



Roll Call Number

Agenda Item Number

24

Date October 24, 2022

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM LEGACY 515, LLC (OWNER) FOR VACATION UNDEVELOPED SEGMENTS OF RIGHT-OF-WAY IN THE VICINITY OF SOUTHWEST 17TH STREET AND COUNTY LINE ROAD, INCLUDING SEGMENTS PERPENDICULAR TO AND TO THE WEST OF SOUTHWEST 17TH STREET AND AN UNDEVELOPED SEGMENT OF SOUTHWEST 14TH STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 6, 2022, its members voted 15-0 to recommend **APPROVAL** of a request from Legacy 515, LLC (Owner) to the real property legally described below, subject to the reservation of any necessary easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense:

Lots 'D', 'E', and 'F' and that portion of Lot 'A' lying north of an easterly extension of the south line of lots 30 through 47, in Highland Hills Plat No. 6, City of Des Moines, Polk County, Iowa.

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

APPROVED AS TO FORM:

/s/ Lisa A. Wieland
Lisa A. Wieland
Assistant City Attorney

(ROWV-2022-00021)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

CERTIFICATE

I, Laura Baumgartner, 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

Date October 24, 2022
 Agenda Item 24
 Roll Call # _____

October 18, 2022

Communication from the City Plan and Zoning Commission advising that at their October 6, 2022 meeting, the following action was taken regarding a request from Legacy 515, LLC (owner), represented by Zach Vander Ploeg (officer), for vacation of undeveloped segments of right-of-way in the vicinity of Southwest 17th Street and County Line Road, including segments perpendicular to and to the west of Southwest 17th Street and an undeveloped segment of Southwest 14th Street.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 15-0 as follows

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
Francis Boggus	X			
Dan Drendel	X			
Leah Rudolphi	X			
Dory Briles	X			
Abby Chungath	X			
Kayla Berkson	X			
Chris Draper	X			
Todd Garner	X			
Johnny Alcivar	X			
Justyn Lewis	X			
Carolyn Jenison	X			
William Page	X			
Andrew Lorentzen	X			
Emily Webb	X			
Katie Gillette	X			

ARPROVAL of the requested vacation of right-of-way, subject to the reservation of any necessary easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.

Written Responses

2 in Favor
 5 in opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

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

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed vacations would enable the platting and future development of the area as part of a one-household residential subdivision.

2. **Size of Site:** Approximately 2.94 acres (128,123 square feet).

3. **Existing Zoning (site):** "EX" Mixed Use District & "N3a" Neighborhood District.

4. **Existing Land Use (site):** Undeveloped right-of-way.

5. **Adjacent Land Use and Zoning:**

North – "N3a"; Uses are low-density residential.

South – "EX", Use is land owned by Des Moines Metro Wastewater Reclamation Authority.

East – "N3a" & "EX"; Uses are low-density residential, undeveloped right-of-way, and outdoor sports and recreational uses.

West – "P1" & "P2"; Uses are undeveloped land and a cemetery with funeral home.

6. **General Neighborhood/Area Land Uses:** The subject area is generally located in the vicinity of Southwest 17th Street and County Line Road, east of Fleur Drive. The area generally consists of one-household residential uses and undeveloped land.

7. **Applicable Recognized Neighborhood(s):** The subject property is not located in a recognized neighborhood and is not located within 250 feet of a neighborhood association. All recognized neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on September 16, 2022 and by mailing of the Final Agenda on September 30, 2022. Additionally, separate notifications of the hearing for this specific item were mailed on September 26, 2022 (10 days prior) to the applicable neighborhood associations and to the primary titleholder on file with the Polk County Assessor for each property adjoining the requested public Right-of-Way.

8. **Relevant Zoning History:** In addition to this right-of-way vacation request, the applicant has also applied for a rezoning of the requested right-of-way and surrounding properties to "N2b" Neighborhood District. The requested vacation and rezoning would allow the platting and development of a one-household residential subdivision.

9. PlanDSM: Creating Our Tomorrow Land Use Plan Designation: Business Park.

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: Identified utilities located in or near the impacted area include an existing City of Des Moines-owned gravity 18-inch sanitary sewer running diagonally northeast/southwest across the subject right-of-way. There is also an existing City of Des Moines-owned gravity 21-inch sanitary sewer running north/south across the subject right-of-way. Easements must be reserved for any existing utilities until such time that they are abandoned or relocated at the applicant's expense. No structure can be constructed over an existing sanitary sewer or sanitary sewer easement.

