CITY OF WEST DES MOINES
STAFF REPORT COMMUNICATION

Meeting Date: September 7, 2021

ITEM: Ginger East Plat 1, East of Veterans Parkway at SE Maffitt Lake Road – Approve Final Plat to create 2 lots for Industrial development, 1 outlot and 1 street lot – Microsoft Corporation – FP-005225-2021

RESOLUTION: Approval and Release of Final Plat

Background: Katherine Kennedy with Burns & McDonnell, on behalf of the applicant and property owner, Microsoft Corporation, requests approval of a Final Plat for the approximately 148.86-acre property generally located east of Veterans Parkway at SE Maffitt Lake Road. The applicant proposes to subdivide the property into 2 lots for development of a data center, 1 outlot for storm water detention, and 1 street lot for dedication to the City.

Staff Review & Comment:

- *Financial Impact:* As part of the development agreement for this site, the proposed public use improvements that the City will be undertaking will be paving and reconstruction of SE County Line Road from SE Soteria Avenue to Veterans Parkway with a pedestrian underpass on the Great Western Trail. As part of this street project, a water main will be extended the full length of the street. There will also be a water main connection from SE County Line Road up SE Soteria to former SE Maffitt Lake Road. The applicant will be removing existing SE Maffitt Lake Road between Veterans Pkwy and SE Soteria Ave. The right of way for removed SE Maffitt Lake Road has been vacated and obtained by the applicant.
- *History*: The associated Preliminary Plat was approved by the Plan and Zoning Commission on June 14, 2021 and the City Council on June 21, 2021. This Final Plat has been determined to be consistent with the associated Preliminary Plat.
- *SE Maffitt Lake Road*: The portion of SE Maffitt Lake Road that traverses through this site has been vacated by the City and then was deeded to the original owner that dedicated the right of way to the City. The right of way was then transferred to Microsoft Corporation. Microsoft intends to use the west end of SE Maffitt Lake Road as its primary access. The remaining portion of SE Maffitt Lake Road to SE Soteria Avenue will be barricaded by Microsoft and therefore closed to public use.
- *Traffic Analysis Findings:* Traffic Impact Studies are not conducted for Final Plats but instead are completed at the time of the associated Preliminary Plat. Per that study, the proposed development of the site as a data center is expected to generate less traffic than what was analyzed in previous traffic modeling for the area. The study gives more details on the recommended geometry and traffic control for the surrounding streets. SE Maffitt Lake Road from Veterans Parkway to SE Soteria Avenue is expected to be to be removed as part of this development. For as long as SE Maffitt Lake Road remains open to public travel (whether the street is publicly or privately owned), it must continue to have all proper traffic control as specified in the Federal Highway Administration's *Manual on Uniform Traffic Control Devices* (*MUTCD*). A new driveway onto SE Soteria Avenue may be allowed once the west leg of the SE Soteria Avenue & SE Maffitt Lake Road intersection

is closed to traffic. The study gave recommendations that will maintain and enhance circulation for the internal streets. Those recommendations have been given to the applicant and incorporated into the site plan for the site.

- *Conditions of Approval:*
  - *Site Plan Review*: The site plan for the first data center building on this site is scheduled to be considered by the Plan & Zoning Commission on September 13, 2021 and by the City Council on September 20, 2021. Staff recommends a condition of approval that the applicant acknowledge that a building permit can't be issued for the first building until the associated site plan is approved by the City Council.
  - *SE Maffitt Lake Road Closure*: Microsoft intends to use the west end of SE Maffitt Lake Road as its primary access. The remaining portion of SE Maffitt Lake Road to SE Soteria Avenue will be barricaded by Microsoft and therefore closed to public use. The closing of this street will be coordinated with Engineering Services and the City Fire Marshal. Staff recommends a condition of approval requiring this coordination.
- *Plat Validity:* Per City Code, the Final Plat must be presented to the City Council for approval within 12 months of the approval of the associated Preliminary Plat if surety is being posted for Public Improvements; or, within 18 months if Public Improvements are being constructed prior to Final Plat consideration. This Final Plat complies with the timelines stated in City Code.

