

Date June 5, 2006

RESOLUTION SCHEDULING PUBLIC HEARING ON THE PROPOSED
VACATION OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED
BY 9th, 10th, WALNUT AND MULBERRY STREETS

WHEREAS, on April 24, 2006, the City Council received and filed Council Communication No. 06-235 regarding the City's economic development assistance to the proposed redevelopment of the site of the Hotel Fort Des Moines parking garage at the southeast corner of 10th and Walnut Streets with a new 13-story building to be known as the Davis Tower, containing a mix of retail/restaurant use, structured parking and office space, and directed the City Manager to proceed with negotiations towards a preliminary and final agreement for further consideration by the City Council; and,

WHEREAS, Principiant Hotel Company, L.C., represented by Jeffrey Hunter, Manager, has requested the vacation of the north/south alley adjoining the redevelopment site and more specifically described below; and,

WHEREAS, the City Plan and Zoning Commission is scheduled to consider the proposed vacation and conveyance of the north/south alley at its meeting on June 1, 2006, and should be prepared to submit its report and recommendation to the City Council prior to the public hearing scheduled below; NOW THEREFORE,

BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

1. That the City Council of the City of Des Moines shall consider adoption of an ordinance permanently vacating all or a portion of the remaining North/South alley right-of-way in the block bounded by 9th, 10th, Walnut and Mulberry Streets.

2. That the meeting of the City Council at which the adoption of said ordinance is to be considered shall be on June 19, 2006, said meeting to be held at 5:00 p.m., in the Council Chambers.

(continued)

★ Roll Call Number

Agenda Item Number

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Date June 5, 2006

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3. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.

MOVED by _____ to adopt.

FORM APPROVED:

Roger K. Brown

Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
HENSLEY				
MAHAFFEY				
KIERNAN				
VLASSIS				
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

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June 5, 2006

Honorable Mayor and City Council
City of Des Moines, Iowa

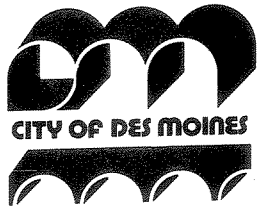
Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held June 1, 2006, the following action was taken:

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Absent
David Cupp	X			
Shirley Daniels				X
Dann Flaherty	X			
Bruce Heilman	X			
Jeffrey Johannsen				X
Greg Jones	X			
Frances Koontz	X			
Kaye Lozier	X			
Brian Meyer	X			
Brian Millard	X			
Brook Rosenberg	X			
Mike Simonson				X
Kent Sovern	X			
Tim Urban				X
Marc Wallace	X			



CITY PLAN AND ZONING COMMISSION
 ARMORY BUILDING
 602 ROBERT D. RAY DRIVE
 DES MOINES, IOWA 50309 -1881
 (515) 283-4182

ALL-AMERICA CITY
 1949, 1976, 1981
 2003

APPROVAL of a request from Principiant Hotel Company, L.C. (owner) 912 Walnut Street represented by Jeffrey Hunter (officer), for vacation and conveyance of the north/south alley between 9th Street and 10th Street from Walnut Street to Mulberry Street subject to the following conditions: (11-2006-1.12)

1. Exclusion of the northern portion of the alley for the skywalk system.
2. Reservation of easements for all existing utilities.
3. Submission of a site plan in accordance with the City's Site Plan and Landscaping Policies.

Written Responses

0 In Favor
 0 In Opposition

This item would not require a 6/7 vote by City Council.

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Staff recommends approval of the requested vacation and conveyance subject to the following conditions:

1. Exclusion of the northern portion of the alley for the skywalk system.
2. Reservation of easements for all existing utilities.
3. Submission of a site plan in accordance with the City's Site Plan and Landscaping Policies.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to construct a 13-story mixed-use building containing 7 levels of parking at 912 Walnut Street. The alley is needed to facilitate construction. A portion of the alley is required to accommodate the new building. The applicant intends to leave the remaining portion of alley open for access to their site and to the adjoining properties.
2. **Size of Site:** 20.5' x 280.5' or 5,750.3 square feet.
3. **Existing Zoning (site):** "C-3" Central Business District Commercial and Gambling Games Prohibition Overlay District.
4. **Existing Land Use (site):** Parking garage for the Hotel Fort Des Moines.
5. **Adjacent Land Use and Zoning:**
 - North* – "C-3", Use is office.
 - South* – "C-3", Uses are multi-family residential and fire station.
 - East* – "C-3", Uses are office and surface parking.
 - West* – "C-3", Use is parking garage.
6. **General Neighborhood/Area Land Uses:** The subject property is located in the central business district in a transitional area between the downtown core and the downtown fringe.
7. **Applicable Recognized Neighborhood(s):** Downtown Des Moines Neighborhood.
8. **Relevant Zoning History:** N/A.
9. **2020 Community Character Land Use Plan Designation:** Downtown Retail/ Office Core/ Core Fringe.
10. **Applicable Regulations:** The Commission 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:** MidAmerican Energy has indicated that a 2" plastic gas main and gas service exist in a portion of the subject alley. They are requesting that an easement be reserved to allow for the continued operation and maintenance of these facilities.
2. **Traffic:** The vacation and conveyance should have no impact on traffic patterns in the area.

A skywalk bridge spans over the northern portion of the subject alley. This portion of alley will need to be retained for the skywalk system.
3. **Access:** The applicant is negotiating with the adjoining property owner to provide any necessary access though the portion of the alley that will not be built on. Staff has received a letter from the adjoining property owner indicating that they do not object to the requested vacation, but will not consent to the requested conveyance until an agreement has been finalized.

SUMMARY OF DISCUSSION

Brian Millard made a motion to move item #3 to the Consent Agenda. Motion passed 10-0.

Kay Lozier joined the meeting at 6:02 PM.

There was no discussion on this item.

Kent Sovern moved to approve the staff recommendation for approval of the requested vacation and conveyance subject to the following conditions:

1. *Exclusion of the northern portion of the alley for the skywalk system.*
2. *Reservation of easements for all existing utilities.*
3. *Submission of a site plan in accordance with the City's Site Plan and Landscaping Policies.*

Motion passed 11-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment

ITEM # 3

Request from Principiant Hotel Company, L.C. (owner) 912 Walnut Street represented by Jeffrey Hunter (officer), for vacation and conveyance.		File #		
		11-2006-1.12		
Description of Action	Vacate and convey the north/south alley between 9 th Street and 10 th Street from Walnut Street to Mulberry Street.			
2020 Community Character Plan	Downtown: Retail/Office Core/Core Fringe			
Horizon 2025 Transportation Plan	No Planned Improvements			
Current Zoning District	"C-3" Central Business District Commercial			
Proposed Zoning District	N/A			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area				
Plan and Zoning Commission Action	Approval		Required 6/7 Vote of the City Council	Yes
	Denial			No

Principiant Hotel Company, LC - 9th to 10th & Walnut to Mulberry

11-2006-1.12

