



Date..... February 27, 2012

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 2, 2012, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Available Material Handling, LLC (owner) 607 Southeast 21st Court, represented by Anthony Holt (officer), for vacation of the following public street segments to assemble with adjoining property for site development:

- A) Shaw Street from the Union Pacific Railroad to the north/south alley,
- B) Southeast 21st Court from Scott Avenue to the Union Pacific Railroad,

subject to the following conditions:

- 1. Provision of necessary easements for any existing utilities that are in place.
- 2. Any conveyance of the property be made subject to conformance with an approved Site Plan for the existing non-conforming contractor's storage yard use on adjoining property to the east and north, to include conformance with current Site Plan and landscaping requirements.

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

FORM APPROVED:

Roger K. Brown
 Roger K. Brown
 Assistant City Attorney

(11-2012-1.01)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

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.

MOTION CARRIED

APPROVED

 Mayor

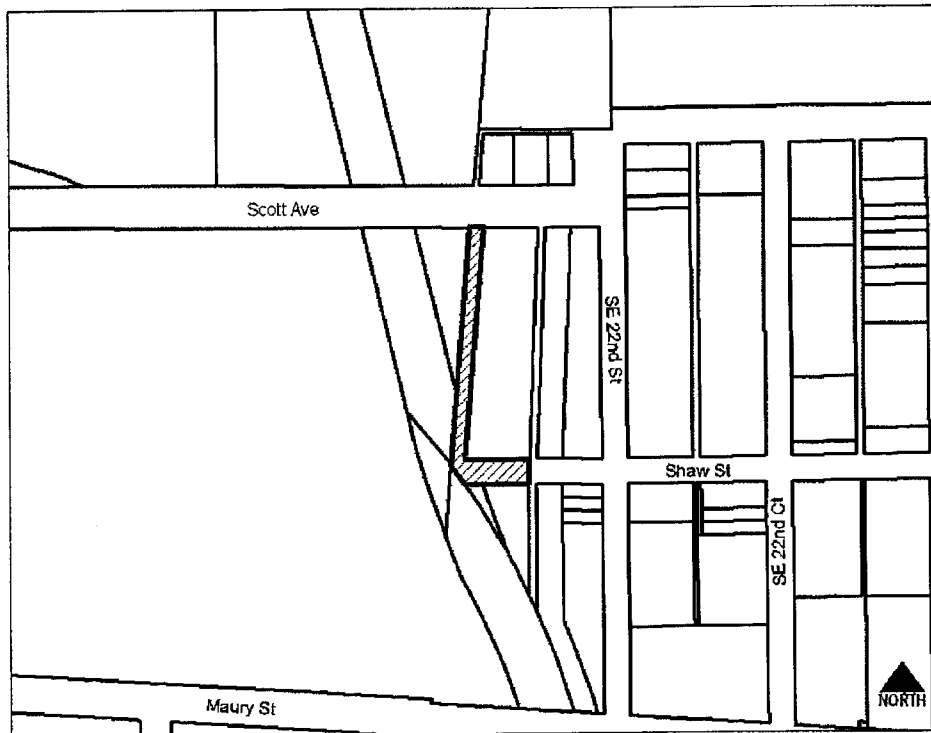
 City Clerk

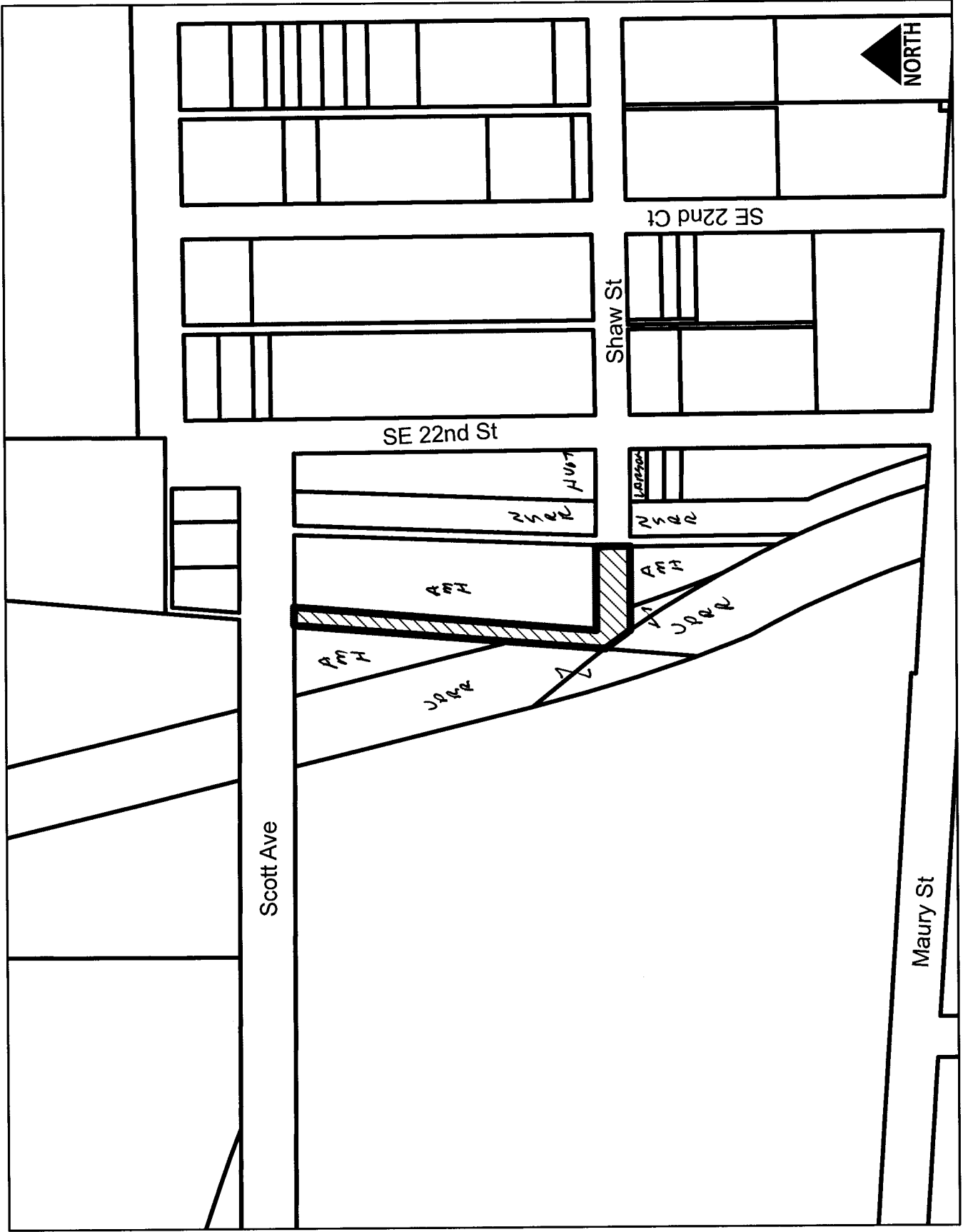
14 ✓

Request from Available Material Handling, LLC (owner) 607 Southeast 21 st Court, represented by Anthony Holt (officer) for vacation of public street segments				File # 11-2012-1.01	
Description of Action	Review and approval for vacation of the following public street segments to assemble with adjoining property for site development: A) Shaw Street from the Union Pacific Railroad to the north/south alley. B) Southeast 21 st Court from Scott Avenue to the Union Pacific Railroad.				
2020 Community Character Plan	General Industrial				
Horizon 2035 Transportation Plan	No Planned Improvements				
Current Zoning District	"M-1" Light Industrial District				
Proposed Zoning District	"M-1" Light Industrial District				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area					
Plan and Zoning Commission Action	Approval	10-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Available Material Handling LLC - 20 E 18th Street

11-2012-1.01





February 14, 2012

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 February 2, 2012, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-0 as follows:

