

★ Roll Call Number

Agenda Item Number

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Date August 20, 2007

WHEREAS, on August 6, 2007, by Roll Call No. 07-1510, it was duly resolved by the City Council that the application of Principal Life Insurance Company, represented by Ted Brackett (Officer), to rezone certain property it owns in the vicinity of 707 - 8th Street, more fully described below, be set down for hearing on August 20, 2007, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on August 9, 2007, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and,

WHEREAS, in accordance with said notice those interested in said proposed rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and,

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the following described property:

Intervening vacated alley and Lots 1 through 10, Block Q, Grimmel Addition, an Official Plat; and, the East ½ of 8th Street lying West of and adjoining said Lots 6-10, all now included in and forming a part of the City of Des Moines, Polk County, Iowa (hereinafter referred to as the "Property").

from the "C-2" General Retail and Highway Oriented Commercial District to a Limited "C-3" Central Business District Commercial District classification, subject to the following conditions which are agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by all owners of said property and is binding upon the owners and their successors, heirs and assigns as follows:

Any parking garage on the Property shall be constructed with a design and architecture that allows the at-grade level of the parking garage to be converted for commercial use.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

(continued)

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1. Upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the Property to a Limited "C-3" Central Business District Commercial District are hereby overruled, and the hearing is closed.

2. The proposed rezoning is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan.

MOVED by _____ to adopt and approve the rezoning, subject to final passage of the rezoning ordinance.

FORM APPROVED:

Roger K. Brown

Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

.....
Mayor

CERTIFICATE

I, DIANE RAUH, 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

August 6, 2007

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held July 19, 2007, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
David Cupp				X
Shirley Daniels	X			
Dann Flaherty	X			
Bruce Heilman	X			
Jeffrey Johannsen	X			
Greg Jones	X			
Frances Koontz				X
Kaye Lozier	X			
Jim Martin				X
Brian Millard	X			
Brook Rosenberg				X
Mike Simonson	X			
Kent Sovern	X			
Tim Urban	X			
Marc Wallace	X			

APPROVAL of a request from Principal Life Insurance Company, represented by Ted Bracket (officer), for vacation and conveyance of the air rights above Park Street between 7th Street and vacated 8th Street to allow for a private enclosed pedestrian sky bridge between a proposed new parking structure to be constructed by Principal north of Park Street, and the existing Corporate 4 office building south of Park Street, so long as it is limited to a 16'-wide strip at least 23' above grade.
(11-2007-1.16)

By same motion and vote, members recommended **APPROVAL** of a request to rezone property located at 707 8th Street from "C-2" General Retail & Highway Oriented Commercial District to "C-3" Central Business District Commercial District to allow for construction of an off-street parking structure with a zero building setback from the four adjoining streets with the condition that any parking garage shall be constructed with a design and architecture that allows the at-grade level of the parking garage to be converted for commercial use. (ZON2007-00093)



CITY PLAN AND ZONING COMMISSION
ARMORY BUILDING
602 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309 -1881
(515) 283-4182

ALL-AMERICA CITY
1949, 1976, 1981
2003

Vacation/Conveyance Written Responses

1 In Favor
0 In Opposition

Rezoning Written Responses

0 In Favor
0 In Opposition

This item would not require a 6/7 vote of the City Council.

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Part A) Staff recommends approval of the requested vacation and conveyance of air rights so long as it is limited to a 16'-wide strip at least 23' above grade.

Part B) Staff recommends the proposed rezoning be found in conformance with the Des Moines' 2020 Community Character Plan's future land use designation of Downtown: Intensive, Mixed Use Office/Residential.

Part C) Staff recommends approval of the requested rezoning to "C-3" Central Business District Commercial District, with the condition that any parking garage shall be constructed with a design and architecture that allows the at grade level of the parking garage to be converted for commercial use.

STAFF REPORT

1. **Purpose of Request:** The applicant is proposing to clear the subject site and construct a 9-story parking garage to support the Principal Financial Group office buildings to the south. The requested vacation and conveyance of air rights over Park Street would allow for a pedestrian sky bridge to connect the parking garage to the "Corporate 4" office building.

