

Date May 20, 2013

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 16, 2013, its members voted 12-0 in support of a motion to - recommend **APPROVAL** of a request from Principal Financial Group for vacation of a portion of the air rights over a segment of 8th Street between Park Street and Pleasant Street, to allow for a 263-foot span of private enclosed pedestrian bridge that would cross diagonally within the right-of-way, connecting the buildings located at 600 7th Street (Corporate 4) and 650 8th Street (Corporate 2).

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

FORM APPROVED:



 Michael F. Kelley
 Assistant City Attorney

(11-2013-1.08)

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

Date _____

Agenda Item 26

Roll Call # _____

May 17, 2013

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 16, 2013, the following action was taken regarding a request from Principal Financial Group for vacation of a portion of the air rights over a segment of 8th Street between Park Street and Pleasant Street.

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles	X			
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			
Greg Wattier	X			

APPROVAL for vacation of a portion of the air rights over a segment of 8th Street between Park Street and Pleasant Street, to allow for a 263-foot span of private enclosed pedestrian bridge that would cross diagonally within the right-of-way, connecting the buildings located at 600 7th Street (Corporate 4) and 650 8th Street (Corporate 2). (11-2013-1.08)

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation of air rights.



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 proposing to develop a private pedestrian bridge over 8th Street that would connect the Corporate 4 (600 7th Street) and Corporate 2 (650 8th Street) buildings of the campus.
2. **Size of Site:** Covering approximately 2,615 square feet of land area over the 8th Street right-of-way; from a plane approximately 22 feet above grade to a plane approximately 42 feet above grade elevation consuming approximately 52,352 cubic feet of airspace within the right-of-way.
3. **Existing Zoning (site):** "C-3" Central Business District Commercial District and "GGP" Gambling Games Prohibition Overlay District.
4. **Existing Land Use (site):** 8th Street right-of-way.
5. **Adjacent Land Use and Zoning:**
 - East* – "C-3"; Use is 8-story "Corporate 4" (600 7th Street) office building for Principal Financial Group.
 - West* – "C-3"; Uses are a 5-story office building for Principal Financial Group at 680 8th Street and an 11-story "Corporate 2" office building for Principal Financial Group at 650 8th Street.
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):** The subject property is located in the Downtown Des Moines Neighborhood. This neighborhood association was notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhood associations on April 26, 2013. Additionally, separate notifications of the hearing for this specific item were mailed on May 6, 2013 (10 days prior to the hearing) to the Downtown Des Moines Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property adjoining the right-of-way requested to be vacated. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on May 10, 2013.

All agendas and notices are mailed to the primary contact person designated to the City of Des Moines Neighborhood Development Division by the recognized neighborhood association. The Downtown Des Moines Neighborhood notices were mailed to Jonathan Brendemuehl, Downtown Des Moines, 19 4th Street, #108, Des Moines, IA 50309.
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.

II. ADDITIONAL APPLICABLE INFORMATION

- 1. **Utilities:** There are Des Moines Waterworks public water and City of Des Moines storm sewer mains passing beneath the surface of 8th Street below the request air rights. In addition, there is a MidAmerican Energy gas and electric vault below the private property west of the proposed vacation within an easement area. The applicant is revising design of the air bridge pier footings to avoid encroachment into right-of-way recently transferred from the applicant to the City on the east. No reservation of easements within the requested air space is necessary in order to allow these existing utilities to be maintained.
- 2. **Street System:** The requested air rights vacation will not impact the traveled portion of the street. The design gives adequate clearance for all over the road and emergency vehicles that would require use of 8th Street. There are no anticipated changes to the surrounding street network, other than temporary closures during construction of the proposed air bridge.

SUMMARY OF DISCUSSION

There was no discussion.

CHAIRPERSON OPENED THE PUBLIC HEARING

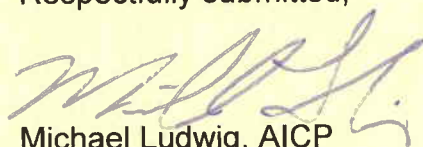
There was no one to speak in favor or in opposition of the applicant's request.

COMMISSION ACTION:

Greg Jones moved to approve the requested vacation of a portion of the air rights over a segment of 8th Street between Park Street and Pleasant Street, to allow for a 263-foot span of private enclosed pedestrian bridge that would cross diagonally within the right-of-way, connecting the buildings located at 600 7th Street (Corporate 4) and 650 8th Street (Corporate 2).

Motion passed 12-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

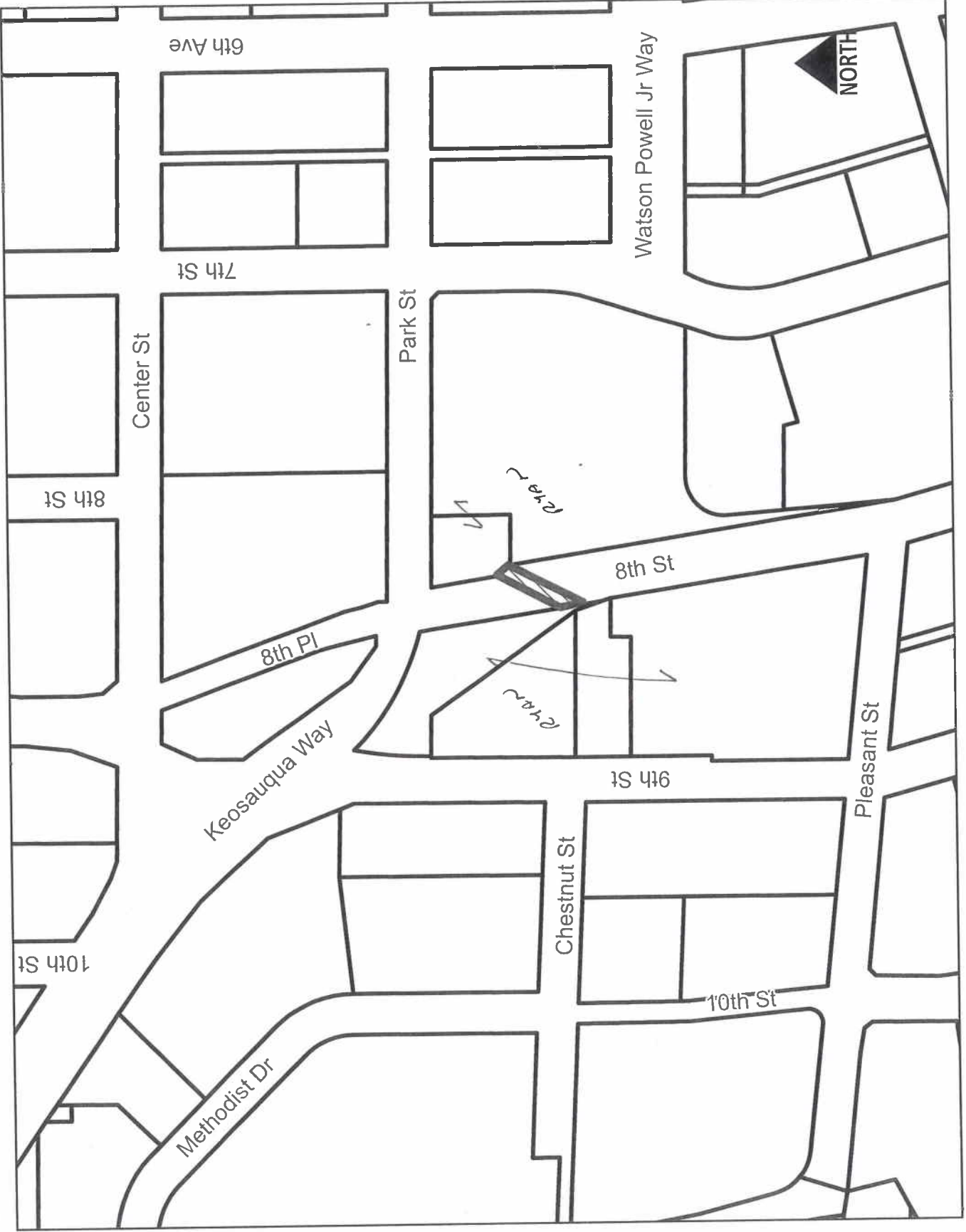
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Attachment

Request from Principal Financial Group for vacation of a portion of the air rights over a segment of 8 th Street between Park Street and Pleasant Street.				File # 11-2013-1.08	
Description of Action	Approval for vacation of a portion of the air rights over a segment of 8 th Street between Park Street and Pleasant Street, to allow for a 263-foot span of private enclosed pedestrian bridge that would cross diagonally within the right-of-way, connecting the buildings located at 600 7 th Street (Corporate 4) and 650 8 th Street (Corporate 2).				
2020 Community Character Plan	High Amenity Office/Institutional (current & proposed)				
Horizon 2035 Transportation Plan	No Planned Improvements				
Current Zoning District	"C-3" Central Business District Commercial District				
Proposed Zoning District	"C-3" Central Business District Commercial District				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area					
Plan and Zoning Commission Action	Approval	12-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Principal Financial Group - Air Rights on 8th St south of Park St 11-2013-1.08



