CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: **May 4, 2015**

ITEM: Aspire, South side of Stagecoach Drive approximately 680 feet west of South 68th Street/Galleria Drive – Vacate a portion of public street right-of-way associated with the driveway turnouts constructed along the south side of Stagecoach Drive (VAC-002590-2015)

ORDINANCE: Approval of First Reading

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The applicant, Aspire Residential, LLC, is requesting approval of the vacation of a portion of the Stagecoach Drive right-of-way associated with the driveway turnouts constructed along the south side of the street. The right-of-way in question is excess right-of-way that was reserved for the future installation of traffic signals at the existing driveway locations to the Aspire property. The vacation will allow the applicant additional property at the driveways allowing the proposed townhomes to fit better on the property. The right-of-way in question was included with the design of the driveways on Stagecoach Drive to allow for future stop light installation at the intersections. The Engineering Services department has reviewed the applicant's request and is in agreement that a portion can be vacated as there will still be adequate room for stop light installation in the future if such is needed.

Also, to be considered at this meeting is a request for site plan approval to permit the construction of 222 townhomes on the Aspire property.

Plan and Zoning Commission Action:
Vote: 7-0 Approval
Date: April 27, 2015
Motion: Adopt a resolution recommending the City Council approve the Vacation Request.

OUTSTANDING ISSUES: There are not outstanding issues. The following items of interest are noted in the attached Plan and Zoning Commission report (see Exhibit I):

- Applicant's Request
- History
- City Council Subcommittee – *Development and Planning, February 12, 2015*
- Staff Review and Comment
- Comprehensive Plan Consistency
- Staff Recommendation and Conditions of Approval
- Noticing Information
- Owner/Applicant/Applicant Representative Information

RECOMMENDATION: Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, the Plan and Zoning Commission recommends the City Council approve a Vacation Request for a portion of public street right-of-way associated with the driveway turnouts constructed along the south side of Stagecoach Drive, subject to the applicant meeting all City Code requirements.

Lead Staff Member: Brian Portz, AICP

STAFF REVIEWS

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	RTG

PUBLICATION(S) (if applicable)

Published In	Des Moines Register	
Date(s) Published	April 17, 2015	
Letter sent to surrounding property owners		April 14, 2015

SUBCOMMITTEE REVIEW (if applicable)

Committee	Dev/Planning		
Date Reviewed	February 12, 2015		
Recommendation	Yes X	No ☐	Split ☐

ATTACHMENTS:

Exhibit I - Plan and Zoning Commission Communication
- Attachment A - Plan and Zoning Commission Resolution
  - Exhibit A - Conditions of Approval
- Attachment B - Location Map
- Attachment C - Vacation Plat of Survey

Exhibit II - Proposed Ordinance

EXHIBIT I

CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION COMMUNICATION

Meeting Date: April 27, 2015

Item: Aspire, South side of Stagecoach Drive approximately 680 feet west of South 68th Street/Galleria Drive –Vacate a portion of public street right-of-way associated with the driveway turnouts constructed along the south side of Stagecoach Drive VAC-002590-2015

Requested Action: Approval of a Vacation Request

Case Advisor: Brian Portz, AICP BP

Applicant's Request: The applicant, Aspire Residential, LLC, is requesting approval of the vacation of a portion of the Stagecoach Drive right-of-way associated with the driveway turnouts constructed along the south side of street. The right-of-way in question is excess right-of-way that was reserved for the future installation of traffic signals at the existing driveway locations to the Aspire property. The vacation will allow the applicant additional property at the driveways allowing the proposed townhomes to fit better on the property. The right-of-way in question was included with the design of the driveways on Stagecoach Drive to allow for future stop light installation at the intersections. The Engineering Services department has reviewed the applicant's request and is in agreement that a portion can be vacated as there will still be adequate room for stop light installation in the future if such is needed.

Also, to be considered at this meeting is a request for site plan approval to permit the construction of 222 townhomes on the Aspire property.

History: The Aspire property is undeveloped. In 2013, a Comprehensive Plan Amendment was approved for this property which changed the land use north of the power line which crosses this property to a Medium Density Residential (MD) land use. This portion of the property was consistency zoned to the Comprehensive Plan Land Use designated establishing RM-12 zoning. In September 2014, a Rezoning Request to establish a Planned Unit Development (PUD) for the subject property was approved. On April 20, 2015, the City Council approved a preliminary plat for the property to subdivide the property into 26 lots and 1 street lot.

City Council Subcommittee: The Aspire project (including this right-of-way vacation request) was presented to Development and Planning Subcommittee for information at its February 12, 2015 meeting. There was no discussion.

Staff Review and Comment: There are no outstanding issues. The City Engineering Services Department reviewed this request and determined the amount of right-of-way that could be vacated and still provide enough room for future traffic signals at each driveway. Engineering Services approves of the amount of right-of-way proposed for vacation.

Comprehensive Plan Consistency: The project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan and the land use map of the Comprehensive Plan.

Staff Recommendations and Conditions of Approval: Based upon the preceding review and a finding of consistency with the Comprehensive Plan, staff recommends that the Plan and Zoning Commission adopt a resolution recommending the City Council approve the Vacation request for a portion of public street right-of-way associated with the driveway turnouts constructed along the south side of Stagecoach Drive, subject to the applicant meeting all City Code requirements.

Noticing Information: On April 17, 2015, notice for the April 27, 2015 Plan and Zoning Commission and May 4, 2015 City Council Public Hearings on this project was published in the Des Moines Register Community Section.

Notice of these public hearings was also mailed to those property owners immediately adjacent to the proposed right-of-way vacation on April 14, 2015.

Owner/Applicant:

Aspire Residential, LLC
12035 University Avenue, Suite 101
Clive, IA 50325
David Hansen
dave@signatureres.com

Applicant's Representative:

Civil Design Advantage
3405 SE Crossroads Drive, Suite G
Grimes, IA 50111
Josh Trygstad

Attachments:

Attachment A - Plan and Zoning Commission Resolution
Exhibit A - Conditions of Approval
Attachment B - Location Map
Attachment C - Vacation Plat of Survey

RESOLUTION NO. PZC-15-023

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE A RIGHT-OF-WAY VACATION REQUEST

WHEREAS, pursuant to the provisions of Title 10, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Aspire Residential, LLC, has requested approval for a Vacation Request (VAC-002590-2015) for that certain site located approximately 680 feet west of South 68th Street/Galleria Drive for the purpose of vacating a portion of public street right-of-way associated with the driveway turnouts constructed along the south side of Stagecoach Drive;

WHEREAS, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

WHEREAS, on April 27, 2015 this Commission held a duly-noticed hearing to consider the application for Vacation Request (VAC-002590-2015);

NOW, THEREFORE, THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings, for approval, in the staff report, dated April 27, 2015, or as amended orally at the Plan and Zoning Commission hearing of April 27, 2015, are adopted.

SECTION 2. VACATION REQUEST (VAC-002590-2015) to vacate a portion of public street right-of-way associated with the driveway turnouts constructed along the south side of Stagecoach Drive is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, dated April 27, 2015, including conditions added at the Hearing. Violation of any such conditions shall be grounds for revocation of the permit, as well as any other remedy which is available to the City.

The legal description of the right-of-way to be vacated is as follows:

PARCEL 1: A PART OF LOT B, WELLS FARGO PLAT 1, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF OUTLOT 'Y', ROGERS FARM, AN OFFICIAL PLAT IN SAID CITY OF WEST DES MOINES; THENCE NORTH 83'45'43" EAST ALONG THE NORTHERLY LINE OF SAID OUTLOT 'Y', A DISTANCE OF 537.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 83'45'43" EAST, 48.71 FEET; THENCE SOUTH 52'09'35" EAST, 57.47 FEET; THENCE SOUTH 8'04'53" EAST, 11.95 FEET TO SAID NORTHERLY LINE; THENCE SOUTH 82'03'43" WEST ALONG SAID NORTHERLY LINE, 37.36 FEET; THENCE NORTH 51'14'11" WEST CONTINUING ALONG SAID NORTHERLY LINE, 75.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.06 ACRES (2,523 SQUARE FEET).

PARCEL 2: A PART OF LOT B, WELLS FARGO PLAT 1, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF OUTLOT 'Y', ROGERS FARM, AN OFFICIAL PLAT IN SAID CITY OF WEST DES MOINES; THENCE NORTH 83'45'43" EAST ALONG THE NORTHERLY LINE OF SAID OUTLOT 'Y', A DISTANCE OF 537.00 FEET; THENCE SOUTH 51'14'11" EAST CONTINUING ALONG SAID NORTHERLY LINE, 75.00 FEET; THENCE NORTH 82'03'43" EAST CONTINUING ALONG SAID

NORTHERLY LINE, 97.36 FEET TO THE POINT OF BEGINNING; THENCE NORTH 8'04'53" WEST, 10.59 FEET; THENCE NORTH 36'21'33" EAST, 57.12 FEET; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 925.00 FEET, WHOSE ARC LENGTH IS 35.27 FEET AND WHOSE CHORD BEARS NORTH 78'28'06" EAST, 35.27 FEET TO SAID NORTHERLY LINE; THENCE SOUTH 36'21'27" WEST CONTINUING ALONG SAID NORTHERLY LINE, 75.00 FEET; THENCE SOUTH 82'03'43" WEST CONTINUING ALONG SAID NORTHERLY LINE, 22.69 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.04 ACRES (1,678 SQUARE FEET).

PARCEL 3: A PART OF LOT B, WELLS FARGO PLAT 1, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF OUTLOT Y, ROGERS FARM, AN OFFICIAL PLAT IN SAID CITY OF WEST DES MOINES; THENCE SOUTH 83'45'52" WEST ALONG THE NORTHERLY LINE OF SAID OUTLOT 'Y, A DISTANCE OF 152.55 FEET; THENCE SOUTHWESTERLY CONTINUING ALONG SAID NORTHERLY LINE AND A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 925.00 FEET, WHOSE ARC LENGTH IS 22.56 FEET AND WHOSE CHORD BEARS SOUTH 21'14'59" WEST, 22.56 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 18'50'02" EAST CONTINUING ALONG SAID NORTHERLY LINE, 75.00 FEET; THENCE SOUTH 28'48'43" WEST CONTINUING ALONG SAID NORTHERLY LINE, 120.01 FEET; THENCE SOUTH 76'27'28" WEST CONTINUING ALONG SAID NORTHERLY LINE, 75.00 FEET; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 925.00 FEET, WHOSE ARC LENGTH IS 52.13 FEET AND WHOSE CHORD BEARS NORTH 34'03'37" EAST, 52.12 FEET; THENCE NORTH 74'56'26" EAST, 57.80 FEET; THENCE NORTH 28'06'34" EAST, 60.00 FEET; THENCE NORTH 18'09'25" WEST, 58.35 FEET; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 925.00 FEET, WHOSE ARC LENGTH IS 29.45 FEET AND WHOSE CHORD BEARS NORTH 22'51'38" EAST, 29.45 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.10 ACRES (4,508 SQUARE FEET).

PASSED AND ADOPTED on April 27, 2015.

Craig Erickson, Chairperson
Plan and Zoning Commission

ATTEST:

Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on April 27, 2015 by the following vote:

AYES: Andersen, Brown, Costa, Crowley, Erickson, Hatfield, Southworth
NAYS: -0-
ABSTENTIONS: -0-
ABSENT: -0-

ATTEST:

