

Date June 12, 2017

**RECEIVE AND FILE COMMUNICATION FROM THE  
PLAN AND ZONING COMMISSION REGARDING REQUEST FROM  
LARRY BUTLER FOR VACATION OF A DEAD-END SEGMENT OF  
SOUTHWEST 19TH STREET ADJOINING 1821 FRAZIER AVENUE**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 1, 2017, its members voted 11-0 to recommend **APPROVAL** of a request from Larry Butler (owner) for vacation of a dead-end segment of Southwest 19th Street adjoining 1821 Frazier Avenue, subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.

**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:

  
\_\_\_\_\_  
Glenna K. Frank  
Assistant City Attorney

(11-2017-1.06)

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

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

**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.

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

June 5, 2017

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 June 1, 2017, the following action was taken regarding a request from Larry Butler (owner) 1821 Frazier Avenue for vacation of a dead-end segment of Southwest 19th Street adjoining the subject property from Frazier Avenue to a point 116.3 feet to the north.

**COMMISSION RECOMMENDATION:**

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

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
JoAnne Corigliano				X
David Courard-Hauri	X			
Jacqueline Easley	X			
Jann Freed				X
John "Jack" Hilmes	X			
Lisa Howard				X
Carolyn Jenison				X
Greg Jones	X			
William Page	X			
Mike Simonson	X			
Rocky Sposato	X			
Steve Wallace	X			
Greg Wattier	X			

**APPROVAL** of the requested vacation subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.  
(11-2017-1.06)

**RECOMMENDATION TO THE P&Z COMMISSION**

Staff recommends approval of the requested vacation 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 would allow the property owner unfettered private access to their garage which fronts Southwest 19<sup>th</sup> Street. Currently, as public right-of-way, this segment is utilized for storage and parking by others and frequently blocks the applicant's access to his garage.
2. **Size of Site:** 5,906 square feet (0.14 acres).
3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District.
4. **Existing Land Use (site):** Abandoned right-of-way for Southwest 19<sup>th</sup> Street at the intersection with Frazier Avenue.
5. **Adjacent Land Use and Zoning:**
  - North* – "C-4". Use is mini-warehouse storage.
  - South* - "R1-60": Use is single family residential properties.
  - East* – "R1-60": Use is single family residential properties.
  - West* - "R1-60": Use is single family residential properties.
6. **General Neighborhood/Area Land Uses:** The subject site is located approximately 330 feet west on Frazier Avenue from the intersection of Frazier Avenue and Southwest 18<sup>th</sup> Street. The surrounding area is predominantly one-family residential uses and commercial uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Watrous South Neighborhood area. The neighborhood association was notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhood associations on May 12, 2017 and by mailing of the Final Agenda on May 26, 2017. Additionally, separate notifications of the hearing for this specific item were mailed on May 22, 2017 (10 days prior to the public hearing) to the neighborhood associations and the primary titleholder on file with the Polk County Assessor for each property adjoining or directly across the subject segment of right-of-way.

All agendas and notices are mailed to the primary contact designated by the recognized neighborhood associations to the City of Des Moines Neighborhood Development Division. The Watrous South Neighborhood Association notices were mailed to Mitch Harris, 1508 McKinley Avenue, Des Moines, IA 50315.
8. **Relevant Zoning History:** None.
9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** The subject right-of-way is designated Low Density Residential on the PlanDSM future land use map. The plan defines this category as "primarily single family and two family residential units with up to 6 dwelling units per net acre."

**10. 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:** A utility easement for water facilities is within the right-of-way. Easements must be reserved for any existing utilities until such time that they are abandoned or relocated.
- 2. Street System/Access:** The subject right-of-way serves as an access way for the applicant; it does not serve as an access way for the adjacent neighbors. The requested vacation would not impact the existing street system or the vehicular or pedestrian flow in the area.

## **SUMMARY OF DISCUSSION**

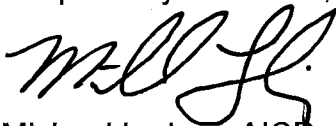
Jacqueline Easley asked if anyone was present to speak on this item. None were present or requested to speak.

## **COMMISSION ACTION:**

Greg Jones moved staff recommendation for approval of the requested vacation 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 11-0.

