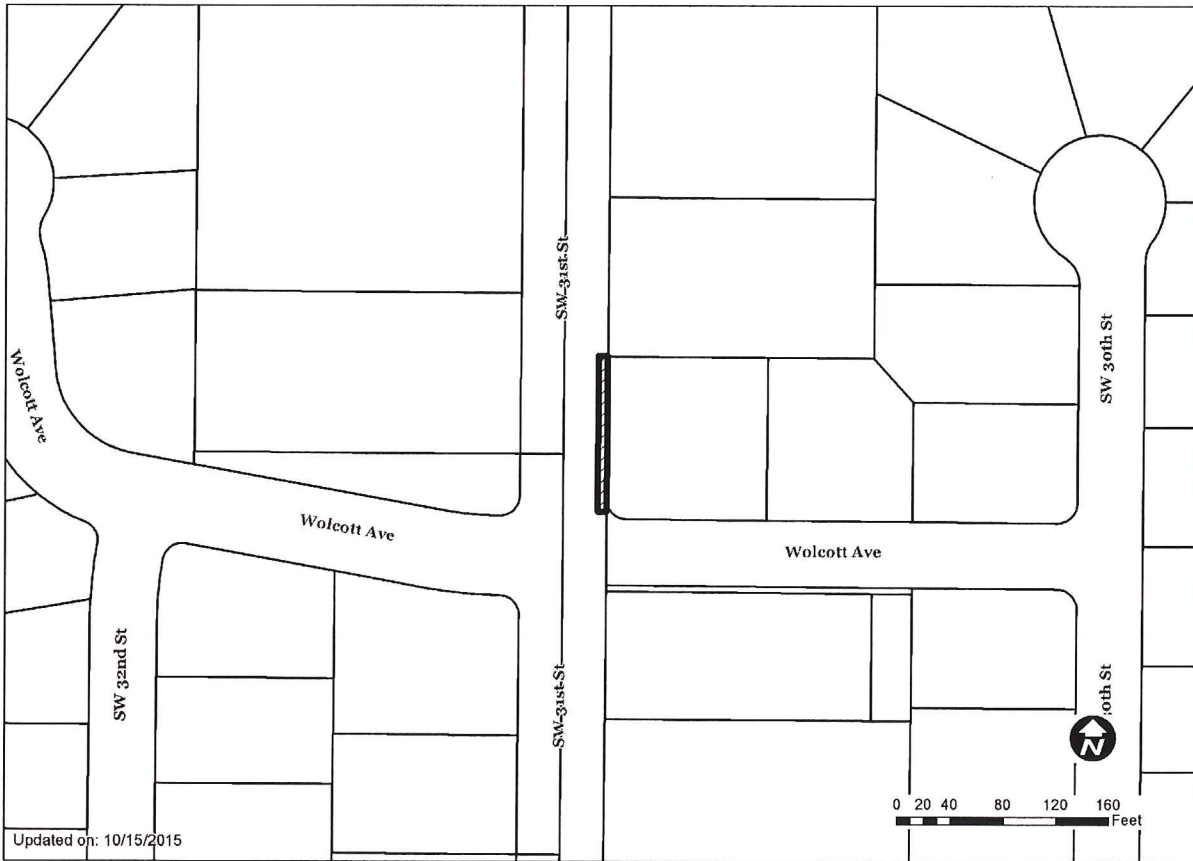
City Clerk



Gary Randa (owner) adjoining property at 3029 Wolcott Avenue.				File #	
				11-2015-1.21	
Description of Action	Approval for Vacation of a segment of the eastern portion of Southwest 31st Street adjoining the west boundary of the subject property to mitigate an existing fence encroachment subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.				
2020 Community Character Plan	Current: Low Density Residential. Proposed: N/A				
Mobilizing Tomorrow Transportation Plan	N/A				
Current Zoning District	"R1-80" One-Family Residential District and "FSO" Freestanding Sign Overlay District.				
Proposed Zoning District	N/A.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	2				
Outside Area					
Plan and Zoning Commission Action	Approval	10-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Gary Randa, 3029 Wolcott Avenue

11-2015-1.21



1 inch = 85 feet



November 18, 2015

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 November 5, 2015, the following action was taken regarding a request from Gary Randa (owner) 3029 Wolcott Avenue, for vacation of a segment of the eastern portion of Southwest 31st Street adjoining the west boundary of the subject property to mitigate an existing fence encroachment.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles	X			
JoAnne Corigliano	X			
Jacqueline Easley				X
Tim Fitzgerald	X			
Jann Freed	X			
John "Jack" Hilmes	X			
Greg Jones	X			
Sasha Kamper	X			
Brian Millard	X			
William Page				X
Jonathan Rosenbloom				X
Mike Simonson				X
CJ Stephens	X			
Greg Wattier	X			

APPROVAL for vacation of the requested segment subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated. (11-2015-1.21)

Written Responses

2 In Favor

0 In Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval for vacation of the requested segment subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed vacation will allow the applicant to mitigate an existing fence encroachment adjoining the west boundary of the property addressed as 3029 Wolcott Avenue. The requested segment for vacation extends from the west front property line to the edge of the sidewalk along Southwest 31st Street.
2. **Size of Site:** 7 feet by 123 feet (861 square feet).
3. **Existing Zoning (site):** "R1-80" One-Family Residential District, "FSO" Freestanding Sign Overlay District.
4. **Existing Land Use (site):** Fence encroachment.
5. **Adjacent Land Use and Zoning:**
 - North** – "R1-80", Use is single-family residential.
 - South** – "R1-80", Use is Wolcott Avenue right-of-way and single-family residential.
 - East** – "R1-80", Use is single-family residential.
 - West** – "R1-80", Use is SW 31st Street right-of-way and single-family residential.
6. **General Neighborhood/Area Land Uses:** The subject property is located north of the Des Moines airport and south of the Des Moines Water Works Park in a predominantly residential neighborhood.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Southwestern Hills Neighborhood. The neighborhood association was notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhood associations on October 20, 2015 and by mailing of the Final Agenda on October 30, 2015. Additionally, separate notifications of the hearing for this specific item were mailed on October 26, 2015 (10 days prior to the original public hearing) to the neighborhood associations and to the primary titleholder on file with the Polk County Assessor for each property adjoining or directly across a public street from the subject site.

All agendas and notices are mailed to the primary contact designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Southwestern Hills Neighborhood Association notices were mailed to George Davis, 3124 SW 29th Street, Des Moines, IA 50321.
8. **2020 Community Character Land Use Plan Designation:** Low-Density Residential.

8. 2020 Community Character Land Use Plan Designation: Low-Density Residential.

9. 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. Utilities: There are no identified sewer, water, and electrical facilities existing within the requested segment for vacation. Easements must be reserved for any existing utilities until such time that they may be abandoned or are relocated.

2. Street System/Access: The requested segment extends from the west property line of the property addressed as 3029 Wolcott Avenue to the east edge of city-owned sidewalk along the eastern side of Southwest 31st Street. The applicant has indicated that the fence encroachment has existed for the past 20 years. The requested vacation would not impact the existing street system, or the vehicular or pedestrian flow in the area.

SUMMARY OF DISCUSSION

Greg Jones asked if anyone was present to speak on this item. None were present or requested to speak.

COMMISSION ACTION:

Sasha Kamper moved staff recommendation for approval of vacation of the requested segment subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.

Motion passed 10-0 (Jacqueline Easley was not yet present).

Respectfully submitted,


Michael Ludwig, AICP
Planning Administrator

MGL:clw
Attachment