



Date August 6, 2018

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING CITY-INITIATED REQUEST FOR VACATION OF SEGMENTS OF RIGHT-OF-WAY ADJOINING 1101 RACCOON STREET AND 200 SOUTHEAST 15TH STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 19, 2018, its members voted 10-0 to recommend APPROVAL of a City-initiated request for vacation of Southeast 15th Street from East Market Street to East Martin Luther King, Jr. Parkway, Southeast 11th Street from Raccoon Street north to the Iowa Interstate Railroad, the north/south alley between Southeast 11th Street and Southeast 12th Street from the BNSF Railroad north to the Iowa Interstate Railroad, and Southeast 12th Street from the BNSF Railroad north to the Iowa Interstate Railroad, which segments of right-of-way are north of 1101 Raccoon Street and adjoining 200 Southeast 15th Street, to allow for assemblage with the adjoining property as part of the proposed Des Moines Transloading Facility, subject to the following conditions:

- 1. Reservation of any necessary easements as part of any conveyance for all existing utilities in place shall be provided until such time that the utilities are abandoned or are relocated.
2. Review of development plans for the Transload Facility by the City Council with recommendations by the Urban Design Review Board as part of any conveyance of ROW.
3. Review and approval of any development by the City Council under the design criteria as described in the Commercial Construction and Sustainability Requirements of the Tax Abatement Standards and the Landscape Enhancement Corridor requirements as part of any conveyance of ROW.

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 signature and name, Assistant City Attorney

(11-2018-1.17)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and TOTAL.