2. Traffic/Access: The requested vacations would not negatively impact access to private properties or traffic patterns in the area.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

Dory Briles made a motion for approval of the requested vacation of right-of-way, subject to the reservation of any necessary easements for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.

Motion passed: 15-0

Respectfully submitted,



Bert Drost, AICP
Planning & Urban Design Deputy Administrator

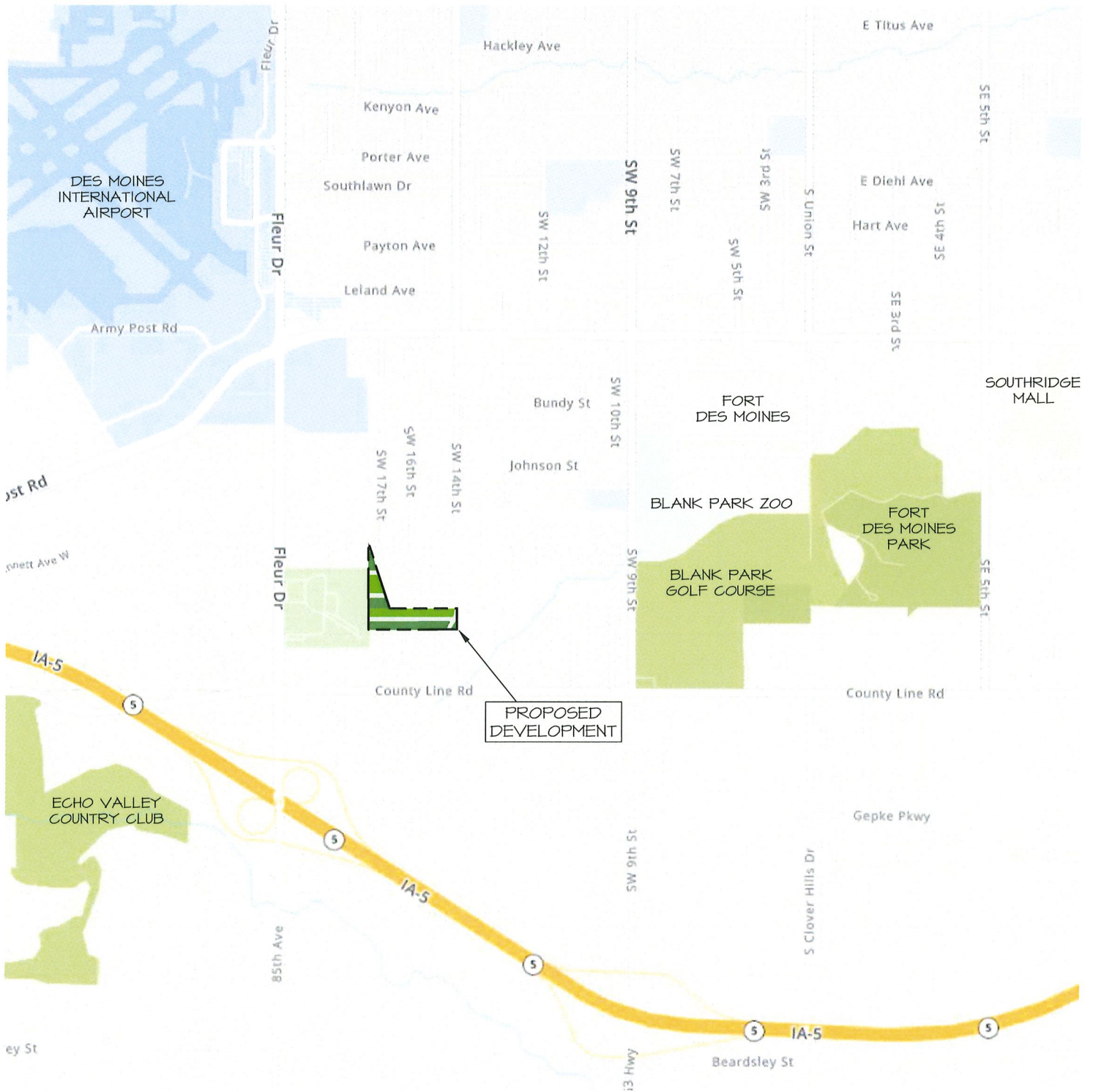
BAD:tjh



Updated on: 10/6/2022

1 inch = 219 feet

GREATER DES MOINES HABITAT FOR HUMANITY



NORTH Scale: 1"=2000'



Civil Engineering Consultants, Inc.

