



Roll Call Number

Agenda Item Number

116

Date July 9, 2018

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM 206 6TH AVENUE, LLC FOR VACATION OF SEGMENTS OF EAST/WEST ALLEY AND 6TH AVENUE ADJOINING 206 6TH AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 21, 2018, its members voted 10-0-1 to recommend **APPROVAL** of a request from 206 6th Avenue, LLC (owner), represented by Todd Reed (officer), for vacation of the following segments of east/west alley and 6th Avenue right-of-way, all adjoining 206 6th Avenue, to allow for mechanical exhaust and generator exhaust ducts, door swing, entrance canopy and door landing footing encroachments for the adjoining development:

- (A) An 8.43-foot by 3.00-foot segment of the east/west alley right-of-way surface rights;
- (B) A 4.00-foot by 4.00-foot segment of the east/west alley right-of-way surface rights;
- (C) An 18.67-foot by 3.00-foot segment of the east/west alley right-of-way surface rights; and
- (D) A 15.83-foot by 9.58-foot segment of 6th Avenue right-of-way surface and subsurface rights.

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

(11-2018-1.15)

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

MOTION CARRIED

APPROVED

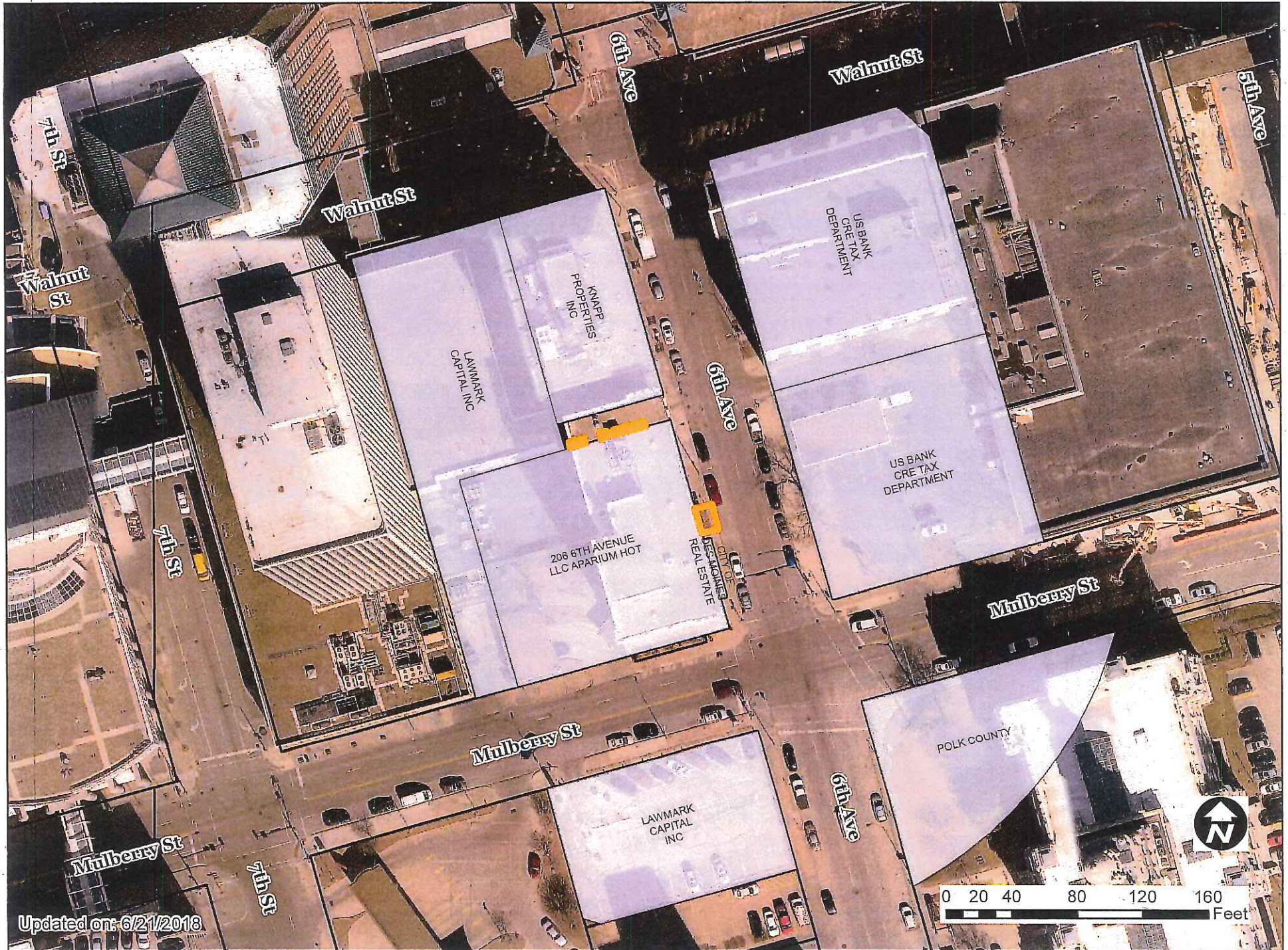
Mayor

CERTIFICATE

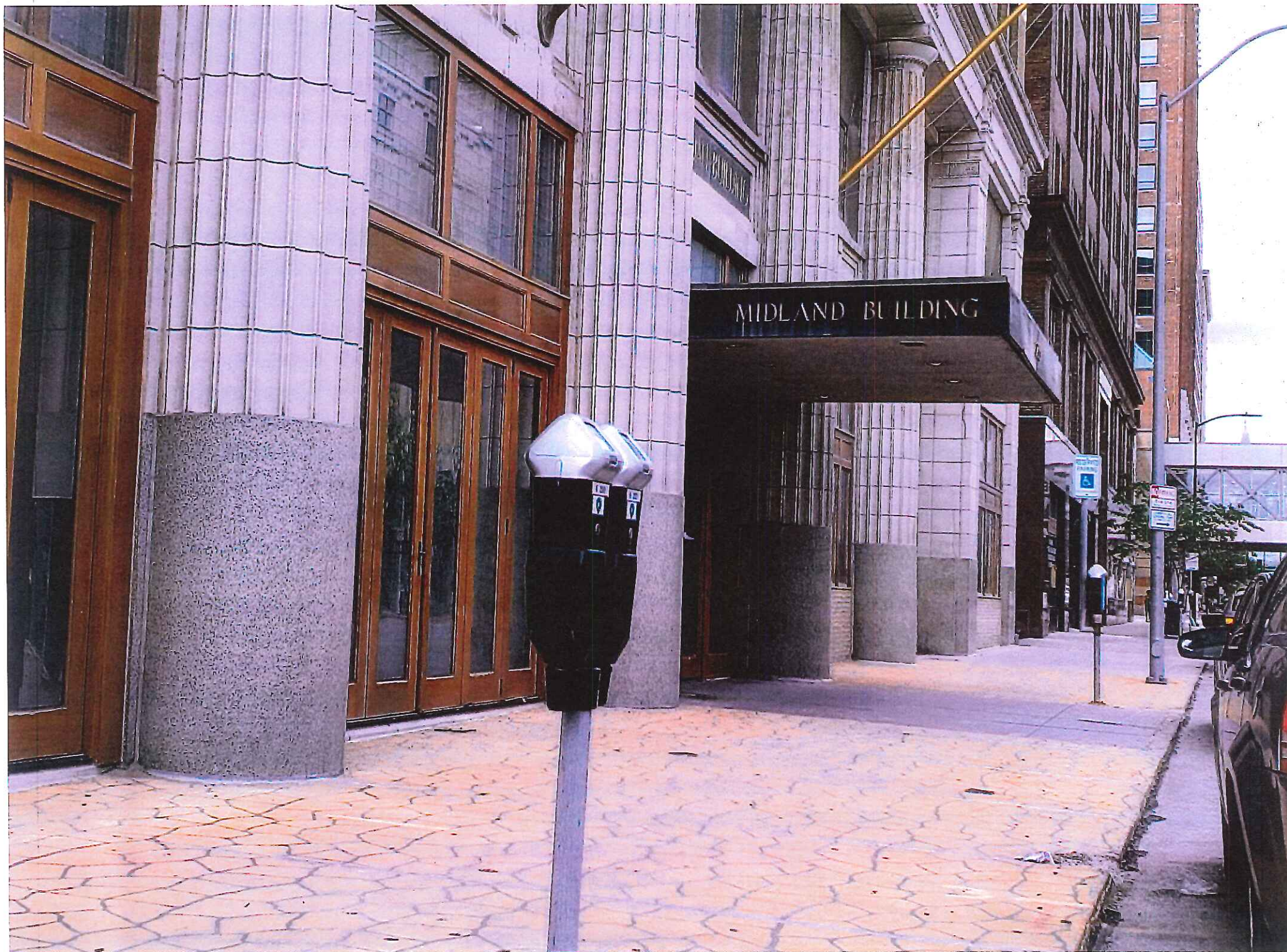
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

