

Date May 21, 2018

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM 111 EAST GRAND, LLC FOR VACATION OF SUBSURFACE RIGHTS IN 2ND STREET AND EAST GRAND AVENUE ADJOINING 111 EAST GRAND AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 3, 2018, its members voted 12-0 to recommend **APPROVAL** of a request from 111 East Grand, LLC (developer), represented by Tim Rypma (officer), for vacation of the subsurface rights in the west 2 feet of 2nd Street right-of-way and in the north 2 feet of East Grand Avenue right-of-way, all adjoining 111 East Grand Avenue, to allow for building footing encroachments for the adjoining development, subject to any necessary relocation of existing utilities in place being made at the developer's expense.

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

(11-2018-1.09)

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

MOTION CARRIED APPROVED

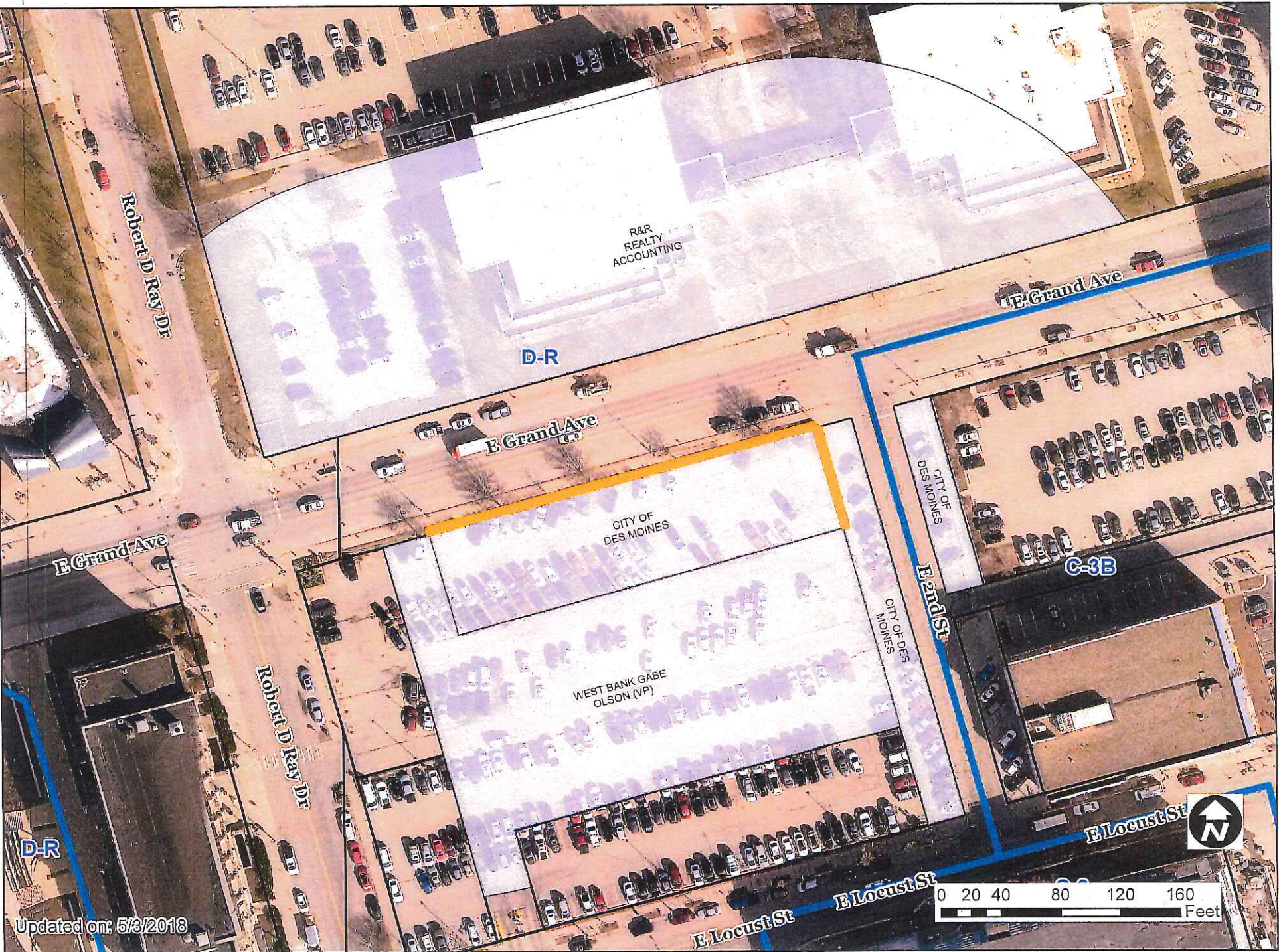
Mayor

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



Updated on: 5/3/2018

32A



west elm

ROAD CLOSED





32A



Date 5/21/18
 Agenda Item 32A
 Roll Call # _____

May 16, 2018

Honorable Mayor and City Council
 City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their May 3, 2018 meeting, the following action was taken regarding a request from 111 East Grand, LLC (developer), 111 East Grand Avenue, represented by Tim Rypma (officer) for vacation of the subsurface rights in the west 2 feet of 2nd Street Right-Of-Way (ROW) and the subsurface rights in the north 2 feet of East Grand Avenue ROW adjoining the subject property, to allow for building footing encroachment. The adjoining subject property is owned by the City of Des Moines.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 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 requested vacation of subsurface rights subject to any necessary relocation of existing utilities in place being made at the developer's expense.

(11-2018-1.09)

Written Responses

0 in Favor
 0 in opposition

RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation of subsurface rights subject to any necessary relocation of existing utilities in place being made at the developer's expense.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The developer is proposing a 4-story office building with ground level restaurant/retail space. They are requesting to vacate the subsurface rights within the adjoining two feet of ROW to accommodate structural footing encroachments.
2. **Size of Site:** 18,987 square feet (0.436 acres). The requested ROW would be approximately 680 square feet of subsurface.
3. **Existing Zoning (site):** "D-R" Downtown Riverfront District, "CDO" Capitol Dominance Overlay District, "D-O" Downtown Overlay District, "GGP" Gambling Games Prohibition Overlay District, "PSO" Pedestrian-Oriented Sign Overlay District and "FSO" Freestanding Sign Overlay District.
4. **Existing Land Use (site):** Undeveloped land.
5. **Adjacent Land Use and Zoning:**
 - North** – "D-R"; Use is the 3-story East Grand Office Park office building.
 - South** – "D-R"; Use is the 6-story public parking structure.
