

Date January 26, 2015

**RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION
REGARDING A CITY-INITIATED REQUEST TO VACATE SOUTHWEST MCKINLEY
AVENUE FROM SOUTHWEST 46TH STREET TO SOUTHWEST 56TH STREET, IN THE
VICINITY OF 4700 SOUTHWEST MCKINLEY AVENUE**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on January 15, 2015, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a City-initiated request by the Engineering Department to vacate Southwest McKinley Avenue from Southwest 46th Street to Southwest 56th Street, in the vicinity of 4700 Southwest McKinley Avenue, subject to the following conditions:

1. Research the possibility of a temporary easement or other mechanism to allow continued utilization of the bridge for bicycle and pedestrian recreational usage.
2. Reservation of easements for all utilities in place until such time that they are abandoned or relocated at the owner's expense.
3. Provision of restricted access for agricultural leaseholders for adjoining City property.

MOVED by _____ to receive and file the attached communication from the Plan and Zoning Commission.

FORM APPROVED:

Glenna K. Frank
Glenna K. Frank
Assistant City Attorney

(11-2014-1.18)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
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

January 21, 2015

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 15, 2015, the following action was taken regarding a City initiated request to vacate Southwest McKinley Avenue from Southwest 46th Street to Southwest 56th Street, in the vicinity of 4700 Southwest McKinley Avenue. This would eliminate a segment of street with a bridge that has been closed.

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles	X			
JoAnne Corigliano	X			
Jacqueline Easley	X			
Tim Fitzgerald	X			
Jann Freed				X
John "Jack" Hilmes	X			
Greg Jones	X			
William Page	X			
Jonathan Rosenbloom	X			
Mike Simonson	X			
CJ Stephens				X
Vicki Stogdill				X
Greg Wattier	X			

APPROVAL of the requested vacation of alley rights-of-way subject to the following conditions: (11-2014-1.18)

1. Research the possibility of a temporary easement or other mechanism to allow continued utilization of the bridge for bike traffic and pedestrians.
2. Reservation of easements for all utilities in place until such time that they are abandoned or relocated at the owner's expense.

3. Provision of restricted access for agricultural leaseholders for adjoining City property.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval for vacation of the requested alley rights-of-way subject to the following conditions:

1. Reservation of easements for all utilities in place until such time that they are abandoned or relocated at the owner's expense.
2. Provision of restrict access for agricultural leaseholders for adjoining City property.

Written Responses

- 0 In Favor
- 1 In Opposition

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The requested vacation would allow the permanent closure of the segment which has been closed due to safety concerns with the existing bridge.
2. **Size of Site:** The affected segment of Southwest McKinley Avenue is a 66-foot wide right-of-way that is approximately 4,475 feet in length. (6.78 acres of total area).
3. **Existing Zoning (site):** "R1-80" One-Family Residential District.
4. **Existing Land Use (site):** Paved street.
5. **Adjacent Land Use and Zoning:**

North – "R1-80", Use is undeveloped property that includes both timber area and agriculturally cultivated area.

South – "R1-80", Use is undeveloped property that includes both timber area and agriculturally cultivated area.

6. **General Neighborhood/Area Land Uses:** The subject property is located in an area west of the Des Moines International Airport that is generally developed with acreages and agricultural use. Adjoining properties are all owned by the City of Des Moines.
7. **Applicable Recognized Neighborhood(s):** The subject property is within the Southwestern Hills Neighborhood. All recognized neighborhoods were notified of the meeting by mailing of the Preliminary Agenda on December 24, 2014. Additionally, separate notifications of the hearing for this specific item were mailed on January 5, 2015 (10 days prior to the hearing) to the Southwestern Hills Neighborhood Association contact and to the primary titleholder on file with the Polk County Assessor for each property adjoining the segment of right-of-way. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on January 9, 2015.

All agendas and notices are mailed to the contact person(s) designated to the City of Des Moines Neighborhood Development Division by the recognized neighborhood association. The Southwestern Hills Neighborhood Association mailings were sent to George Davis, 3124 Southwest 29th Street, Des Moines, IA 50321.

8. **Relevant Zoning History:** N/A.
9. **2020 Community Character Land Use Plan Designation:** Public/Semi-Public, Clear Zone, and Floodway.
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:** There is an existing 12-inch water main and overhead electrical lines with street lighting within the right-of-way. Easements must be maintained for all utilities in place.
2. **Traffic/Access:** The vacation of the requested right-of-way would alter the street circulation pattern for the area. Traffic using Southwest 46th Street/Southwest 42nd Street will no longer have a westbound connection to Southwest 56th Street, and ultimately to Highway 28, between Park Avenue and Army Post Road. Access for utility maintenance and for agricultural leases to adjoining City owned property would continue to be provided through a restricted access gate maintained by the City at the west end of the segment from Southwest 56th Street.

An existing private residence east of this segment will continue to have the same emergency vehicle access as it has existed up to this point based on the bridge weight limit. This access comes from the semi-improved streets Southwest 46th Street to the north to Park Avenue or Southwest 42nd Street south to Army Post Road.

3. **Future Development:** There are approved long-range plans under the Des Moines International Airport Master Plan that this segment of right-of-way will be within the parallel runway project area. In the near term, City Engineering plans to propose a Capital Improvements Program budget request for a project to remove the bridge over the creek near Southwest 46th Street.

SUMMARY OF DISCUSSION

Erik Lundy presented the staff report and recommendation.

CHAIRPERSON OPENED THE PUBLIC HEARING

George Davis 3124 SW 29th Street, President of Southwestern Hills Neighborhood Association (SHNA) stated they are in opposition to the vacation. The residents in that area have been at the mercy of the Airport's changing plans for the past 20 years. The mile road that is being considered for closing will take away one of the most beautiful roads for bicycle riders in Des Moines. They access the trail at the bottom of the hill by the bridge. The business in the area, Orlando's Pizza where a lot of the bike riders frequent

will be impacted. He questions the estimates of \$100,000 to remove the bridge and \$500,000 to rebuild the bridge. He believes vacating this area is a big mistake because when Park Avenue is closed for Ragbrai and the Hy-Vee Triathlon that road gives access to those neighbors where they do not have to travel around the Airport.

If there is an emergency and Park Avenue is closed and someone in that area needs an ambulance sometimes the emergency vehicles use that road. He hopes the Commission will take the neighborhood's concerns into consideration and deny the request to vacate. He thanked staff for the excellent neighborhood notification but wondered why the City put up barricades and blocked the bridge before the hearing.

Nick Van Patten 6020 SW McKinley Avenue stated he is a long-time resident in this area and he also has concerns about the closing of that road. There are a lot of bicyclist using that road and the gravel road they would have to use is not very well maintained by the City. In addition to the gravel road, bicyclists would have to go through Willow Creek Golf Course which has a lot of angles and turns to go through. When Willow Creek closes in the winter time the bikes cannot get through. Whenever there is an accident on Park Avenue, congested traffic, or closing for special events such as Ragbrai and the Hy-Vee Triathlon this road is used. He has been told that the terminal is now being considered in a different area than originally planned and the parallel runway will not be built. He would like to know what traffic counts have been done by the City and what time periods they used. The bridge is a little tiny bridge and believes that the estimates he saw seems very high for removal and replacement.

Steve Utterson 5884 SW McKinley Avenue stated his concerns are the bicycle traffic and the inclement weather. He pointed out that last year during the snow storm, that road was the only way for the residents in the area to get back to their homes. He asked how the residents are supposed to get around the widening of Park Avenue between 63rd and possibly to the George Flagg Parkway when that takes place.

Pam Cooksey Interim City Engineer stated the McKinley Bridge was built in 1937. The City has been doing biannual inspections up to the point they were told that it no longer qualified for that and they had to do annual inspections. This bridge is the worst bridge in the City of Des Moines as far as the rating criteria. She has the report and pictures that show the structure. There are places in the structure that you can put your arms through, corrosion and substandard bridge deck. Public Works cannot keep the pot holes filled. Public safety is the reason the road was closed prior to this meeting. She stated the estimates are correct. The demolition is less than \$100,000.00 but to construct a culvert box, there are bid prices for all of their projects. They would have to construct a twin, 12 x 12 box culvert for the replacement structure. The estimate for that box is \$40,000 for the removal of the bridge; \$209,000 for the reinforced concrete; \$61,000 for the steel; and \$62,500 for the roadway grading. Making the total just under \$400,000 but then you have traffic control, mobilization, design services, construction inspection, material testing and that cost is \$488,000. They have done an estimate based on rough numbers. There is no current traffic count. Staff did have direct contact with Mr. Augustine prior to the closure and he had no issues. Public Works is aware of the condition of the pavement around the area and knows that they need to do better in maintaining that because there won't be this alternate route. Staff has worked with the Airport and they have confirmed that this property is a part of their parallel runway plan and there is no intention of disposing of the property. The terminal has changed but the parallel runway has not.

Will Page asked what this bridge could be capable of holding.

