


Date December 16, 2019

**RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING
COMMISSION REGARDING REQUEST FROM ANNETT HOLDINGS, INC. FOR
VACATION OF A SEGMENT OF RIGHT-OF-WAY IN THE
6101 BLOCK OF SOUTHWEST LELAND AVENUE**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on December 5, 2019, its members voted 9-0 to recommend **APPROVAL** of a request from Annett Holdings, Inc. (owner), represented by Jason Webb (officer), to vacate a portion of public right-of-way on the southeastern corner of the intersection of Southwest 63rd Street and Southwest Leland Avenue, in the 6101 block of Southwest Leland Avenue, to allow for assemblage with the applicant's property to the south for future commercial development, subject to reservation of any necessary easements for all existing utilities in place until such time that they may be abandoned or relocated at the applicant's expense.

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

(11-2019-1.28)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				

MOTION CARRIED APPROVED

CERTIFICATE

I, P. KAY CMELIK, 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



December 10, 2019

Date December 16, 2019

Agenda Item 20

Roll Call # _____

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their December 5, 2019 meeting, the following action was taken regarding a request from Annett Holdings, Inc. (owner) represented by Jason Webb (officer) for vacation of a segment of Right-Of-Way south of and adjoining the 6101 block of Southwest Leland Avenue, to allow it to be assembled with the applicant's property to the south for future commercial development.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 9-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles	X			
Abby Chungath				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
Rocky Sposato	X			
Steve Wallace	X			
Greg Wattier				X
Emily Webb	X			

RECOMMEND APPROVAL of the requested vacation of right-of-way, subject to reservation of any necessary easements for all existing utilities in place until such time that they may be abandoned or relocated at the applicant's expense.

(11-2019-1.28)

Written Responses

0 in Favor

0 in opposition

RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation of right-of-way, subject to reservation of any necessary easements for all existing utilities in place until such time that they may be abandoned or relocated at the applicant's expense.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant has requested vacation of an irregularly-shaped portion of public right-of-way (ROW) on the southeastern corner of the intersection of Southwest 63rd Street and Southwest Leland Avenue. The proposed vacation would allow the applicant to combine the subject property with other property they already own.
2. **Size of Site:** 7,932 square feet.
3. **Existing Zoning (site):** "C-2" General Retail and Highway Oriented Commercial District, "GGP" Gambling Games Prohibition Overlay District and "FSO" Freestanding Sign Overlay District.
4. **Existing Land Use (site):** Southwest Leland Avenue right-of-way.
5. **Adjacent Land Use and Zoning:**
 - North** – "D-R"; Uses are Southwest Leland Avenue right-of-way and undeveloped city-owned land.
 - South** – "D-R"; Use is undeveloped land owned by the applicant.
 - East** – "M-1"; Use is undeveloped city-owned land.
 - West** – "D-R"; Uses are Southwest 63rd Street right-of-way and developed land owned by the applicant.
6. **General Neighborhood/Area Land Uses:** The subject right-of-way is located east of Southwest 63rd Street and south of Southwest Leland Avenue in an area that consists of a mix of agricultural, commercial, industrial and open space uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is in the Southwestern Hills Neighborhood. This neighborhood association was notified of the Commission meeting by mailing of Preliminary Agenda on November 15, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on November 25, 2019 (10 days prior to the hearing) to the Southwestern Hills Association and to the primary titleholder on file with the Polk County Assessor for each property adjacent or directly across the street from the requested right-of-way.

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

8. Zoning History: N/A.

9. PlanDSM Land Use Plan Designation: Business Park.

10. Applicable Regulations: The Plan and Zoning 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:** A connection node and fitting for Des Moines Water Works is located just within the western boundary line of the subject property. A 12-inch distribution water main is located to the north of the subject property and connects along the western boundary line of the subject property to a 36-inch feeder main along the west edge. A fiber optics cable is located along the western boundary line of the subject property. Easements must be reserved for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.
- 2. Streets/Sidewalk:** There are no structures or individual property owners that would be impacted by the proposed vacation and restricted access. Any future use of the property is subject to compliance with zoning, site plan, and building regulations.

SUMMARY OF DISCUSSION


Jacqueline Easley asked if any member of the audience or the commission desired to speak regarding the item. None were present or requested to speak.

COMMISSION ACTION:

Greg Jones made a motion for approval of the requested vacation of right-of-way, subject to reservation of any necessary easements for all existing utilities in place until such time that they may be abandoned or relocated at the applicant's expense.

Motion passed: 9-0

Respectfully submitted,

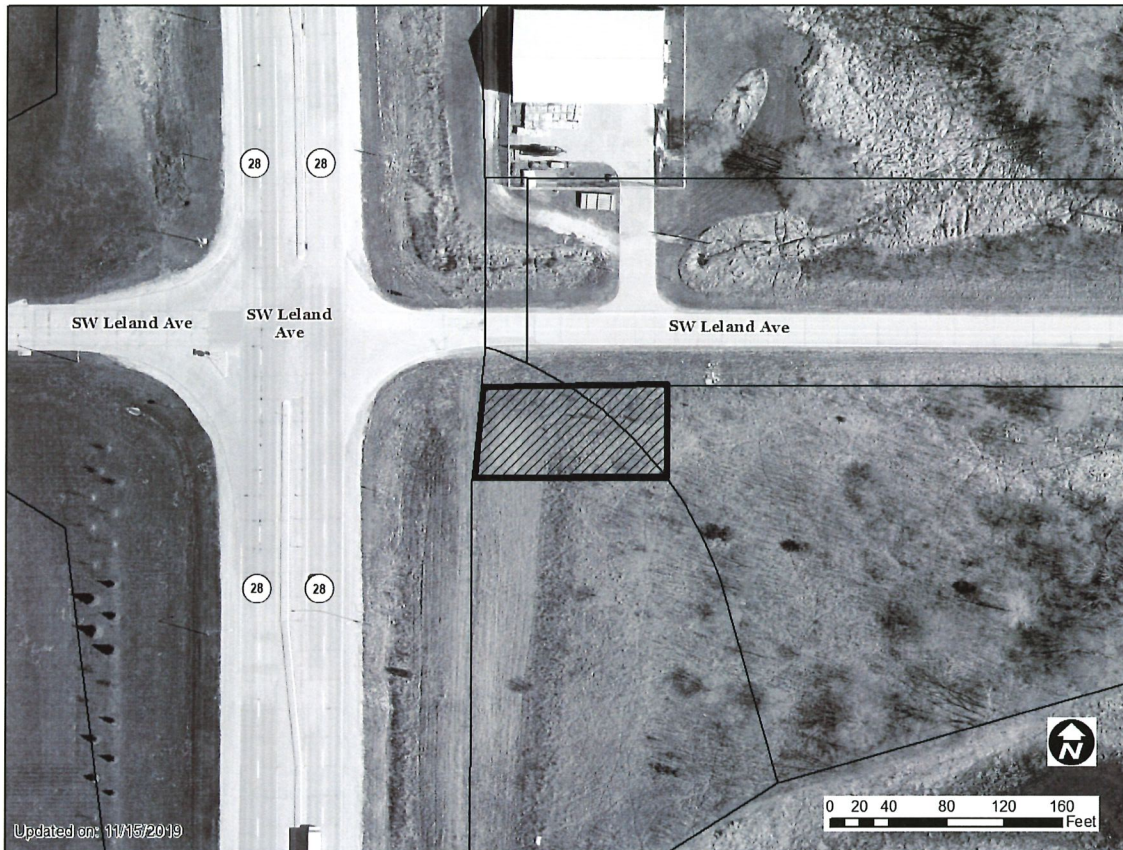

Michael Ludwig, AICP
Planning Administrator

MGL:tjh
Attachments

Annett Holdings, Inc. (owner) represented by Jason Webb (officer) for property in the 6101 block of Southwest Leland Avenue.			File #	
			11-2019-1.28	
Description of Action	Vacation of a segment of Right-Of-Way to allow it to be assembled with the applicant's property to the south for future commercial development.			
PlanDSM Future Land Use	Current: Business Park. Proposed: N/A.			
Mobilizing Tomorrow 2020-2050 Transportation Plan	No planned improvements.			
Current Zoning District	"C-2" General Retail and Highway-Oriented Commercial District and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Outside Area (200 feet)	0	0		
Within Subject Property				
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes
	Denial			No

Annett Holdings, Inc., 6101 block of Southwest Leland Avenue

11-2019-1.28





Updated on: 12/4/2019

1 inch = 78 feet