

Agenda Item Number

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 15TH STREET FROM EAST M.L. KING JR. PARKWAY TO EAST MARKET STREET IN THE VICINITY OF 200 SOUTHEAST 15TH 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 15th Street from East M.L. King Jr. Parkway to East Market Street in the vicinity of 200 Southeast 15th 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 easements for all public utilities in place; and
- 2. Reservation of an access easement for the benefit of Hawkeye Land Company or their successors.

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

APPROVED AS TO FORM:

Judy K. Parks-Kruse

Assistant City Attorney

(11-2019-1.27)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT	CERTIFICATE					
COWNIE										
BOESEN					I, P. Kay Cmelik, City Clerk of said City hereby					
GATTO					certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among					
GRAY					other proceedings the above was adopted.					
MANDELBAUM										
VOSS					IN WITNESS WHEREOF, I have hereunto set my					
WESTERGAARD					hand and affixed my seal the day and year fi above written.					
TOTAL										
MOTION CARRIED			API	ROVED						
			1	Mayor	City Clerk					



Date || 13 | 20 Agenda Item ______ 28 Roll Call #______

January 7, 2020

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 15th Street from East M.L. King Jr. Parkway to East Market Street in the vicinity of 200 Southeast 15th Street, to assemble with adjoining City-owned property for redevelopment.

COMMISSION RECOMMENDATION:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	Х			
Dory Briles	Х			
Abby Chungath	Х			
David Courard-Hauri	Х			
Jacqueline Easley	Х			
Jann Freed	Х			
John "Jack" Hilmes	Х			
Lisa Howard	Х			
Carolyn Jenison	Х			
Greg Jones	Х			
William Page	Х			
Rocky Sposato				Х
Steve Wallace				Х
Greg Wattier				Х
Emily Webb	Х			

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

RECOMMEND APPROVAL of the requested vacation subject to the following:

- 1. Reservation of easements for all public utilities in place.
- 2. Reservation of an access easement for the benefit of Hawkeye Land Company or their successors.

(11-2019-1.27)

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 easements for all public utilities in place.
- 2. Reservation of an access easement for the benefit of Hawkeye Land Company or their successors.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

- 1. **Purpose of Request:** The City has requested vacation of the remaining portion of the Southeast 15th Street Right-Of-Way (ROW). It is intended that this would be assembled with other City owned property and made available for industrial redevelopment with access to the adjacent railroad network.
- 2. Size of Site: 38,214 square feet (0.87 acres)
- **3. Existing Zoning (site):** "M-2" Heavy Industrial District, "VDL" Vehicle Display Lot Overlay District and "FSO" Freestanding Sign Overlay District.
- 4. Existing Land Use (site): Vacant land.
- 5. Adjacent Land Use and Zoning:

East – "M-1"; Uses are the Burlington Northern Sante Fe Railroad, Southeast Connector (with adjacent recreational trail) and vacant land. **West** – "M-2", Use is vacant land.

- **6. General Neighborhood/Area Land Uses:** The ROW is in a primarily industrial area adjacent to the Southeast Connector and several railroads.
- 7. Applicable Recognized Neighborhood(s): The subject property is not in a recognized neighborhood. It is within 250 feet of the Capitol East Neighborhood to the north. This neighborhood association was notified of the of the original scheduled Commission meeting by mailing on November 1, 2019 of the Preliminary Agenda. Additionally, separate notifications of the hearing for this specific item were mailed on November 11, 2019 (10 days prior to the original scheduled 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

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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 major 48-inch Des Moines Water Works feeder water main 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: The property abuts the Southeast Connector project to the south side. The description of the vacation area takes into account leaving the existing street stub and traffic signal equipment on the north side of the intersection. The remainder of the requested ROW is not determined necessary for any future public street improvements. It is anticipated that this would be a primary access point into any redevelopment to the north. There is an adjoining parcel owned by Hawkeye Land Company. Staff believes that right of access through any vacated Right-Of-Way be maintained in favor of Hawkeye Land Company.

The Plan & Zoning Commission has requested that the Real Estate Manager be present to provide addition information on this request.

SUMMARY OF DISCUSSION

<u>Jacqueline Easley</u> 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 easements for all public utilities in place.
- 2. Reservation of an access easement for the benefit of Hawkeye Land Company or their successors.

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Motion passed: 12-0

Respectfully submitted,

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Michael Ludwig, AICP Planning Administrator

MGL:tjh Attachments

City initiated request for property in the vicinity of 200 Southeast 15th Street.								File #		
ž							11-2019-1.27			
Description of Action	Vacate a segment of East 15th Street from East M.L. King Jr. Parkway to East Market, to assemble with adjoining City-owned property for redevelopment.					Market, to				
PlanDSM Future Land Use			Current: Industrial. Proposed: N/A.							
Mobilizing Tomorrow 2020- 2050 Transportation Plan			2025-2034 US 69/SE 15th Street Extension (LRTP ID #341).							
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 Outside Area (200 feet) Within Subject Property		In Fav 0	vor No 1		t In Favor	Undetermined		% Opposition		
Plan and Zoning Commission Ac		Approval Denial		Х		Required 6/7 the City Cour		Yes No		X

City initiated, Vicinity of 200 Southeast 15th Street

11-2019-1.27



1 inch = 163 feet

City initiated, Vicinity of 200 Southeast 15th Street

11-2019-1.27



1 inch = 157 feet

	Item_11-2019-1.27	Date November 14,2019
	(am) (am not) in favor of th	e request.
L	(Circle One)	Print Name Hawkeye Land Co,
	RECEIVED COMMUNITY DEVELOPMENT	Signature
	NOV 20 2019	Address 4515 Joth Ave. SW. Suite C
	Reason for opposing or appro	oving this request may be listed below: Cedor Rapids, IA See Attached 52404
		
		and the second

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x

November 15, 2019

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Des Moines Community Development Attn: Planning Urban Design 602 Robert D. Ray Dr. Des Moines, Iowa 50309-9603

Re: Vacation of a segment of East 15th Street from East M.L King Jr. Parkway to East Market Street in the vicinity of 200 Southeast 15tth Street

Gentlemen:

One of our companies, Hawkeye Land Co., is the owner of a parcel of land affected by this vacation. (GP: 7824.02.352.001, DP: 040.00273.002.000) That parcel lies to the west of and adjacent to the northern portion of East 15th Street which is proposed to be vacated. Accompanying Exhibit "A" shows the location of our property in relation to East 15th Street.

The dedicated but undeveloped portion of East 15th Street lying northerly of E. Martin Luther King Jr. Parkway which the City proposes to vacate provides the only public access to our property. As can be seen, our property is bounded on the north by active railroad tracks and on the west by an elevated portion of SE 14th Street.

This project would leave Hawkeye Land's property landlocked. Accordingly, we object to this vacation and request that the dedicated portion of East 15th Street lying northerly of E. Martin Luther King Jr. Parkway remain as a dedicated city street so as to provide access to our adjacent property shown on Exhibit "A".

This project should not be approved the Plan and Zoning Commission, nor should it be referred to the City Council.

Tucker Sindlinger General Counsel for Hawkeye Land Co. tsindlinger@midwest3pl.com Office: 319-449-3721 4515 20th Avenue SW Suite C Cedar Rapids, Iowa 52404

Juder Sindlinger

