



**Roll Call Number**

**Agenda Item Number**

15

**Date** August 20, 2018

**RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM TRUE BIBLE BAPTIST CHURCH FOR VACATION OF A SEGMENT OF EAST SHAWNEE AVENUE ADJOINING 4101 AMHERST STREET**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on August 2, 2018, its members voted 11-0 to recommend **APPROVAL** of a request from True Bible Baptist Church (owner), represented by Roderick L. Bradley (officer), to vacate a 5.50-foot by 9.25-foot segment of East Shawnee Avenue right-of-way, adjoining 4101 Amherst Street, to allow an accessible entrance vestibule addition to the existing church, subject to reservation of any necessary easements for all existing utilities in place as part of any conveyance and until such time that said utilities are abandoned or 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

(11-2018-1.18)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
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

August 15, 2018

Honorable Mayor and City Council  
City of Des Moines, Iowa

Date August 20, 2018  
Agenda Item 15  
Roll Call # \_\_\_\_\_

Members:

Communication from the City Plan and Zoning Commission advising that at their August 2, 2018 meeting, the following action was taken regarding a request from True Bible Baptist Church (owner) 4101 Amherst Street, represented by Roderick L. Bradley (officer), for vacation of a 5.50-foot by 9.25-foot segment of East Shawnee Avenue Right-of-Way, to allow for an accessible entrance vestibule addition to the existing church.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 9-0-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles	X			
Chris Cutler	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 as part of any conveyance and until such time that they are abandoned or are relocated.

(11-2018-1.18)

Written Responses

0 in Favor

0 in opposition

**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 as part of any conveyance and until such time that they are abandoned or are relocated.

**STAFF REPORT TO THE PLANNING COMMISSION**

**I. GENERAL INFORMATION**

- 1. **Purpose of Request:** The church located on the adjoining property is proposing to construct an accessible entrance to their facility. The requested Right-of-Way would allow the church to construct a vestibule for this updated entrance.
- 2. **Size of Site:** The requested Right-of-Way vacation would be a total of 50,875 square feet of surface area. The adjoining property is 13,244 square feet (0.304 acres).
- 3. **Existing Zoning (site):** "R1-60" One Family, Low Density Residential District.
- 4. **Existing Land Use (site):** East Shawnee Avenue Right-of-Way.
- 5. **Adjacent Land Use and Zoning:**

**North** – "R1-60"; Uses are True Bible Baptist Church and single-family dwellings.

**South** – "R1-60"; Uses are a surface parking lot associated with True Bible Baptist Church and single-family dwellings.

**East** – "R1-60"; Uses are vacant lots associated with True Bible Baptist Church and single-family dwellings.

**West** – "R1-60"; Uses are a surface parking lot associated with True Bible Baptist Church and single-family dwellings.

- 6. **General Neighborhood/Area Land Uses:** The site is located at the intersection of Amherst Street and East Shawnee Avenue. The surrounding area predominantly consists single-family dwellings.
- 7. **Applicable Recognized Neighborhood(s):** The subject property is in the Highland Park Neighborhood. This neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on July 13, 2018. Additionally, separate notifications of the hearing for this specific item were mailed on July 23, 2018 (10 days prior to the hearing) to the Highland Park Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property adjacent to the subject Right-of-Way. A final agenda was mailed on July 27, 2018.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Highland Park Neighborhood Association notices were mailed to Drew Kelso, 815 East Seneca Avenue, Des Moines, IA 50316.



8. **Relevant Zoning History:** None.

9. **PlanDSM Land Use Plan Designation:** The proposed project area is designated as "Low Density Residential" on the Future Land Use Map.

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:** No utilities have been identified within the requested Right-of-Way. Easements must be reserved for any existing utilities until such time that they are abandoned or relocated.

### SUMMARY OF DISCUSSION

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

### COMMISSION ACTION:

Dory Briles made a motion for approval of the requested vacation subject to reservation of any necessary easements for all existing utilities in place as part of any conveyance and until such time that they are abandoned or are relocated.