Principal Financial Group - Air Rights on 8th St south of Park St 11-2013-1.08



Item 11-2013-1.08 Date 5/10/2013

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

(Circle One)

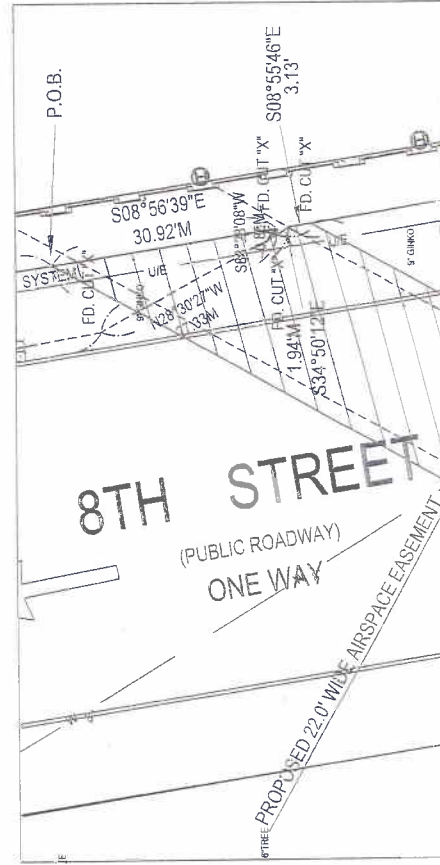
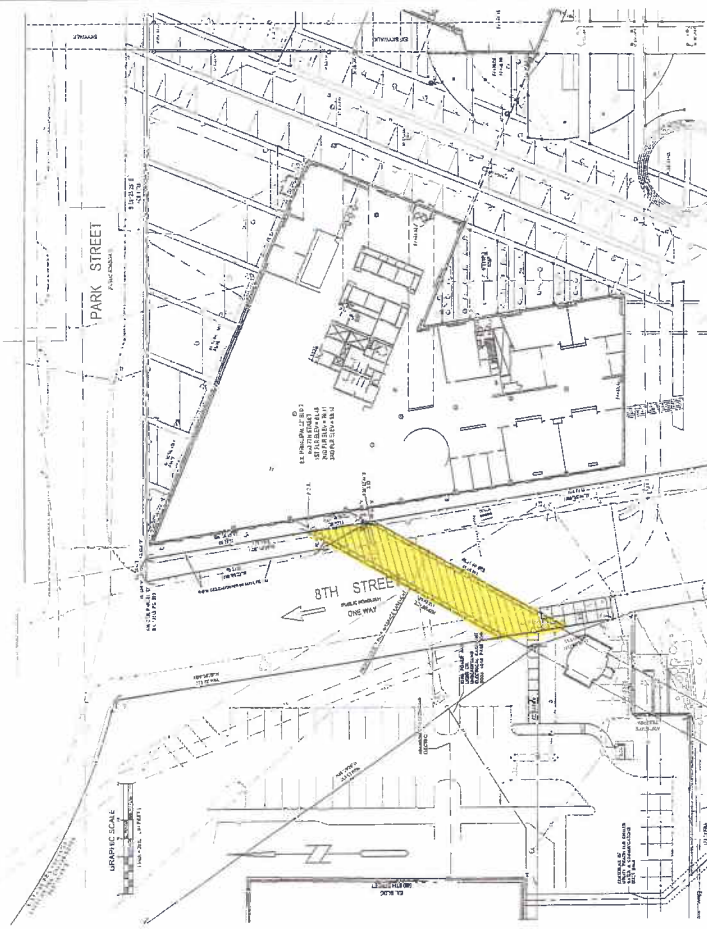
Print Name LARRY BROSNAN

Signature [Handwritten Signature]

Address 418 Gth AVE STE 902 50309

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

DOWNTOWN NEIGHBORHOOD ASSOC.



EASEMENT DETAIL

GRAPHIC SCALE
1" = 100'

AIR SPACE EASEMENT

ALL OF THE AIR SPACE FOR THAT PART OF THE RIGHT-OF-WAY ADJACENT PARCELS IS AS RECORDED IN BOOK 13754 AT PAGE 180 OF FIRST RECORD AND IN BOOK 13754 AT PAGE 180 OF SECOND RECORD, DENVER COUNTY, COLORADO, AS DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL D, THENCE S34°50'12\"/>

**8TH STREET
(PUBLIC ROADWAY)
ONE WAY**

PROPOSED 22.0' WIDE AIRSPACE EASEMENT