

Date November 23, 2020

**RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM MIDAMERICAN ENERGY FOR VACATION OF SEGMENTS OF GARVER STREET RIGHT-OF-WAY, SOUTHEAST 16<sup>TH</sup> STREET RIGHT-OF-WAY, AND EAST/WEST ALLEY RIGHT-OF-WAY, IN THE VICINITY OF THE 900 BLOCK OF SOUTHEAST 15<sup>TH</sup> STREET**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on November 5, 2020, its members voted 13-0 to recommend **APPROVAL** of a request from MidAmerican Energy (purchaser), represented by Tyler Gartenberg (agent), to vacate the following segments of street and alley right-of-way in the vicinity of the 900 block of Southeast 15<sup>th</sup> Street for development of an electrical substation:

- Garver Street from Southeast 15<sup>th</sup> Street to Southeast 16<sup>th</sup> Street;
- Southeast 16<sup>th</sup> Street from the north side of the east/west alley between Garver Street and Vale Street to a point 94.5 feet south of Garver Street; and
- The east/west alley between Garver Street and Vale Street from Southeast 15<sup>th</sup> Street and Southeast 16<sup>th</sup> Street;

Subject to the following conditions:

1. Reservation of easements for any existing utilities until such time that they are abandoned or relocated at the expense of the City’s successor in ownership of the vacated right-of-way;
2. Any major utilities and public service facilities use on the proposed vacated right-of-way shall be in accordance with a Conditional Use approval if granted by the Board of Adjustment; and
3. Any construction on the proposed vacated right-of-way shall be in accordance with all administrative comments as part of the Site Plan review.

**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:

/s/ Glenna K. Frank  
Glenna K. Frank, Assistant City Attorney

(11-2020-1.14)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
<b>TOTAL</b>				
MOTION CARRIED			APPROVED	
_____ Mayor				

**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.

\_\_\_\_\_  
City Clerk



November 17, 2020

Date November 23, 2020  
 Agenda Item 14  
 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 November 5, 2020 meeting, the following action was taken regarding a request from MidAmerican Energy (purchaser) represented by Tyler Gartenberg (agent) for vacation of the following segments of street Right-Of-Way in the vicinity of the 900 Block of Southeast 15<sup>th</sup> Street, to assemble property for development of an electrical substation. Adjoining property is owned by the City of Des Moines.

- A) Garver Street from Southeast 15<sup>th</sup> Street to Southeast 16<sup>th</sup> Street.
- B) Southeast 16<sup>th</sup> Street from the north side of the east/west alley between Garver Street and Vale Street to a point 94.5 feet south of Garver Street.
- C) The east/west alley between Garver Street and Vale Street from Southeast 15<sup>th</sup> Street and Southeast 16<sup>th</sup> Street.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 13-0-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
Abby Chungath	X			
Kayla Berkson	X			
Jann Freed			X	
Johnny Alcivar	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			

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

1. Reservation of any existing utilities until such time that they are abandoned or relocated at the applicant's expense.
2. Any major utilities and public service facilities use on the proposed vacation shall be in accordance with a Conditional Use Approval as granted by the Board of Adjustment.
3. Any construction on the proposed vacation shall be in accordance with all administrative comments as part of the Site Plan review. (11-2020-1.12)

Written Responses

0 in Favor

0 in opposition

**STAFF RECOMMENDATION TO THE P&Z COMMISSION**

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

1. Reservation of any existing utilities until such time that they are abandoned or relocated at the applicant's expense.
2. Any major utilities and public service facilities use on the proposed vacation shall be in accordance with a Conditional Use Approval as granted by the Board of Adjustment.
3. Any construction on the proposed vacation shall be in accordance with all administrative comments as part of the Site Plan review.

**STAFF REPORT TO THE PLANNING COMMISSION**

**I. GENERAL INFORMATION**

1. **Purpose of Request:** The proposed vacation would allow use of the vacated area by MidAmerican Energy for a new substation to serve future development within the East Village.
2. **Size of Site:** Approximately 1.56 acres (68,137 square feet).
3. **Existing Zoning (site):** "I1" Industrial District. The "I1" District is "intended for general industrial uses, warehousing, and transportation terminals."
4. **Existing Land Use (site):** The affected area consists of undeveloped public alley right-of-way.
5. **Adjacent Land Use and Zoning:**

**North** – “I1”; Use is predominantly undeveloped land.

**South** – “I1”, Use is predominantly undeveloped land.

**East** – “I1”; Use is predominantly undeveloped land.

**West** – “I1”; Use is predominantly undeveloped land.

6. **General Neighborhood/Area Land Uses:** The subject property is located generally southeast of the intersection of Maury Street and Southeast 15<sup>th</sup> Street and northeast of the intersection of Harriet Street and Southeast 15<sup>th</sup> Street in an area consisting of a mix of industrial and commercial uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is not located within 250 feet of any neighborhood association. All neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on October 16, 2020 and by mailing of the Final Agenda on October 30, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on October 26, 2020 (10 days prior to the public hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.
8. **Relevant Zoning History:** None.
9. **PlanDSM: Creating Our Tomorrow Land Use Plan Designation:** Industrial.
10. **Applicable Regulations:** Taking into consideration 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:** While no utilities have been identified within the requested ROW, easements must be reserved for any existing utilities until such time that they are abandoned or relocated at the applicant’s expense.
2. **Traffic/Access:** The requested alley right-of-way is not developed. The proposed vacation would allow development of the area for an energy substation and would not negatively impact access or traffic patterns.
3. **Zoning Requirements:** The proposed vacation has been initiated to support development of the surrounding area for a major utility energy substation. This type of use in an area zoned Industrial is allowed with obtainment of a Conditional Use Approval from the Board of Adjustment.
4. **Site Plan Requirements:** The proposed vacation would facilitate development of a major utility energy substation on the surrounding property. Staff notes that any

construction would need to be in accordance with all administrative comments as part of a Site Plan review.