MOTION CARRIED APPROVED

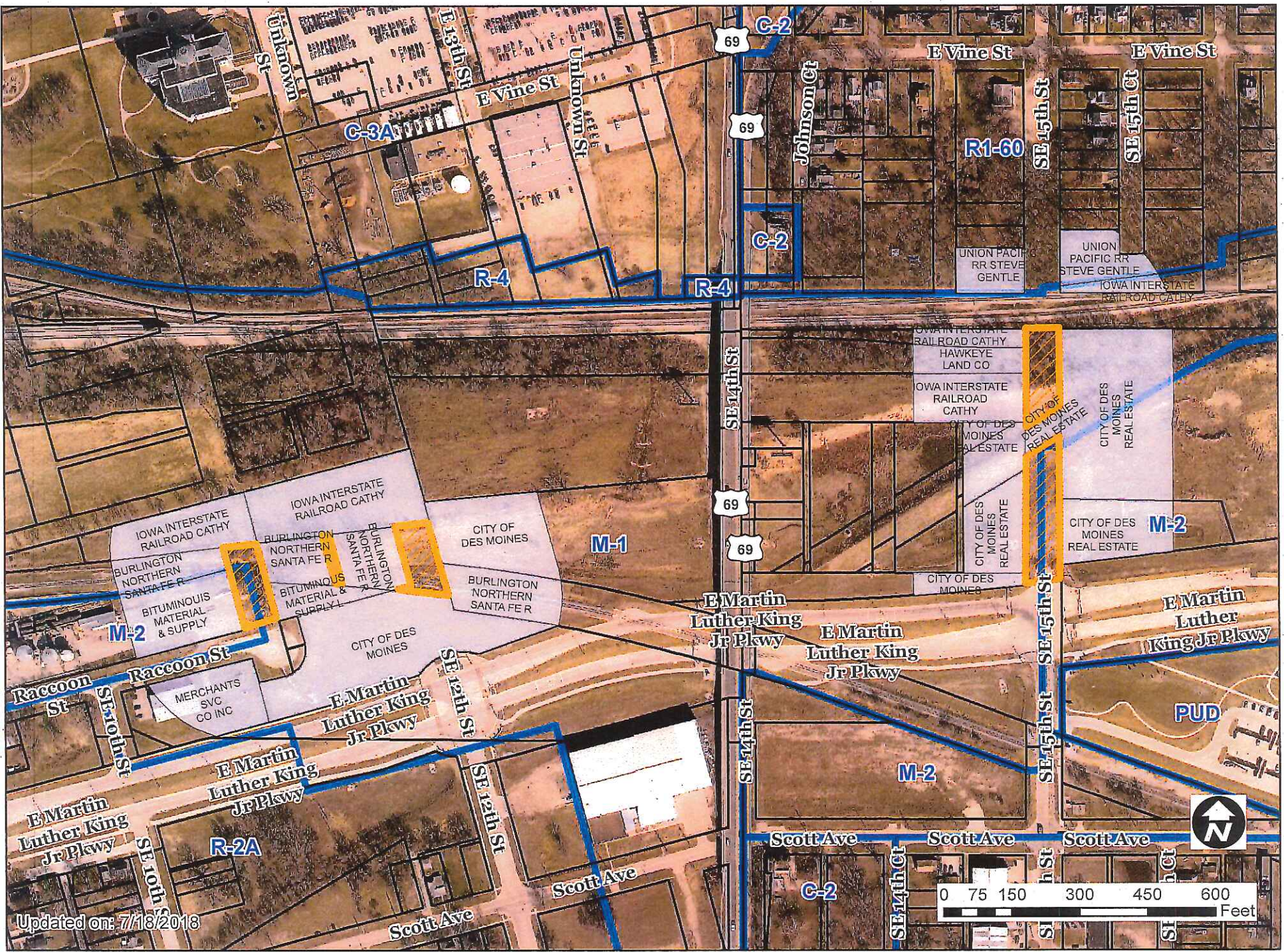
Mayor

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



Updated on: 7/13/2018

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Date August 6, 2018  
 Agenda Item 20  
 Roll Call # \_\_\_\_\_

July 31, 2018

Honorable Mayor and City Council  
 City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their July 19, 2018 meeting, the following action was taken regarding a City initiated request for vacation of the following segments of Right-Of-Way as part of the proposed Des Moines Transloading Facility north of 1101 Raccoon Street and 200 Southeast 15<sup>th</sup> Street:

- A) Southeast 15<sup>th</sup> Street from East Market Street to East M.L. King Jr. Parkway.
- B) Southeast 11<sup>th</sup> Street from Raccoon Street north to the Iowa Interstate Railroad.
- C) North/South alley between Southeast 11<sup>th</sup> Street and Southeast 12<sup>th</sup> Street from the BNSF Railroad north to the Iowa Interstate Railroad.
- D) Southeast 12<sup>th</sup> Street from the BNSF Railroad north to the Iowa Interstate Railroad.

**COMMISSION RECOMMENDATION:**

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

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
Chris Cutler				X
David Courard-Hauri	X			
Jacqueline Easley	X			
Jann Freed	X			
John "Jack" Hilmes	X			
Lisa Howard	X			
Carolyn Jenison				X
Greg Jones	X			
William Page				X
Mike Simonson				X
Rocky Sposato				X
Steve Wallace	X			
Greg Wattier	X			

**APPROVAL** of the requested vacations subject to the following conditions:

1. Reservation of any necessary easements as part of any conveyance for all existing utilities in place shall be provided until such time that they are abandoned or are relocated.
2. Review of development plans for the Transload Facility by the City Council with recommendations by the Urban Design Review Board as part of any conveyance of ROW.
3. Review and approval of any development by the City Council under the design criteria as described in the Commercial Construction and Sustainability Requirements of the Tax Abatement Standards and the Landscape Enhancement Corridor requirements as part of any conveyance of ROW.

(11-2018-1.17)

Written Responses

0 in Favor

0 in opposition

**RECOMMENDATION TO THE P&Z COMMISSION**

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

1. Reservation of any necessary easements as part of any conveyance for all existing utilities in place shall be provided until such time that they are abandoned or are relocated.
2. Review of development plans for the Transload Facility by the City Council with recommendations by the Urban Design Review Board as part of any conveyance of ROW.
3. Review and approval of any development by the City Council under the design criteria as described in the Commercial Construction and Sustainability Requirements of the Tax Abatement Standards and the Landscape Enhancement Corridor requirements as part of any conveyance of ROW.

**STAFF REPORT TO THE PLANNING COMMISSION**

**I. GENERAL INFORMATION**

1. **Purpose of Request:** The proposed vacation would allow assembly of the existing Right-of-Way with the adjoining parcels for development of a Transloading facility for transfer of goods between rail and over the road transportation.
2. **Size of Site:** Scattered segments of ROW totaling approximately 1.61 acres.
3. **Existing Zoning (site):** "M-1" Light Industrial District, "M-2" Heavy Industrial District, "D-O" Downtown Overlay District and "FSO" Freestanding Sign Overlay District.

4. **Existing Land Use (site):** Developed Right-of-Way (ROW) dedicated for ingress/egress from the north/south alley to East 14<sup>th</sup> Street.

