



**Roll Call Number**

**Agenda Item Number**

17

**Date** February 5, 2018

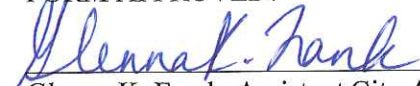
**RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM MIESBLOCK COMMERCIAL, LLC FOR VACATION OF SEGMENTS OF GRAND AVENUE ADJOINING 665 GRAND AVENUE**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on January 18, 2018, its members voted 11-0 to recommend **APPROVAL** of a request from Miesblock Commercial, LLC (owner), represented by Alexander Grgurich (officer), for vacation of subsurface rights within the north 2 feet of Grand Avenue adjoining 665 Grand Avenue, and for vacation of air rights within the north 6.25 feet of adjoining Grand Avenue adjoining 665 Grand Avenue, to allow for encroachment of subsurface foundations and projecting entrance canopy and building sunscreens as part of a 3-story commercial building development, subject to the following conditions:

1. Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated; and
2. Any proposed structure shall be constructed in compliance with an approved Site Plan.

**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, Assistant City Attorney

(11-2017-1.20)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
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.

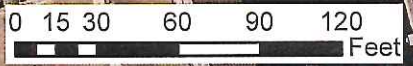
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
City Clerk



Against:	0%
For:	26.36%
Unsure:	0%
No Response:	73.64%

Updated on: 1/18/2018

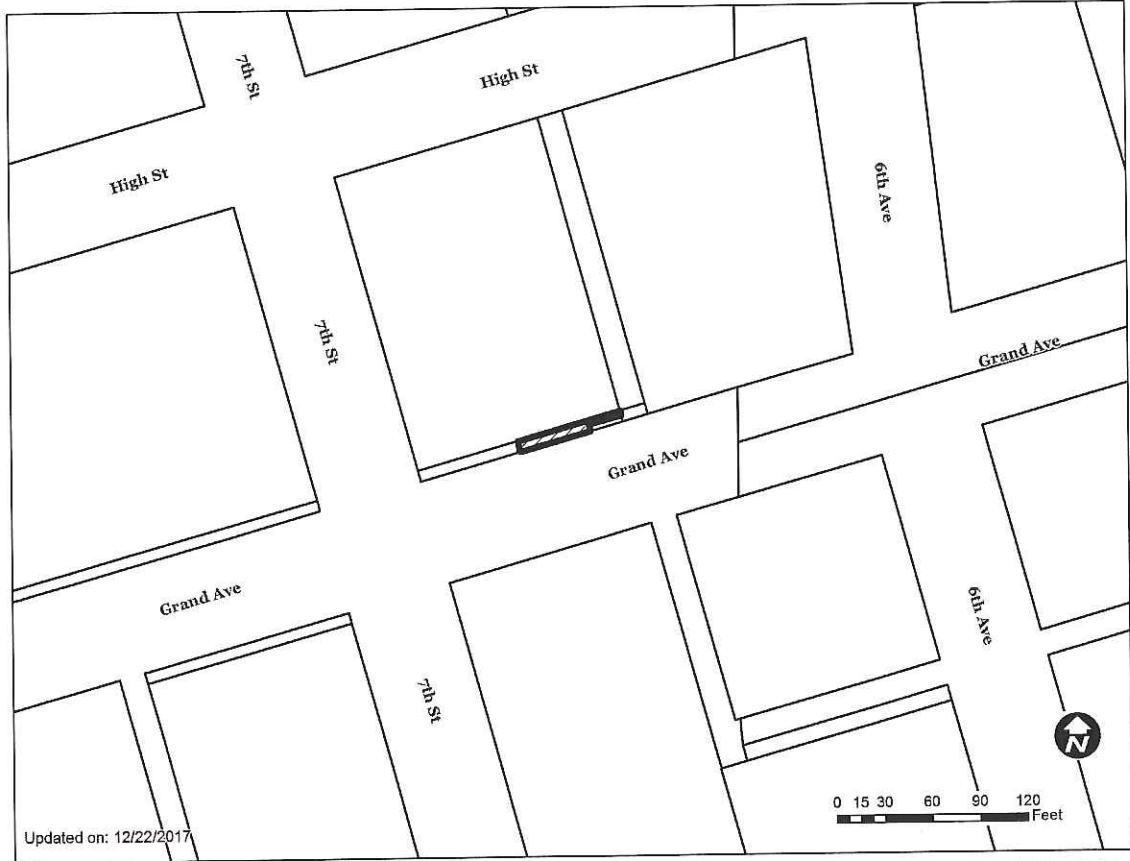


17

<b>Miesblock Commercial, LLC (owner), 665 Grand Avenue, represented by Alexander Grgurich (officer).</b>		<b>File #</b>	
		11-2017-1.20	
<b>Description of Action</b>	Vacation of subsurface rights within the north 2 feet of adjoining Grand Avenue and air rights within the north 6.25 feet of adjoining Grand Avenue, to allow for encroachment of subsurface foundations and projecting entrance canopy and building sunscreens as part of a 3-story commercial building development.		
<b>Plan/DSM Future Land Use</b>	Current: Downtown Mixed Use. Proposed: N/A.		
<b>Mobilizing Tomorrow Transportation Plan</b>	No planned improvements.		
<b>Current Zoning District</b>	"C-3" Central Business District Commercial District, "GGP" Gambling Games Prohibition Overlay District, "D-O" Downtown Overlay District, and "FSO" Freestanding Signs Overlay District.		
<b>Proposed Zoning District</b>	N/A.		
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined
<b>Subject Property</b>	2	0	
<b>Outside Area (200 feet)</b>			
<b>Plan and Zoning Commission Action</b>	Approval	11-0	<b>Required 6/7 Vote of the City Council</b>
	Denial		Yes No
			X

Miesblock Commercial, LLC, 665 Grand Avenue

