

Date May 18, 2009

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 7, 2009, its members voted 13-0 in support of a motion to recommend **APPROVAL** to allow Frederick Robert Hews (owner), 1622 M. L. King Jr. Parkway to proceed with requested vacation and conveyance subject to the following:

1. Provision of utility easements for all public utilities in place.
2. All zoning violations are corrected.

MOVED by _____ to receive and file and refer to the Engineering Department, Real Estate Division.

FORM APPROVED:



Michael F. Kelley
Assistant City Attorney

(11-2009-1.04)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
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

May 13, 2009

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 May 7, 2009, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 13-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	X			
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Dann Flaherty	X			
Bruce Heilman	X			
Ted Irvine	X			
Jeffrey Johannsen	X			
Greg Jones	X			
Frances Koontz				X
Jim Martin	X			
Brian Millard	X			
Mike Simonson	X			
Kent Sovern	X			

APPROVAL of staff recommendation to the request from Frederick Robert Hews (owner), 1622 M. L. King Jr. Parkway for vacation and conveyance of a segment of the east/west alley running west of M. L. King Jr. Parkway between Washington Avenue and Mondamin Avenue subject to the following: (11-2009-1.04)

1. Provision of utility easements for all public utilities in place.
2. All zoning violations are corrected.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation and conveyance subject to the following:

- 1) Provision of utility easements for all public utilities in place.
- 2) All zoning violations are corrected.



CITY PLAN AND ZONING COMMISSION
ARMORY BUILDING
602 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309 -1881
(515) 283-4182

ALL-AMERICA CITY
1949, 1976, 1981
2003

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant requests the vacation of the unimproved alley right-of-way in order to it with adjoining properties.
2. **Size of Site:** Approximately 1,485 square feet (0.03 acre).
3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District and "C-2" General Retail and Highway-Oriented Commercial District
4. **Existing Land Use (site):** Unimproved alley right-of-way.
5. **Adjacent Land Use and Zoning:**
 - North* – "R1-60" & "C-2"; Uses are single-family dwellings.
 - South* – "R1-60" & "C-2"; Uses include vacant lot owned by Frederick Robert Hews (applicant) and a single-family dwelling.
6. **General Neighborhood/Area Land Uses:** The subject alley is located in a residential area west of the M. L. King, Jr. Parkway corridor.
7. **Applicable Recognized Neighborhood(s):** Drake Neighborhood Association.
8. **Relevant Zoning History:** N/A.
9. **2020 Community Character Land Use Plan Designation:** Low-Density Residential.
10. **Applicable Regulations:** 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:** MidAmerican Energy has indicated that there are electrical utilities located in the right-of-way including electric line, poles, and lighting. There is a gas main along the west side of the M. L. King, Jr. Parkway right-of-way that may partially extend into the subject alley right-of-way. Staff recommends that easements be reserved for these utilities until such time as they may be relocated at the expense of the applicant.
2. **Traffic/ Access:** The subject alley is not developed or used for access by any of the adjoining properties.

SUMMARY OF DISCUSSION

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one in the audience to speak in opposition.

CHAIRPERSON CLOSED THE PUBLIC HEARING

There was no discussion.

COMMISSION ACTION

Greg Jones moved staff recommendation to approve the requested vacation and conveyance subject to the following:

1. Provision of utility easements for all public utilities in place.
2. All zoning violations are corrected.

Motion passed 13-0

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment

Request from Frederick Robert Hews (owner), 1622 M. L. King Jr. Parkway for vacation of a segment of east/west alley running west of M. L. King Jr. Parkway between Washington Avenue and Mondamin Avenue.			File # 11-2009-1.04		
Description of Action	Vacation of a segment of east/west alley running west of M. L. King Jr. Parkway between Washington Avenue and Mondamin Avenue.				
2020 Community Character Plan	Low-Density Residential				
Horizon 2025 Transportation Plan	Martin Luther King Jr. Parkway from Euclid Avenue to 19 th Street to widen from 4 lane undivided to 4 lane divided				
Current Zoning District	"R1-60" One-Family Low-Density Residential District & "C-0" Commercial-Residential District				
Proposed Zoning District	"R1-60" One-Family Low-Density Residential District & "C-0" Commercial-Residential District				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area				N/A	
Outside Area					
Plan and Zoning Commission Action	Approval	13-0	Required 6/7 Vote of the City Council	Yes	N/A
	Denial			No	N/A

Frederick Hews - 1622 MLK Jr Parkway

11-2009-1.04

