



Roll Call Number

Agenda Item Number

13

Date September 24, 2018

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM JANSSEN LODGING, INC. FOR VACATION OF SEGMENTS OF WALNUT STREET AND 10TH STREET ADJOINING 1000 WALNUT STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 6, 2018, its members voted 12-0 to recommend APPROVAL of a request from Janssen Lodging, Inc. (owner) to vacate the following segments of City-owned right-of-way adjoining 1000 Walnut Street, for assemblage with the adjoining parcel and renovation of the Hotel Fort Des Moines, subject to reservation of easements for all public utilities in place:

- 1. A 9.00-foot by 39.42-foot segment of Walnut Street for sidewalk café lease purposes;
2. A 9.00-foot by 74.24-foot segment of Walnut Street for sidewalk café lease purposes;
3. A 10.00-foot by 16.00-foot segment of adjoining Walnut Street for air rights lease for an entrance canopy; and
4. A 10.00-foot by 35.00-foot segment of adjoining 10th Street for air rights lease for an entrance canopy.

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

(11-2018-1.20)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include 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.

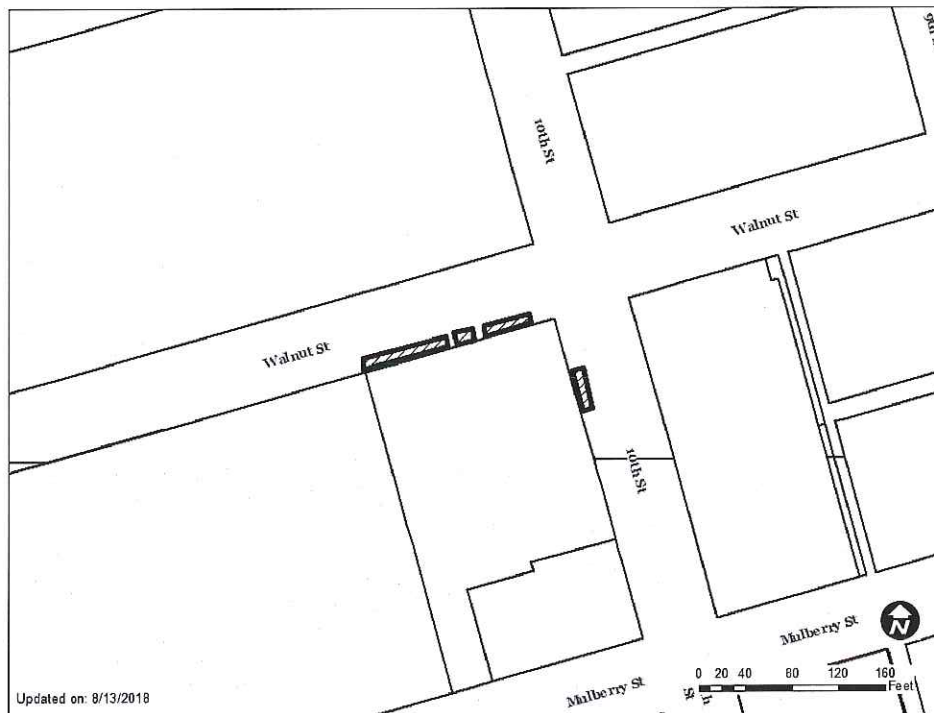
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

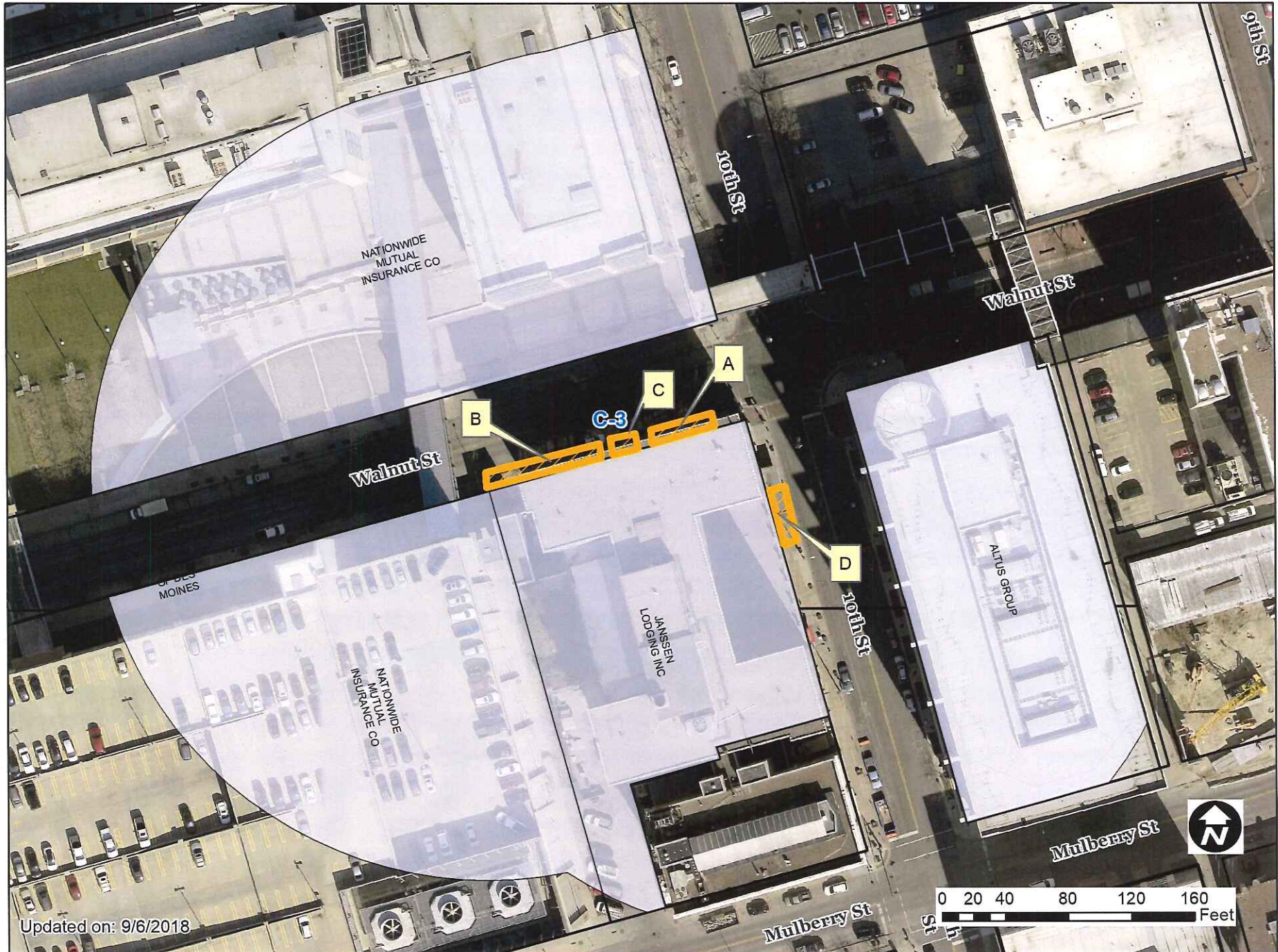
City Clerk

Janssen Lodging, Inc. (owner), 1000 Walnut Street, represented by Raj Patel (registered agent).		File #		
		11-2018-1.20		
Description of Action	Vacation of the following segments of Right-Of-Way (ROW): A) A 9.00-foot by 39.42-foot segment of Walnut Street adjoining the subject property for sidewalk café lease purposes. B) A 9.00-foot by 74.24-foot segment of Walnut Street adjoining the subject property for sidewalk café lease purposes. C) A 10.00-foot by 16.00-foot segment of adjoining Walnut Street adjoining the subject property for air rights lease for an entrance canopy. D) A 10.00-foot by 35.00-foot segment of adjoining 10th Street adjoining the subject property for air rights lease for an entrance canopy.			
PlanDSM Future Land Use	Current: Downtown Mixed-Use in a Regional Node. 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

Janssen Lodging, Inc., 1000 Walnut Street

11-2018-1.20





Updated on: 9/6/2018



1 inch = 81 feet

Date September 24, 2018

Agenda Item 13

Roll Call # _____

September 19, 2018

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their September 6, 2018 meeting, the following action was taken regarding a request from Janssen Lodging, Inc. (owner), 1000 Walnut Street, represented by Raj Patel (registered agent) for vacation of the following segments of Right-Of-Way (ROW): A) 9.00-foot by 39.42-foot segment of Walnut Street adjoining the subject property for sidewalk café lease purposes, B) 9.00-foot by 74.24-foot segment of Walnut Street adjoining the subject property for sidewalk café lease purposes, C) 10.00-foot by 16.00-foot segment of adjoining Walnut Street adjoining the subject property for air rights lease for an entrance canopy and D) 10.00-foot by 35.00-foot segment of adjoining 10th Street adjoining the subject property for air rights lease for an entrance canopy.

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 surface and air rights subject to reservation of easements for all public utilities in place.

(11-2018-1.20)

Written Responses

0 in Favor

0 in opposition

RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation of surface and air rights subject to reservation of easements for all public utilities in place.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The developer is renovating the 11-story Hotel Fort Des Moines. They are requesting to vacate two segments of surface rights on adjacent Walnut Street to allow for a sidewalk café. They are also seeking to vacate air rights for entrance canopies on both Walnut Street and 10th Street.

2. Size of Site: The building site is 35,742 square feet (0.821 acres). The requested Right-of-Way vacation would be a total of 1022 square feet of surface for the sidewalk café and 510 square feet of air rights for the entrance canopies.

3. Existing Zoning (site): "C-3" Central Business District Commercial District, "D-O" Downtown Overlay District, "GGP" Gambling Games Prohibition Overlay District, and "FSO" Freestanding Sign Overlay District.

4. Existing Land Use (site): Hotel Fort Des Moines.

5. Adjacent Land Use and Zoning:

North – "C-3"; Use is an 7-story office building for Nationwide Mutual Insurance.

South – "C-3"; Use is the 6-story Clemons Building, which is a mixed-use building with Bubba's restaurant and a Hotel Fort Des Moines Annex on the first two floors and 44 residential units in the upper four floors.

East – "C-3"; Use is the 13-story Davis Brown Tower mixed-use building with office and retail on first floor, structured parking on floors two through nine and office on floors 10-13.

West – "C-3"; Use is a 10-story parking structure for Nationwide Mutual Insurance.

6. General Neighborhood/Area Land Uses: The site is in western Downtown. The surrounding area contains a mix of office, hotel, retail, 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 August 17, 2018. Additionally, separate notifications of the hearing for this specific item were mailed on August 27, 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 August 31, 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 July 26, 2004, by Ordinance No. 14,361, the City Council rezoned the subject property with the "GGP" Gambling Games Prohibition Overlay District. 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:** There are subsurface Des Moines Water Works mains in both Walnut Street and 10th Street. There is subsurface public sanitary sewer main in Walnut Street. There is subsurface electrical and street lighting operated by Mid-American Energy in both Walnut Street and 10th Street. There are subsurface fiber optic lines for traffic signals in Walnut Street. The proposed surface rights and air rights would not interfere with any of the identified utilities. The canopies would be spaced with adequate separation from the street lights.
- 2. **Street System/Access:** The project also involves construction of a "bump out" of the Walnut Street sidewalk streetscape. This would allow for tree planters and would align with the streetscape in the block to the east. The proposed café areas and entrance canopy areas would allow for 6-foot wide through public sidewalk movement with the proposed "bump out" into Walnut Street. The propose entrance canopies would provide 9-1/4 of clearance over the public sidewalk.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

David Courard-Hauri made a motion for approval of the requested vacation of surface and air rights subject to reservation of easements for all public utilities in place.

Motion passed: 12-0

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:tjh
Attachments