## **SUMMARY OF DISCUSSION**

Dory Briles asked if any member of the public or the commission desired to speak on the item. No one requested to speak.

## **COMMISSION ACTION:**

Carolyn Jenison made a motion for approval of the requested vacation subject to the following conditions:

1. Reservation of any existing utilities until such time that they are abandoned or relocated at the applicant's expense.
2. Any major utilities and public service facilities use on the proposed vacation shall be in accordance with a Conditional Use Approval as granted by the Board of Adjustment.
3. Any construction on the proposed vacation shall be in accordance with all administrative comments as part of the Site Plan review.

Motion passed: 13-0-1

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:tjh

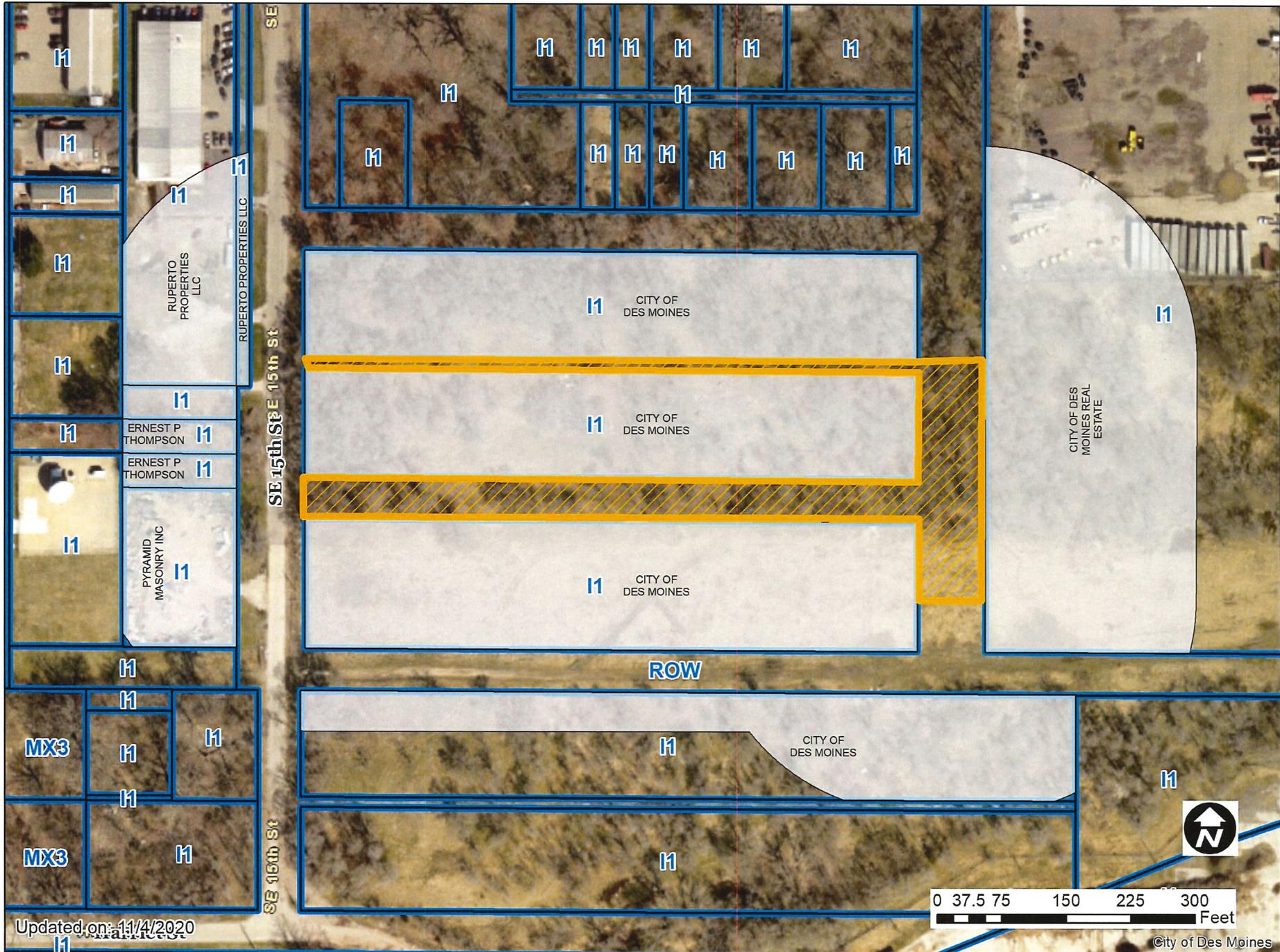
MidAmerican Energy (purchaser) represented by Tyler Gartenberg (agent) for property in the vicinity of the 900 Block of Southeast 15th Street.		File #		
		11-2020-1.13		
Description of Action	Vacation of the following segments of street Right-Of-Way, to assemble property for development of an electrical substation. Adjoining property is owned by the City of Des Moines. A) Garver Street from Southeast 15th Street to Southeast 16th Street. B) Southeast 16th Street from the north side of the east/west alley between Garver Street and Vale Street to a point 94.5 feet south of Garver Street. C) The east/west alley between Garver Street and Vale Street from Southeast 15th Street and Southeast 16th Street.			
PlanDSM Future Land Use	Current: Industrial. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"I1" Industrial 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

MidAmerican Energy, Vicinity of 900 Block of Southeast 15th Street

11-2020-1.14



1 inch = 148 feet



1 inch = 148 feet