Respectfully submitted,



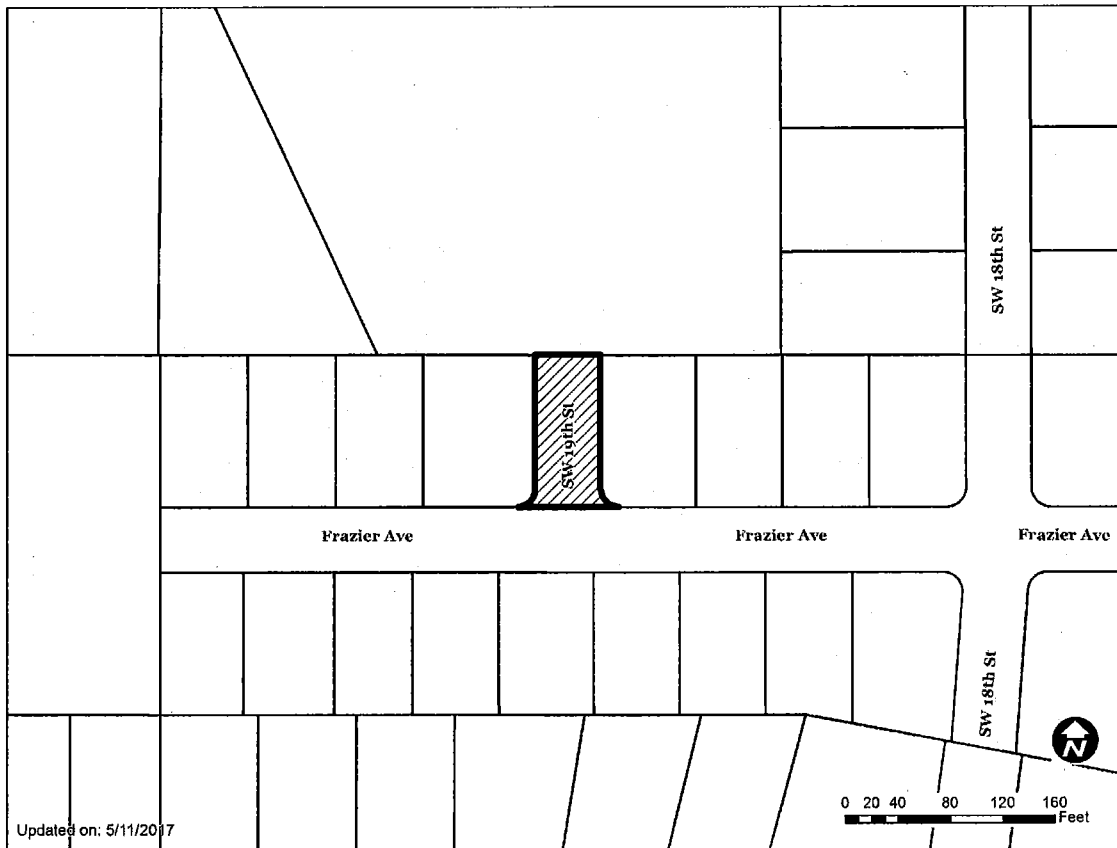
Michael Ludwig, AICP  
Planning Administrator

MGL:clw  
Attachment

Larry Butler (owner) 1821 Frazier Avenue.				File #	
				11-2017-1.06	
<b>Description of Action</b>	Approval of vacation of a dead-end segment of Southwest 19th Street adjoining the subject property from Frazier Avenue to a point 116.3 feet to the north, subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.				
<b>PlanDSM Future Land Use</b>	Current: Low-Density Residential. Proposed: N/A.				
<b>Mobilizing Tomorrow Transportation Plan</b>	No planned improvements.				
<b>Current Zoning District</b>	"R1-60" One-Family Low-Density Residential District, and "FSO" Freestanding Signs Overlay District.				
<b>Proposed Zoning District</b>	N/A.				
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition	
<b>Subject Property</b>					
<b>Outside Area (200 feet)</b>					
<b>Plan and Zoning Commission Action</b>	Approval	11-0	<b>Required 6/7 Vote of the City Council</b>	Yes	
	Denial			No	X

Larry Butler, 1821 Frazier Avenue

11-2017-1.06



Updated on: 5/11/2017

1 inch = 87 feet