Pam Cooksey stated it would be standard roadway legal load if they constructed a box culvert.

Will Page stated what he heard from the public repeatedly is the concern for bicycles. He believes that the bicycles would not need a bridge that is capable of holding standard roadway legal load so the road could be closed and a bridge built that would be appropriate for bicycles which would satisfy the public.

Pam Cooksey agreed that the bicycles would not need a bridge that is capable of holding standard roadway legal load. However, it does need a safe and maintained structure. They are also responding to the Airport's plan that uses this property for their parallel runway. The question is do they spend the money on that bridge? At this point it is not in the budget.

Mike Simonson asked if the Airport does not continue the parallel runway plan can the Commission revisit this.

Jonathan Rosenbloom voiced his concern that the decision tonight is based on \$400,000 which is a vehicular estimate and really do not have a sense of what the cost would be if the road was closed but made accessible to bike and pedestrian traffic.

Pam Cooksey stated there is also the issue of access for agricultural uses for the lease holders.

Jonathan Rosenbloom stated the main concern he heard tonight is the bicycle use.

Pam Cooksey stated the City of Des Moines currently owns both sides of the roadway and it is part of the Airport Authority's lease and they have lease holders that need access for agricultural purposes so there are plans to put a gate and fencing to control the access to that existing roadway for the agricultural lessee's.

Tim Fitzgerald suggested tabling this request until the Airport's plan is known in February.

Jonathan Rosenbloom stated if that happens he would like the number of how many people actually use this roadway as well as an opportunity to look at connecting other trails.

Pam Cooksey stated the count would entail someone actually standing out there when the biking occurs.

Mike Ludwig asked as part of the long term plan for the parallel runway does that bike trail get relocated further to the west.

Pam Cooksey stated yes.

Mike Simonson asked if this roadway were to be abandoned would the bridge be removed immediately or is there a timeframe for the removal.

Pam Cooksey stated due to safety they do not want traffic on that bridge and their plan is to remove the bridge later in 2015.

JoAnne Corigliano stated there is access to the trail without going over the bridge.

Mike Ludwig stated that is correct. However, McKinley is the only paved access in the area which makes it very popular. There is no money currently budgeted to replace the bridge in any form whether it is a bike trail or a vehicle bridge. If the Council wants to put money towards a temporary bridge the Commission could revisit that.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Mike Simonson stated it seems that the opposition is all about the bridge and if Engineering is saying the bridge is not safe and they want to remove the bridge or at least keep people from using it. So if the bridge is not there the roadway cannot be used for bicycles.

Will Page asked staff to show what the relocated bike route would be.

Erik Lundy pointed out that currently this is not a bike route but an alternate way that people use to get onto the trail system.

Tim Fitzgerald stated he will not support staff recommendation because the neighborhood is so opposed to closing this roadway until hearing the Airport's proposal.

John "Jack" Hilmes pointed out that it makes little sense to put \$500,000 into a piece of property that is going to be condemned by the Federal Government and the Airport. It sounds like there are alternative traffic ways. He is a bicyclist, he rides this trail. The City of Des Moines is working with bicyclist to make trails available. Due to safety concerns traffic should not travel this bridge. He wonders if there is some type of solution to reinforce the bridge enough and a width wide enough for people to take bicycles across it while closing the remaining of the bridge to vehicular traffic.

Pam Cooksey stated she has no answer tonight but they can look at it. Trying to keep that roadway and the bridge safe for bicycles would be a challenge because Public Works will not be maintaining that roadway at this point.

Jacqueline Easley asked what the difference between this bridge and the old Jackson Street Bridge.

Pam Cooksey stated they are different structures. The bridge in question tonight is a roadway bridge and measured sufficiency rating against the roadway criteria. The Jackson Avenue Bridge had other issues and the problems with that type of truss structure is once it fails it fails entirely.

Will Page stated that Commissioner Hilmes suggested solution makes sense.

Mike Ludwig noted there are trails on easements throughout Des Moines. The City of Des Moines is going to maintain ownership of the parcel. If the Commission wanted to suggest that staff explore options for a temporary easement and to allow bike only access on the bridge in the interim they can. Until that easement occurs the road would be closed.

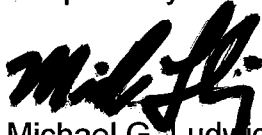
COMMISSION ACTION:

Mike Simonson moved approval for vacation of the requested alley rights-of-way subject to the following conditions:

1. Research the possibility of a temporary easement or other mechanism to allow continued utilization of the bridge for bike traffic and pedestrians.
2. Reservation of easements for all utilities in place until such time that they are abandoned or relocated at the owner's expense.
3. Provision of restricted access for agricultural leaseholders for adjoining City property.

Motion passed 10-0.

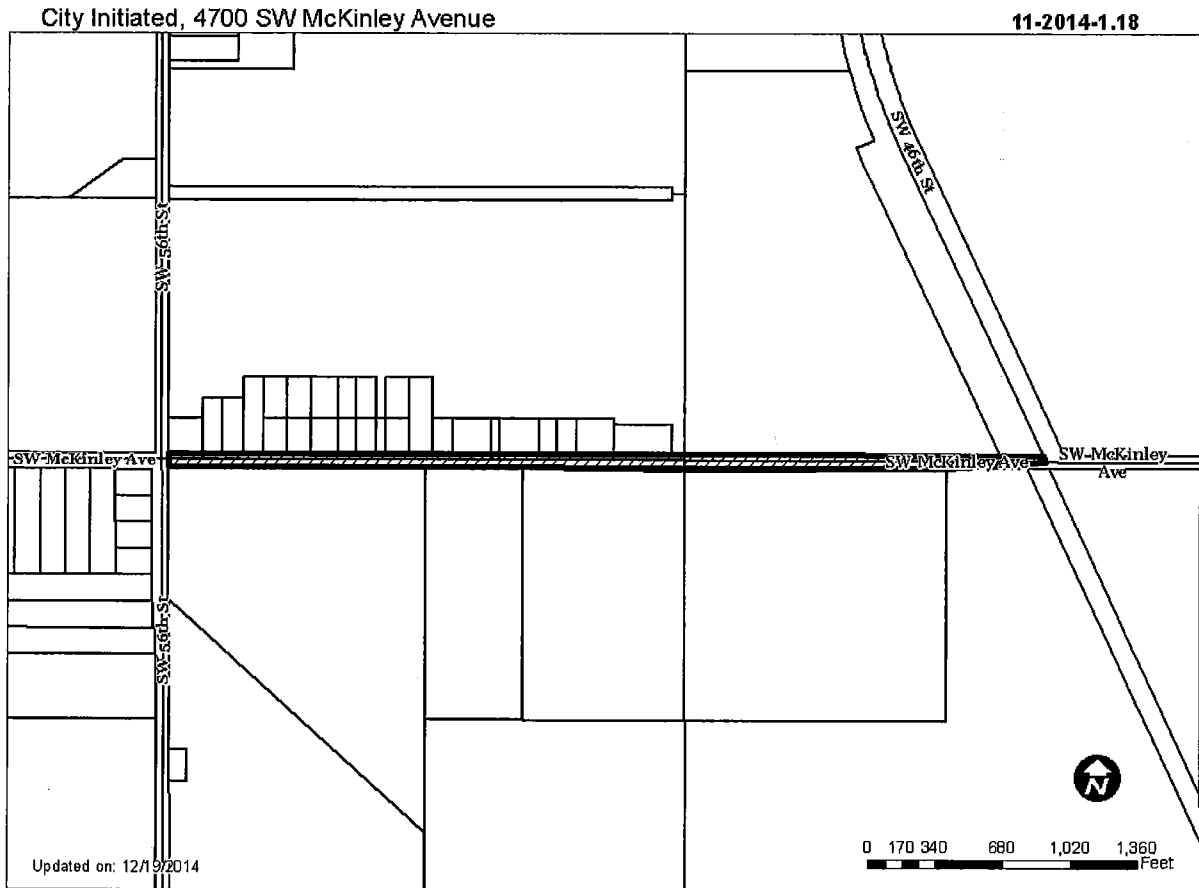
Respectfully submitted,



Michael G. Ludwig, AICP
Planning Administrator

MGL:clw
Attachment

City initiated request in the vicinity of 4700 Southwest McKinley Avenue.		File #		
		11-2014-1.18		
Description of Action	Approval to vacate Southwest McKinley Avenue from Southwest 46th Street to Southwest 56th Street, subject to conditions. This would eliminate a segment of street with a bridge that has been closed.			
2020 Community Character Plan	Current: Public/Semi-Public, Clear Zone, and Floodway. Proposed: N/A.			
Horizon 2035 Transportation Plan	No planned improvements.			
Current Zoning District	"R1-80" One-Family Residential District.			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area		1		
Outside Area				
Plan and Zoning Commission Action	Approval	10-0	Required 6/7 Vote of the City Council	Yes
	Denial			No



11-2014-1.18

Item Change on S.W. McKelvey Date 1-8-15

I (am) (am not) in favor of the request. Neighborhood Access
(Circle One)

Print Name George Daniels

Signature [Signature]

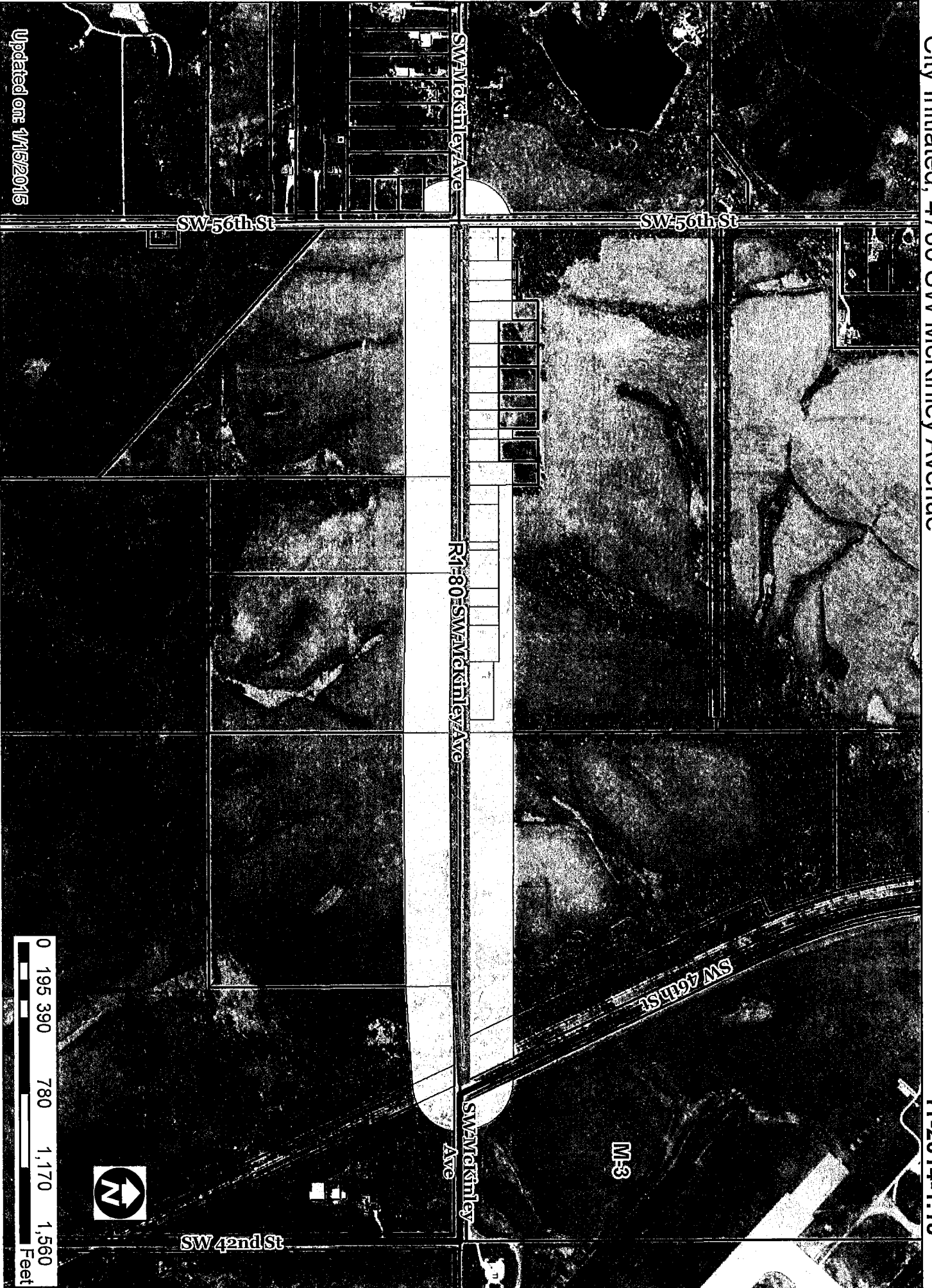
Address 3124 SW 29th

Reason for opposing or approving this request may be listed below:

Southwestern Hill is opposed to this closure.
This eliminates an access road —
During RACBRI & The Hy-Vee Triathlon
This would land lock an Artery.
Having Expansion in the future!

City Initiated, 4700 SW McKinley Avenue

11-2014-1.18



SW McKinley Ave

SW 56th St

SW 56th St

R1-80-SW McKinley Ave

SW McKinley Ave

SW 42nd St

SW 46th St

M-3



Updated on: 1/15/2015