Outstanding Issues: There are no outstanding issues.

Staff would note that as part of this approval, the Council is approving and accepting the following:

- A deed for Lot A to be dedicated as public street right-of-way.
- Legal documents to establish public easements for Storm Sewer.
- Storm Water Management Maintenance Facility Covenant and Permanent Easement Agreement for this property.

Recommendation: Approve the Final Plat, subject to the applicant meeting all City Code requirements, and the following conditions of approval:

1. The applicant acknowledging and agreeing that a building permit may not be issued on the data center site until the associated site plan is approved by the City Council.
2. The applicant acknowledging and agreeing that all barricading of SE Maffitt Lake Road and required access (2 points) to the site must be coordinated with the Fire Marshal and Engineering Services prior to closure.

Lead Staff Member: Brian Portz

Approval Meeting Dates:

Plan and Zoning Commission	n/a
City Council	September 7, 2021

Staff Report Reviews:

City Council	☒ Director	☒ Legal Department
	☐ Appropriations/Finance	☐ Agenda Acceptance

Publications (if applicable)

Published In:	Des Moines Register Community Section
Date(s) Published	n/a
Date(s) of Mailed Notices	n/a

Council Subcommittee Review (if applicable)

Subcommittee	Development & Planning
Date Reviewed	8/16/21
Recommendation	☒ Yes ☐ No ☐ Split

Location Map

GINGER EAST PLAT 1

FINAL PLAT

PLANS INCLUDED ARE FOR ILLUSTRATIVE PURPOSES ONLY – APPROVED PLANS ON FILE WITH THE CITY

INDEX LEGEND

LOCATION: PT. SW1/4 SEC 34-78-25
PT. SE1/4 SEC 34-78-25
PARCEL 2020-125 OF NE1/4 SW1/4 SEC 34-78-25
PARCEL 2017-20 OF N1/2 S1/2 SEC 34-78-25
PARCEL 'B' OF S1/2 SEC 34-78-25 & LOT 10, BRUBAKER ESTATE

REQUESTOR: MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND, WASHINGTON 98052

PROPRIETOR: MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND, WASHINGTON 98052

SURVEYOR: LOUIS M. KELEHAN

SURVEYOR COMPANY: CIVIL DESIGN ADVANTAGE

PREPARED BY & RETURN TO: CIVIL DESIGN ADVANTAGE
3405 SE CROSSROADS DRIVE, SUITE G
GRIMES, IOWA 50111
PH: 515-369-4400

OWNER / DEVELOPER

MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND, WASHINGTON 98052

ENGINEER / SURVEYOR

CIVIL DESIGN ADVANTAGE
3405 SE CROSSROADS DRIVE, SUITE G
GRIMES, IOWA 50111

ZONING

LIGHT INDUSTRIAL

BULK REGULATIONS

FRONT YARD SETBACK: 30'
REAR YARD SETBACK: 35'
SIDE YARD SETBACK: 20'

