



Roll Call Number

Agenda Item Number

66 III-C

Date April 11, 2016

RECEIVE AND FILE COMMUNICATION FROM THE
PLAN AND ZONING COMMISSION REGARDING REQUEST FROM
PRINCIPAL FINANCIAL GROUP FOR VACATION OF THE
SUBSURFACE RIGHTS IN THE NORTH 5 FEET OF GRAND AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 7, 2016, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Principal Financial Group (owner), represented by Ryan Carpenter, for vacation of a 5-foot portion of the subsurface rights in Grand Avenue adjoining the south side of the real property locally known as 701 Grand Avenue, to allow use of the area for encroachment of structural footings for a proposed parking structure, subject to the reservation of easements for all utilities in place until such time that they are abandoned or relocated.

MOVED by _____ to receive and file the attached communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank

Assistant City Attorney

(11-2016-1.05)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				
MOTION CARRIED		APPROVED		

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.

Mayor

City Clerk

April 8, 2016

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 April 7, 2016, the following action was taken regarding a request from Principal Financial Group (purchaser), 701 Grand Avenue, represented by Ryan Carpenter for vacation of a 5-foot portion of the subsurface rights in Grand Avenue adjoining the subject property, to allow for encroachment of structural footings for a proposed parking structure. The subject property is owned by the City of Des Moines.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 13-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
JoAnne Corigliano	X			
David Courard-Hauri	X			
Jacqueline Easley	X			
Tim Fitzgerald	X			
Jann Freed	X			
John "Jack" Hilmes	X			
Greg Jones	X			
Sasha Kamper				X
William Page	X			
Mike Simonson	X			
CJ Stephens	X			
Greg Wattier	X			

APPROVAL of the requested vacation, subject to reservation of any necessary easements for existing utilities in place until such time that they are abandoned or are relocated.
(11-2016-1.05)

RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation, subject to reservation of any necessary easements for existing utilities in place until such time that they are abandoned or are relocated.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant proposes to construct a parking garage on the block bounded by High Street, Grand Avenue, 7th Street and 8th Street. The foundation design would propose to encroach 5 feet in to the subsurface area of the Grand Avenue Right-Of-Way (ROW). On October 15, 2015, the Commission previously recommended vacation of subsurface rights within the adjoining west 9-feet 4-inches of 7th Street and the south 10-feet of High Street as part of an 18 level, mixed-use parking structure proposed by the City. The City has subsequently negotiated with the applicant to sell the property on the block for their development of a parking structure only. The redesign has identified additional need for subsurface footing encroachment into Grand Avenue.
2. **Size of Site:** subsurface area requested would be 890 square feet. The overall site would be approximately 56,000 square feet or (1.3 acres).
3. **Existing Zoning (site):** "C-3" Central Business District, "D-O" Downtown Overlay District, "GGP" Gambling Games Prohibition Overlay District and "FSO" Freestanding Sign Overlay District.
4. **Existing Land Use (site):** The western portion of the site has been vacant since the YWCA structure was demolished and the eastern portion of the site is completing demolition of the former City-owned parking garage.
5. **Adjacent Land Use and Zoning:**
 - North* – "C-3"; Use is the corporate headquarters for Principal Financial Group.
 - South* – "C-3"; Uses include the Marriott Hotel and the Des Moines Register & Tribune building that is being converted to multiple-family dwelling units.
 - East* – "C-3"; Uses include a vacant lot and the Roman Catholic Diocese of Des Moines.
 - West* – "C-3"; Use is the 44-story tall office building known as 801 Grand.
6. **General Neighborhood/Area Land Uses:** The site is located in the downtown core. The surrounding area contains a mix of office and multiple-family residential uses.

- 7. Applicable Recognized Neighborhood(s):** The subject property is located in the Downtown Des Moines Neighborhood. This neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on March 22, 2016 and a Final Agenda on April 1, 2016. Additionally, separate notifications of the hearing for this specific item were mailed on March 28, 2016 (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 or across public streets from the subject segment of ROW.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division on the date of the mailing. The Downtown Des Moines Neighborhood Association notices were mailed to Larry Bradshaw, 418 6th Avenue, Suite 902, Des Moines, IA 50309.

- 8. Relevant Zoning History:** None.

- 9. 2020 Community Character Land Use Plan Designation:** Downtown Retail/Office Core/Core Fringe.

- 10. Applicable Regulations:** In consideration of the criteria set forth in Chapter 18B of the Iowa Code, 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. Right-of-Way Vacation Request:** The appellant has requested vacation of portions of the adjoining rights-of-ways in order to accommodate the proposed parking garage foundation system. The foundation of the structure would extend underground approximately 10 feet into High Street ROW and approximately 9 feet, 4 inches into 7th Street ROW, and approximately 5 feet into the Grand Avenue ROW. The surface portions of the ROW would still be available for public use.
- 2. Utilities:** No utilities have been identified within the requested subsurface area. There are public combined flow sanitary sewer and traffic signal utilities in close proximity. Easements must be provided for all existing utilities that would be impacted until such time that they are abandoned or are relocated.

SUMMARY OF DISCUSSION

Greg Jones asked if anyone was present to speak on this item. None were present or requested to speak.

COMMISSION ACTION:

Will Page moved staff recommendation for approval of the requested vacation, subject to reservation of any necessary easements for existing utilities in place until such time that they are abandoned or are relocated.

Motion passed 13-0.

Respectfully submitted,



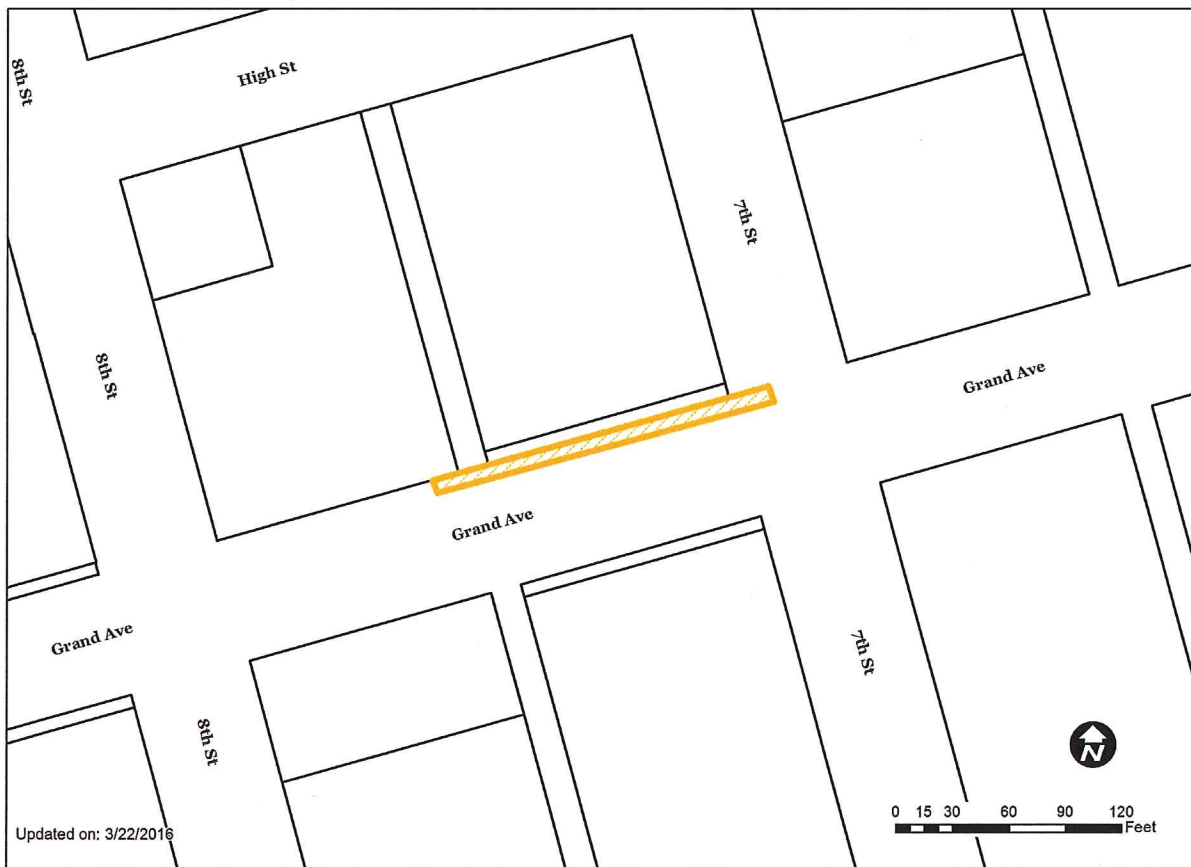
Michael Ludwig, AICP
Planning Administrator