City Clerk







MIDLAND BUILDING



July 3, 2018

Date July 9, 2018
Agenda Item 16
Roll Call # _____

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their June 21, 2018 meeting, the following action was taken regarding a Request from 206 6th Avenue, LLC (owner) represented by Todd Reed (officer) for vacation of the following segments of Right-Of-Way (ROW) adjoining the hotel property at 206 6th Avenue: A) An 8.43-foot by 3.00-foot segment of the east/west alley ROW surface rights to allow a mechanical exhaust duct from the existing basement of the building beneath the alley. B) A 4.00-foot by 4.00-foot segment of the east/west alley ROW surface rights to allow a door swing on the north side of the building. C) An 18.67-foot by 3.00-foot segment of the east/west alley ROW surface rights for generator exhaust from the existing basement. D) A 15.83-foot by 9.58-foot segment of 6th Avenue ROW to allow for the main entrance canopy, door swing, and subsurface footing for the door landing.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-0-1 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 vacations.

(11-2018-1.15)

Written Responses

0 in Favor

0 in opposition

RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacations.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

- 1. Purpose of Request:** The developer is proposing to redevelop a 12-story office building to a hotel. They are requesting to vacate multiple segments of surface rights from the adjacent east/west alley Right-of-Way (ROW) to allow mechanical exhaust ducts, generator exhaust, and door swings. The developer is also requesting vacation of a surface segment of the 6th Avenue ROW to allow an entrance canopy and a subsurface segment for a door landing footing.
- 2. Size of Site:** The building site is 17,614 square feet (0.404 acres). The requested Right-of-Way vacation would be a total of 248.95 square feet of surface and subsurface area.
- 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):** Midland Building.
- 5. Adjacent Land Use and Zoning:**

North – "C-3"; Use is an 11-story mixed-use building with residential, office, and retail uses.

South – "C-3"; Use is a surface parking lot.

East – "C-3"; Use is a bank building with a surface parking lot.

West – "C-3"; Use is a 25-story office building.
- 6. General Neighborhood/Area Land Uses:** The site is in Downtown. 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 Downtown Des Moines Neighborhood. This neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on June 1, 2018. Additionally, separate notifications of the hearing for this specific item were mailed on June 11, 2018 (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 adjacent to the subject ROW. A final agenda was mailed on June 15, 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 Downtown Des Moines Neighborhood Association notices were mailed to Austin Lewis, 915 Mulberry Street, Unit 504, 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 May 20, 2007, by Ordinance No. 15,189, the City Council vacated segments of the 6th Avenue, Mulberry Street, and alley Rights-of-Way adjacent to the subject property. On November 7, 2011, by Ordinance No. 15,060, the City Council rezoned the subject property with the "D-O" Downtown Overlay District.
9. **PlanDSM 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:** No utilities have been identified within the ROW requested for vacations. In this instance, because of the proposed development needs for the land, there is not proposed reservation of any easements for public utilities.
2. **Street System/Access:** The subject alley does not serve as access for the adjoining properties. The requested vacations would not impact the existing street system or the vehicular or pedestrian flow on the adjoining street network.
3. **Additional Information:** On May 20, 2007, by Ordinance No. 15,189, the City Council vacated segments of the 6th Avenue, Mulberry Street, and east/west public alley ROWs adjacent to the subject property. Subsurface rights were granted in the 6th Avenue ROW within a 12.1-foot wide strip adjoining the east line of Lots 5 and 6, except for the northerly 33 feet of Lot 6. Subsurface rights were also granted in the east/west public alley ROW within a 4.1-foot wide strip lying north of Lot 6 and extending west for 67 feet from the northeast corner of Lot 6. The current vacations are being requested to satisfy Building Code requirements.