COMPREHENSIVE PLAN LAND USE

LIGHT INDUSTRIAL

DATE OF SURVEY

FIELDWORK: MAY, 2021

NOTES

1. INDIVIDUAL PROPERTY OWNERS MAY BE RESPONSIBLE FOR THE CONSTRUCTION OF SIDEWALKS ON THEIR PROPERTY. PRIOR TO CONSTRUCTION OF ANY SIDEWALKS REFER TO THE PROJECT CONSTRUCTION DRAWINGS AND CONFIRM WITH CITY THE LOCATION, WIDTH AND ELEVATION OF SIDEWALKS.
2. ANY SET MONUMENTATION SHOWN ON THIS PLAT WILL BE COMPLETED WITHIN ONE YEAR FROM THE DATE THIS PLAT WAS RECORDED.
3. THE ERROR OF CLOSURE FOR THIS PLAT IS WITHIN ALLOWABLE LIMITS (1:10,000 FOR SUBDIVISION BOUNDARY, 1:5,000 FOR INDIVIDUAL LOTS).
4. ALL BEARINGS ARE BASED ON THE IOWA SOUTH STATE PLANE COORDINATE SYSTEM (ZONE 1402).
5. LOTS MAY BE SUBJECT TO MINIMUM PROTECTION ELEVATIONS AND OTHER ELEVATION RESTRICTIONS NOT SHOWN ON THIS PLAT. REFER TO THE APPROVED PROJECT ENGINEERING DOCUMENTS FOR ANY ELEVATION RESTRICTIONS.
6. ALL OUTLOTS ARE UNBUILDABLE.
7. STREET LOT 'A' TO BE DEDICATED TO THE CITY OF WEST DES MOINES AND SHALL BE USED AS PUBLIC STREET RIGHT-OF-WAY.

PLAT DESCRIPTION

THE PROPERTY DESCRIBED IN THE WARRANTY DEED TO CITY OF WEST DES MOINES RECORDED IN BOOK 15961, PAGE 875, BEING LOCATED IN THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M., CITY OF WEST DES MOINES, POLK COUNTY, IOWA AND CONTAINING 10.48 ACRES (456,397 S.F.).

AND

THE PROPERTY DESCRIBED IN THE QUIT CLAIM DEED TO CITY OF WEST DES MOINES RECORDED IN BOOK 15939, PAGE 284, BEING LOCATED IN THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M., CITY OF WEST DES MOINES, POLK COUNTY, IOWA AND CONTAINING 0.57 ACRES (24,803 S.F.).

AND

THE PROPERTY PLATTED AS PARCEL 2020-125 (POS-004818-2020) OF THE NORTHEAST 1/4 OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M., CITY OF WEST DES MOINES, POLK COUNTY, IOWA AS SHOWN ON THE PLAT OF SURVEY AND RESOLUTION RECORDED IN BOOK 18065, PAGE 789 AND CONTAINING 0.97 ACRES (42,233 S.F.).

AND

PARCEL 2017-20 AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 16625, PAGE 757 BEING A PART OF THE FORMER RAILROAD RIGHT-OF-WAY AS DESCRIBED IN THE WARRANTY DEED IN BOOK 6826, PAGE 857 AND BEING A PART OF PARCEL 'A' AS SHOWN ON THE ACQUISITION PLAT RECORDED IN BOOK 8630, PAGE 836 AND ALL BEING IN THE NORTH HALF OF THE SOUTH HALF OF SECTION 34, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA.

AND

THAT PART OF A TRACT OF LAND AS SHOWN ON THE RETRACEMENT SURVEY RECORDED IN BOOK 9183, PAGE 332 IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER AND NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA, LYING SOUTH OF PARCEL 2017-19 AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 16625, PAGE 757 IN THE NORTH HALF OF THE SOUTH HALF OF SAID SECTION 34 AND LYING NORTHWESTERLY OF PARCEL 2017-20 AS SHOWN ON SAID PLAT OF SURVEY RECORDED IN BOOK 16625, PAGE 757 AND LYING NORTHEASTERLY OF THE ROAD RIGHT-OF-WAY FOR SE MAFFITT LAKE ROAD AS SHOWN ON THE ACQUISITION PLAT RECORDED IN BOOK 15961, PAGE 871.

AND

PARCEL 'B' AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 9533, PAGE 479 BEING ALL OF LOT 10 IN BRUBAKER ESTATE, AN OFFICIAL PLAT, AND A PART OF THE SOUTH HALF OF SECTION 34, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA

PROPERTY CONTAINS 146.86 ACRES (6,397,060 SQUARE FEET).

PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

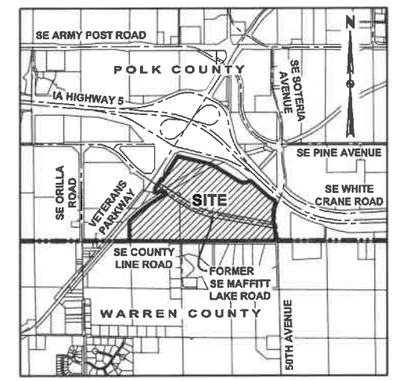
LEGEND

	FOUND	SET
SECTION CORNER AS NOTED	▲	△
1/2" REBAR, YELLOW PLASTIC CAP #18660 (UNLESS OTHERWISE NOTED)	●	○
MEASURED BEARING & DISTANCE	M	
RECORDED BEARING & DISTANCE	R	
DEEDED BEARING & DISTANCE	D	
PUBLIC UTILITY EASEMENT	P.U.E.	
CURVE ARC LENGTH	AL	
LOT ADDRESS	(1234)	
CENTERLINE		
SECTION LINE		
EASEMENT LINE		
BUILDING SETBACK LINE		
UNDERLYING TAX PARCEL LINE		
PLAT BOUNDARY		

CURVE DATA

CURVE	DELTA	RADIUS	LENGTH	BEARING	CHORD
C1	21°20'19"	1077.10'	401.14'	N11°26'24"E	398.83'
C2	2°07'41"	1077.10'	40.01'	S00°17'36"E	40.00'
C3	5°42'37"	1077.10'	107.35'	N04°12'45"W	107.30'
C4	23°49'08"	195.00'	81.06'	S79°06'43"E	80.48'
C5	23°49'08"	235.00'	97.69'	N79°06'43"W	96.99'
C6	8°48'34"	3769.70'	579.61'	S54°10'40"W	579.04'
C7	40°32'38"	1140.00'	806.69'	S89°34'16"E	789.97'
C8	5°08'27"	3769.70'	338.24'	N47°12'09"E	338.13'
C9	0°30'58"	3769.70'	33.96'	N44°22'26"E	33.96'
C10	24°20'56"	1260.00'	535.46'	N61°28'25"W	531.44'

VICINITY MAP (NOT TO SCALE)



WEST DES MOINES, IOWA

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.

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

LICENSE NUMBER 18660
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2021
PAGES OR SHEETS COVERED BY THIS SEAL:
SHEETS 1 – 3

PRELIMINARY NOT FOR CONSTRUCTION

REVISIONS

	DATE
REVISED	08/19/21
SECOND SUBMITTAL	08/12/21
FIRST SUBMITTAL	06/25/21

3405 S.E. CROSSROADS DRIVE, SUITE G
GRIMES, IOWA 50111
PHONE: (515) 369-4400 FAX: (515) 369-4410
ENGINEER: TECH: REVIEW:
CIVIL DESIGN ADVANTAGE