2400 86th Street . Unit 12 . Des Moines, Iowa 50322
515.276.4884 . Fax: 515.276.7084 . mail@ceclac.com

REZONING SKETCH LOTS 1-47 & PART OF LOT 103 HIGHLAND HILLS PLAT No 6 DES MOINES, IOWA

PREPARED FOR:
GREATER DES MOINES HABITAT FOR HUMANITY
2200 E. ESKILD
DES MOINES, IA 50321

PROPERTY OWNERS:
LEGACY S15 LLC
4225 FLBUR DR SITE 171
DES MOINES, IA 50321

PROFESSIONAL
LAND SURVEYOR:
CIVIL ENGINEERING CONSULTANTS, INC.
ATTN: PATRICK J. SHEPARD, PLS
2400 86TH STREET, SUITE 12
URBANDALE, IA 50322
PHONE: (515) 216-4884
EMAIL: SHEPARD@CECLAC.COM

LEGAL DESCRIPTION: REZONING
LOTS 1 THROUGH 47, AND THAT PORTION OF LOT 103 LYING NORTH OF AN EASTERLY
EXTENSION OF THE SOUTH LINE OF LOTS 30 THROUGH 47, IN HIGHLAND HILLS PLAT No. 6,
CITY OF DES MOINES, POLK COUNTY, IOWA.

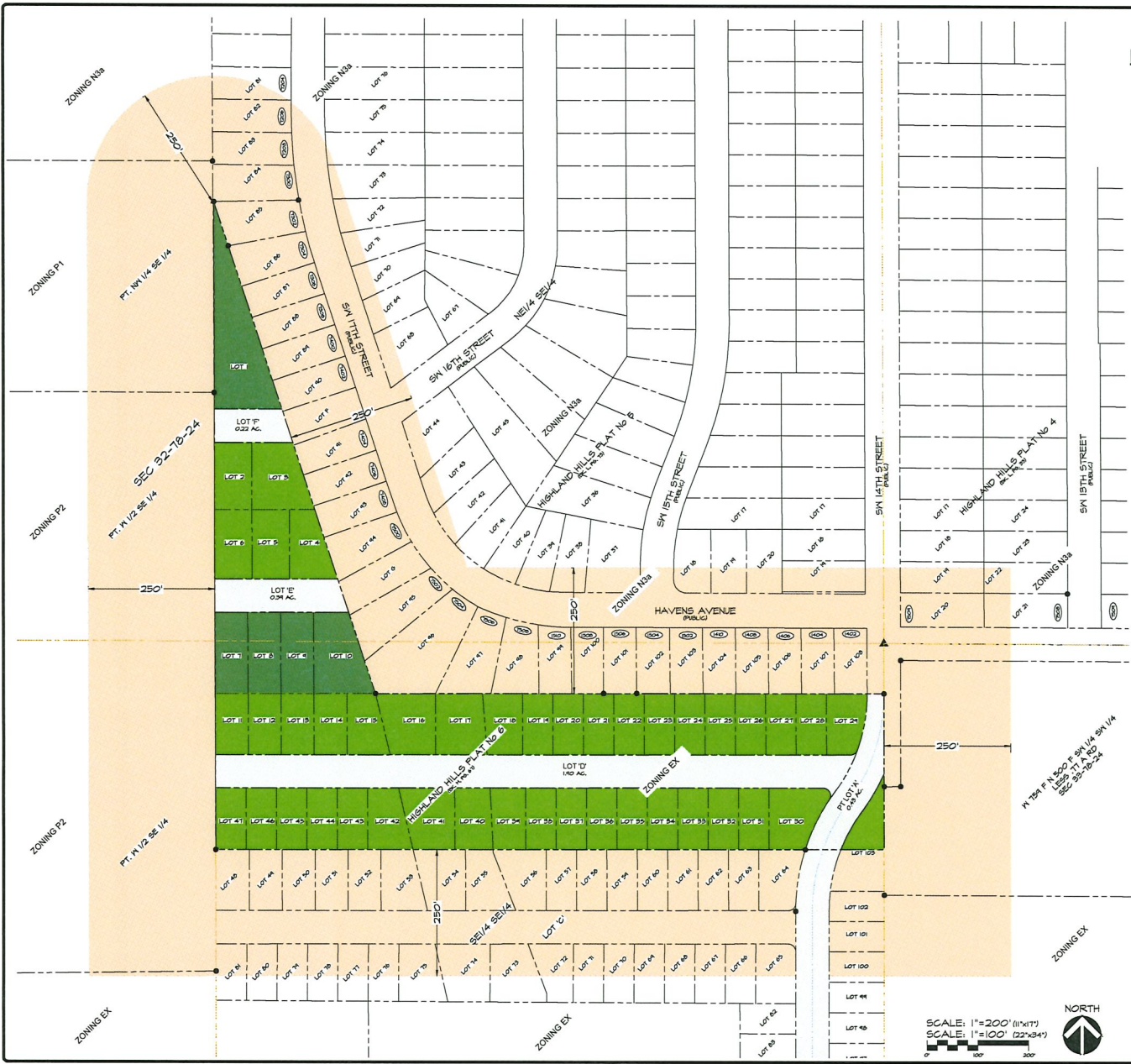
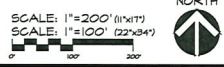
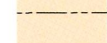
EXISTING ZONING:
N38 NEIGHBORHOOD DISTRICT
EX MIXED USE DISTRICT
P2 PUBLIC, CIVIC & INSTITUTIONAL DISTRICT
P1 PUBLIC, CIVIC & INSTITUTIONAL DISTRICT
N4 NEIGHBORHOOD DISTRICT

PROPOSED ZONING:
N26 NEIGHBORHOOD DISTRICT

REZONING:



250' PERIMETER



Civil Engineering Consultants, Inc.
2400 86th Street, Unit 12, Des Moines, Iowa 50322
515.276.6884, mail@ceclac.com



DATE:	SEP. 2, 2023
DATE OF SURVEY:	
DESIGNED BY:	PLS
DRAWN BY:	JDS

GREATER DES MOINES HABITAT FOR HUMANITY
S.W. 14TH STREET & COUNTY LINE ROAD, DES MOINES, IOWA
REZONING SKETCH

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- NOTES:
1. THERE WILL BE AT LEAST 16 HOMES WITH A GARAGE.
 2. THERE WILL BE AT LEAST 10 HOMES WITH A BASEMENT.
 3. THERE MIGHT BE HOMES WITH BOTH A GARAGE AND A BASEMENT.
 4. THERE WILL NOT BE ANY HOMES THAT DON'T HAVE EITHER A GARAGE OR A BASEMENT.

SCALE: 1"=160' (11x17)
 SCALE: 1"=80' (22x34)
 NORTH

DATE: MAY 26, 2022
 DATE OF SURVEY:
 DESIGNED BY:
 DRAWN BY:

HABITAT FOR HUMANITY SW 14TH STREET
 DES MOINES, IOWA
 LARGE SCALE DEVELOPMENT PLAN

SHEET
 OF 1
 E6096

CEC
 Civil Engineering Consultants, Inc.
 2400 86th Street, Unit 112 Des Moines, Iowa 50322
 515.276.4884 mail@cecinc.com

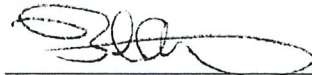
Consent to Vacation and Sale of Alley or Street Right-of-Way

REGARDING the East/West | North/South alley or street right-of-way in the block bounded by the following Streets:

The undersigned owners hereby consent to the City of Des Moines vacating (closing) the alley or street described above and to the City offering such alley or street for sale to the owner(s) of the adjoining property(s).

The undersigned **represent and warrant** that they are the owners of property at the address identified below which adjoins such alley or street.

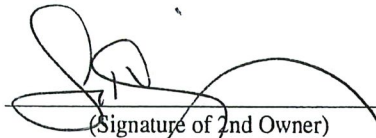
Date: 9/15/22



(Signature)

Blair A. Overton

(Printed Name)



(Signature of 2nd Owner)

Sara Bering

(Printed Name)

Address of adjoining Property:

_7601 Fleur dr.

