



Roll Call Number

Agenda Item Number

21

Date June 3, 2019

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM THE ROOSEVELT CULTURAL DISTRICT FOR VACATION OF PORTIONS OF 42ND STREET AND CHAMBERLAIN AVENUE RIGHT-OF-WAY ADJOINING 800 42ND STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 16, 2019, its members voted 9-0 to recommend **APPROVAL** of a request from Roosevelt Cultural District (applicant), represented by Susan Noland (officer), to vacate a 4.44-foot by 3.38-foot portion of the 42nd Street and Chamberlain Avenue rights-of-way, adjoining 800 42nd Street, to accommodate the existing masonry pillar and signage thereon, subject to the following condition:

- (1) Reservation of any necessary easements for all existing utilities in place until such time that they 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

(11-2019-1.09)

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

MOTION CARRIED APPROVED

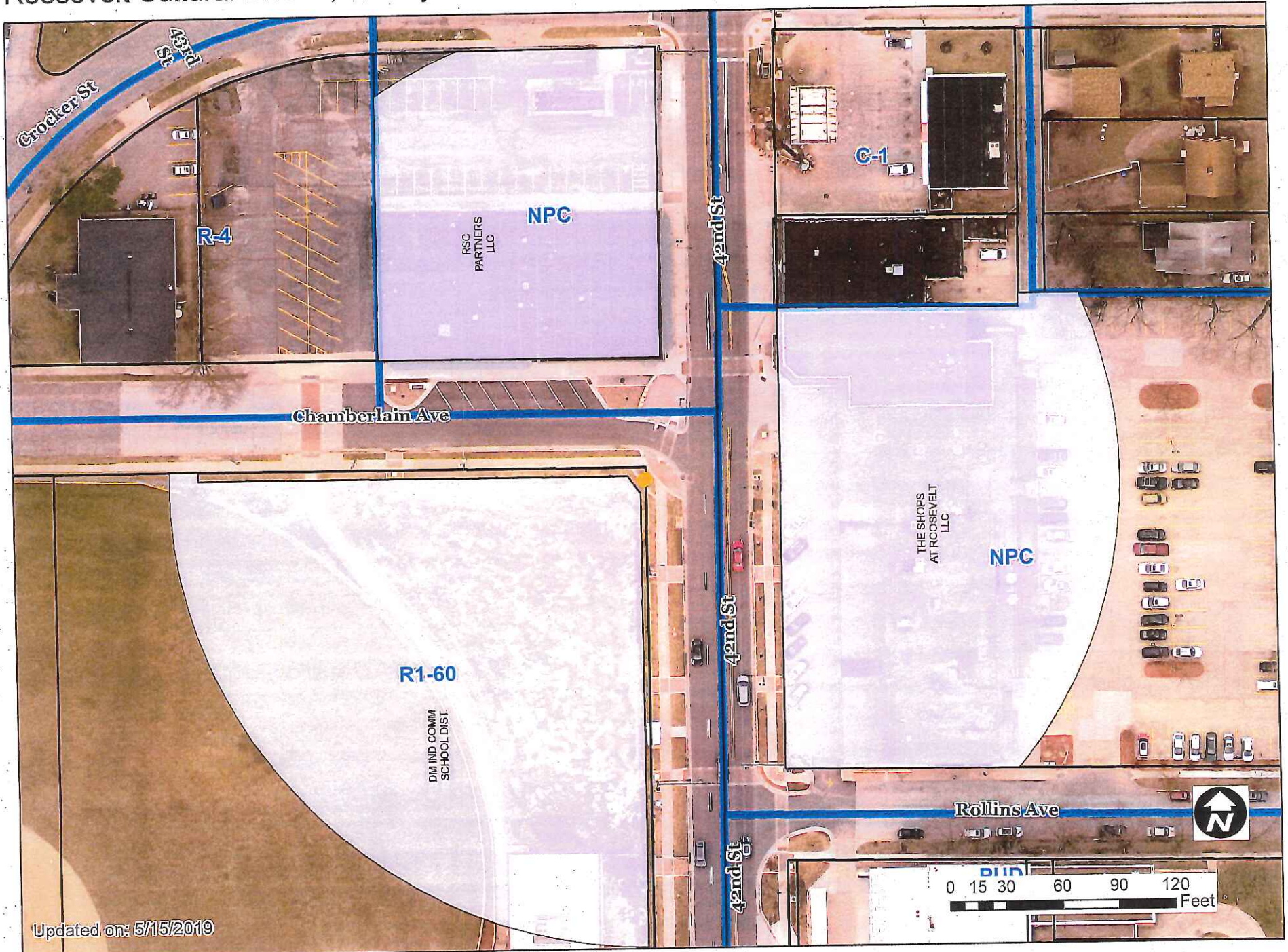
Mayor

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



Updated on: 5/15/2019

1 inch = 68 feet

21

May 14, 2019 11:24



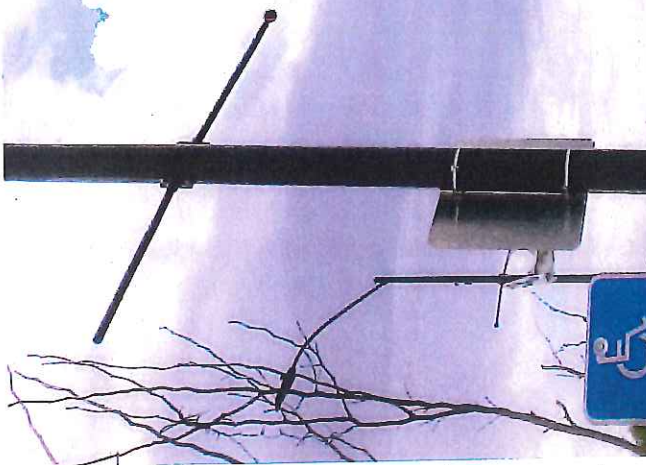
21

May 14, 2019 11:2

DISABLED
PARKING
STATE PERMIT
REQUIRED
VIOLATIONS \$200 FINE

DO NOT
ENTER

21



DISABLED
PARKING
STATE PERMIT
REQUIRED
HOUSTON TEXAS 77002

May 14, 2019 11:2



DO NOT
STOP

21



Date June 3, 2019
 Agenda Item 21
 Roll Call # _____

May 28, 2019

Honorable Mayor and City Council
 City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their May 16, 2019 meeting, the following action was taken regarding a request from Roosevelt Cultural District (applicant) represented by Susan Noland (officer) for vacation of a 4.44-foot by 3.38-foot rectangle of the 42nd Street and Chamberlain Avenue Rights-Of-Way (ROW) adjoining the property at 800 42nd Street, to allow the existing masonry pillar to carry private signage in the form of a plaque for the Roosevelt Cultural District. Adjoining subject property is owned by Des Moines Public Schools.

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles				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			
Emily Webb	X			

RECOMMEND 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.

(11-2019-1.09)

Written Responses

0 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 installation of a plaque on an existing masonry pillar to identify the Roosevelt Cultural District.
2. **Size of Site:** 4.44 feet by 3.38 feet (15 square feet).
3. **Existing Zoning (site):** "R1-60" One Family, Low Density Residential District.
4. **Existing Land Use (site):** Right-of-Way for 42nd Street and Chamberlain Avenue.
5. **Adjacent Land Use and Zoning:**
 - North** – "R1-60" & NPC"; Uses are Chamberlain Avenue right-of-way and retail uses.
 - South** – "R1-60"; Use is open space for Roosevelt High School and Hubbell Elementary.
