



Roll Call Number

Agenda Item Number

28

Date June 27, 2016

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING CITY INITIATED REQUEST FOR VACATION OF A SEGMENT OF WEST MARTIN LUTHER KING JR. PARKWAY RIGHT-OF-WAY (ROW) LOCATED AT THE NORTHWEST CORNER OF WEST MARTIN LUTHER KING JR. PARKWAY AND 16TH STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 16, 2016, its members voted 9-0-1 to recommend APPROVAL of a City-initiated request for vacation of a segment of West Martin Luther King Jr. Parkway right-of-way located at the northwest corner of West Martin Luther King Jr. Parkway and 16th Street, to allow conveyance to Robert J. Tursi, Jr. for satellite off-street parking for employees of Exile Brewing Company, subject to reservation of easements for existing utilities in place.

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

(11-2016-1.13)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and TOTAL.

MOTION CARRIED APPROVED

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.

Mayor

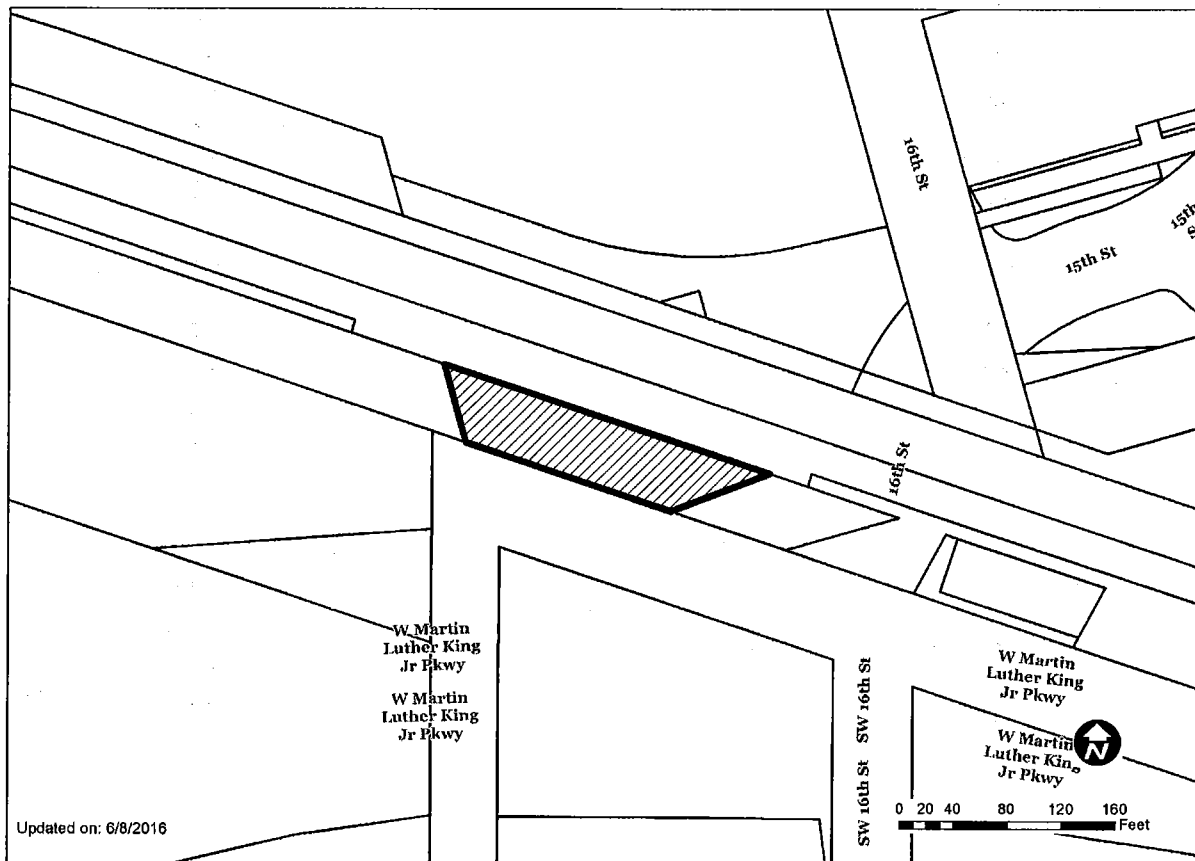
City Clerk

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| | | | | |
|--|---|---------------|--|--------------|
| City initiated request for property located at the northwest corner of West Martin Luther King Jr. Parkway and 16th Street. | | File # | | |
| | | 11-2016-1.13 | | |
| Description of Action | Approval of vacation of a segment of West Martin Luther King Jr. Parkway Right-Of-Way (ROW) located at the northwest corner of West Martin Luther King Jr. Parkway and 16th Street, to allow conveyance to Robert J. Tursi, Jr. to allow development of satellite off-street parking for employees of Exile Brewing Company, subject to reservation of easements for existing utilities in place. | | | |
| PlanDSM Future Land Use | Current: Downtown Mixed Use. Proposed: N/A. | | | |
| Mobilizing Tomorrow Transportation Plan | No planned improvements. | | | |
| Current Zoning District | "C-3B" Central Business Mixed Use District, "GGP" Gambling Games Prohibition Overlay District, "D-O" Downtown Overlay District and "FSO" Freestanding Signs Overlay District. | | | |
| Proposed Zoning District | N/A. | | | |
| Consent Card Responses | In Favor | Not In Favor | Undetermined | % Opposition |
| Inside Area | | | | |
| Outside Area | | | | |
| Plan and Zoning Commission Action | Approval | 9-0-1 | Required 6/7 Vote of the City Council | Yes |
| | Denial | | | No |
| | | | | X |

City Initiated, West Martin Luther King Jr. Parkway and 16th Street

11-2016-1.13



1 inch = 84 feet

June 22, 2016

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 June 16, 2016, the following action was taken regarding a City initiated request for vacation of a segment of West Martin Luther King Jr. Parkway Right-Of-Way (ROW) located at the northwest corner of West Martin Luther King Jr. Parkway and 16th Street, to allow conveyance to Robert J. Tursi, Jr. to allow development of satellite off-street parking for employees of Exile Brewing Company.

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 | | | |
| JoAnne Corigliano | X | | | |
| David Courard-Hauri | | | | X |
| Jacqueline Easley | X | | | |
| Tim Fitzgerald | X | | | |
| Jann Freed | | | | X |
| John "Jack" Hilmes | X | | | |
| Greg Jones | X | | | |
| William Page | | | | X |
| Mike Simonson | | | | X |
| CJ Stephens | X | | | |
| Steve Wallace | X | | | |
| Greg Wattier | | | X | |

APPROVAL for vacation of the requested right-of-way segment subject to reservation of any necessary easements for all existing utilities in place. (11-2016-1.13)

RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval for vacation of the requested right-of-way segment subject to reservation of any necessary easements for all existing utilities.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** On May 23, 2016, the City Council referred a request to vacate a segment of West Martin Luther King, Jr. Parkway at the northwest corner with 16th Street, to the Plan and Zoning Commission for review and recommendation. This was for the benefit of the nearby Exile Brewing Company that is seeking to develop a small employee parking lot to help relieve parking demand for the their on-site parking and nearby on-street parking.
2. **Size of Site:** 11,500 square feet.
3. **Existing Zoning (site):** "C-3B" Central Business Mixed Use District, "GGP" Gambling Games Prohibition Overlay District, "D-O" Downtown Overlay District and "FSO" Freestanding Signs Overlay District.
4. **Existing Land Use (site):** Open space.
5. **Adjacent Land Use and Zoning:**
 - North* – "C-3B"; Use is Union Pacific Railroad.
 - South* – "C-3B", Use is West M.L. King Jr. Parkway ROW.
6. **General Neighborhood/Area Land Uses:** The site is located in the southwestern portion of the Downtown Central Business District along the West M.L. King Jr. Parkway loop.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Downtown Des Moines Neighborhood. This neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on May 27, 2016. Additionally, separate notifications of the hearing for this specific item were mailed on June 6, 2016 (10 days prior to the hearing) to the Downtown Des Moines Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property adjoining or across public streets from the subject ROW. A Final Agenda was mailed to all recognized neighborhood associations on June 10, 2016.

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 Downtown Des Moines Neighborhood Association notices were mailed to Jon Thompson, 1719 Grand Avenue, #330, Des Moines, IA 50309.
8. **Relevant Zoning History:** N/A.
9. **PlanDSM Future Land Use Plan Designation:** Downtown Mixed Use.
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.

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II. ADDITIONAL APPLICABLE INFORMATION

1. **Traffic/Street System:** Except for a small portion of former Market Street ROW, most of the subject property was acquired from Polk County as part of acquisition for the M.L. King Southern Loop project. The property is located between the Union Pacific Railroad and a frontage road providing access from 16th Street to a Meredith Corporation parking lot to the west. Redevelopment of the subject ROW would also require access to this frontage road.
2. **Utilities:** There is an existing Des Moines Water Works facility at the southern edge of the ROW. There are also public water, sanitary sewer, and storm sewer lines within the nearby frontage road area. Easements would need to be reserved on the requested ROW to ensure access for maintenance of these existing utilities. None of the proposed redevelopment of the ROW for off-street parking would interfere with the existing public utilities.
3. **Additional Comments:** Because the subject ROW is zoned "C-3B", the proposed redevelopment for off-street parking is subject to review by the Plan and Zoning Commission under design guidelines in "C-3B" Districts.

SUMMARY OF DISCUSSION

Greg Jones 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 for vacation of the requested right-of-way segment subject to reservation of any necessary easements for all existing utilities in place.

Motion passed 9-0-1 (Greg Wattier abstained).

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:clw
Attachment