



Roll Call Number

Agenda Item Number

22

Date November 20, 2017

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM WOODLAND HEIGHTS ORGANIZATION FOR VACATION OF RIGHT-OF-WAY LOCATED AT 860 MARTIN LUTHER KING, JR. PARKWAY

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on November 2, 2017, its members voted 12-0 to recommend **APPROVAL** of a request from the Woodland Heights Organization (lessee), represented by Douglas McBride (officer), for vacation of a segment of right-of-way located along the west side of Martin Luther King, Jr. Parkway south of the intersection with Cottage Grove Avenue, in the vicinity of 860 Martin Luther King, Jr. Parkway, to allow for construction of a sign to identify the Woodland Heights Organization Neighborhood Association, subject to the 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

(11-2017-1.14)

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

MOTION CARRIED

APPROVED

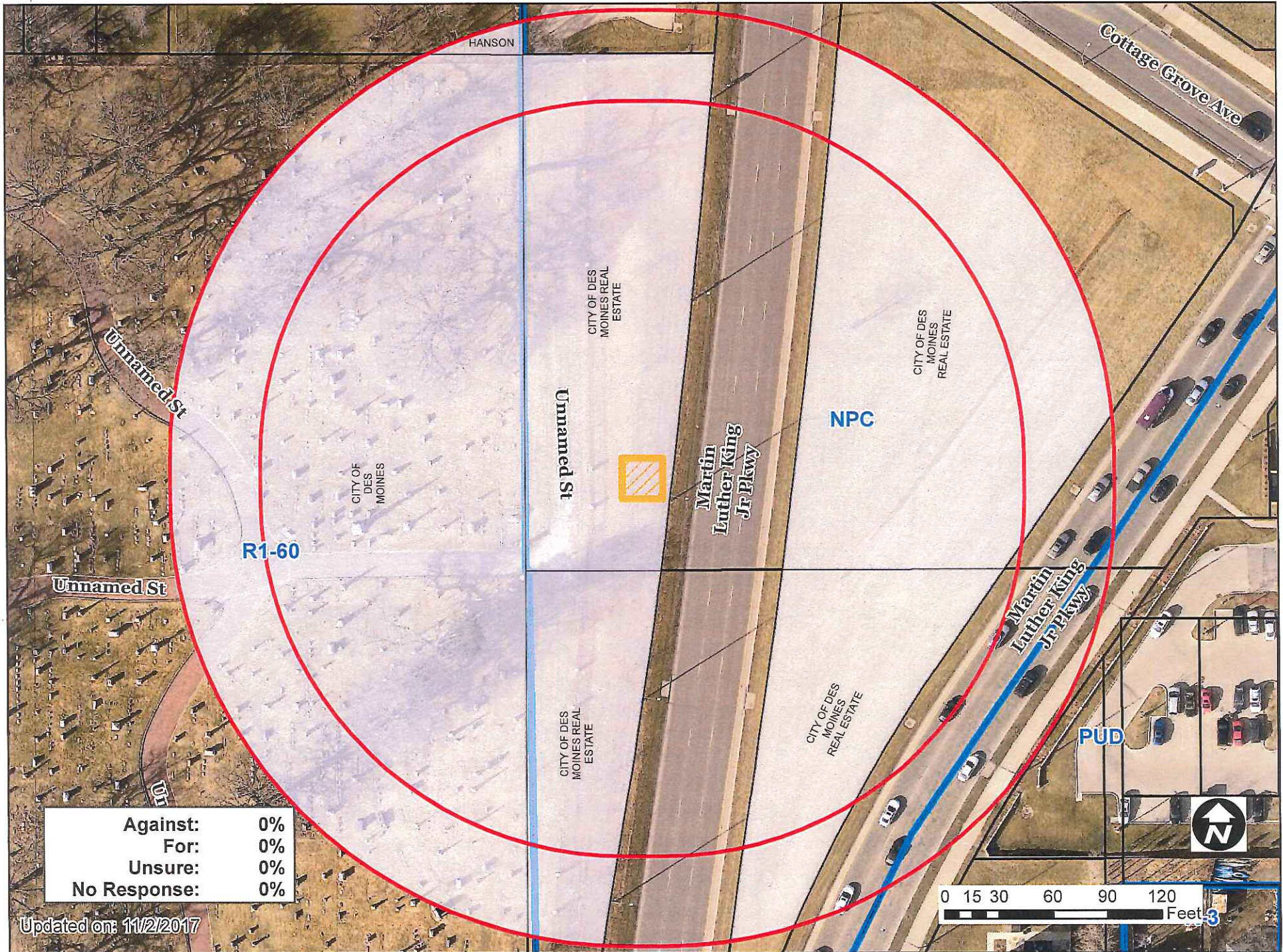
Mayor

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



22

Date November 20, 2017

Agenda Item 22

Roll Call # _____

November 8, 2017

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their November 2, 2017 meeting, the following action was taken regarding a request from Woodland Heights Organization (lessee) represented by Douglas McBride (officer) for vacation of a segment of Right-Of-Way at 860 Martin Luther King, Jr. Parkway near Woodland Cemetery for purposes of a neighborhood monument sign.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 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 the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated. (11-2017-1.14)

Written Responses

1 in Favor

0 in opposition

RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation subject to the 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 for creation of a parcel of private property that would accommodate construction of a sign to identify the Woodland Heights Organization Neighborhood Association. The sign would be visible to southbound traffic on Martin Luther King, Jr. Parkway.
2. **Size of Site:** 20 feet by 20 feet (400 square feet).
3. **Existing Zoning (site):** "NPC" Neighborhood Pedestrian Commercial District.