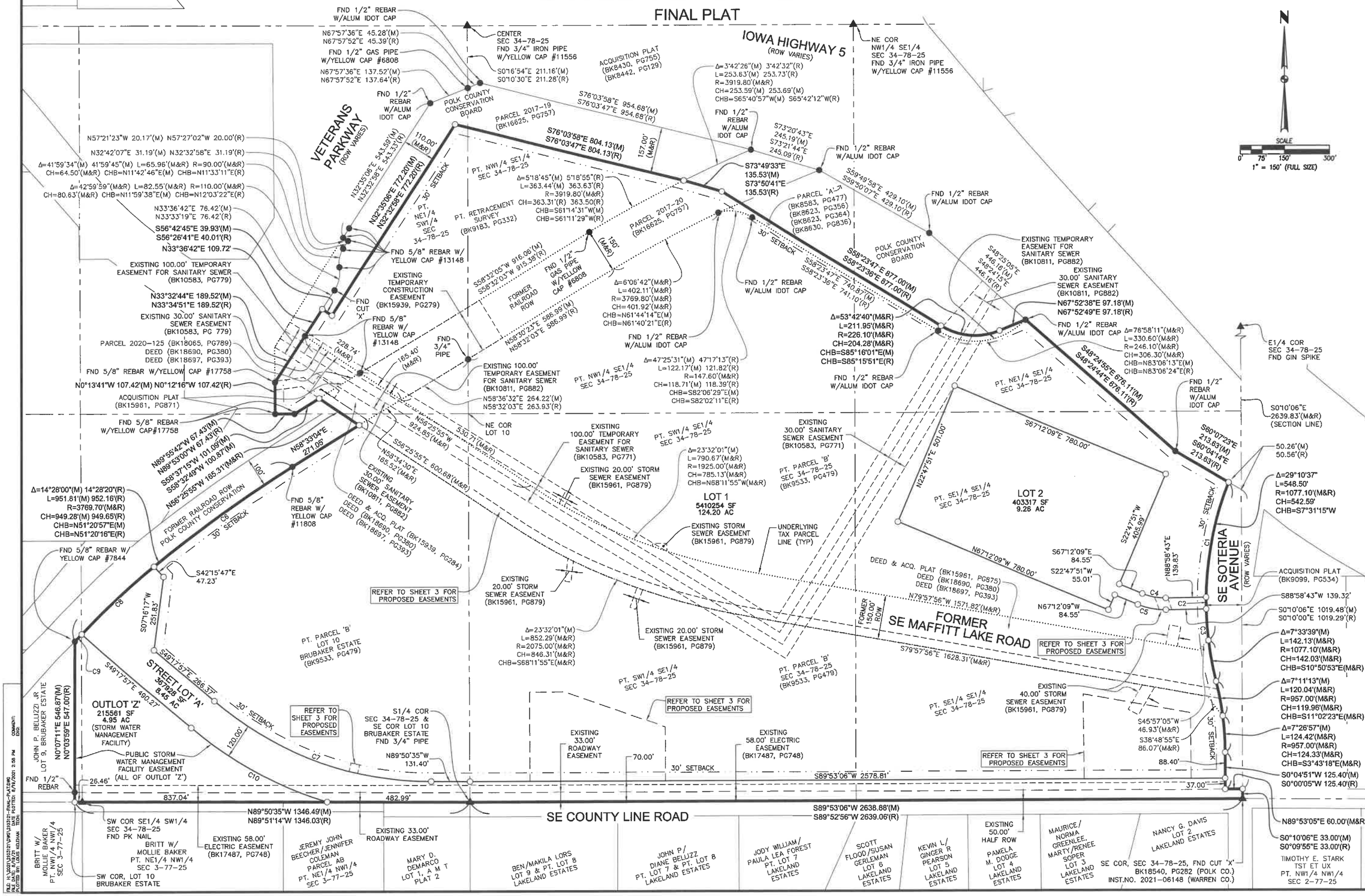
GINGER EAST PLAT 1
FINAL PLAT
WEST DES MOINES, IOWA

2103.121

FILE: H:\2021\2103121\DWG\2103121-FINAL-PLAT.DWG
FILE DATE: 8/19/21 DATE PLOTTED: 8/19/2021 2:58 PM COMMENTS:
PLOTTED BY: LOUIS KELEHAN TEAM: ENG:

