

22

Date May 7, 2012

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 3, 2012, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Atrium Finance III, LP (owner) represented by Joe Morrissey (officer) for vacation of a 45-foot by 6-foot segment of the subsurface rights within the north six (6) feet of the Walnut Street right-of-way adjoining the property at 101 East Locust Street subject to acquisition of a subsurface easement for the installation of the FOG interceptor by the applicant.

MOVED by _____ to receive and file and refer to the Engineering Department, Real Estate Division.

FORM APPROVED:


 Michael F. Kelley
 Assistant City Attorney

(11-2012-1.06)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

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.

MOTION CARRIED APPROVED

 Mayor

 City Clerk

Date _____

May 4, 2012

Agenda Item 22

Call # _____

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 May 3, 2012, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 as follows:

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley				X
Tim Fitzgerald	X			
Dann Flaherty	X			
John "Jack" Hilmes	X			
Ted Irvine	X			
Greg Jones	X			
William Page	X			
Christine Pardee	X			
Mike Simonson	X			
CJ Stephens	X			
Vicki Stogdill	X			

APPROVAL of a request from Atrium Finance III, LP (owner) represented by Joe Morrissey (officer) for vacation of a 45-foot by 6-foot segment of the subsurface rights within the north six (6) feet of the Walnut Street right-of-way adjoining the property at 101 East Locust Street, to allow for placement of a Fats, Oils, and Grease (FOG) interceptor on the sanitary sewer service within the public right-of-way for the Embassy Suites Hotel subject to acquisition of a subsurface easement for the installation of the FOG interceptor by the applicant.
(11-2012-1.06)

Written Responses

2 In Favor

0 In Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation of subsurface rights subject to acquisition of a subsurface easement for the installation of the FOG interceptor by the applicant.



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

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to vacate the subsurface area in Walnut Street adjoining the Embassy Suites hotel to accommodate a FOG interceptor. This is a system of tanks that separate fats, oils, and grease from the wastewater prior to release into the public sanitary sewer system. It is a requirement based on \$175,000 of permitted renovations to the first floor atrium kitchen, buffet, and bar/lounge area of the hotel.
2. **Size of Site:** 270 square feet (6-feet by 45-feet). This segment is on the north edge of the Walnut Street right-of-way approximately 141 feet west of East 2nd Street adjoining the hotel site property.
3. **Existing Zoning (site):** "D-R" Downtown Riverfront District, "CDO" Capitol Dominance Overlay District, "GGP" Gambling Games Prohibition Overlay District, and Downtown Overlay District.
4. **Existing Land Use (site):** The subject portion of right-of-way contains a landscaped area directly north of the sidewalk along the north side of Walnut Street. The specific area for the FOG interceptor would be located in a portion of the right-of-way that does not require removal of any trees.
5. **Adjacent Land Use and Zoning:**
 - North* – "D-R", Use is the Embassy Suites hotel.
 - South* – "D-R", Use is the U.S. Federal Courthouse.
6. **General Neighborhood/Area Land Uses:** The subject property is located in riverfront area of the East Village.
7. **Applicable Recognized Neighborhood(s):** East Village Neighborhood.
8. **Relevant Zoning History:** N/A.
9. **2020 Community Character Land Use Plan Designation:** Downtown Support Commercial.
10. **Applicable Regulations:** 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:** The location of the requested vacation was partially determined based on existing underground electrical service along the west side of the building. There are not any existing utilities in place within the area requested for vacation. Due to the placement of the proposed FOG interceptor, this requested area would not be available for future installation of utilities. Therefore a permanent easement for the subsurface rights is necessary.

2. Alternative Evaluation: The consulting engineer for the applicant has reviewed alternative locations within the hotel site property for placement of the necessary FOG interceptor. The following findings and factors determined the selection of the requested location of the facility:

- Age and brick construction of the surrounding sanitary sewer would require connection of the FOG interceptor to the upper half of an existing manhole.
- Underground electrical utility lines along the west side of the hotel prevent routing of sanitary sewer service from the FOG interceptor around the west side of the building.
- Routing of the sanitary lines from the kitchen in the southeastern part of the building to the north and west side of the building would be impractical and infeasible. This would cause disruption of the hotel operation and would require demolition of extensive area within the hotel that would not otherwise be disturbed.
- Location within the parking garage below the hotel would place the FOG interceptor at elevations below the elevation necessary for a gravity flow connection to an existing sanitary sewer manhole in East Walnut Street.
- Length of piping and slopes from the kitchen area in the southeast to an area on the southwest side of the property would not provide cleansing velocities for the FOG Interceptor to function properly; nor would it allow depth necessary to for a gravity flow connection to the required sanitary sewer manhole.

