



Roll Call Number

Agenda Item Number

18


Date August 8, 2016

**RECEIVE AND FILE COMMUNICATION FROM THE
PLAN AND ZONING COMMISSION REGARDING REQUEST FROM
BOYSEN PROPERTIES, LLC FOR VACATION OF A SEGMENT OF UNDEVELOPED
BOYD STREET BETWEEN DELAWARE AVENUE AND EAST 21ST STREET**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 21, 2016, its members voted 12-0 to recommend **APPROVAL** of a request from Boysen Properties, LLC (owner), 2905 Delaware Avenue, represented by Jeremy Boysen, for vacation of a segment of undeveloped Boyd Street right-of-way between Delaware Avenue and East 21st Street, adjoining the subject property, to allow for future site expansion of the subject property, subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.

MOVED by _____ to receive and file the attached communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division.

FORM APPROVED:



Glenna K. Frank
Assistant City Attorney

(11-2016-1.15)

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



July 22, 2016

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 July 21, 2016, the following action was taken regarding a request from Boysen Properties, LLC (owner) 2905 Delaware Avenue, represented by Jeremy Boysen, for vacation of a segment of undeveloped Boyd Street Right-Of-Way (ROW) between Delaware Avenue and East 21st Street, adjoining the subject property, to allow for future site expansion of the subject property.

COMMISSION RECOMMENDATION:

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

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
Francis Boggus	X			
Dory Briles				X
JoAnne Corigliano	X			
David Courard-Hauri	X			
Jacqueline Easley	X			
Tim Fitzgerald	X			
Jann Freed	X			
John "Jack" Hilmes				X
Carolyn Jenison	X			
Greg Jones	X			
William Page	X			
Mike Simonson	X			
CJ Stephens				X
Steve Wallace	X			
Greg Wattier				X

APPROVAL of the vacation request subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.

(11-2016-1.15)

RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the vacation request subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed vacation would allow Boysen Properties, LLC to assemble land necessary for expansion of the existing business to the north at 2905 Delaware Avenue.
2. **Size of Site:** 0.299 acres (13,025 square feet).
3. **Existing Zoning (site):** "M-1" Light Industrial District, "R1-60" One-Family Low-density Residential District and "FSO" Freestanding Sign Overlay District.
4. **Existing Land Use (site):** Undeveloped street Right-Of-Way.
5. **Adjacent Land Use and Zoning:**
 - North* – "M-1" and "R1-60", Uses are a warehouse building owned by Boysen Properties, LLC, and single-family residential.
 - South* – "M-1" and "R1-60", Uses are single-family residential and vacant land.
 - East* – "R1-60"; Use is single-family residential.
 - West* – "M-1"; Uses are Delaware Avenue Right-Of-Way and light industrial.
6. **General Neighborhood/Area Land Uses:** The subject site is located north of the Guthrie Business Park along Delaware Avenue in a predominantly industrial area. Single-family residential uses are located to the east and southeast.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Fairmont Park Neighborhood. The neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on July 1, 2016. Additionally, separate notifications of the hearing for this specific item were mailed on July 11, 2016 (10 days prior to the hearing) to the Fairmont Park Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property adjoining or across public streets from the subject street ROW. A Final Agenda was mailed to all recognized neighborhood associations on July 15, 2016.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Fairmont Park Neighborhood Association notices were mailed to Jeff Witte, 2501 Morton Avenue, Des Moines, IA 50317.
8. **Relevant Zoning History:** N/A.

9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** The subject street Right-Of-Way is located within an area that is divided into two separate designations on the proposed PlanDSM future land use map. The west 209.627 linear feet of the street Right-Of-Way is designated as Light Industrial. The east 224.55 linear feet of the street Right-Of-Way is designated as Low Density Residential.

The plan defines Light Industrial category as area that “accommodates industrial development and limited supporting commercial uses. Development in this classification could have a large impact on adjoining properties and the environment which would need to be mitigated”. The Plan defines Low Density Residential as “areas developed with primarily single-family and two-family residential units with up to 6 dwelling units per net acre.”

10. **Applicable Regulations:** In consideration of the criteria set forth in Chapter 18B of the Iowa Code, 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. **Traffic/Street System:** The requested vacation would not impact the existing street network or traffic movement in the area.
- 2. **Utilities:** There are no identified utilities in the subject street Right-Of-Way. Easements must be reserved for any existing utilities until such time that they may be abandoned or are relocated.
- 3. **Future Use:** The proposed vacation would allow Boysen Properties, LLC to assemble land necessary for expansion of the existing business to the north at 2905 Delaware Avenue.

SUMMARY OF DISCUSSION

Greg Jones asked if anyone was present to speak on this item. None were present or requested to speak.

COMMISSION ACTION:

Jacqueline Easley moved staff recommendation for approval of the vacation request subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.

Motion passed 12-0.

Respectfully submitted,



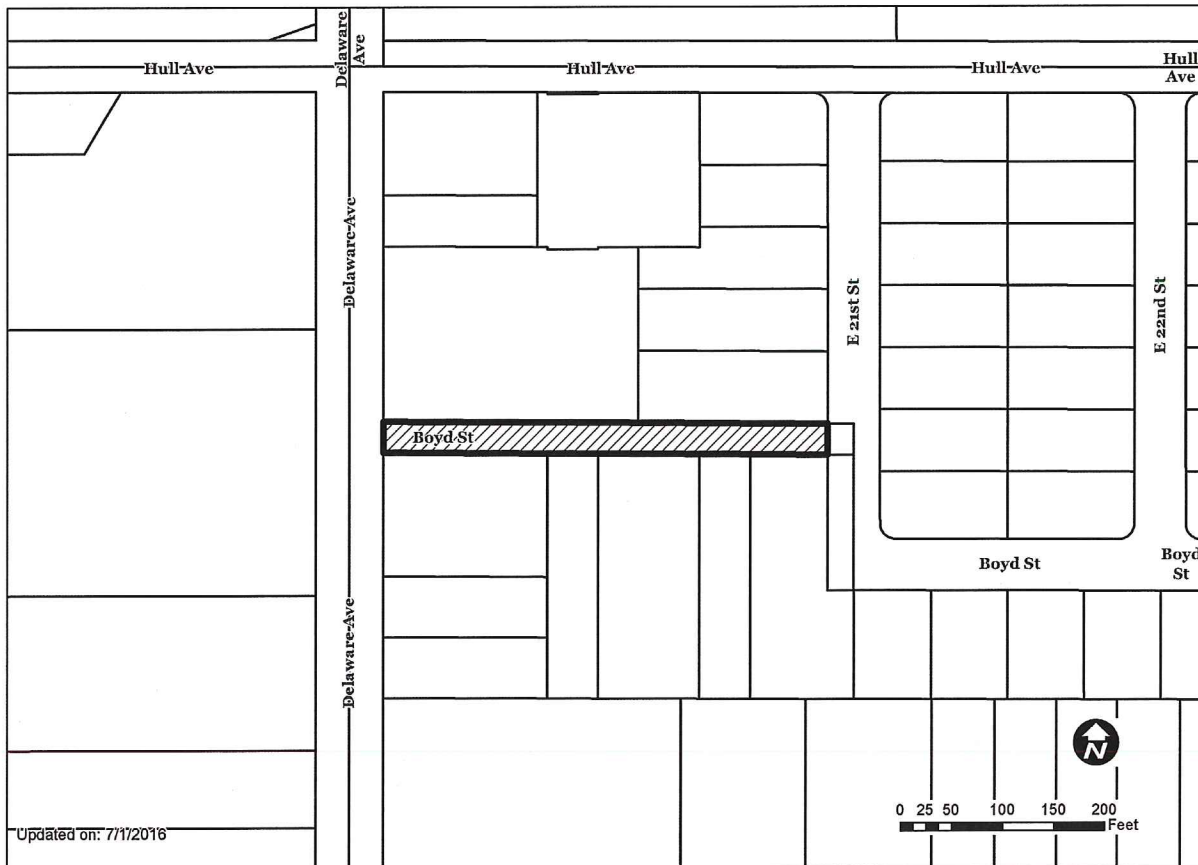
Erik Lundy, AICP
Senior City Planner

EML:clw
Attachment

Boysen Properties, LLC (owner) 2905 Delaware Avenue, represented by Jeremy Boysen.		File #		
		11-2016-1.15		
Description of Action	Approval of vacation of a segment of undeveloped Boyd Street Right-Of-Way (ROW) between Delaware Avenue and East 21st Street, adjoining the subject property, to allow for future site expansion of the subject property, subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.			
PlanDSM Future Land Use	Current: Industrial and Low Density Residential. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"M-1" Light Industrial District, "R1-60" One-Family Low-Density Residential District and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	3	0		
Outside Area				
Plan and Zoning Commission Action	Approval	12-0	Required 6/7 Vote of the City Council	Yes
	Denial			No X

Boysen Properties, LLC, 2905 Delaware Avenue

11-2016-1.15



1 inch = 110 feet

8 11-2016-1.15
 Item _____ Date 7/14/16
 I (am) (am not) in favor of the request. Delaware Properties
RECEIVED
 (Circle One)
 COMMUNITY DEVELOPMENT Print Name Robert Mills
 Signature [Signature]
 Address 2741 Delaware 2020-2025-Boyd
 JUL 19 2016
 DEPARTMENT

Reason for opposing or approving this request may be listed below:
I am in favor subject to being able
to purchase 1/2 of the vacated
property adjoining my properties

11-2016-1.15
 Item _____ Date July 19, 2016
 I (am) (am not) in favor of the request.
RECEIVED
 (Circle One)
 COMMUNITY DEVELOPMENT Print Name Gerald E. Overman
 Signature [Signature]
 Address 2029 Boyd St, DSM
 JUL 21 2016
 DEPARTMENT

Reason for opposing or approving this request may be listed below:
JB Autoports has cleaned up
the neighborhood & we
appreciate their efforts &
we want to cooperate in
any way we can.

11-2016-1.15
 Item _____ Date July 19, 2016
 I (am) (am not) in favor of the request.
RECEIVED
 (Circle One)
 COMMUNITY DEVELOPMENT Print Name Gerald E. Overman
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11-2016-1.15

COMMUNITY DEVELOPMENT

JUL 18 2016

DEPARTMENT

1 (am)

Item

(circle one) in favor of the request

(circle one)

Date 7/19/16

Neighborhood Assoc.

Jerry Wolfe, Pres FPNP

Print Name

Signature

Address 2501 Weller Ave

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

Jerry spoke at our Neighborhood Assoc. meeting and explained he was going to vacate the street and give the land to the residents on other side.