 - East** – "C-3B"; Uses are a 3-story Metro Waste Authority building and a surface parking lot. 6-story mixed-use building with residential, office and retail uses.
 - West** – "D-R"; Use is an interim surface off-street parking lot for City Hall.
6. **General Neighborhood/Area Land Uses:** The site is in the East Village Downtown core. The surrounding area contains a mix of office, hotel, retail, government and multiple-family residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is in the Historic East Village Neighborhood. This neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on April 13, 2018. Additionally, separate notifications of the hearing for this specific item were mailed on April 23, 2018 (10 days prior to the hearing) to the Historic East Village Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A final agenda was mailed on April 27, 2018

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 Historic East Village Neighborhood Association notices were

mailed to Chris LoRang, PO Box 93904, Des Moines, IA 50393.

8. **Relevant Zoning History:** On June 3, 2002, by Ordinance No. 14,097, the City Council rezoned the subject property with the "CDO" Capitol Dominance Overlay District. On March 22, 2004, by Ordinance No. 14,324, the City Council rezoned the subject property to "D-R" Downtown Riverfront District. On July 26, 2004, by Ordinances No. 14,361 and No. 14,362, the City Council rezoned the subject property with the "GGP" Gambling Games Prohibition Overlay District and the "PSO" Pedestrian-Oriented Sign Overlay District respectively. On November 7, 2011, by Ordinance No. 15,060, the City Council rezoned the subject property with the "D-O" Downtown Overlay District.

On February 28, 2018, the Zoning Board of Adjustment approved an Exception to allow the proposed building height to exceed the maximum height of 55 feet in the "CDO" Capitol Dominance Overlay.

On March 1, 2018, the Plan and Zoning Commission approved as Site Plan "111 East Grand Office Building" under design guidelines in "D-R" Districts on property located at 111 East Grand Avenue, to allow development of a 4-story, 62,704-square foot office/retail building.

9. **2020 Community Character 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."
10. **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.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Utilities:** Staff is not aware of any conflicting utilities within the requested ROW subsurface. However, any vacation should be subject to any necessary relocation of existing utilities in place being made at the developer's expense. Staff believes that the requested subsurface rights would have negligible impact on future need and access of the ROW for public utility use.
2. **Additional Information:** The recently approved Site Plan "111 East Grand Office Building", for development of a 4-story, 62,704-square foot office/retail building, is contingent upon the requested vacation of subsurface rights.

SUMMARY OF DISCUSSION

Jacqueline Easley asked if anyone was present to speak on this item. None were present or requested to speak.

COMMISSION ACTION:

John "Jack" Hilmes made a motion for approval of the requested vacation of subsurface rights subject to any necessary relocation of existing utilities in place being made at the developer's expense.

Motion passed: 12-0

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Michael Ludwig".

Michael Ludwig, AICP
Planning Administrator

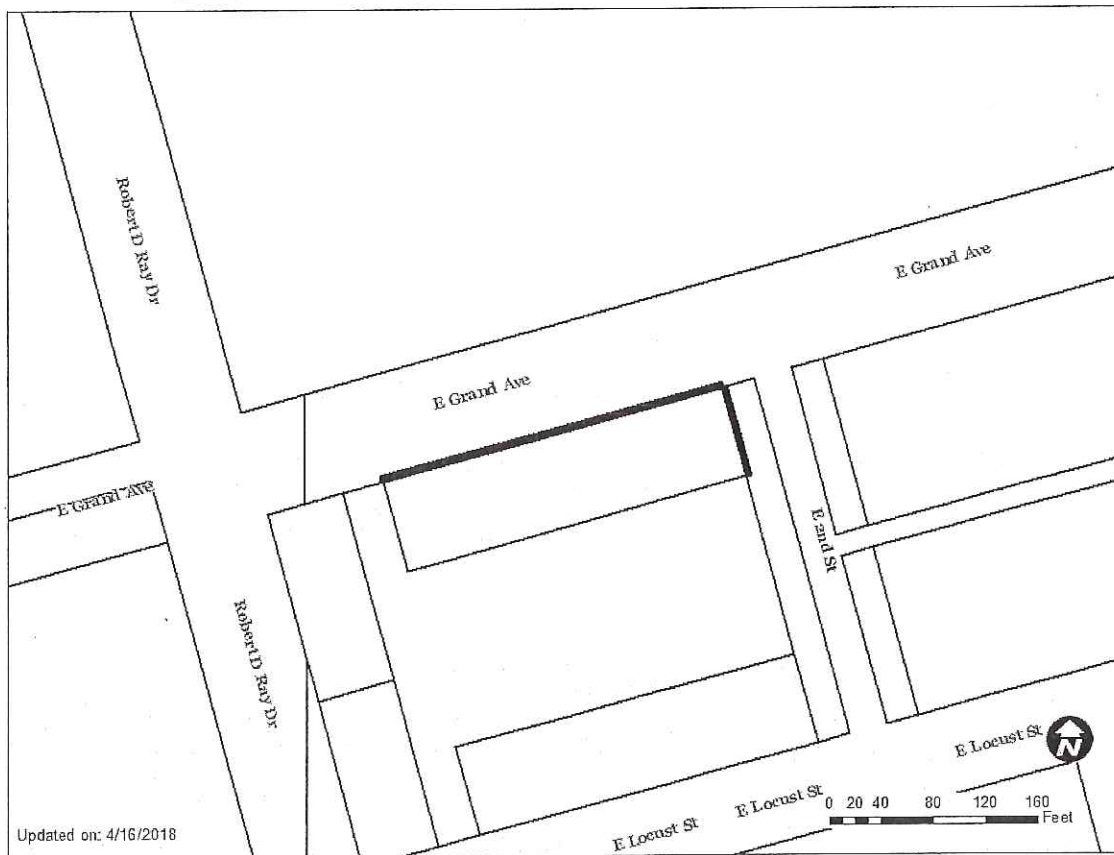
MGL:tjh
Attachments

32A

111 East Grand, LLC (developer), 111 East Grand Avenue, represented by Tim Rypma (officer). The adjoining subject property is owned by the City of Des Moines.				File #	
				11-2018-1.09	
Description of Action	Vacation of the subsurface rights in the west 2 feet of 2nd Street Right-Of-Way (ROW) and the subsurface rights in the north 2 feet of East Grand Avenue ROW adjoining the subject property, to allow for building footing encroachment.				
Plan/DSM Future Land Use	Current: Downtown Mixed Use. Proposed: N/A.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"D-R" Downtown Riverfront District, "CDO" Capitol Dominance Overlay District, "GGP" Gambling Games Prohibition Overlay District, "D-O" Downtown Overlay District, and "FSO" Freestanding Signs Overlay District.				
Proposed Zoning District	N/A.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Subject Property	0	0			
Outside Area (200 feet)					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council		Yes
	Denial				No X

111 East Grand, LLC, 111 East Grand Avenue

11-2018-1.09



1 inch = 86 feet