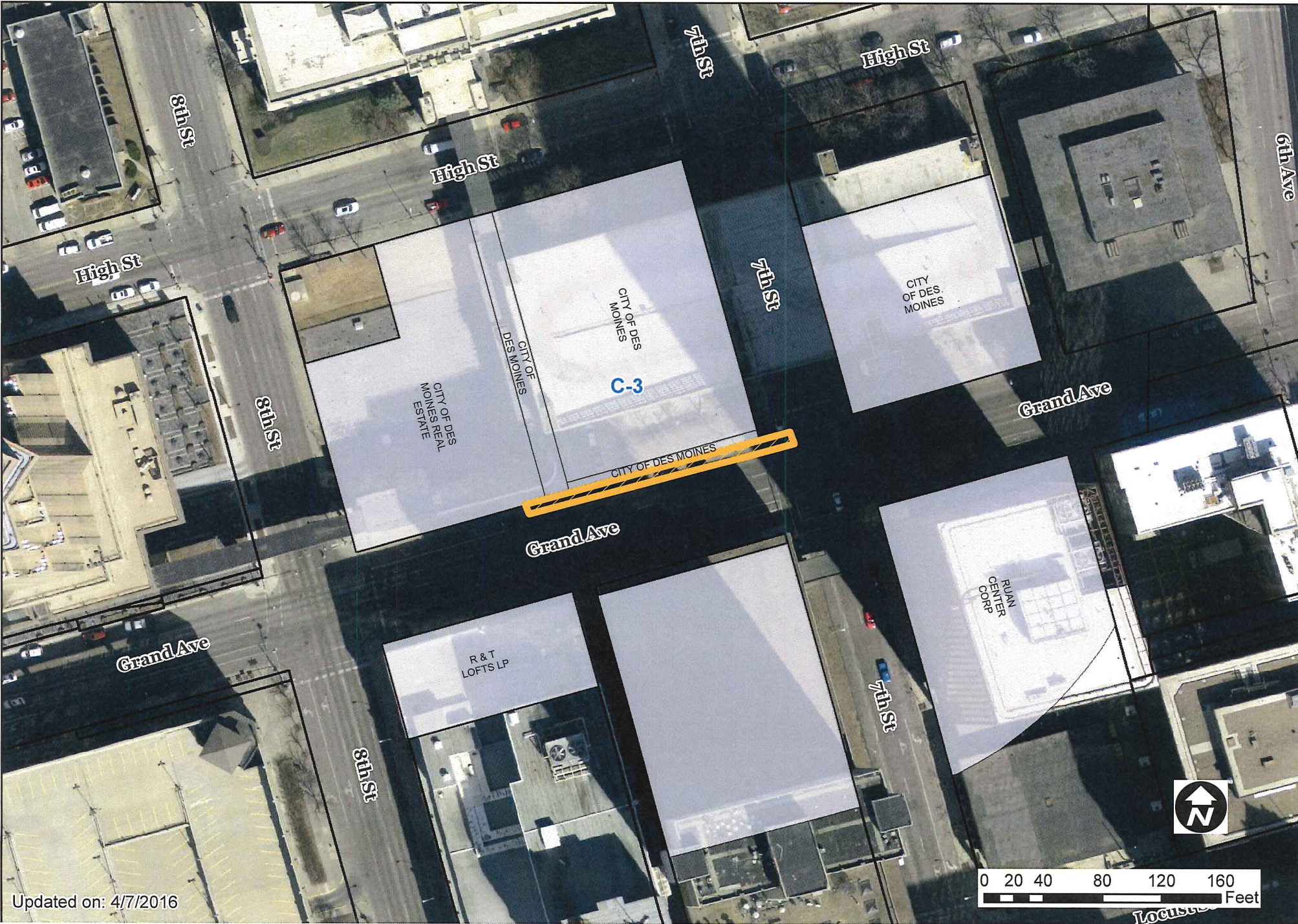
MGL:clw
Attachment

Principal Financial Group (purchaser) represented by Ryan Carpenter for property at 701 Grand Avenue. The subject property is owned by the City of Des Moines.				File #	
				11-2016-1.05	
Description of Action	Approval of the requested vacation of a 5-foot portion of the subsurface rights in Grand Avenue adjoining the subject property, to allow for encroachment of structural footings for a proposed parking structure subject to reservation of any necessary easements for existing utilities in place until such time that they are abandoned or are relocated.				
2020 Community Character Plan	Current: Downtown Support Commercial. Proposed: N/A.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"C-3" Central Business District Commercial District, "GGP" Gambling Games Prohibition Overlay District, "D-O" Downtown Overlay District and "FSO" Freestanding Signs Overlay District and "FSO" Freestanding Signs Overlay District.				
Proposed Zoning District	N/A.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area					
Plan and Zoning Commission Action	Approval	13-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Principal Financial Group, 701 Grand Avenue

11-2016-1.05





April 8, 2016

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Sasha Kamper				X
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CJ Stephens	X			
Greg Wattier	X			

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Respectfully submitted,

A handwritten signature in dark ink, appearing to read "M. Ludwig".

Michael Ludwig, AICP
Planning Administrator

MGL:clw
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Outside Area					
Plan and Zoning Commission Action	Approval	13-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Principal Financial Group, 701 Grand Avenue

11-2016-1.05