GINGER EAST PLAT 1

FINAL PLAT



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WEST DES MOINES, IOWA

2/3

2103.121

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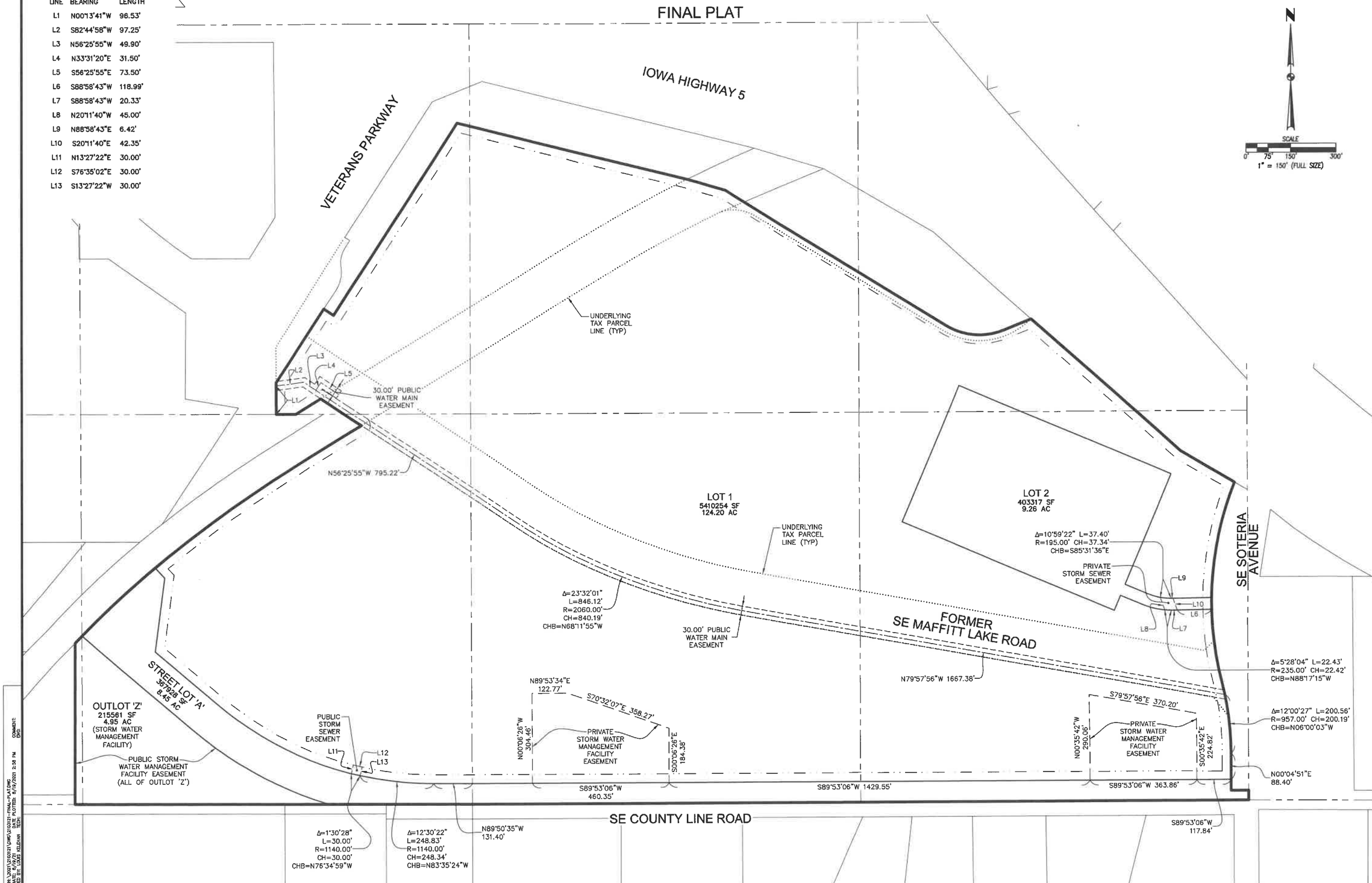
LAST REVISED: 07/12/2021 2:59 PM
PLOTTED BY: CASS KLEIFAH
COMMENT: ENG

GINGER EAST PLAT 1

FINAL PLAT

LINE DATA

LINE	BEARING	LENGTH
L1	N00°13'41"W	96.53'
L2	S82°44'58"W	97.25'
L3	N56°25'55"W	49.90'
L4	N33°31'20"E	31.50'
L5	S56°25'55"E	73.50'
L6	S88°58'43"W	118.99'
L7	S88°58'43"W	20.33'
L8	N20°11'40"W	45.00'
L9	N88°58'43"E	6.42'
L10	S20°11'40"E	42.35'
L11	N13°27'22"E	30.00'
L12	S76°35'02"E	30.00'
L13	S13°27'22"W	30.00'