SUMMARY OF DISCUSSION

There was no discussion.

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one to speak in favor or in opposition of the applicant's request.

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

Greg Jones moved staff recommendation to approve the requested vacation of subsurface rights subject to acquisition of a subsurface easement for the installation of the FOG interceptor by the applicant.

Motion passed 12-0.

Respectfully submitted,

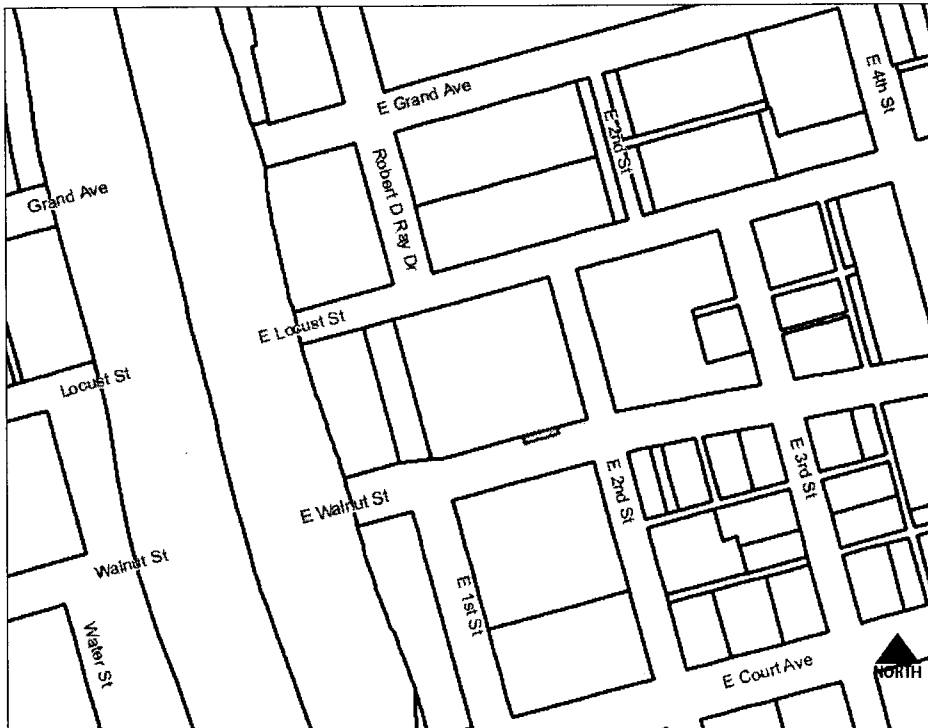

Michael Ludwig, AICP
Planning Administrator

MGL:clw

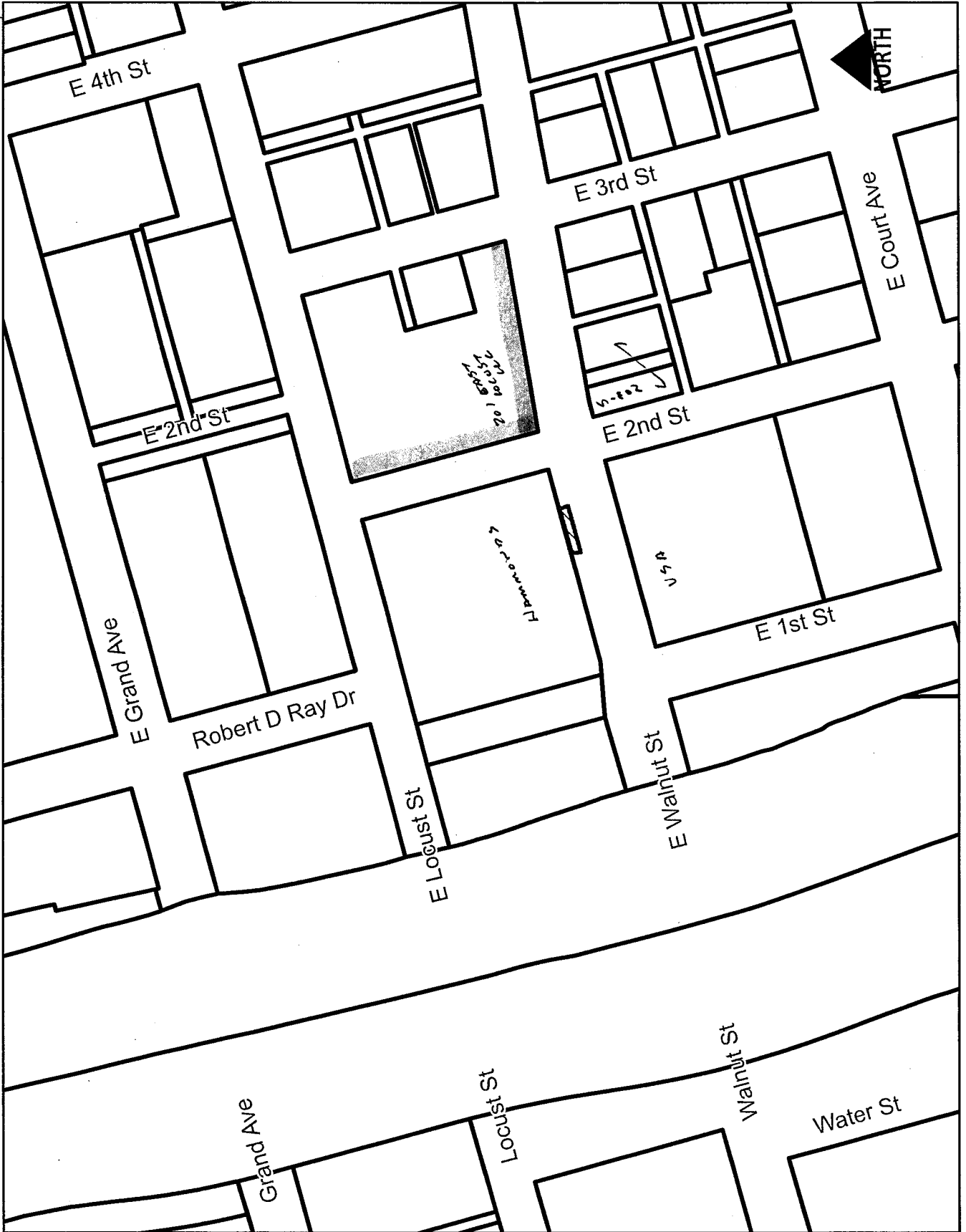
Attachment

Request from Atrium Finance III, LP (owner) represented by Joe Morrissey (officer) for vacation of a 48-foot by 6-foot segment of the subsurface rights within the north six (6) feet of the Walnut Street right-of-way adjoining the property at 101 East Locust Street.				File # 11-2012-1.06	
Description of Action	Review and approval for vacation of a 48-foot by 6-foot segment of the subsurface rights within the north six (6) feet of the Walnut Street right-of-way adjoining the property at 101 East Locust Street, to allow for placement of a Fats, Oils, and Grease (FOG) interceptor on the sanitary sewer service within the public right-of-way for the Embassy Suites Hotel.				
2020 Community Character Plan	Downtown: Retail/Office Core/Core Fringe				
Horizon 2035 Transportation Plan	No Planned Improvements				
Current Zoning District	Downtown Riverfront District				
Proposed Zoning District	Downtown Riverfront District				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	2	0			
Outside Area					
Plan and Zoning Commission Action	Approval	12-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Atrium Finance III LP - Walnut Street between E 1st St and E 2nd St 11-2012-1.06



Atrium Finance III LP - Walnut Street between E 1st St and E 2nd St 11-2012-1.06



Item 11-2012-1.06 Date _____

22

I (am) (am not) in favor of the request.

(Circle One)
RECEIVED
COMMUNITY DEVELOPMENT
APR 30 2012
DEPARTMENT

Print Name Allyn Dix - Pres. East Village

Signature [Signature]

Address 110 11th

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

NEIGHBORHOOD ASSOCIATION

Item 11-2012-1.06 Date 4.26.12

I (am) (am not) in favor of the request.

(Circle One)
RECEIVED
COMMUNITY DEVELOPMENT
APR 30 2012
DEPARTMENT

Print Name 201 E. Locust, LLC - Troy Hansen

Signature [Signature]

Address 201 E. Locust.

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