Des Moines, IA 50321
(Zip Code)

MailingAddress-if different:

Legal Description of Adjoining Property (if known):
BEG 1802.46F N OF SW COR THN E 1317.02F S1147.36F
W 1317.09F N 1161.69F TO POB W 1/2 SE 1/4 SEC
32-78-24

NOTE: We are interested in purchasing what would be parcel 7403

Check applicable line:

- I/We are interested in purchasing the adjoining portion of the alley or street. This is not a commitment to purchase.
- I/We are **not** interested in purchasing the adjoining portion of the alley or street and consent to the sale of the entire alley to the owner of the property on the other side of the alley or street.

*****Community Development Department Use Only *****

Case No. 11-20 - 1.

Received: _____

Applicant: _____

OWNER AFFIDAVIT



The City of Des Moines requires Property Owner's Consent for each development application. A completed and signed copy of this form is required to be included with every application request. For property with more than one owner/titleholder, each owner/titleholder must sign a copy of this form. If the owner/titleholder of the property is an organization/entity, proof of signature authority on behalf of the organization/entity must be attached to this form:

I Zach Vander Ploeg am the Titleholder(s)/Owner(s), or authorized representative of
(printed name)
the Titleholder(s)/Owner(s), of the property located at (no address assigned - see attached)
(address)
in Des Moines, Iowa.

I hereby give consent to the submittal and consideration of the following application regarding my property:

- Zoning Map Amendment (Rezoning)
- Land Use Plan Amendment
- PUD Amendment
- Conditional Use Approval
- Zoning Exception
- Zoning Variance
- Site Plan
- Plat of Survey
- Preliminary Plat
- Vacation Request
- Other (write in): _____

I am authorized to submit this application on behalf of the Titleholder/Owner. I certify under penalty of perjury and according to the laws of the State of Iowa that the foregoing is true and correct.

Signature: Z. V. P. Date: 7/25/22

Signature: _____ Date: _____

LEGAL DESCRIPTION – REZONING

LOTS 1 THROUGH 47, AND THAT PORTION OF LOT 103 LYING NORTH OF AN EASTERLY EXTENSION OF THE SOUTH LINE OF LOTS 30 THROUGH 47, IN HIGHLAND HILLS PLAT NO. 6, CITY OF DES MOINES, POLK COUNTY, IOWA.

Item: ROWV-2022-000021

Date: 9/30/2022

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature:

Name:

Address:

[Handwritten signature]
Matt Fisher
2715 57th St, DSM

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
OCT 03 2022

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

Item: ROWV-2022-000021

Date: 9.29.22

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature:

Name:

Address:

[Handwritten signature]
Stephanie Kempf
7400 SW 16th St, DM

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
OCT 03 2022

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

Item: ROWV-2022-000021

Date: _____

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: _____

Name: _____

Address: _____

Michael Casper
Michael Casper
7508 SW 17th

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
OCT 03 2022

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

*Expand Girls Ball Park
and leave green corridor
for wild life*

Item: ROWV-2022-000021

Date: 9-29-2022

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: _____

Name: _____

Address: _____

Bernita R Shipp
Bernita R. Shipp
7500 SW 17th Street
50315

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
OCT 03 2022

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

*With new st. my taxes would go up. Even tho- the city
installed a 2nd grate in the low area of 17th St. it still
floods, and runs along my fence to the creek. Has
to have gabion basket wall installed along creek to
stop soil erosion. Will more development mean more
damage to my property. The view in this quiet 50's
neighborhood has been the same for 67 years.
Not to mention previous concerns, it would cause
more traffic.*

Item: ROWV-2022-000021

Date: 9/30/22

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: Ginger Arnborg

Name: Ginger Arnborg

Address: 1409 Havens

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
OCT 03 2022

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

Increase traffic Increased crime

overcrowded schools

what ~~h~~ will happen to the

wild life ll enjoy nature

Kids play
outside
in the
forest
and creek

Item: ROWV-2022-000021

Date: 10-1-2022

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: Sharon Swigart

Name: SHARON SWIGART

Address: 7206 S.W. 17th St.

