



Roll Call Number

Agenda Item Number

24

Date May 10, 2021

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM NICKOLAS VAN PATTEN FOR VACATION OF A 48.76-FOOT WIDE IRREGULARLY SHAPED SEGMENT OF SOUTHWEST MCKINLEY AVENUE ADJOINING 6020 SOUTHWEST MCKINLEY AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 15, 2021, its members voted 11-0 to recommend APPROVAL of a request from Nickolas Van Patten (Owner), 6020 Southwest McKinley Avenue, to vacate a 48.76-foot wide irregularly-shaped segment of Southwest McKinley Avenue adjoining the entire frontage of the subject property to allow it to be maintained with the existing front yard area, subject to reservation of easements for any existing utilities.

MOVED by _____ to receive and file the attached communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division.

MOVED BY _____ TO ADOPT.

FORM APPROVED: Judy K. Parks-Kruse
Judy K. Parks-Kruse
Assistant City Attorney

(11-2021-1.04)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL.

MOTION CARRIED

APPROVED

Mayor

CERTIFICATE

I, P. Kay Cmelik, 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



Date May 10, 2021
 Agenda Item 24
 Roll Call # _____

May 4, 2021

Honorable Mayor and City Council
 City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their April 15, 2021 meeting, the following action was taken regarding a request from Nickolas Van Patten (owner), 6020 Southwest McKinley Avenue, for vacation of an approximately 48.76-foot wide irregular-shaped segment of Southwest McKinley Avenue adjoining the entire frontage of the subject property to allow it to be maintained with the existing front yard area.

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles				X
Abby Chungath	X			
Kayla Berkson	X			
Jann Freed				X
Johnny Alcivar	X			
Lisa Howard	X			
Carolyn Jenison	X			
Greg Jones	X			
William Page	X			
Rocky Sposato				X
Steve Wallace	X			
Greg Wattier	X			
Emily Webb	X			

APPROVAL of the requested vacation subject to reservation of easements for any existing public utilities. (11-2021-1.04)

Written Responses

1 in Favor
 0 in opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation subject to reservation of easements for any existing public utilities.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is wanting to assemble additional right-of-way (ROW) with the property of their main residence following a project where Southwest McKinley Avenue was relocated to the north, leaving a significant area between their property and the improved public street.
2. **Size of Site:** 9,085 square feet of ROW.
3. **Existing Zoning (site):** "RX1" Mixed Use District.
4. **Existing Land Use (site):** Public ROW adjoining a one household dwelling.
5. **Adjacent Land Use and Zoning:**
North – "EX"; Use is the Waldinger corporate headquarters and shop.
South – "EX"; Use is an one household dwelling.
6. **General Neighborhood/Area Land Uses:** The subject property is in an area with a rural character that consists primarily of one household dwellings on acres surrounded by business park development and agricultural land.
7. **Applicable Recognized Neighborhood(s):** The subject property is in the Southwestern Hills Neighborhood. All neighborhoods were notified of the Commission meeting by mailing of the Preliminary Agenda on March 26, 2021 and the Final Agenda on April 9, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on April 5, 2021 (10 days prior to the hearing) to the neighborhood associations and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the requested rezoning.

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 Southwestern Hills Neighborhood Association mailings were sent to George Davis, 3124 SW 29th Street, Des Moines, IA 50321.
8. **Relevant Zoning History:** The adjoining property was zoned to "RX1" Mixed Use District as part of the citywide Zoning Ordinance and Map update effective on December 16, 2019.
On February 18, 2021, the Plan and Zoning Commission granted a Type 2 Design Alternative to waive installation of a public sidewalk along the frontage as part of an addition to the existing house at 6020 Southwest McKinley Avenue.

9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:**
Neighborhood Mixed Use.

10. **Applicable Regulations:** Taking into consideration 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. **Traffic and Circulations Standards:** Representatives from Traffic Engineering have indicated that the requested ROW does not interfere with or is not inconsistent with the amount necessary to maintain the new configuration of Southwest McKinley Drive. The request preserves a 12-foot clear distance from the constructed travel width of the new street alignment. This is adequate for future needs for clearances and other items such as sidewalks, utilities, or traffic signs. The Commission waived the requirement for the applicant to install public sidewalk with a recent improvement to the existing house.
2. **Utilities:** There is an existing 12-inch Des Moines Water Work main passing through the requested ROW. There are also overhead electrical lines maintained by MidAmerican Energy. Easements should be reserved for these existing utilities along with any others that may be in place not identified.
3. **Staff Analysis:** Staff does not believe that the requested ROW is necessary for any public purpose, so long as easements are reserved for existing utilities. The property is better maintained in conjunction with the applicant's residence.

SUMMARY OF DISCUSSION

Emily Webb asked if any member of the public or the commission desired to speak on the item. No one requested to speak.