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley				X
Tim Fitzgerald	X			
Dann Flaherty	X			
John "Jack" Hilmes	X			
Joel Huston	X			
Ted Irvine				X
Greg Jones	X			
William Page	X			
Christine Pardee	X			
Mike Simonson	X			
CJ Stephens				X

APPROVAL of a request from Available Material Handling, LLC (owner) 607 Southeast 21st Court, represented by Anthony Holt (officer), for the requested vacation of A) Shaw Street from the Union Pacific Railroad to the north/south alley; and B) Southeast 21st Court from Scott Avenue to the Union Pacific Railroad; subject to the following conditions:

1. Provision of necessary easements for any existing utilities in place.
2. Any conveyance of the property be made subject to conformance with an approved Site Plan for the existing non-conforming contractor's storage yard use on adjoining property to the east and north, to include conformance with current Site Plan and landscaping requirements.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation subject to the following conditions:

1. Provision of necessary easements for any existing utilities that are in place.
2. Any conveyance of the property be made subject to conformance with an approved Site Plan for the existing non-conforming contractor's storage yard use on adjoining property to the east and north, to include conformance with current Site Plan and landscaping requirements.



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 assemble land to allow the Site to be developed for outdoor storage of contractor equipment. The applicant purchased the property in December of 2010 with an order by the Iowa DNR to clean up debris and dumping that had occurred under previous ownership. Since that time the applicant has worked to legally dispose of the material.
2. **Size of Site:** Approximately 13,900 square feet.
3. **Existing Zoning (site):** "M-1" Light Industrial District.
4. **Existing Land Use (site):** Vacant undeveloped land.
5. **Adjacent Land Use and Zoning:**
 - North* – "M-1", Uses are vacant land, the Norfolk Southern Railroad and the Union Pacific Railroad.
 - South* – "M-1", Uses are vacant land, the Norfolk Southern Railroad and the Union Pacific Railroad.
 - East* – "M-1", Uses are vacant land and the Norfolk Southern Railroad.
 - West* – "M-2"; Use is the Kemin Industries campus and the Union Pacific Railroad.
6. **General Neighborhood/Area Land Uses:** The subject right-of-way is within the southeast industrial complex of Des Moines.
7. **Applicable Recognized Neighborhood(s):** None.
8. **Relevant Zoning History:** The property is currently subject to a Zoning code enforcement case for conducting activity as a contractor's storage yard without meeting site development requirements under the Site Plan Ordinance. This request is a first step to bring the Site into conformance. Staff recommends that any conveyance of the right-of-way for lease or for sale be subject to conformance with zoning enforcement.
9. **2020 Community Character Land Use Plan Designation:** General Industrial.
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:** At this time no public utilities have been identified within the requested rights-of way. Easements must be provided for any existing public utilities as part of any conveyance.

- 2. **Street System/ Access:** Both segments of right-of-way are undeveloped and are not determined by Traffic Engineering to be essential to the current or proposed circulation of traffic on the surrounding public street system. The site proposed to be assembled with the requested right-of-way will continue to have access from Scott Avenue, an improved public street abutting to the north. Scott Avenue will dead end west of the Union Pacific Railroad. That portion of Scott Avenue west of the proposed turnaround is proposed for vacation and conveyance to Kemin Industries.
- 3. **Development Requirements:** Any future development of the right-of-way onto the requested right-of-way must be in compliance with a Site Plan approved by the City's Permit & Development Center. This includes such standards as paved access and maneuvering; dustless surfaces and street setbacks for storage areas; and landscaping requirements.

SUMMARY OF DISCUSSION

There was no discussion.

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one to speak in favor or in opposition of the applicant's request.

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

John "Jack" Hilmes moved staff recommendation to approve the requested vacation subject to the following conditions:

- 1. Provision of necessary easements for any existing utilities that are in place.
- 2. Any conveyance of the property be made subject to conformance with an approved Site Plan for the existing non-conforming contractor's storage yard use on adjoining property to the east and north, to include conformance with current Site Plan and landscaping requirements.

Motion passed 10-0.

Respectfully submitted,


 Michael Ludwig, AICP
 Planning Administrator

MGL:clw

Attachment