



Council Communication

Office of the City Manager

Date April 23, 2007

Agenda Item No. 54
Roll Call No. 07-
Communication No. 07-239
Submitted by: Larry Hulse
Community Development Director

AGENDA HEADING:

Hearing regarding request from Mid-America Group, LTD (owner) represented by Theresa Wahlert, President, for annexation of approximately 217 acres of agricultural land located at 3930 SE 72nd Avenue in Polk County and Second Consideration of rezoning the property from "A-1" Agricultural to "PUD" Planned Unit Development. 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.

SYNOPSIS:

Staff recommends approval of the Voluntary Annexation and Second Consideration of the rezoning. If the annexation is approved by the City Council, and unless the Application for Voluntary Annexation is withdrawn by the Mid-America Group, LTD within 5 business days after Council approval, the City Clerk shall forward a certified copy of the resolution and the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:

Amount: \$2,575.

Funding Source: Estimated loss of tax revenue if the property taxes are phased in over the first five years for structures that existed on the date of annexation approval by the City Council.

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 and 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, and will connect to the Southeast Ridge sanitary sewer trunk line.

On February 12, 2007, the City Council approved a request to change the 2020 Community Character Plan Land Use Map designation from Agricultural to Commercial (Auto-Oriented Small-Scale Strip Development), Medium Density Residential, Low Density Residential and Public/Semi-Public.

Also, on February 12, 2007, the City Council approved First Consideration of an ordinance to rezone the subject property upon annexation from "A-1", Agricultural to "PUD", Planned Unit Development and the Harvest Hills PUD Concept Plan, subject to final passage of the rezoning ordinance. The 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, 35.1 acres of 60' wide lot single-family residential development, and 40.5 acres of 50' wide lot single-family residential development.

Due to the substantial additional traffic that will be placed on the adjoining public streets by the proposed development, Mid-American Group, LTD has signed an agreement for future contribution to street improvements associated with this voluntary annexation and Planned Unit Development Concept Plan (attached to roll call).

It is anticipated that a traffic signal will be required in the future at the intersection of E. Army Post Road (also known as SE 64th Avenue in unincorporated Polk County) and the principal street entrance into the future development of the Property, after 50% of the area of the Property is platted into streets and lots for development. The Developer has agreed to reimburse the City for 50% of the reasonable costs incurred by the City to design and install the Traffic Signal System, provided that such costs are incurred within 5 years of City Council approval of such plat or plats that have caused 50% or more of the area of the Property to be platted into streets and lots for development.

In addition, the Developer will be responsible for the future widening of the entire adjoining portion of E. Army Post Road by the addition of a 12 foot wide lane and a 6 foot wide paved shoulder to the south side of the existing pavement, to occur with the subdivision of the adjoining portions of the Property into streets and lots for development.

No further improvement to the adjoining portions of E. Army Post Road, E. Pine Avenue or SE 45th Street will be required of Developer as a condition of platting the Property for redevelopment in substantial compliance with the "PUD" Conceptual Plan for such property titled "Harvest Hills" and approved by City concurrently with the rezoning of the Property to the "PUD" Planned Unit Development District.

The developer has met on numerous occasions with representatives of the Carlisle School District. References to a school site within the development will be removed from the plan and project signage as the Carlisle School District does not currently have the bonding capacity to construct a school on the site. The area formerly referenced as a school site will be designated for 60' wide lot single-family residential development. The developer has agreed to plat this area last in the event that the Carlisle School District's bonding capacity improves in the future.

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:

- i) For the 1st year, seventy-five percent.
- ii) For the 2nd year, sixty percent.
- iii) For the 3rd year, forty-five percent.
- iv) For the 4th year, thirty percent.
- v) For the 5th year, fifteen 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 2/6/06 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 an estimated 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, and 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 annexation 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. The annexation public hearing was subsequently continued on February 12, 2007 (07-283), February 26, 2007 (07-397) and March 26, 2007 (07-582).

PREVIOUS COUNCIL ACTION(S):

Date: March 26, 2007

Roll Call Numbers: 07-582 and 07-583.

Actions: Items regarding 3930 SE 72nd Avenue, Mid-America Real Estate Co.:

(A) [Hearing](#) on voluntary annexation of property. Moved by Meyer to continue the public hearing on the annexation until April 23, 2007, at 5:00 P.M., in the Council Chambers. Motion Carried 7-0.

(B) [Second](#) consideration of ordinance rezoning the property from "A-1" (Agricultural) to "PUD" (Planned Unit Development). Moved by Meyer to defer second consideration to the April 23, 2007 City Council meeting. Motion Carried 7-0.

Date: February 26, 2007

Roll Call Numbers: 07-397 and 07-398.

Actions: Items regarding 3930 SE 72nd Avenue, Mid-America Real Estate Co.:

(A) [Hearing](#) on voluntary annexation of the property. Moved by Coleman to continue the public hearing on the annexation until March 26, 2007, at 5:00 P.M., in the Council Chambers. Motion Carried 6-1.

Nays: Meyer.

(B) [Second](#) consideration of ordinance rezoning the property from “A-1” (Agricultural) to “PUD” (Planned Unit Development). Moved by Coleman to defer second consideration to the 3-26-07 Council Meeting. Motion Carried 6-1. Nays: Meyer.

Date: February 12, 2007

Roll Call Numbers: 07-279, 07-280, 07-281 and 07-283.

Actions: Items regarding approximately 217 acres of property at 3930 SE 72nd Avenue, in unincorporated Polk County, Mid-America Real Estate Co.:

(A) [To](#) amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Agricultural to Commercial Auto-Oriented Small-Scale Strip Development, Medium Density Residential, Low Density Residential and Public/Semi-Public, subject to approval of the annexation. Moved by Coleman to adopt. Motion Carried 6-1. Nays: Meyer.

(B) [Hearing](#) on rezoning of the property from “A-1” (Agricultural) to “PUD” (Planned Unit Development). Moved by Coleman to adopt and approve the rezoning and Conceptual Plan, subject to final passage of the rezoning ordinance. Motion Carried 6-1. Nays: Meyer.

(C) [First](#) consideration of ordinance above. Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Meyer.

~~(D) [Final](#) consideration of ordinance above, (waiver requested by applicant).~~

(E) [On](#) request for Voluntary Annexation. ([Council Communication No. 07-066](#)) Moved by Coleman to continue the public hearing on the annexation until 2-26-07, at 5:00 P.M., in the Council Chambers. Motion Carried 6-1. Nays: Meyer

BOARD/COMMISSION ACTION(S): Plan and Zoning Commission

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

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Final consideration of the rezoning and review and consideration of preliminary and final subdivision plats for development of the property.