The applicant has proposed the "C-3" District because 94' height of the proposed parking garage would exceed the maximum 45'-height allowed in the "C-2" District and the maximum 75'-height allowed in the "C-3A" District. The subject property adjoins the "C-3" District both to the south and to the east. The "C-3" District is in conformance with the current 2020 Community Character Plan's future land use designation of Downtown: Intensive, Mixed Use Office/Residential.

2. **Size of Site:** The parcel proposed for rezoning measures 264' x 330' or 87,120 square feet (2 acres). The requested air rights above Park Street measures 16' x 66' (1,056 square feet) and is 23' above grade.

3. **Existing Zoning (site):** "C-2" General Retail & Highway Oriented Commercial District and Gambling Games Prohibition Overlay District.

4. **Existing Land Use (site):** Surface parking lot.

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

North – "Hillside PUD"; Uses are Center Street and a surface parking lot.

South – "C-3"; Uses are Park Street and the 8-story "Corporate 4" office building for Principal Financial Group.

East – “C-3” & “C-2”; Uses include 7th Street, the 16-story Park Place condominium tower, and a Banker’s Trust bank.

West – “C-3A”; Uses are vacated 8th Street right-of-way and a surface parking lot to be redeveloped with a daycare center.

6. **General Neighborhood/Area Land Uses:** The subject property is located at the northern edge of the downtown central business district.
7. **Applicable Recognized Neighborhood(s):** N/A.
8. **2020 Community Character Land Use Plan Designation:** Downtown: Intensive, Mixed Use Office/Residential.
9. **Applicable Regulations:** The Commission reviews all proposals to vacate land or air rights dedicated for a specific public purpose, such as for streets and parks, to determine whether the land or air rights are still needed for such purpose or may be released (vacated) for other use. The recommendation of the Commission is forwarded to the City Council.

The Commission also reviews all proposals to amend zoning regulations or zoning district boundaries within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in §414.3 of the Iowa Code. The Commission may recommend that certain conditions be applied to the subject property if the property owner agrees in writing, in addition to the existing regulations. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Site Plan Requirements:** Any future development of the site will be required to meet all of the City’s site plan requirements, including landscaping and storm water management.
2. **Street System:** The applicant is requesting the vacation and conveyance of the air-rights 23’ above the grade of Park Street to allow for a private enclosed pedestrian sky bridge from the future parking structure to the Corporate 4 office building. The Traffic & Transportation Division has indicated that 23’ clearance is adequate, as the minimum height permitted for a pedestrian sky bridge is 16.5’. Staff recommends that air rights above the street be vacated and conveyed be limited to a 16’-wide strip at least 23’ above grade.

On April 19, 2007, the Plan and Zoning Commission recommended vacation and conveyance of adjoining 8th Street between Park Street and Center Street. On May 7, 2007, the City Council approved this vacation and conveyance.

3. **2020 Community Character Plan:** The proposed “C-3” District conforms with the 2020 Community Character Plan future land use designation of Downtown: Intensive, Mixed Use Office/Residential, which accommodates a mixture of office, residential, parking, and retail facilities. The proposed parking facility will expand Principal Financial Group’s headquarters and strengthen its position as a major employer in the downtown.
4. **Urban Design:** According to the conceptual site sketch, the rezoning would allow construction of a 9-level parking garage having a height of 94’ and 0’ front yard setbacks. The parking garage would have an entrance and an exit along both Park Street and Center Street.

The applicant has not finalized the design for the parking structure at this time. Staff recommends that the parking garage be designed to accommodate adaptive use of the “at

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grade" level. This would allow portions of the garage to be converted to commercial uses in the future.

SUMMARY OF DISCUSSION

There was no one in the audience to speak on this item.

Kent Sovern: Moved to approve the requested vacation and conveyance of air rights so long as it is limited to a 16'-wide strip at least 23' above grade; and to approve the requested rezoning to "C-3" Central Business District Commercial District, with the condition that any parking garage shall be constructed with a design and architecture that allows the at grade level of the parking garage to be converted for commercial use.

Motion passed 11-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment