



Date January 13, 2020

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING CITY-INITIATED REQUEST FOR VACATION OF A SEGMENT OF EAST MARKET STREET FROM EAST 14TH STREET TO EAST 18TH STREET IN THE VICINITY OF 1605 EAST MARKET STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on December 19, 2019, its members voted 12-0 to recommend APPROVAL of a City-initiated request to vacate a segment of East Market Street from East 14th Street to East 18th Street in the vicinity of 1605 East Market Street, to allow for assembly with adjoining City owned property, for redevelopment; and

WHEREAS, said recommendation for vacation is subject to the following conditions:

- 1. Reservation of any necessary easements for the 48-inch Des Moines Water Works feeder main and all other existing utilities in place; and
2. Reservation of rights for continued use of E. Market Street for railway purposes by Norfolk Southern Railroad and Iowa Interstate Railroad, as granted by Ordinance Nos. 62 and 216.

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

APPROVED AS TO FORM:

(11-2019-1.29)

Judy K. Parks-Kruse
Assistant City Attorney

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

January 7, 2020

Date 1/13/20

Agenda Item 27

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 19, 2019 meeting, the following action was taken regarding a City initiated request to vacate a segment of East Market Street from East 14th Street to East 18th Street in the vicinity of 1605 East Market Street, to assemble with adjoining City-owned property for redevelopment.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 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, subject to the following:

1. Reservation of any necessary easements for the 48-inch Des Moines Water Works feeder main and all other existing utilities in place.
2. Reservation of rights for continued use of E. Market Street for railway purposes by Norfolk Southern Railroad and Iowa Interstate Railroad, as granted by Ordinance Nos. 62 and 216. (11-2019-1.29)

Written Responses

0 in Favor

1 in opposition

RECOMMENDATION TO THE P&Z COMMISSION

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

1. Reservation of any necessary easements for the 48-inch Des Moines Water Works feeder main and all other existing utilities in place.
2. Reservation of rights for continued use of E. Market Street for railway purposes by Norfolk Southern Railroad and Iowa Interstate Railroad, as granted by Ordinance Nos. 62 and 216.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The City has requested vacation of the portion of East Market Street generally lying between Southeast 14th Street and Southeast 18th Street rights-of-way (ROW). The subject property would be assembled with other City-owned property to be made available for industrial redevelopment with access to the adjacent railroad network.
2. **Size of Site:** 203,985 square feet (4.68 acres)
3. **Existing Zoning (site):** “M-1” Heavy Industrial District and “FSO” Freestanding Sign Overlay District.
4. **Existing Land Use (site):** Undeveloped public right-of-way with railroad tracks for the Norfolk Southern Railroad.
5. **Adjacent Land Use and Zoning:**

North – “R1-60”, “M-1” & “VDL”; Use is undeveloped land.

South – “M-1”, “M-2” & “VDL”; Use is undeveloped land.

East – “M-1” & “M-2”; Uses are the Southeast 18th Street public right-of-way and undeveloped land.

West – “M-1” & “VDL”, Uses are the Southeast 14th Street public right-of-way and undeveloped land.
6. **General Neighborhood/Area Land Uses:** The subject property is generally located in an industrial area east of Southeast 14th Street right-of-way, west of Southeast 18th Street right-of-way, and between East Martin Luther King, Jr. Parkway and East Vine Street.

- 7. Applicable Recognized Neighborhood(s):** The subject property is in Capitol East Neighborhood. This neighborhood association was notified of the Commission meeting by mailing of Preliminary Agenda on December 2, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on December 9, 2019 (10 days prior to the hearing) to the Capitol East Neighborhood 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 Capitol East Neighborhood Association notices were mailed to Jack Leachman, 1921 Hubbell Avenue, Des Moines, IA 50316.

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

- 9. PlanDSM Land Use Plan Designation:** Industrial.

- 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:** There is a 48-inch Des Moines Water Works feeder water main within the ROW that must be preserved. Due to the size and depth of this main, the entire vacated ROW would need to be maintained with an easement for protection and maintenance of this water main. Structures would not be permitted within this easement.
- 2. Streets and Transportation:** The subject property has been determined not necessary for any future public street improvements. A portion of Southeast 15th Street public right-of-way is adjacent to the subject property. This portion of Southeast 15th Street is pending vacation and anticipated to be the primary access to any redevelopment in this general area. Rail for both the Norfolk Southern Railroad and the Iowa Interstate Railroad are located within the western portion of the proposed ROW for vacation. These railroads have rights to use the ROW for railway purposes, per City Ordinance Nos. 62 and 216.

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.

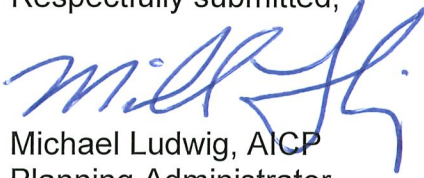
COMMISSION ACTION:

Dory Briles made a motion for approval of the requested vacation, subject to the following:

1. Reservation of any necessary easements for the 48-inch Des Moines Water Works feeder main and all other existing utilities in place.
2. Reservation of rights for continued use of E. Market Street for railway purposes by Norfolk Southern Railroad and Iowa Interstate Railroad, as granted by Ordinance Nos. 62 and 216.

Motion passed: 12-0

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Michael Ludwig".