Recording Secretary

Exhibit A
Conditions of Approval

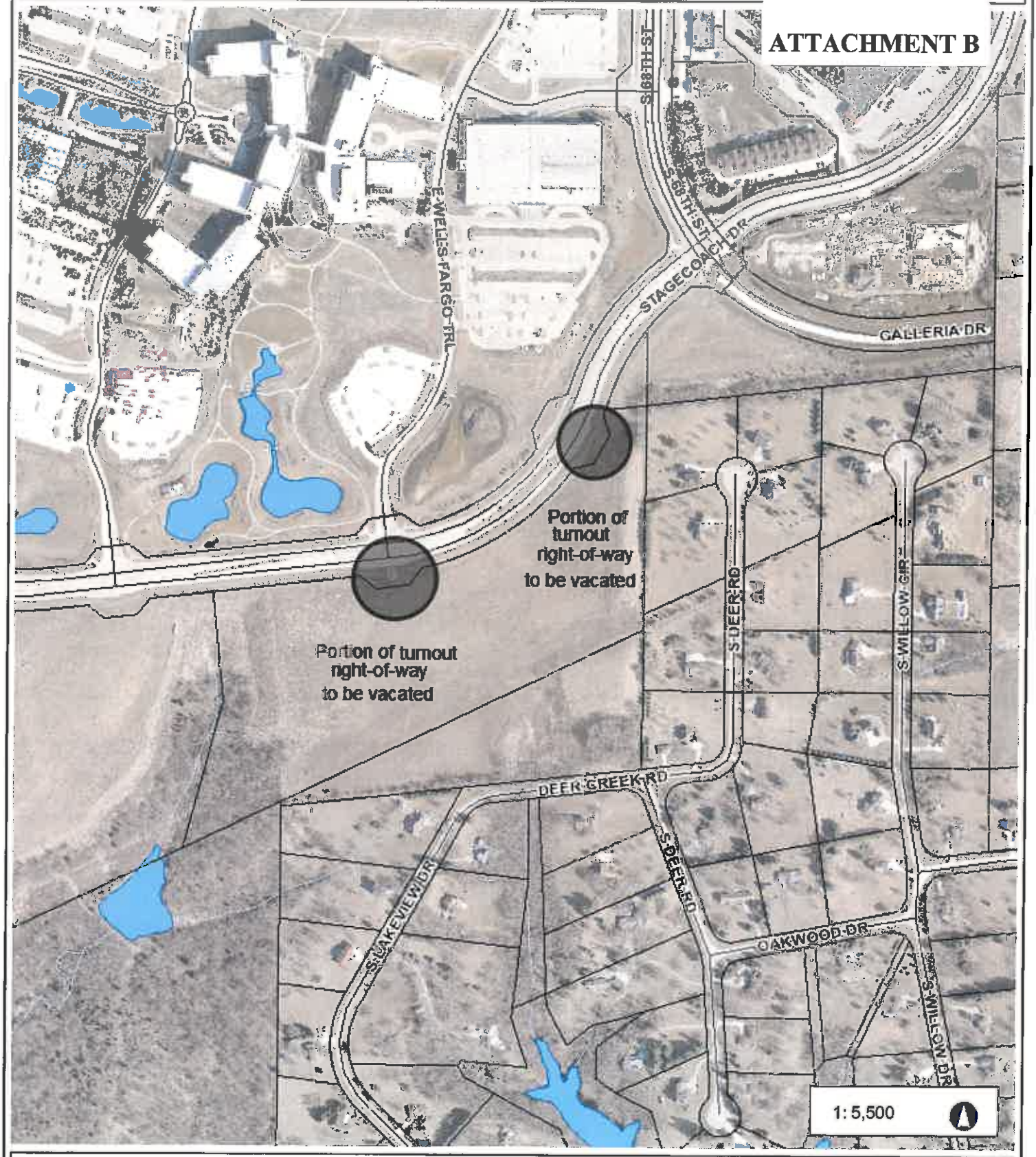
1. **No Conditions of Approval**

Exhibit A
Conditions of Approval

1. **No Conditions of Approval**

Stagecoach Drive Turnouts Vacation - Location Map

ATTACHMENT B



916.7 0 458.33 916.7 Feet

NAD_1983_StatePlane_Iowa_South_FIPS_1402_Feet

© City of West Des Moines, Iowa

Disclaimer: The City of West Des Moines makes no warranties regarding the accuracy or completeness of the data provided herein.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

ATTACHMENT C

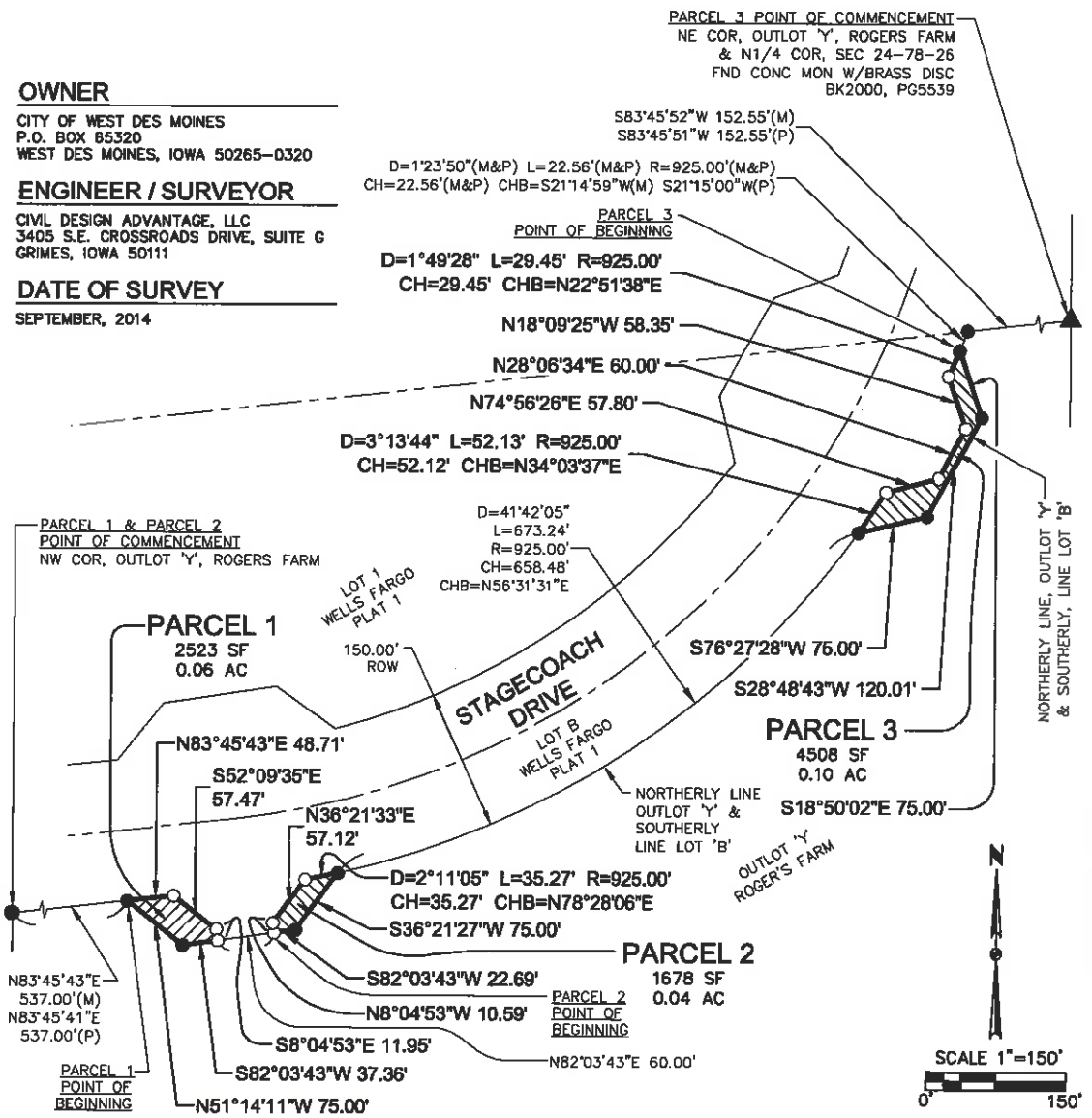
RETURN TO: CIVIL DESIGN ADVANTAGE, 3405 SE CROSSROADS DRIVE, SUITE G, GRIMES, IA. 50111, PH: 369-4400 FAX: 369-4410