Motion passed: 11-0

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:tjh  
Attachments

True Bible Baptist Church (owner), 4101 Amherst Street, represented by Roderick L. Bradley (officer).				File #	
				11-2018-1.18	
Description of Action	Vacation of a 5.50-foot by 9.25-foot adjoining segment of East Shawnee Avenue, to allow for an accessible entrance vestibule addition to the existing church.				
PlanDSM Future Land Use	Current: Low-Density Residential. Proposed: N/A.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"R1-60" One-Family Low-Density Residential District and "FSO" Freestanding Signs Overlay District.				
Proposed Zoning District	N/A.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Subject Property	0	0			
Outside Area (200 feet)					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council		Yes
	Denial				No X

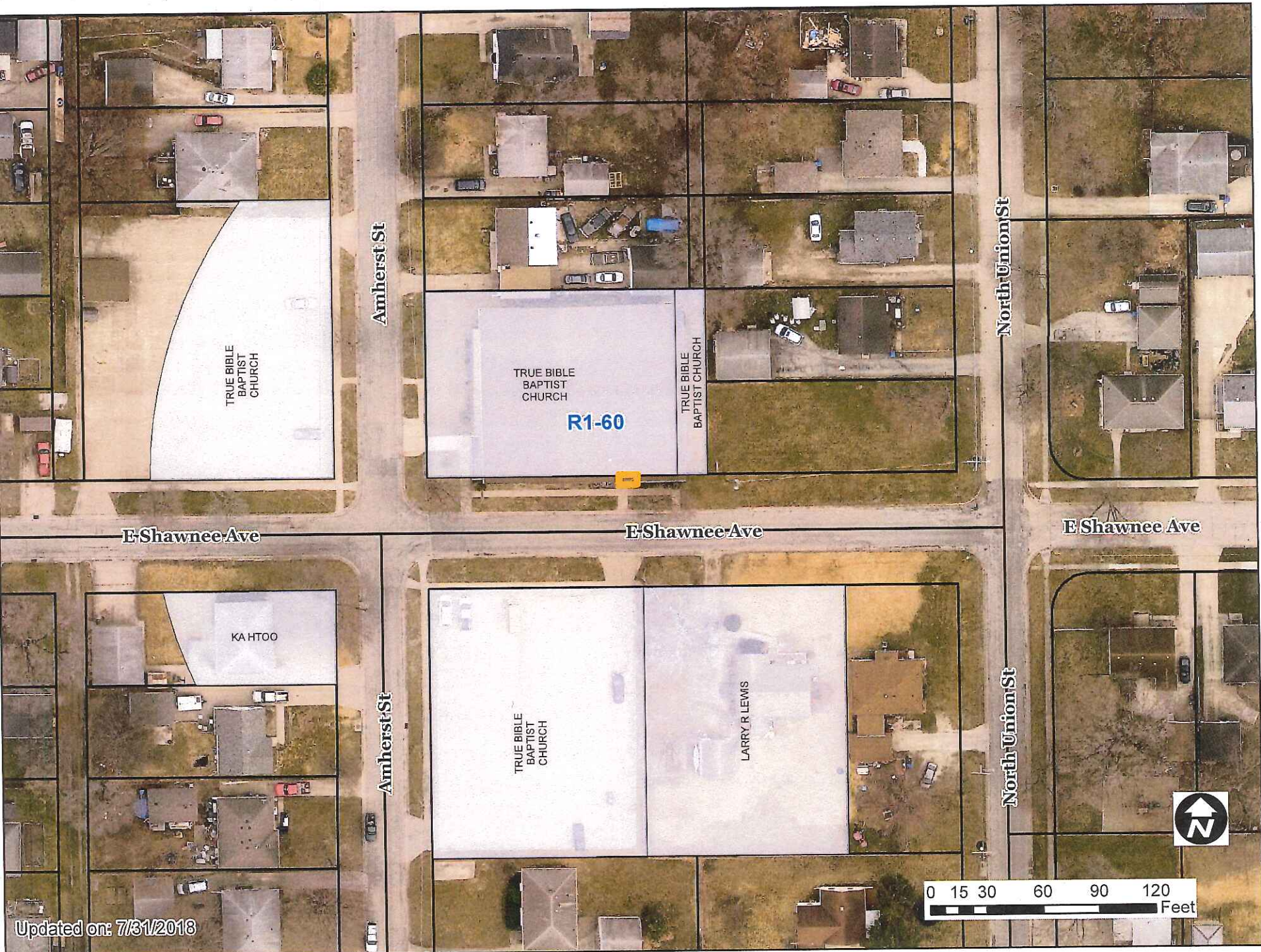
True Bible Baptist Church, 4101 Amherst Street

11-2018-1.18



1 inch = 68 feet







Jul 26, 2018 19:29:58  
Des Moines



5