

★ **Roll Call Number**

**Agenda Item Number**

21

.....  
**Date** August 21, 2006  
 .....


WHEREAS, the City Plan and Zoning Commission has advised in the attached letter that at a public hearing held August 3, 2006, the members recommended by a vote of 11-0 for **APPROVAL** of a request from LADCO Development, Inc. (developer) represented by John Garnass (officer) for vacation and conveyance of the subsurface right-of-way adjoining the property at 912 Walnut Street, within the north 6' of Mulberry Street, the east 6' of 10<sup>th</sup> Street, the south 6' of Walnut Street, and the east 6' of the west 12' of the north/south alley (west 6' previously vacated), subject to the following conditions:

1. Relocation of all existing utilities necessary for the construction of the foundation and reservation of any necessary easements for remaining utilities in the subject right-of-way.
2. Restoration the surface of the requested right-of-way to in accordance with an approved site plan.

The adjoining property at 912 Walnut Street is owned by Principiant Hotel Company and is presently occupied by the Hotel Fort Des Moines parking garage.

MOVED by \_\_\_\_\_ to receive and file, and to refer to the City Manager for further processing in accordance with standard City property disposition procedures.

FORM APPROVED:

  
 Roger K. Brown  
 Assistant City Attorney

(11-2006-1.19)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
VLASSIS				
<b>TOTAL</b>				
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

August 21, 2006

Honorable Mayor and City Council  
City of Des Moines, Iowa

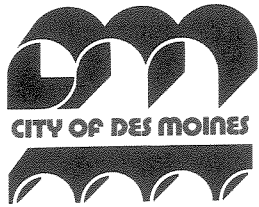
Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held August 3, 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 LADCO Development, Inc. (developer) represented by John Garnass (officer) for vacation and conveyance of the subsurface right-of-way adjoining the property at 912 Walnut Street, within the north 6' of Mulberry Street, the east 6' of 10<sup>th</sup> Street, the south 6' of Walnut Street, and the east 6' of the west 12' of the north/south alley (west 6' previously vacated), subject to the following conditions: (11-2006-1.19)

1. Relocation of all existing utilities necessary for the construction of the foundation and reservation of any necessary easements for remaining utilities in the subject right-of-way.
2. Restoration the surface of the requested right-of-way to in accordance with an approved site plan.

The subject property is owned by Principiant Hotel Company.

Written Responses

0 In Favor

0 In Opposition

**STAFF RECOMMENDATION AND BASIS FOR APPROVAL**

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

1. Relocation of all existing utilities necessary for the construction of the foundation and reservation of any necessary easements for remaining utilities in the subject right-of-way.
2. Restoration the surface of the requested right-of-way to in accordance with an approved site plan.

**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. This building would be constructed to the property line, which would require its foundation system to extend into the subsurface portion of the subject right-of-ways.
2. **Size of Site:** The applicant’s property generally measures 126’ x 283’. The subject right-of-way follows the boundary of the applicant’s property.
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 are offices.
  - South* – “C-3”, Uses are multi-family residential and fire station.
  - East* – “C-3”, Uses are offices and surface parking.
  - West* – “C-3”, Use is a 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**

- 21
- 1. Utilities:** MidAmerican Energy has indicated that a 2" plastic gas main and gas service exist in a portion of the alley east of the applicant's property. They are requesting that an easement be reserved to allow for the continued operation and maintenance of these facilities. It appears that the gas main is not located in the subject portion of the alley and should not be affected by this request. The gas service lines will likely need to be adjusted. The applicant is responsible for any necessary relocation of the services or main and the necessary coordination with MidAmerican Energy.
  - 2. Traffic/Access:** The vacation and conveyance of subsurface rights will have no impact on access or traffic in the area.

## **SUMMARY OF DISCUSSION**

*There was no one in the audience to speak on this item and there was no discussion.*

*Kent Sovern moved to approve the requested vacation and conveyance subject to the following conditions:*

- 1. Relocation of all existing utilities necessary for the construction of the foundation and reservation of any necessary easements for remaining utilities in the subject right-of-way.*
- 2. Restoration the surface of the requested right-of-way to in accordance with an approved site plan.*

*Motion passed 11-0*

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:dfa

Attachment

Request from LADCO Development, Inc. (developer) represented by John Garnass (officer) for vacation and conveyance. The subject property is owned by Principiant Hotel Company.			<b>File #</b> 11-2006-1.19	
<b>Description of Action</b>	Vacate and convey the subsurface right-of-way adjoining the property at 912 Walnut Street, within the north 6' of Mulberry Street, the east 6' of 10 <sup>th</sup> Street, the south 6' of Walnut Street, and the east 6' of the west 12' of the north/south alley (west 6' previously vacated).			
<b>2020 Community Character Plan</b>	Downtown: Retail/Office core/Core Fringe.			
<b>Horizon 2025 Transportation Plan</b>	No Planned Improvements.			
<b>Current Zoning District</b>	"C-3" Central Business District Commercial District.			
<b>Proposed Zoning District</b>	"C-3" Central Business District Commercial District.			
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area	0	0	0	N/A
<b>Plan and Zoning Commission Action</b>	<b>Approval</b>	11-0	<b>Required 6/7 Vote of the City Council</b>	Yes
	<b>Denial</b>			No

LADCO Development Inc. - 10th Street & Walnut Street

11-2006-1.19