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 vacations.

Motion passed: 10-0-1

Respectfully submitted,



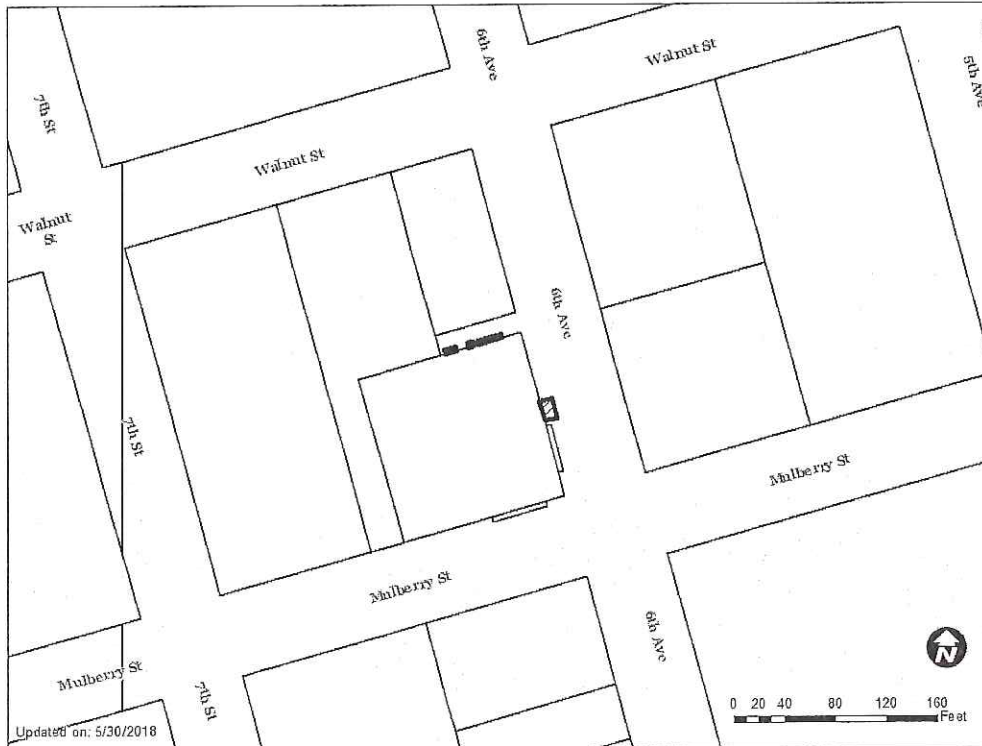
Michael Ludwig, AICP
Planning Administrator

MGL:tjh
Attachments

Request from 206 6th Avenue, LLC (owner) represented by Todd Reed (officer) for at 206 6th Avenue.				File #	
				11-2018-1.15	
Description of Action	Vacation of the following segments of Right-Of-Way (ROW) adjoining the subject property: A) An 8.43-foot by 3.00-foot segment of the east/west alley ROW surface rights to allow a mechanical exhaust duct from the existing basement of the building beneath the alley. B) A 4.00-foot by 4.00-foot segment of the east/west alley ROW surface rights to allow a door swing on the north side of the building. C) An 18.67-foot by 3.00-foot segment of the east/west alley ROW surface rights for generator exhaust from the existing basement. D) A 15.83-foot by 9.58-foot segment of 6th Avenue ROW to allow for the main entrance canopy, door swing, and subsurface footing for the door landing.				
PlanDSM Future Land Use	Current: Downtown Mixed Use. 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.				
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

206 6th Avenue, LLC, 206 6th Avenue

11-2018-1.15



1 inch = 78 feet