Michael Ludwig, AICP
Planning Administrator

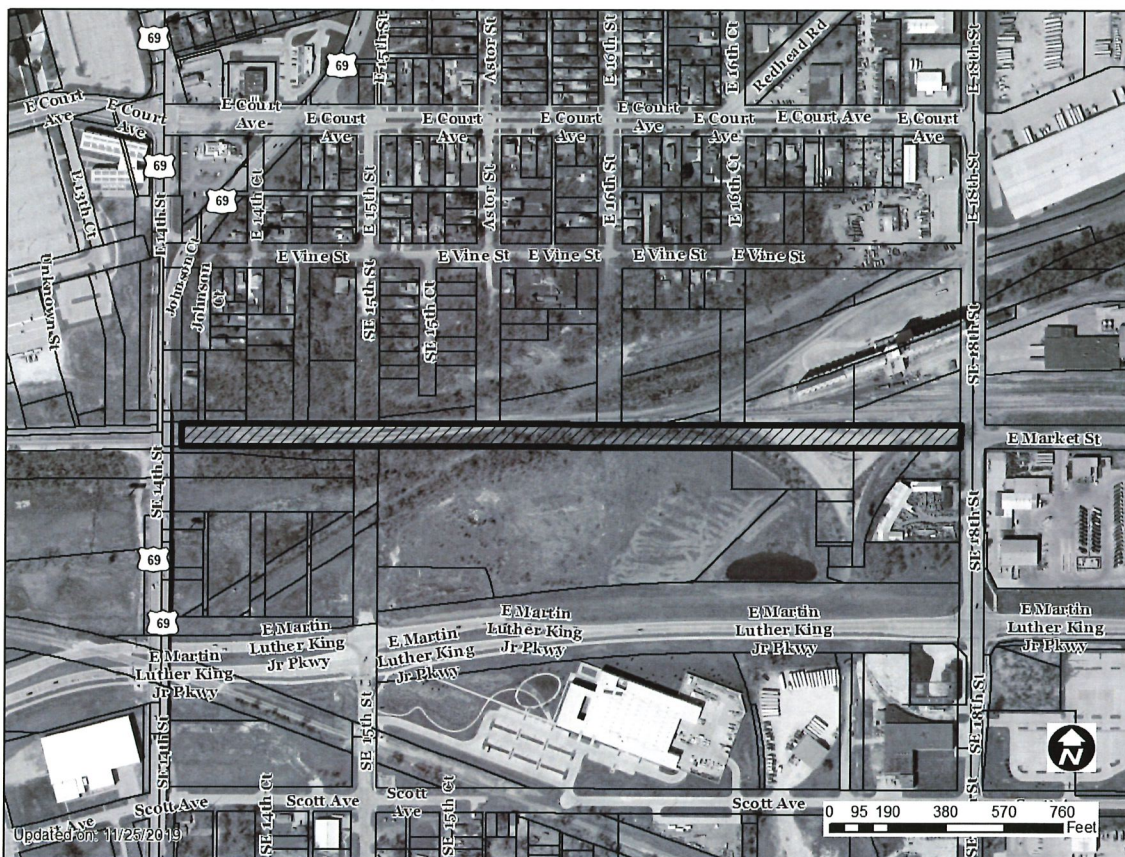
MGL:tjh

Attachments

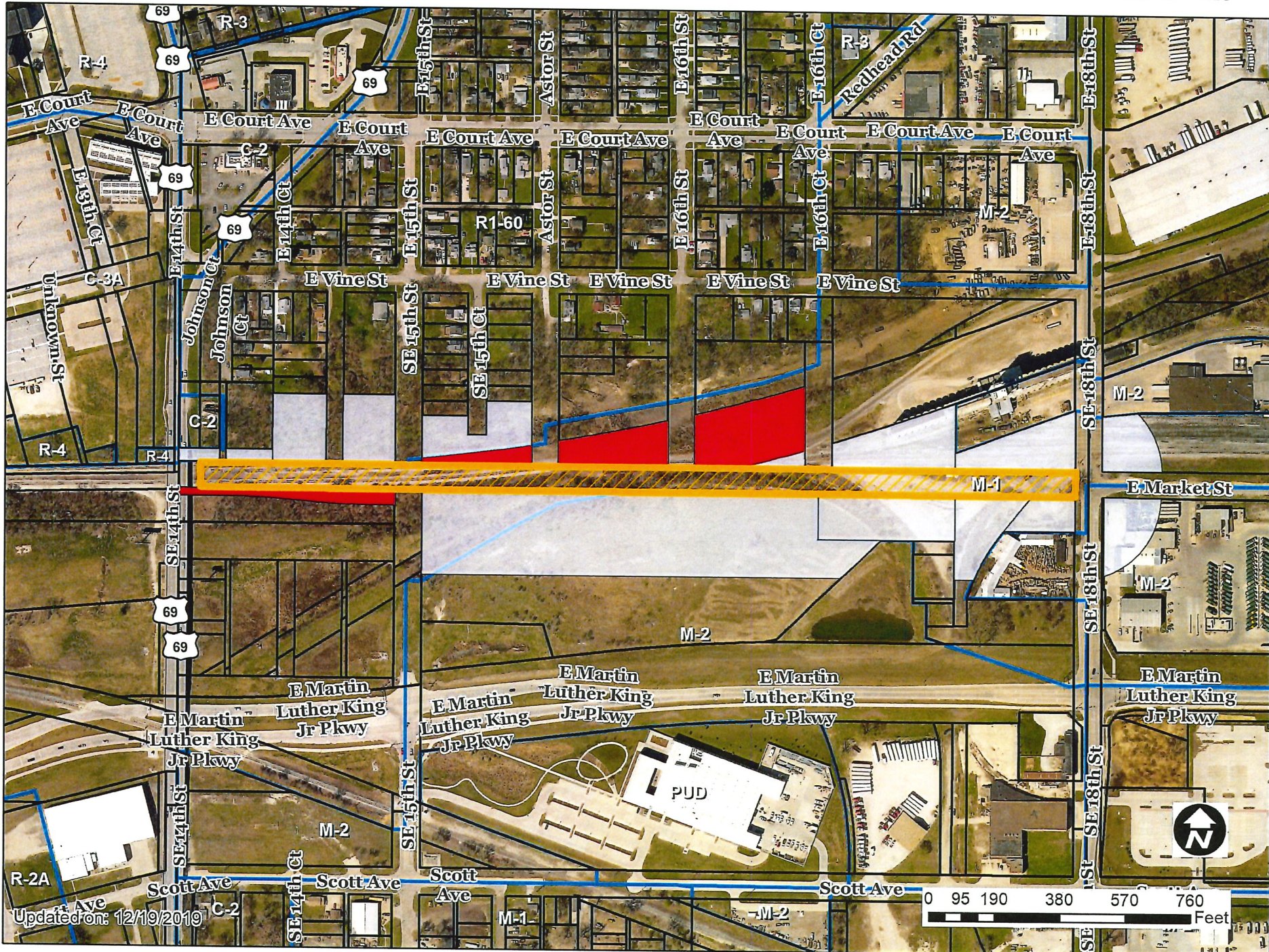
City initiated request in the vicinity of 1605 East Market Street.			File #	
			11-2019-1.29	
Description of Action	Vacate a segment of East Market Street from East 14th Street to East 18th Street, to assemble with adjoining City-owned property for redevelopment.			
PlanDSM Future Land Use	Current: Industrial. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"M-1" Light Industrial District, "VDL" Vehicle Display Lot Overlay 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	1		
Within Subject Property				
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes
	Denial			No