 - West** – "R1-60"; Use is open space for Roosevelt High School and Hubbell Elementary.
 - East** - "NPC"; Uses are 42nd Street right-of-way and The Shops at Roosevelt.
6. **General Neighborhood/Area Land Uses:** The subject segment of right-of-way is located on the west side of 42nd Street to the south of the intersection with Chamberlain Avenue. It is located in an area that contains of a mix of single-family and multiple-family residential uses, commercial uses, entertainment uses, and educational uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Waveland Park Neighborhood and within 250 feet of the Drake Neighborhood. All neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on April 26, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on May 6, 2019 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for each property adjacent to the requested right-of-way vacation. A Final Agenda was mailed to all the recognized neighborhood associations on May 10, 2019.

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 Waveland Park Neighborhood notices were mailed to Ethan Standard, 1307 48th Street, Des Moines, IA 50311. The Drake Neighborhood notices were mailed to Jennifer Sayers, 1129 28th Street, Des Moines, IA 50311.

8. Relevant Zoning History: None.

9. PlanDSM Land Use Plan Designation: Public/Semi-Public.

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 are not any identified public utilities within the subject right-of-way. A non-city-owned street light and a 42-inch feeder water main are adjacent to the subject right-of-way. An easement must be reserved for any existing utilities until such time that they are abandoned or relocated.
- 2. Street System/Access:** The requested vacation would not impact the existing vehicular or pedestrian movement in the area.

SUMMARY OF DISCUSSION


Jann Freed asked if any member of the audience or the commission desired to speak regarding the item. None were present or requested to speak.

COMMISSION ACTION:

Mike Simonson made a motion 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: 9-0

Respectfully submitted,


Michael Ludwig, AICP
Planning Administrator

MGL:tjh
Attachments

Roosevelt Cultural District (applicant) represented by Susan Noland (officer) for property located at 800 42nd Street. Adjoining subject property is owned by Des Moines Public Schools.				File #
				11-2019-1.09
Description of Action	Vacation of a 4.44-foot by 3.38-foot rectangle of the 42nd Street and Chamberlain Avenue Rights-Of-Way (ROW) adjoining the property at 800 42nd Street, to allow the existing masonry pillar to carry private signage in the form of a plaque for the Roosevelt Cultural District.			
PlanDSM Future Land Use	Current: Public/Sem-Public. 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

Roosevelt Cultural District, Vicinity of 800 42nd Street

11-2019-1.09

