



**Council
Communication**
Office of the City Manager

Date	April 9, 2006
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Agenda Item No.	30
Roll Call No.	<u>07-</u>
Communication No.	<u>07-202</u>
Submitted by: Larry Hulse, Community Development Director	

AGENDA HEADING:

Approval of resolution permitting the entire width of the adjoining alley right-of-way to be used to satisfy the building code separation requirements for the Davis Brown Tower.

SYNOPSIS:

Recommend approval of resolution declaring the City's intent to permanently maintain the North/South alley in the block bounded by 9th, 10th, Walnut and Mulberry Streets as a public right-of-way and to permit the entire width of the alley to be used to satisfy building code separation requirements for the Davis Brown Tower.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

LB Properties X, L.L.C., represented by Jon D. Garnaas, Managing Member, is replacing the former Hotel Fort Des Moines parking garage with a new 13-story building to be known as the Davis Brown Tower, containing a mix of retail/restaurant use, structured parking, and office space. The Davis Brown Tower will have windows and wall openings in the east wall adjoining the north/south alley.

The existence of the windows and wall openings triggers a requirement under the International Building Code that a separation be provided to the east of the building to prevent the spread of fire between the building and any existing and potential future buildings to the west. Only one-half of the remaining 14.5 foot width of the adjoining north/south alley may be counted towards meeting the required setback unless the City Council has by resolution declared an intent to permanently maintain the adjoining right-of-way as a public alley, and to never permit a structure to be constructed or placed upon the right-of-way within the required separation from the exterior wall of the Davis Brown Tower.

LB Properties X, L.L.C., has requested that the City Council declare the City's intent to permanently maintain the adjoining portion of the north/south alley as a public alley, and to never permit a structure to be constructed or placed upon the right-of-way within the required separation from the east wall of the Davis Brown Tower. Approval of this resolution will permit the entire width of the alley to be counted towards meeting the required building setback under the International Building Code.

PREVIOUS COUNCIL ACTION(S):

Date: June 21, 2006

Roll Call Number: 06-1274

Action: Approving Urban Renewal Development Agreement with LB Properties X, LLC, for development of Davis Brown Tower. [Council Communication No. 06-399](#)) Moved by Hensley to adopt. Motion Carried 5-2. Nays: Brooks and Vlassis.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE