



Council Communication

Office of the City Manager

Date February 12, 2007

Agenda Item No. 67
Roll Call No. 07-
Communication No. 07-066
Submitted by: Larry Hulse, Community
Development Director

AGENDA HEADING:

Hearing regarding request from Mid-America Group (purchaser) represented by Theresa Wahlert, President, and NW 77 JV represented by Al Rivers (officer), for annexation of approximately 217 acres of agricultural land located at 3930 SE 72nd Avenue in Polk County.

SYNOPSIS:

Recommend approval of the Voluntary Annexation. The subject property is now owned entirely by Mid-America Real Estate Co., represented by Teresa Wahlert, President. The annexation includes the entire right-of-way width of Army Post Road from SE 36th Street to a point approximately 450' west of the intersection of Army Post Road and SE 45th Street.

If the annexation is approved by the City Council, and unless the Application for Voluntary Annexation is withdrawn by the Mid-America Group within 5 business days after Council approval, the City Clerk shall forward a certified copy of the resolution and the accompanying exhibits to the City Legal Department who will seek approval of this voluntary annexation by the City Development Board in accordance with the procedures established in Iowa Code Chapter 368.

FISCAL IMPACT:

The subject annexation is approximately 217 acres in size and was included within the boundaries of the pending Involuntary Annexation A98-03, which contained a total of 5,933 acres. The "Updated Information" report filed with the City Development Board on July 13, 2005, for Involuntary Annexation A98-03, estimated net revenue to the City of approximately \$89M over the next 20 years due to the annexation.

ADDITIONAL INFORMATION:

The territory proposed for annexation (including the Army Post Road right-of-way) adjoins the boundaries of the City of Des Moines. The property is located within two miles of the boundaries of the Cities of Carlisle and Pleasant Hill. A farmhouse, eleven outbuildings or structures, and a leased communication tower site exist on the subject property. The remainder of the property is utilized for agricultural production. The subject property is located within the boundary of the Involuntary Annexation A98-03 that is still pending. It will connect to the Southeast Ridge sanitary sewer trunk line.

Mid-America has requested that the 2020 Community Character Plan Land Use Map designation be changed from Agricultural to Commercial (Auto-Oriented Small-Scale Strip Development), Medium Density Residential, Low Density Residential and Public/Semi-Public.

Mid-America has also requested that the subject property be rezoned upon annexation from "A-1," Agricultural to "PUD," Planned Unit Development. The Harvest Hills PUD Concept Plan proposes 37.8 acres of general retail and highway oriented commercial development, 37.7 acres of medium-density multiple-family residential development, 61.3 acres of 70' wide lot single-family residential development, 21.4 acres of 60' wide lot single-family residential development, 40.5 acres of 50' wide lot single-family residential development, and 13.7 acres for school use.

On December 21, 2006, the Plan and Zoning Commission voted 10-1 (Commissioner Meyer opposed) to recommend approval of the requested Land Use Map amendment, PUD zoning, and Harvest Hills PUD Concept Plan subject to conditions.

Pursuant to Iowa Code §§ 368.7, 368.11(13) and 427B.3, the applicant has requested that property taxes for existing improvements on the subject property be phased-in over a 5-year period as a condition of voluntary annexation. The percentage of value exempted from imposition of City of Des Moines taxes would be according to the following schedule:

1. For the 1st year, 75 percent.
2. For the 2nd year, 60 percent.
3. For the 3rd year, 45 percent.
4. For the 4th year, 30percent.
5. For the 5th year, 15 percent.

This is the same phase-in of City taxes previously allowed for certain Grubb, Koethe and Knapp annexations. The last annexation to allow a phase-in of City taxes was the LeMar Koethe annexation of 133 acres in Warren County approved by the City Council on February 6, 2006, by Roll Call No. 06-302. Based upon the current assessed value and FY 2006-2007 tax rates and rollback, it is estimated that the City would forego a total of \$2,575 over the five-year period for this voluntary annexation.

Any new residential development on the subject property would automatically be eligible for 5-year, 100% tax abatement.

Notice of the proposed annexation was given to the Polk County Board of Supervisors and to the Allen Township Board of Trustees by letter of November 13, 2006, and they were invited to a consultation meeting with City staff held on November 27, 2006. Neither the County nor the Township sent representatives to the consultation meeting.

Notice of the public hearing was published in the Des Moines Register on December 21, 2006, as provided by law.

The required mailing of notice did not timely occur to allow the hearing to be held on January 22, 2007, as originally planned. On January 22, 2007, by Roll Call No. 07-167, the public hearing was continued until February 12, 2007, at 5:00 p.m., to allow the required mailing of notice to occur

Notice of the public hearing to be held on February 12, 2007, was sent by certified or regular mail on January 16, 2006, to all affected utilities, to all other cities located within two miles of the property, to the Polk County Board of Supervisors and County Attorney, and to all applicants and owners of land included in and adjoining the territory proposed to be annexed as required by Sections 368.5 and 368.7 of the Iowa Code.

PREVIOUS COUNCIL ACTION(S):

Date: December 4, 2006

Roll Call Number: 06-2376

Action: Setting Date of Hearing [on](#) Voluntary Annexation of territory at 3930 SE 72nd Avenue, (1-22-07). Moved by Vlassis to adopt. Motion Carried 6-0.

Date: January 22, 2007

Roll Call Number: 07-167 and 07-168

Action: Public Hearing on items regarding approximately 217 acres of property at 3930 SE 72nd Avenue, Mid-America Group, and to continue both items to February 12, 2007 at 5:00 P.M.:

BOARD/COMMISSION ACTION(S):

Date: December 21, 2006

Case Number: 21-2006-4.20 (Land Use Map Amendment) and Zoning 2006-00178 (PUD Zoning and Harvest Hills PUD Conceptual Plan).

Action: Plan and Zoning Commission recommends approval of the requested Land Use Map amendment, PUD zoning and Harvest Hills PUD Concept Plan subject to conditions.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Consideration of the 2020 Community Character Plan Land Use Plan Amendments, PUD zoning and Harvest Hills PUD Concept Plan on February 12, 2007.