4. **Existing Land Use (site):** Right-of-Way for Martin Luther King, Jr. Parkway.
5. **Adjacent Land Use and Zoning:**
 - West* – "R1-60": Use is the Woodland Cemetery.
 - East* - "NPC": Use is Martin Luther King, Jr. Parkway.
6. **General Neighborhood/Area Land Uses:** The subject segment of Right-of-Way is located along the west side of Martin Luther King, Jr. Parkway, just to the south of its intersection with Cottage Grove Avenue. Woodland Cemetery is located immediately to the west.
7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Woodland Heights Organization Neighborhood and within 250 feet of the Sherman Hill Neighborhood Association. All neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on October 13, 2017. Additionally, separate notifications of the hearing for this specific item were mailed on September 25, 2017 (10 days prior to October 23, 2017) to the primary titleholder on file with the Polk County Assessor for each property adjacent to the requested Right-of-Way vacation and to the Woodland Heights Organization and Sherman Hill Neighborhood Associations. A Final Agenda was mailed to all the recognized neighborhood associations on October 27, 2017.

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 Woodland Heights Organization Neighborhood Association mailings were sent to Douglas McBride, 716 26th Street, Des Moines, IA 50312, and the Sherman Hill Neighborhood Association mailings were sent to David Schlarmann, 1503 Center Street, Des Moines, IA 50314.
8. **Relevant Zoning History:** None.

9. PlanDSM Land Use Plan Designation: Parks and Open Space.

10. Applicable Regulations: In consideration of the criteria set forth in Chapter 18B of the Iowa Code, 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:** There is an existing sanitary sewer within the Right-of-Way. An easement must be reserved for this sewer and any other existing utilities until such time that they are abandoned or relocated.
- 2. Street System/Access:** The requested vacation would not impact the existing street system or the vehicular or pedestrian flow in the area.

SUMMARY OF DISCUSSION

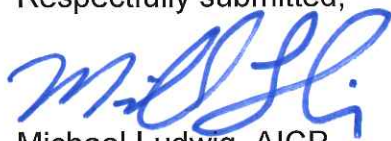
Jacqueline Easley asked if anyone was present to speak on this item. None were present or requested to speak.

