



Roll Call Number

Agenda Item Number

23

Date August 5, 2019

**RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING  
COMMISSION REGARDING REQUEST FROM DES MOINES GRIFFIN BUILDING, LLC  
FOR VACATION OF A SEGMENT OF AIR RIGHTS IN THE EAST/WEST ALLEY  
RIGHT-OF-WAY ADJOINING 319 7<sup>TH</sup> STREET**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on July 18, 2019, its members voted 13-0 to recommend **APPROVAL** of a request from Des Moines Griffin Building, LLC (owner), represented by Tim Rypma (officer), to vacate a 4-foot by 4-foot segment of air rights within the east/west alley adjoining 319 7th Street, to allow for ventilation ducts attached to the adjoining redeveloped building to extend into the airspace of the alley right-of-way, subject to reservation of easements for all public utilities in place.

**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

(11-2019-1.17)

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







Date August 5, 2019  
Agenda Item 23  
Roll Call # \_\_\_\_\_

July 30, 2019

Honorable Mayor and City Council  
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their July 18, 2019 meeting, the following action was taken regarding a request from Des Moines Griffin Building, LLC (owner), 319 7<sup>th</sup> Street, represented by Tim Rypma (officer) for vacation of a 4-foot by 4-foot segment of air rights within the adjoining east/west alley to allow for ventilation ducts attached to the upper portion of the building that would encroach over the alley.

**COMMISSION RECOMMENDATION:**

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

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	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			
Emily Webb	X			

**RECOMMEND APPROVAL** of the requested vacation subject to reservation of easements for all public utilities in place.

(11-2019-1.17)

Written Responses

1 in Favor

0 in opposition

## RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation 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 property adjoining the proposed vacation is undergoing renovation. The subject vacation would allow ventilation ducts attached to the building to extend into airspace of the alley right-of-way.
2. **Size of Site:** The property adjoining the proposed vacation measures 66 feet by 133 feet (6,720 square feet). A total of 16 square feet of alley Right-of-way is proposed to be vacated.
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 property adjoining the proposed vacation is occupied by a multiple-family high-rise dwelling.
5. **Adjacent Land Use and Zoning:**
  - North** – "C-3"; Use is the Ruan Center.
  - South** – "C-3"; Use is Employers Mutual Casualty.
  - East** – "C-3"; Use is a youth shelter.
  - West** – "C-3"; Use is a parking structure.
6. **General Neighborhood/Area Land Uses:** The site is located in downtown Des Moines. The area contains a mix of office, restaurant and residential uses.
7. **Applicable Recognized Neighborhood(s):** The property adjoining the proposed vacation is in the Downtown Des Moines Neighborhood. The neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on June 28, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on July 8, 2019 (10 days prior to the hearing) to the Downtown Des Moines Neighborhood Association. A final agenda was mailed on July 12, 2019.

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 50309.
8. **Relevant Zoning History:** None.

9. **PlanDSM Land Use Plan Designation:** The proposed vacation and the property adjoining it are designated as "Downtown Mixed Use" on the Future Land Use Map.
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 that would be impacted by the proposed vacation. Staff recommends approval subject to the reservation of easements for any existing utilities.
2. **Street System/Access:** The proposed vacation would have a negligible impact on the function of the adjoining alley.

## SUMMARY OF DISCUSSION

Jacqueline Easley asked if any member of the audience or the commission desired to speak regarding the item. None were present or requested to speak.

