

Date February 12, 2007

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on January 18, 2007, its members voted 12-0 in support of a motion to recommend approval of a request from Northern Warren Fire and Emergency Response Agency, represented by Raymond Phillips (President), for the vacation and conveyance of a portion of Army Post Road right-of-way adjoining the property it owns at 6304 SW 7th Street, subject to the following conditions:

1. Only the north 25 feet of the adjoining Army Post right-of-way shall be vacated.
2. Reservation of easements for all utilities in place.
3. The property shall have no right of vehicular access from Army Post Road.

MOVED by \_\_\_\_\_ to receive and file, and to refer to the City Manager for further processing in accordance with standard City property disposition procedures.

FORM APPROVED:

Roger K Brown  
 Roger K. Brown  
 Assistant City Attorney

(11-2006-1.41)

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

Request from Northern Warren Fire and Emergency Response Agency (owner) represented by Raymond Phillips (President) for vacation and conveyance.			File # 11-2006-1.41	
Description of Action	Vacate and convey 50' of excess Army Post Road right-of-way adjoining 6304 SW 7 <sup>th</sup> Street.			
2020 Community Character Plan	Commercial: Auto-Oriented Small-Scale Strip Development			
Horizon 2025 Transportation Plan	No Planned Improvements			
Current Zoning District	"R1-60" One-Family Low-Density Residential District. (In process of change: see below)			
Proposed Zoning District	Limited "C-2" General Retail and Highway-Oriented Commercial District.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
	Inside Area			
	Outside Area	0	0	0
Plan and Zoning Commission Action	Approval	12-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

Northern Warren Fire & Emergency Response - 6304 SW 7th Street 11-2006-1.41



February 12, 2007

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 January 18, 2007, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 12-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
David Cupp	X			
Shirley Daniels	X			
Dann Flaherty	X			
Bruce Heilman	X			
Jeffrey Johannsen				X
Greg Jones	X			
Frances Koontz	X			
Kaye Lozier	X			
Brian Meyer	X			
Brian Millard	X			
Brook Rosenberg	X			
Mike Simonson	X			
Kent Sovern	X			
Tim Urban				X
Marc Wallace				X

**APPROVAL** of a request from Northern Warren Fire and Emergency Response Agency, represented by Raymond Phillips (President), for the vacation and conveyance of a portion of Army Post Road right-of-way adjoining the property it owns at 6304 SW 7th Street, subject to the following conditions: (11-2006-1.41)

1. Only the north 25 feet of the adjoining Army Post right-of-way shall be vacated.
2. Reservation of easements for all utilities in place.
3. The property shall have no right of vehicular access from Army Post Road.

Written Responses

0 In Favor

0 In Opposition

*This item would not require a 6/7 vote at City Council.*

**STAFF RECOMMENDATION AND BASIS FOR APPROVAL**

Staff recommends that only the **north 25'** of the excess Army Post Road right-of-way be vacated subject to the following conditions:

1. Reservation of easements for all utilities in place.
2. No access drive from Army Post Road shall be constructed across the right-of-way.



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 is seeking to vacate a portion of the excess Army Post Road right-of-way for inclusion with the adjoining property to the north. The property line is located 50' north of the Army Post Road curb. Any commercial use of the vacated right-of-way would be subject to review and approval of a site plan by the City's Permit and Development Center.

The City Council will hold a public hearing on January 22, 2007 regarding a previous request to rezone the adjoining property to Limited "C-2" General Retail and Highway-Oriented Commercial District in order to allow future commercial development on all or a portion of the property upon relocation of the existing fire station for the Northern Warren Fire and Emergency Response Agency.

- 2. **Size of Site:** 200' x 50' or 20,000 square feet (0.46 acre).
- 3. **Existing Zoning (site):** Proposed Limited "C-2" General Retail and Highway-Oriented Commercial District (Currently "R1-60" One-Family Low-Density Residential District.)
- 4. **Existing Land Use (site):** Excess Army Post Road right-of-way.
- 5. **Adjacent Land Use and Zoning:**

**North** - "R1-60", Use is a fire station for the Northern Warren Fire and Emergency Response Agency.

**South** - "C-2", Uses include Army Post Road and a McDonald's restaurant.

**East** - "R1-60", Use is SW 7<sup>th</sup> Street.

**West** - "C-2", Use is vacant commercial land.

- 6. **General Neighborhood/Area Land Uses:** The subject right-of-way is located along the Army Post Road major commercial corridor.
- 7. **Applicable Recognized Neighborhood(s):** Greater South Side Neighborhood.
- 8. **Relevant Zoning History:** The City Council will hold a public hearing on January 22, 2007 for a request to rezone the adjoining property from "R1-60" One-Family Low-Density Residential District to Limited "C-2" General Retail and Highway-Oriented Commercial District. This request would include the subject right-of-way. On December 21, 2006, the Plan and Zoning Commission recommended approval of this rezoning subject to the following conditions:

- 1. *Any commercial use of the property is subject to approval of a site plan under the City's site plan policy and must eliminate and prohibit of access driveways from Lally Street.*
- 2. *Prohibit use of the property for the following uses:*
  - a. *Adult entertainment business.*
  - b. *Garages for general motor vehicle repair.*
  - c. *Vehicle display.*
  - d. *Off-premises advertising signs.*
  - e. *Package goods stores for sale of liquor.*
  - f. *Taverns/nightclubs.*

- g. Pawn shops.
- h. Financial service centers that provide check cashing and loans secured by post dated checks or payroll guarantee as their primary activity.
- 3. Construction of any commercial building shall be designed with 75% of all non-glazed exterior wall surfaces consisting of materials that are brick, split face concrete masonry units, stone, or EIFS/stucco. No more than 25% of this material requirement may be satisfied with split face concrete masonry units or EIFS/stucco or EIFS.
- 4. Any freestanding signs permitted must be ground-mounted with a brick or masonry block pedestal compatible with the primary building material.
- 5. The existing communications tower must continue compliance with the following conditions as required in the Zoning Board of Adjustment Decision and Order dated June 26, 2002 so long as the tower remains:
  - a. Provision of a brick screening of the tower base from the south using either the equipment building or a wing wall extension, with brick to match the fire station.
  - b. Provision of a landscape perimeter around the lease area comprised of 6'-8' evergreens.

**9. 2020 Community Character Land Use Plan Designation:** Commercial: Auto-Oriented Small-Scale Strip Development.

**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:** Easements must be provided for all existing utilities in place until such time they are relocated at the applicant's expense. An 8" water main and Mid-American facilities have been identified at this time.
- 2. **Traffic/Street System:** The City's Traffic and Transportation Division anticipates that the south 25' of the requested right-of-way will be needed for widening of Army Post Road in 2009. Therefore, only the north 25' of the requested right-of-way can be vacated and conveyed.
- 3. **Access or Parking:** The City's Traffic and Transportation Division indicates that access drives from Army Post Road should be prohibited due to the proximity to the intersection with SW 7<sup>th</sup> Street. Therefore, future access to the site must be from either SW 7<sup>th</sup> Street or through an access easement across the property to the west.

**SUMMARY OF DISCUSSION**

*There was no discussion on this item.*

*Greg Jones moved to approve staff recommendation.*

*Motion passed 12-0.*

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Ludwig". The signature is stylized and cursive.

Michael Ludwig, AICP  
Planning Administrator

MGL:dfa

Attachment