PLAT OF SURVEY
STAGECOACH DRIVE RIGHT OF WAY VACATION

OWNER
CITY OF WEST DES MOINES
P.O. BOX 65320
WEST DES MOINES, IOWA 50265-0320

ENGINEER / SURVEYOR
CIVIL DESIGN ADVANTAGE, LLC
3405 S.E. CROSSROADS DRIVE, SUITE G
GRIMES, IOWA 50111

DATE OF SURVEY
SEPTEMBER, 2014



LEGEND

	FOUND	SET
SECTION CORNER AS NOTED	▲	△
1/2" REBAR, YELLOW CAP#7844 (UNLESS OTHERWISE NOTED)	●	
1/2" REBAR, YELLOW CAP#18660 (UNLESS OTHERWISE NOTED)		○
PLATTED BEARING & DISTANCE	P	
MEASURED BEARING & DISTANCE	M	
CENTERLINE		
SECTION LINE		
EASEMENT LINE		
PROPERTY BOUNDARY		

PROFESSIONAL LAND SURVEYOR
LOUIS M. KELEHAN
18660
IOWA
LICENSED

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

PRELIMINARY
NOT FOR CONSTRUCTION

LOUIS M. KELEHAN, P.L.S. DATE

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2015
PAGES OR SHEETS COVERED BY THIS SEAL:
SHEET 1 & 2

FILE: H:\2014\1401034\DWG\1401034-ROW-VACATION-PLAT.DWG
FILE DATE: 1/9/15 DATE PLOTTED: 1/9/2015 8:28 AM
PLOTTED BY: LOUIS KELEHAN

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STAGECOACH DRIVE
RIGHT OF WAY VACATION
PLAT OF SURVEY
WEST DES MOINES, IOWA

CIVIL DESIGN ADVANTAGE

3405 SE CROSSROADS DRIVE, SUITE G
GRIMES, IOWA 50111
PH: (515) 369-4400 Fax: (515) 369-4410

RETURN TO: CIVIL DESIGN ADVANTAGE, 3405 SE CROSSROADS DRIVE, SUITE G, GRIMES, IA. 50111, PH: 369-4400 FAX: 369-4410

PLAT OF SURVEY
STAGECOACH DRIVE RIGHT OF WAY VACATION

PARCEL 1 LEGAL DESCRIPTION

A PART OF LOT B, WELLS FARGO PLAT 1, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

PARCEL 2 LEGAL DESCRIPTION

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PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

FILE: H:\2014\1401034\DWG\1401034-ROW-VACATION-PLAT.DWG
FILE DATE: 1/9/15 DATE PLOTTED: 1/9/2015 8:30 AM
PLOTTED BY: LOUIS KELEHAN

STAGECOACH DRIVE
RIGHT OF WAY VACATION
PLAT OF SURVEY
WEST DES MOINES, IOWA

CIVIL DESIGN ADVANTAGE
3405 SE CROSSROADS DRIVE, SUITE G
GRIMES, IOWA 50111
PH: (515) 369-4400 Fax: (515) 369-4410

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WEST DES MOINES, IOWA VACATING A PORTION OF CITY RIGHT-OF-WAY AT THE DRIVEWAY TURNOUTS ON THE SOUTH SIDE OF STAGECOACH DRIVE BETWEEN SOUTH JORDAN CREEK PARKWAY AND SOUTH 68TH STREET/GALLERIA DRIVE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:

SECTION 1. Pursuant to Title 7, Chapter 1, Section 10 of the West Des Moines City Code, "VACATION AND DISPOSAL," the following portion of the City right-of-way is hereby vacated:

That portion of Stagecoach Drive, West Des Moines, Iowa, legally described as follows:

PARCEL 1: A PART OF LOT B, WELLS FARGO PLAT 1, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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PARCEL 3: A PART OF LOT B, WELLS FARGO PLAT 1, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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SECTION 2. SAVINGS CLAUSE. If any section, provision, sentence, clause, phrase or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase, or part hereof not adjudged invalid, or unconstitutional.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

PASSED AND APPROVED by this ____ day of _____, 2015.

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson, City Clerk

I certify that the foregoing was published as Ordinance No._____ on the _____ day of

_____, 2015.

_____
Ryan T. Jacobson, City Clerk