COMMISSION ACTION:

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

Motion passed: 12-0

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

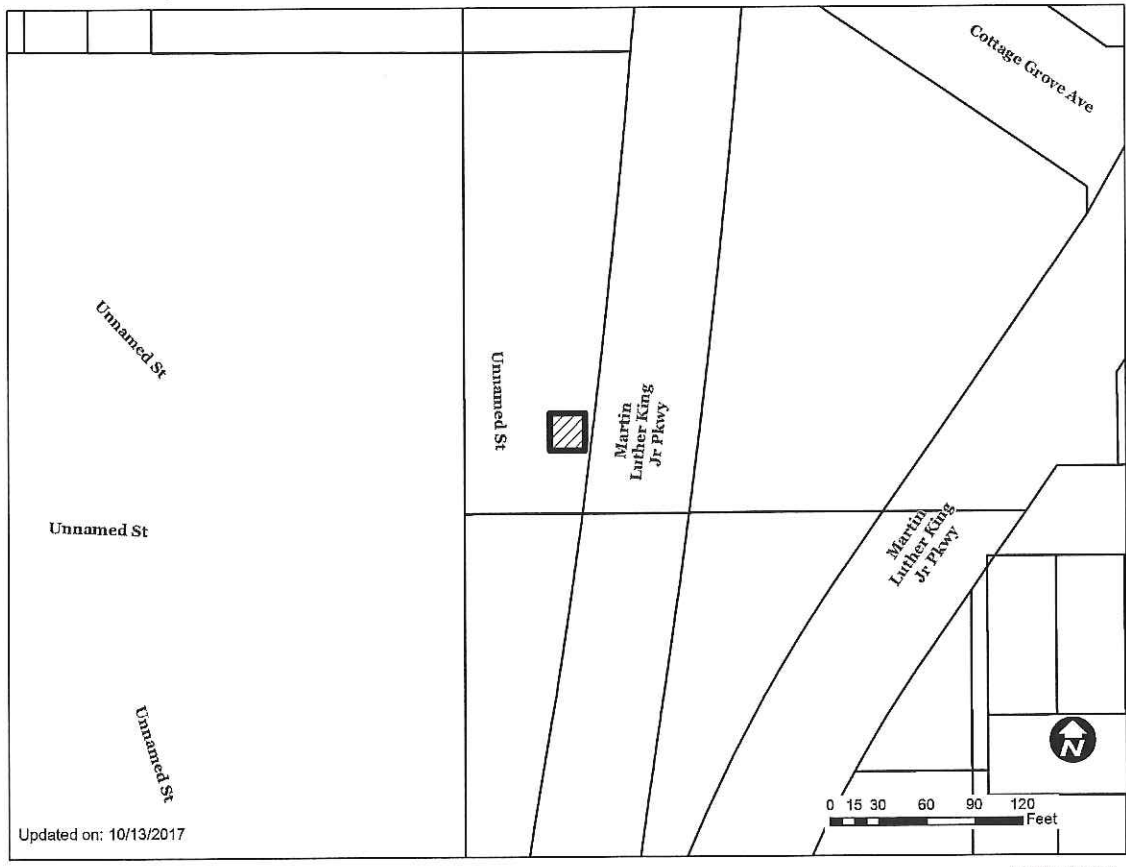
MGL:tjh
Attachments

Woodland Heights Organization (lessee) represented by Douglas McBride (officer) for property located at 860 Martin Luther King, Jr. Parkway near Woodland Cemetery.				File #
				11-2017-1.14
Description of Action	Vacation of a segment of Right-Of-Way for purposes of a neighborhood monument sign.			
PlanDSM Future Land Use	Current: Park/Open Space. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"NPC" Neighborhood Pedestrian Commercial District and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Subject Property	1	0		
Outside Area (200 feet)				
Plan and Zoning Commission Action	Approval	12-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

(Handwritten: N/A with a circled 'X' over the 'N')

Woodland Heights Organization, 860 Martin Luther King, Jr. Parkway

11-2017-1.14



11-2017-1.14

Date 10-27-17

(am not) in favor of the request.

WOODLANDS HEIGHT NEIGHBORHOOD ASSOCIATION

(Circle One)

Print Name

DOUG MCBRIDE

COMMUNITY DEVELOPMENT

Signature

Doug McBride

OCT 30 2017

Address

716 26TH ST.

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

This sign will bring unity and respect to an inner city neighborhood that is on the decline at the moment.
Our Saving Grace!