## COMMISSION ACTION:

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

Motion passed: 13-0

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

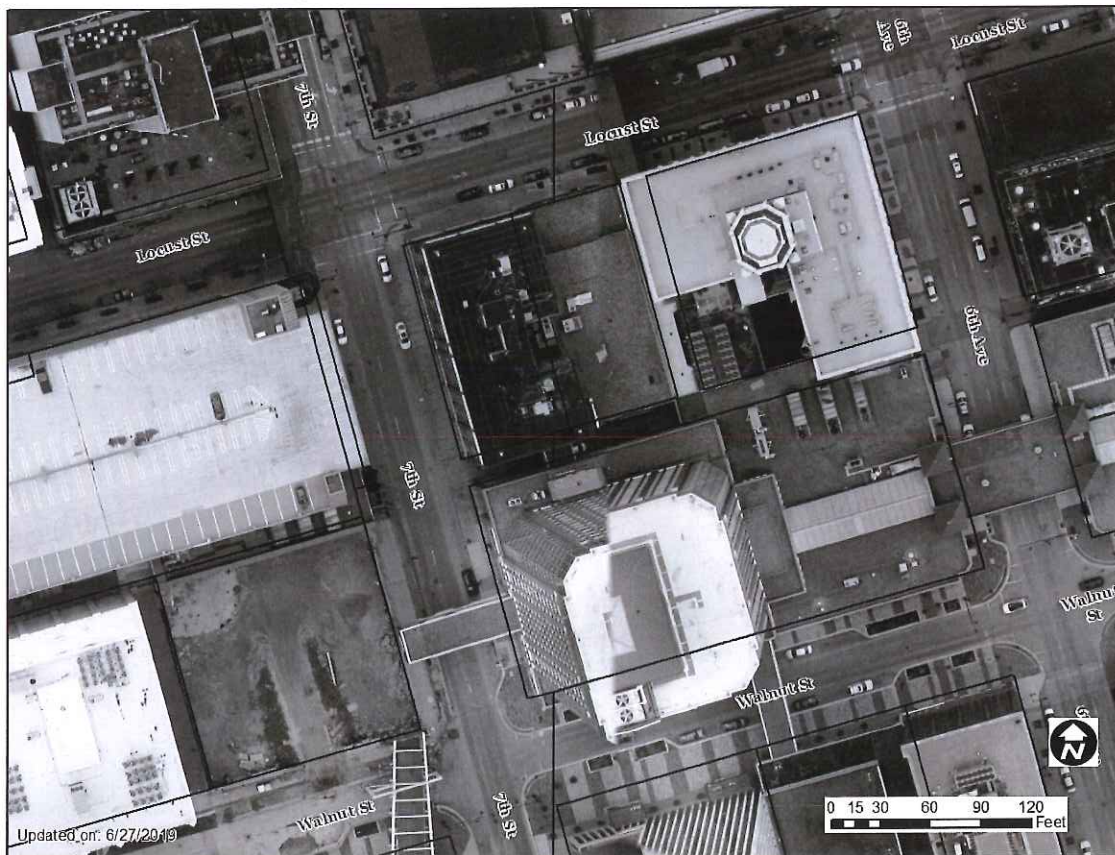
MGL:tjh  
Attachments



<b>Des Moines Griffin Building, LLC (owner), 319 7th Street, represented by Tim Rypma (officer).</b>				<b>File #</b>	
				<b>11-2019-1.17</b>	
<b>Description of Action</b>	Vacation of a 4-foot by 4-foot segment of air rights within the adjoining east/west alley to allow for ventilation ducts attached to the upper portion of the building that would encroach over the alley.				
<b>PlanDSM Future Land Use</b>	Current: Downtown Mixed Use District. 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	% Opposition	
<b>Outside Area (200 feet)</b>	1	0			
<b>Within Subject Property</b>					
<b>Plan and Zoning Commission Action</b>	Approval	<b>X</b>	<b>Required 6/7 Vote of the City Council</b>	Yes	
	Denial			No	<b>X</b>

Des Moines Griffin Building, LLC, 319 7th Street

11-2019-1.17



Item 11-2019-1.17

Date 7-18-19

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

(Circle One)

**RECEIVED**  
COMMUNITY DEVELOPMENT

JUL 25 2019

Print Name TODD KAMP

Signature Todd Kamp

Address 699 WALNUT STREET

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

MINIMAL DISRUPTION TO EMC INSURANCE AND  
SUPPORTIVE OF NEIGHBORHOOD RENOVATION.