11-2017-1.20



Updated on: 12/22/2017

1 inch = 71 feet

Item 11-2017-1.20 Date 1/11/18

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

(Circle One)

RECEIVED  
COMMUNITY DEVELOPMENT  
JAN 15 2018

Print Name Sammy Flanagan

Signature Sammy Flanagan

Address 700 Grand Ave #320A

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Item 11-2017-1.20 Date 1-12-18

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

(Circle One)

Print Name SR JUDIE FITZPATRICK

Signature Judie Fitzpatrick

Address 601 Grand Avenue

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

We support the development of the property west of the  
Catholic Pastoral Center.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Date February 5, 2018  
 Agenda Item 17  
 Roll Call # \_\_\_\_\_

January 24, 2018

Honorable Mayor and City Council  
 City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their January 18, 2018 meeting, the following action was taken regarding a request from Miesblock Commercial, LLC (owner), 665 Grand Avenue, represented by Alexander Grgurich (officer) for vacation of subsurface rights within the north 2 feet of adjoining Grand Avenue and air rights within the north 6.25 feet of adjoining Grand Avenue to allow for encroachment of subsurface foundations and projecting entrance canopy and building sunscreens as part of a 3-story commercial building development.

**COMMISSION RECOMMENDATION:**

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

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
Chris Cutler	X			
David Courard-Hauri				X
Jacqueline Easley	X			
Jann Freed	X			
John "Jack" Hilmes	X			
Lisa Howard	X			
Carolyn Jenison				X
Greg Jones	X			
William Page	X			
Mike Simonson	X			
Rocky Sposato				X
Steve Wallace	X			
Greg Wattier				X

**APPROVAL** of the request from Miesblock Commercial, LLC (owner), 665 Grand Avenue, represented by Alexander Grgurich (officer) for vacation of subsurface rights within the north 2 feet of adjoining Grand Avenue and air rights within the north 6.25 feet of adjoining Grand Avenue to allow for encroachment of subsurface foundations and projecting entrance canopy and building sunscreens as part of a 3-story commercial building development. (11-2017-1.20)

## Written Responses

2 in Favor

0 in opposition

## **RECOMMENDATION TO THE P&Z COMMISSION**

Staff recommends approval of the proposed air and subsurface rights vacations subject to the provision of easements for any existing utilities until such time that they are abandoned or relocated and so long as any proposed structure is constructed in compliance with an approved Site Plan.