5. **Adjacent Land Use and Zoning:**

**North** – “M-1”: Use vacant land.

**East** – “M-2” & “M-1”, Use is vacant land.

**South** - “M-1” & “M-2”: Use is street ROW.

**West** – “M-1” & “M-2”, Use is Bituminous Material and Supply.

6. **General Neighborhood/Area Land Uses:** The segments of ROW are located north of the recently constructed Southeast Connector within an industrially developed area.

7. **Applicable Recognized Neighborhood(s):** The western segments of ROW are located within the Historic East Village Neighborhood. All neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on June 29, 2018. Additionally, separate notifications of the hearing for this specific item were mailed on July 9, 2018 (10 days prior) to the neighborhood associations and to the primary titleholder on file with the Polk County Assessor for each property adjacent to the subject alley ROW. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on July 13, 2018.

All agendas and notices are mailed to the primary contact designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Historic East Village mailings were sent to Chris LoRang, PO Box 93904, Des Moines, IA 50393.

8. **Relevant Zoning History:** N/A.

9. **PlanDSM Land Use Plan Designation:** Downtown Mixed Use and Industrial.

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. **Utilities:** There is a 48-inch water main within and 36-inch public storm sewer crossing the southern edge of the requested 15<sup>th</sup> Street ROW. Otherwise no other utilities are identified within additional ROW segments. Necessary easements should be reserved for any utilities that may be in place.

2. **Street System/Access:** The requested vacation would not impact the existing public street system. None of the requested segments are active with any developed portion of the street system.

- 3. Additional Information:** On July 9, 2018, by Roll Call No. 18-1162, the City Council initiated the vacation of the subject segments of ROW and referred the matter to the Plan and Zoning Commission for review and recommendation.

Des Moines Transload Services, LLC is pursuing vacation and conveyance of the City-owned ROW for assemblage for the construction and operation of a railroad transloading facility and for rail track connection and stormwater management purposes.

The site is adjacent to three (3) Class I and one (1) Class II rail lines, which is a rare national occurrence. This convergence opens doors for goods distribution via truck and rail transloading in Des Moines, the region, the State of Iowa, and global markets. In addition, there are potential benefits to the ongoing SE AgriBusiness Park redevelopment plans, and broader ability to market Des Moines.

The proposed purchase agreement for City owned real estate to be used for the project does not include provisions for detailed review of site and building development plans. Staff recommends that the City Council review such plans with the guidance of the Urban Design Review Board as part of any lease or sale consideration of the subject ROW in order to ensure quality redevelopment along the Southeast Connector (East M.L. King, Jr. Parkway) corridor.

### **SUMMARY OF DISCUSSION**

Jacqueline Easley asked if anyone was present to speak on this item. None were present or requested to speak.

### **COMMISSION ACTION:**

Greg Jones made a motion for approval of the requested vacation subject to the following conditions:

1. Reservation of any necessary easements as part of any conveyance for all existing utilities in place shall be provided until such time that they are abandoned or are relocated.
2. Review of development plans for the Transload Facility by the City Council with recommendations by the Urban Design Review Board as part of any conveyance of ROW.
3. Review and approval of any development by the City Council under the design criteria as described in the Commercial Construction and Sustainability Requirements of the Tax Abatement Standards and the Landscape Enhancement Corridor requirements as part of any conveyance of ROW.

Motion passed: 10-0

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:tjh  
Attachments



City initiated request north of 1101 Raccoon Street and 200 Southeast 15th Street.		File # 11-2018-1.17		
Description of Action	Vacation of the following segments of Right-Of-Way as part of the proposed Des Moines Transloading Facility:			
	A) Southeast 15th Street from East Market Street to East M.L. King Jr. Parkway.			
	B) Southeast 11th Street from Raccoon Street north to the Iowa Interstate Railroad.			
	C) North/South alley between Southeast 11th Street and Southeast 12th Street from the BNSF Railroad north to the Iowa Interstate Railroad.			
D) Southeast 12th Street from the BNSF Railroad north to the Iowa Interstate Railroad.				
PlanDSM Future Land Use	Current: Industrial and Downtown Mixed Use. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"M-1" Light Industrial District, "M-2" Heavy Industrial District, and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Subject Property	0	0		
Outside Area (200 feet)				
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes
	Denial			No

City initiated, Southeast 15th & Martin Luther King Jr. Parkway

11-2018-1.17