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ENGINEER: TECH: REVIEW:

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3/3

2103.121

FILE: H:\2021\2103121\DWG\2103121-FINAL-PLAT.DWG
PLOTTED BY: LOUIS KELEHAN TECH:
COMMENTS: DWG

Prepared by: Brian Portz, City of West Des Moines Development Services Dept., PO Box 65320, West Des Moines, Iowa 50265-0320 515-222-3620
When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

RESOLUTION #

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, APPROVING AND RELEASING THE GINGER EAST PLAT 1 FINAL PLAT FOR THE PURPOSE OF CREATING TWO (2) LOTS FOR INDUSTRIAL DEVELOPMENT, ONE (1) OUTLOT AND ONE (1) STREET LOT

WHEREAS, pursuant to the provisions of Title 9, Zoning and Title 10, Subdivision Regulations, of the West Des Moines Municipal Code, the applicant and property owner, Microsoft Corporation, requests approval of a Final Plat for the approximately 148.86-acre property generally located east of Veterans Parkway at SE Maffitt Lake Road and legally described in attached Exhibit 'B'. The applicant proposes to subdivide the property into two (2) lots for development of a data center, one (1) outlot for storm water detention, and one (1) street lot for dedication to the City; and

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, this Final Plat complies with Iowa Code Chapters 354 and 414, the Comprehensive Plan and City Code; and

WHEREAS, the West Des Moines Plan and Zoning Commission reviewed the associated Preliminary Plat and recommended approval on June 14, 2021; and

WHEREAS, this Final Plat has been reviewed and determined to be generally consistent with the associated Preliminary Plat that was approved by the City Council on June 21, 2021; and

WHEREAS, on this day the City Council held a duly noticed meeting to consider the Final Plat application; and

WHEREAS, there are no public improvements required of this Final Plat; and

WHEREAS, the necessary easements have been established for Storm Sewer; and

WHEREAS, the applicant has supplied a warranty deed to the City of West Des Moines for Street Lot A to be dedicated as public street right-of-way; and

WHEREAS, the applicant has supplied a deed to the City of West Des Moines for Outlot Z to be dedicated for storm water detention; and

WHEREAS, the City Council is accepting the Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement for this property; and

WHEREAS, the City Council approves of the following address assignments;

Lot 1 = 1475 SE Maffitt Lake Rd
Lot 2 = 3455 SE Soteria Avenue

WHEREAS, property subject of this action is zoned Light Industrial (LI) and meets all requirements of the City's Zoning Code.

NOW, THEREFORE, the City Council does approve the Ginger East Plat 1 Final Plat (FP-005225-2021), subject to compliance with all of the conditions of approval, including any conditions added at the meeting, attached hereto as Exhibit "A". 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. This resolution does release the Final Plat for recordation. The City Council of West Des Moines, Iowa directs the City Clerk to release said document for recordation.

PASSED AND ADOPTED on September 7, 2021.

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan Jacobson, City Clerk

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of West Des Moines, Iowa, at a regular meeting held on September 7, 2021, by the following vote.

Exhibit A: Conditions of Approval

1. The applicant acknowledging and agreeing that a building permit may not be issued on the data center site until the associated site plan is approved by the City Council.
2. The applicant acknowledging and agreeing that all barricading of SE Maffitt Lake Road and required access (2 points) to the site must be coordinated with the Fire Marshal and Engineering Services prior to closure.

Exhibit B: Legal Description

THE PROPERTY DESCRIBED IN THE WARRANTY DEED TO CITY OF WEST DES MOINES RECORDED IN BOOK 15961, PAGE 875, BEING LOCATED IN THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M., CITY OF WEST DES MOINES, POLK COUNTY, IOWA AND CONTAINING 10.48 ACRES (456,397 S.F.).

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