## **STAFF REPORT TO THE PLANNING COMMISSION**

### **I. GENERAL INFORMATION**

- 1. Purpose of Request:** The applicant is proposing to construct a 3-story commercial and office building on the eastern half of the block oriented toward Grand Avenue. This is the initial phase of the "Miesblock" development. The proposed building would have an entrance canopy and sun shade projections that would cantilever over the sidewalk in Grand Avenue. The footings for the building would encroach into the subsurface under the sidewalk in Grand Avenue.
- 2. Size of Site:** The area of the requested vacations are as follows:
  - 1) Air rights on Grand Avenue for the canopy – 6.25 feet by 21 feet (131.25 square feet)
  - 2) Air rights on Grand Avenue for sun shades - 3 feet by 65.5 feet (196.5 square feet)
  - 3) Subsurface rights on Grand Avenue for building footings – 2 feet by 63.5 feet (127 square feet).
- 3. Existing Zoning (site):** "C-3" Central Business District Commercial, "GGP" Gambling Games Prohibition District, "D-O" Downtown Overlay District, and "FSO" Freestanding Sign Overlay District.
- 4. Existing Land Use (site):** Street Right-Of-Way in Grand Avenue.
- 5. Adjacent Land Use and Zoning:**

**North** – "C-3"; Use is High Street Right-Of-Way and surface parking owned by the Roman Catholic Diocese of Des Moines.

**South** – "C-3"; Use is Grand Avenue Right-Of-Way and 35-story office high-rise building (Ruan Center Corp.)

**East** – "C-3"; 3-story, office use building (The Roman Catholic Diocese of Des Moines.)

**West** – "C-3"; Use is 7<sup>th</sup> Street Right-Of-Way and parking structure owned by Principal Financial Group.
- 6. General Neighborhood/Area Land Uses:** The site is located at the northeast corner of the 7<sup>th</sup> Street and Grand Avenue intersection in the downtown core. The area contains a

mix of commercial, office and multiple-family residential uses. The site adjoins the Roman Catholic Diocese Building, which was designed by Architect Mies Van Der Rohe and is a designated Local Landmark.

- 7. Applicable Recognized Neighborhood(s):** The subject property is located in the Downtown Des Moines Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on December 29, 2017 and a Final Agenda on January 12, 2018. Additionally, separate notifications of the hearing for this specific item were mailed on January 8, 2018 (10 days prior to the public hearing) to the neighborhood association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

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. The Downtown Des Moines Neighborhood Association notices were mailed to Tony Filippini, 1719 Grand Avenue #210, Des Moines, IA 50309.

- 8. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** "Downtown Mixed Use". The Plan describes this category as an "area that allows mixed-use, high-density residential uses, and compact combinations of pedestrian-oriented retail, office, residential, and parking in downtown. Should include active uses (e.g. retail) on ground floor, particularly at key intersections."

## **II. APPLICABLE REGULATIONS**

The Commission, considering the criteria set forth in Chapter 18B of the Iowa Code, 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.

## **III. ADDITIONAL APPLICABLE INFORMATION**

- 1. Air Rights:** The building entrance canopies and sun shade would cantilever into the Grand Avenue Right-Of-Way (ROW), requiring vacation of air rights. These would not extend over vehicular travelled portions of the adjoining streets.
- 2. Utilities:** There are existing Des Moines Waterworks mains (24-inch feeder main and 6-inch main), public sanitary sewer main (12-inch), and buried traffic signal fiber optic lines along with an existing street light within the adjoining Grand Avenue ROW. The proposed building projections would not interfere with any existing aerial utilities, public street lighting, ROW signage or traffic control devices. The proposed subsurface footing encroachment would not interfere with any existing underground utilities or vaults.
- 3. Urban Design Review Board:** The Urban Design Review Board made a final review of the commercial building project on December 12, 2017. They recommended approval within the terms of a development agreement to the City Council.

## SUMMARY OF DISCUSSION


Jacqueline Easley asked if anyone was present to speak on this item. No one was present or requested to speak.

## COMMISSION ACTION:

Jann Freed moved staff recommendation of approval of the proposed air and subsurface rights vacations subject to the provision of easements for any existing utilities until such time that they are abandoned or relocated and so long as any proposed structure is constructed in compliance with an approved Site Plan.

Motion passed: 11-0

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:tjh  
Attachments