City initiated, Vicinity of 1605 East Market Street

11-2019-1.29



1 inch = 368 feet



Item ~~11-2019-1~~ 29

Date 12-13-19

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

(Circle One)

Print Name Greg Mitchell - IALS RR

Signature 

Address 5100 6th ST SW, Cedar Rapids, IA 52404

RECEIVED
COMMUNITY DEVELOPMENT

DEC 16 2019

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

Portion of market street is utilized as railroad right-of-way.

Assembling this portion of the ROW with a lot that will be transferred to a developer concerns IALS RR.

If ROW can be split and transferred to RR and city-owned property, then no objection to the vacation of Market St.

LEGEND

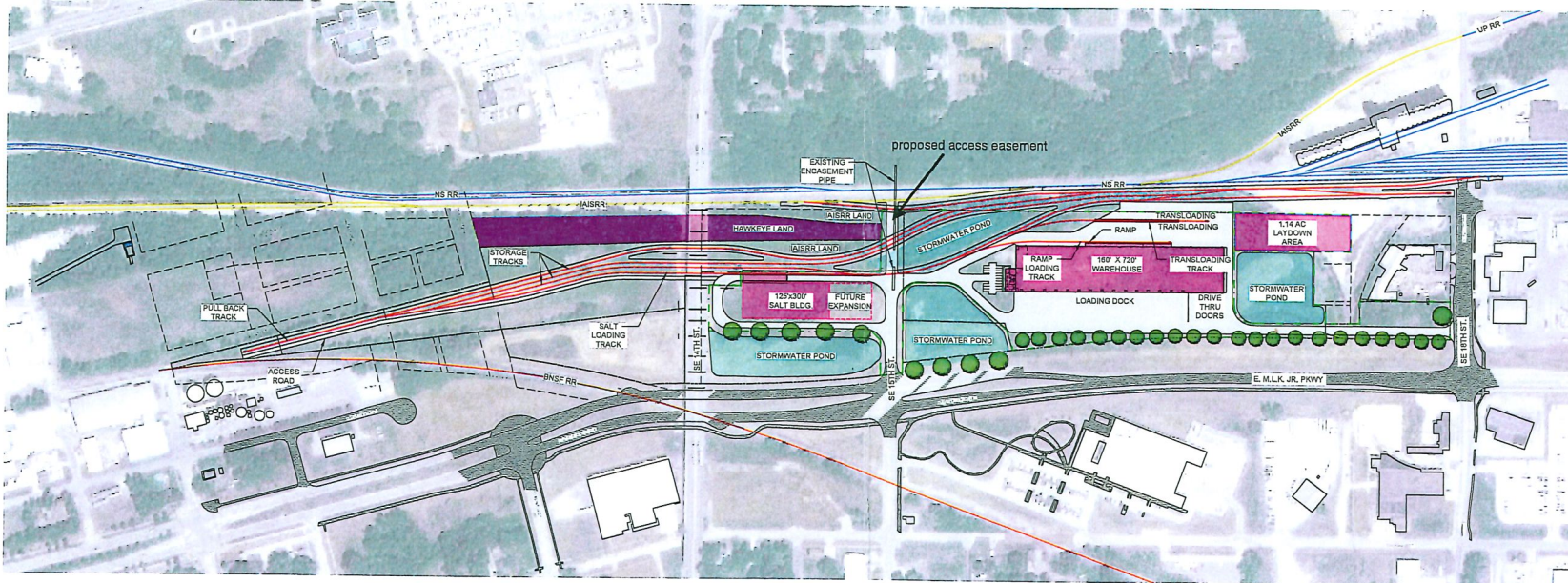
- EXISTING PROPERTY LINE
- - - EXISTING LOT LINES
- · - · - PROPOSED DMI PROPERTY LINE
- EXISTING NS AND UP TRACK
- EXISTING BNSF TRACK
- EXISTING IAISRR TRACK
- PROPOSED INDUSTRY TRACK
- ▭ PROPOSED PAVEMENT
- ▨ EXISTING CONCRETE PAVEMENT
- ▭ PROPOSED DRAINAGE BASIN
- TREE / SHRUB / BARRIER