COMMISSION ACTION:

Carolyn Jension made a motion for approval of the requested vacation subject to reservation of easements for any existing public utilities.

Motion passed: 11-0

Respectfully submitted,



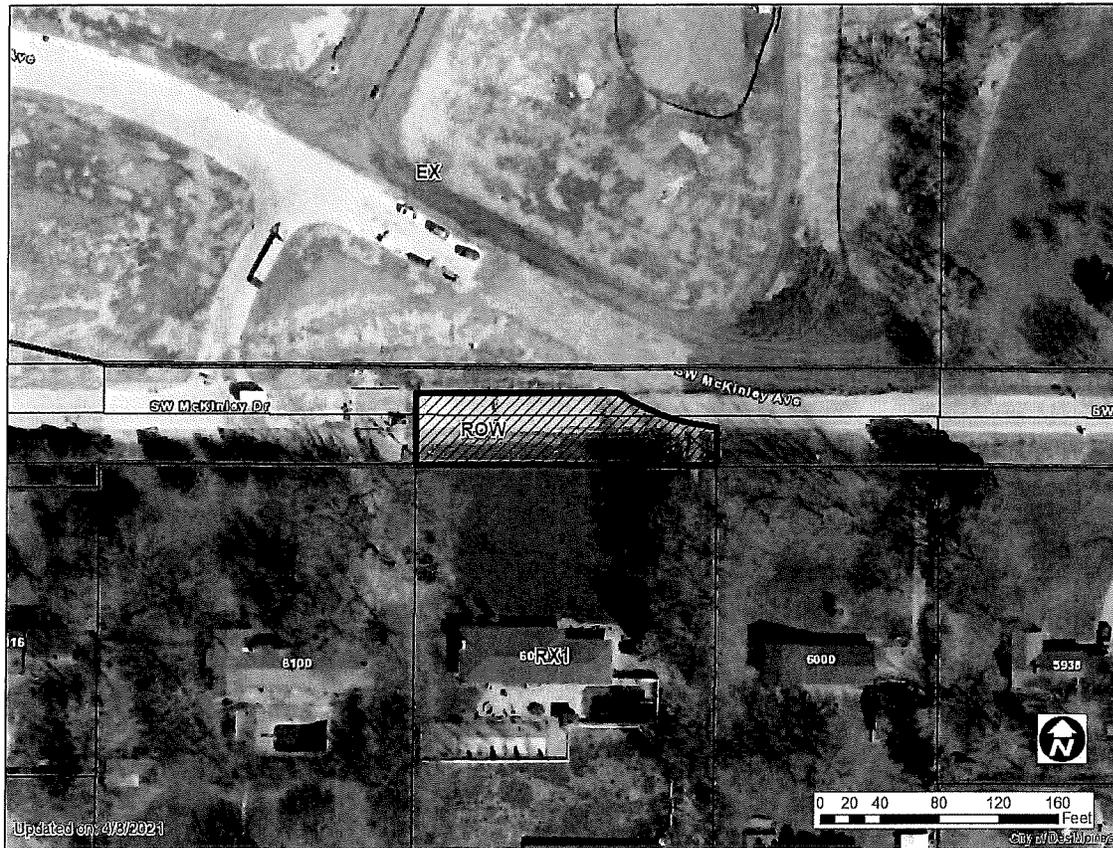
Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh

Request from Nickolas Van Patten (owner) for property located at 6020 Southwest McKinley Avenue.		File #		
		11-2021-1.04		
Description of Action	Vacation of an approximately 48.76-foot wide irregular-shaped segment of Southwest McKinley Avenue adjoining the entire frontage of the subject property to allow it to be maintained with the existing front yard area.			
PlanDSM Future Land Use	Current: Neighborhood Mixed Use. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"RX1" Mixed Use District.			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Outside Area (200 feet)	1	0		
Within Subject Property				
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes
	Denial			No

Nickolas Van Patten, 6020 Southwest McKinley Avenue

11-2021-1.04



1 inch = 76 feet



Updated on: 4/14/2021

City of Des Moines

1 inch = 76 feet

Item: 11-2021-1.04 Date: 4-12-21

Please mark one of the following

- I am in favor of the request
- I am not in favor of the request

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

APR 14 2021

Signature: [Handwritten Signature]

Name: Tom Schlotfeldt, EVP The Waldinger Corp

Address: 6200 Scout Trail

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

Item: 11-2021-1.04 Date: _____

Please mark one of the following

- I am in favor of the request
- I am not in favor of the request

Signature: 

Name: George Davis

Address: 3124 SW 29th

Staff Use Only

RE
COMMUNITY DEVELOPMENT

APR 15 2021

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

SW Hills Neighborhood Approves this
Request
