



Roll Call Number

Agenda Item Number

43B

Date October 8, 2018

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING CITY-INITIATED REQUEST FOR VACATION OF ROADWAY EASEMENTS WITHIN 4701 BLOCK OF SOUTHWEST 63RD STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 4, 2018, its members voted 11-0-1 to recommend APPROVAL of a City-initiated request to vacate roadway easements previously dedicated for the Southwest Connector right-of-way within property located at the 4701 block of Southwest 63rd Street, owned by Mid-America Development Company, to allow for redevelopment of the site by Waldinger Corporation, subject to reservation of easements for all public utilities in place or provision of their relocation as part of the site redevelopment.

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

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

(11-2018-1.21)

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

43B

October 5, 2018

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their October 4, 2018 meeting, the following action was taken regarding a City initiated request for vacation of roadway easements within the property located in the 4701 block of Southwest 63rd Street owned by Mid-America Development Company. The easements were dedicated for the undeveloped Southwest Connector project.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0-1 as follows:

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
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 vacation of surface and air rights subject to reservation of easements for all public utilities in place.

(11-2018-1.21)

Written Responses

3 in Favor

0 in opposition

RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation of roadway easement subject to reservation of easements for all public utilities in place or provision of their relocation as part of development.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** On September 24, 2018, the City Council initiated the vacation of roadway easement for the Southwest Connector Right-Of-Way located on property owned by the Mid-America Development Company. The intent of this is to allow the redevelopment of the site for an Economic Development initiative to develop the site for the Waldinger Corporation.

At the same meeting, the City Council also directed the City Manager to work with the Metropolitan Planning Organization (MPO) to remove the Southwest Connector from Iowa Highway 28 to Park Avenue project as part of the update to the MPO's Long Range Transportation Plan, Mobilizing Tomorrow, and complete a traffic study to determine remaining future roadway network needs in southwest Des Moines.

2. **Size of Site:** The requested Right-of-Way easement vacation would be a total of approximately 3.6 acres.
3. **Existing Zoning (site):** Limited "M-1" Light Industrial District and "FSO" Freestanding Sign Overlay District.
4. **Existing Land Use (site):** Agricultural production.
5. **Adjacent Land Use and Zoning:**
 - North** – "C-2"; Use is vacant land owned by Mid-Iowa Council of Boy Scouts.
 - South** – "M-1"; Use is agricultural production.
 - East** – "M-1"; Use is agricultural production.
 - West** – "M-1"; Use is agricultural production.
6. **General Neighborhood/Area Land Uses:** The site is located along Iowa Highway 28, west of the Des Moines International Airport. It is in a transition area between business park to the north and estate residential to the east and south.
7. **Applicable Recognized Neighborhood(s):** The subject property is in the Southwestern Hills Neighborhood. This neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on September 14, 2018. Additionally, separate notifications of the hearing for this specific item were mailed on September 24, 2018 (10 days prior to the hearing) to the Southwestern Hills Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property adjacent to the subject ROW. A final agenda was mailed on September 28, 2018.

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 Southwestern Hills Neighborhood Association notices were mailed to George Davis, 3124 Southwest 29th Street, Des Moines, IA 50321.

- 8. Relevant Zoning History:** On July 9, 2018, by Ordinance No. 15,683, the City Council rezoned the subject property to Limited "M-1" Light Industrial District with the following conditions:
- A) Overhead doors shall not face Iowa Highway 28 or any residentially developed property unless screened by another building or by earthen berms and landscaping materials.
 - B) Provision of landscaping in accordance with the City's standards for "C-2" Districts.
 - C) No portion of the property within 50 feet of the public Rights-Of-Way or adjoining residentially zoned property may be used for the outside storage of materials, trailers or equipment. Any area used for the outside storage of materials or equipment shall be paved and screened from public street views and residential development by an architectural screening panel system or fencing/landscaping as approved by the Commission or Planning Administrator.
 - D) The public street facades of any building or portion thereof located within the Property which is not blocked from view by other structures or landscaping shall be construed using exterior materials that are predominately glass, brick, masonry, architectural steel panels and other durable materials. No Exterior Insulations and Finish System ("EIFS") shall be used below an elevation of 6 feet above grade on such facades.
 - E) Compliance with all recommendations of the traffic study as part of any submitted subdivision or site plan.
 - F) Any site plan for development shall be reviewed by the Plan and Zoning Commission.
- 9. PlanDSM Land Use Plan Designation:** "Business Park". The Plan describes this category as "Accommodates light industrial, office and employment uses along with limited complementary retail uses. Industrial uses in this category would produce little or no noise, odor, vibration, glare, or other objectionable influences, and would have little or no adverse effect on surrounding properties."
- 10. Applicable Regulations:** The Commission, considering the criteria set forth in Chapter 18B of the Iowa Code, 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 are not any known utilities within the easement areas. Any utilities in place would need easements reserved or a provide for their relocation.

2. Street System/Access: The vacation of the Southwest Connector roadway easements will necessitate redesign of the Southwest McKinley Avenue as part of any redevelopment project for the subject property. The Zoning conditions require compliance with the approved traffic study. Separately the City Manager has been directed to work with the MPO to remove the Southwest Connector from Highway 28 to Park Avenue as part of the Mobilization Tomorrow Long Range Transportation Plan, and to evaluate alternate street networks to serve the area in lieu of the Southwest Connector project.

SUMMARY OF DISCUSSION

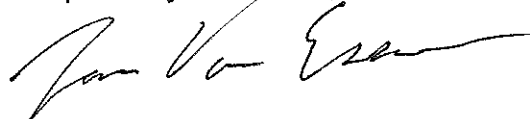
Jacqueline Easley asked if anyone was present to speak on this item. None were present or requested to speak.

COMMISSION ACTION:

Jann Freed made a motion for approval of the requested vacation of roadway easement subject to reservation of easements for all public utilities in place or provision of their relocation as part of development.

Motion passed: 11-0-1 (John "Jack" Hilmes abstained)

Respectfully submitted,



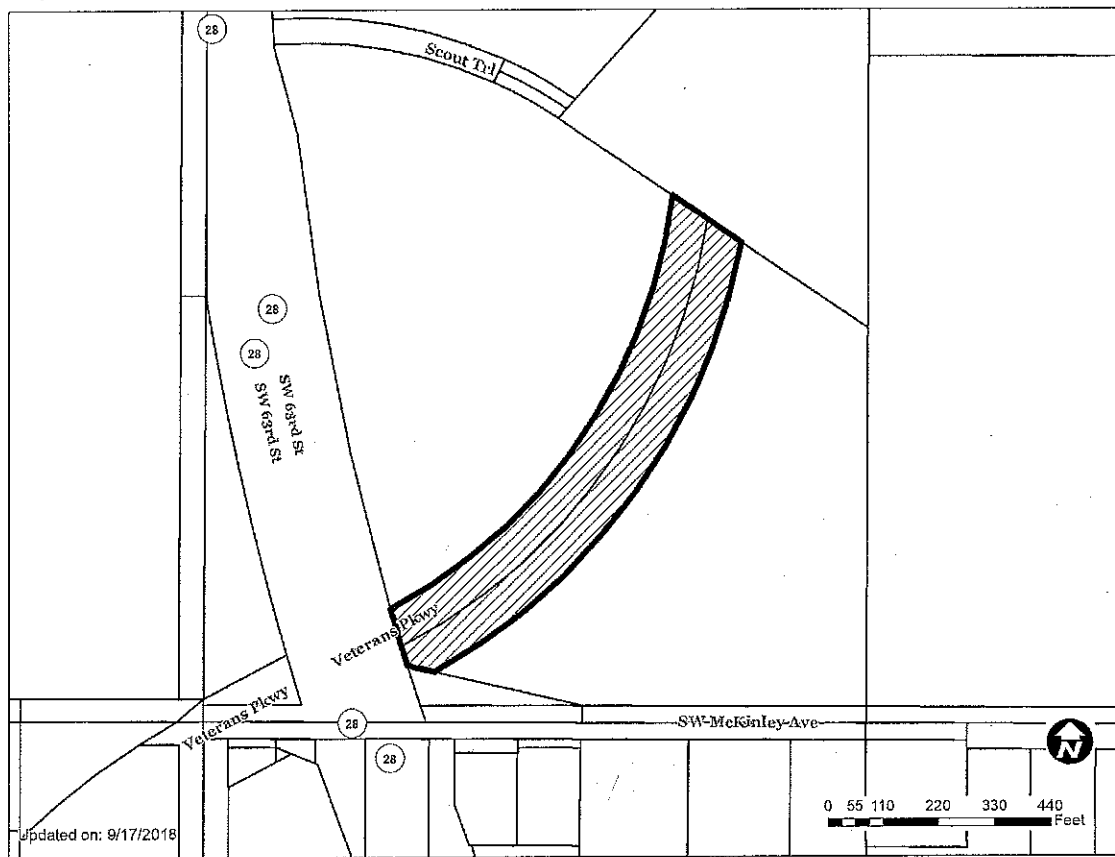
Jason Van Essen, AICP
Senior City Planner

JVE:tjh
Attachments

City initiated request for property in the 4701 block of Southwest 63rd Street owned by Mid-America Development Company.		File #		
		11-2018-1.21		
Description of Action	Vacation of roadway easements within the property. The easements were dedicated for the undeveloped Southwest Connector project.			
PlanDSM Future Land Use	Current: Business Park. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	Southwest Connector.			
Current Zoning District	Limited "M-1" Light 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	3	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, 4701 block of Southwest 63rd Street

11-2018-1.21



1 Inch = 223 feet

Item 11-2018-1.21 Date 9-26-18
 (am) (am not) in favor of the request. SOUTH WESTERN HILLS NEIGHBORHOOD ASSOCIATION

(Circle One)
Print Name George Davis SW Hills
Signature [Signature]
Address 3124 SW 29th

RECEIVED
COMMUNITY DEVELOPMENT

OCT 01 2018
Reason for opposing or approving this request may be listed below.
The Southwestern Hills Neighborhood Association
Supports The Vacation of The Road Easement
Associated with The SW Creeper.

Item 11-2018-1.21 Date 9-27-2018

(am) (am not) in favor of the request.

Print Name Steven M. Coleman
Signature [Signature]
Address Mid-America Development Co.
1401 50th Street, Ste 105
West Des Moines, IA

RECEIVED
COMMUNITY DEVELOPMENT

OCT 01 2018
Reason for opposing or approving this request may be listed below.

Item 11-2018-1.21 Date 9-24-18
 (am) (am not) in favor of the request. MID-COMM COUNCIL BOY SCOUTS

Print Name Malik H. H.
Signature [Signature]
Address 215 W. 1st Ave. / Normal, IA

RECEIVED
COMMUNITY DEVELOPMENT

OCT 01 2018
Reason for opposing or approving this request may be listed below.