- RAIL**
- 12,650 FEET OF PROPOSED TRACK
 - 13 INTRA-TERMINAL SWITCHES
 - DIRECT INTERCONNECTS NSRR & IAISRR

- SALT BLDG**
- STEEL FRAME CONST. = 125'x300'
 - 37,500 SF
 - EAVE = 12', PEAK= 50'
 - STORAGE=15,120 TON

- SALT BLDG ADDITION**
- STEEL FRAME. = 125'x150'
 - 18,750 SF
 - EAVE = 12', PEAK= 50'
 - STORAGE=9,360 TON

- WAREHOUSE/OFFICE**
- PRECAST CONC. = 160'x720'
 - 115,200 SF
 - EAVE = 38'



VAA

VAA, LLC
 2300 Berkshire Lane N, Suite 200
 Plymouth, MN 55441

763.559.9100
 www.vaaeng.com
 Project # 150379

CLIENT:
**DES MOINES INDUSTRIAL (DMI)
 DES MOINES, IA**

CLIENT PROJECT NO:
 PROJECT:
**DES MOINES INDUSTRIAL
 CONCEPTUAL MASTER PLAN**

NO	DATE	ISSUE/REVISION	BY
A	10/31/19	ISSUED FOR REVIEW	CMH
B	12/02/19	REVISED PER CITY COMMENTS	CMH

CERTIFICATION:

NOTE: THE DESIGNER HAS REVIEWED THE INFORMATION AND ASSURES THAT THE DESIGN IS IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS AND STANDARDS. THE DESIGNER IS NOT PROVIDING ANY GUARANTEE OR WARRANTY FOR THE DESIGN. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE DESIGNER'S LIABILITY IS LIMITED TO THE SERVICES PROVIDED BY VAA, LLC.

DATE: 10/29/19	DRAWN: CMH
DESIGNED: PKD	CHECKED: PKD
APPROVED: 	

DRAWING TITLE:
**SITE LAYOUT
 PLAN**

PROJECT NO: 100379	DRAWING NO: EX32
SCALE: AS NOTED	

**ISSUED FOR
 REVIEW
 NOT FOR CONSTRUCTION**

NORTH

1 SITE LAYOUT PLAN

EX32

0 200' 400' 600'

1"=200'