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
OCT 06 2022

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

Item: ROWV-2022-000021

Date: 10/4/22

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: _____

Name: _____

Address: _____

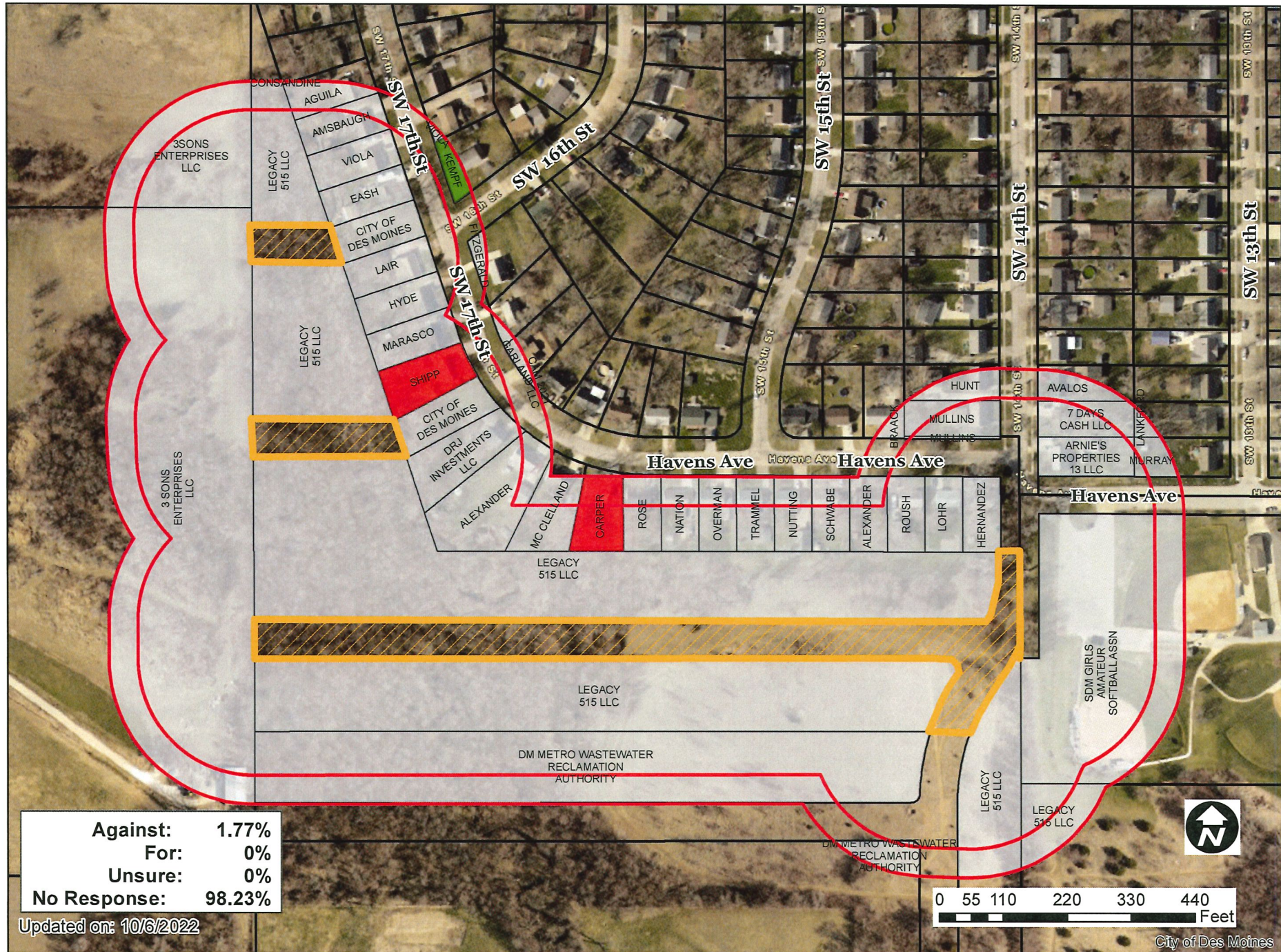
Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

OCT 10 2022

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

ONE OF THE REASONS WE PURCHASED OUR HOME WAS THE GRASS AREA
BEHIND US. IT IS BEING AND WE WOULD LIKE IT TO BE A DRIVE.
OUR HOME WOULD NOT BE THE SAME WITHOUT THE GRASS BEHIND US.



1 inch = 219 feet