



Date March 9, 2020

**RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION  
REGARDING REQUEST FROM EMPLOYERS MUTUAL CASUALTY COMPANY FOR  
VACATION OF SEGMENTS OF RIGHT-OF-WAY ADJACENT TO PROPERTY  
AT 655 WALNUT STREET**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on February 20, 2020, its members voted 8-0 to recommend **APPROVAL** of a request from Employers Mutual Casualty Company (owner) 655 and 701 Walnut Street, represented by Cindy McCauley (officer), to vacate the below listed segments of public right-of-way, all in the vicinity of 655 Walnut Street:

1. A segment of air rights within the east/west alley and 7<sup>th</sup> Street adjoining 655 Walnut Street to allow for encroachment of the private portion of the 2<sup>nd</sup> Story Skywalk Bridge over the street;
2. Two segments of surface and subsurface Right-of-Way on the eastern portion of 7<sup>th</sup> Street adjacent to 655 Walnut Street and 319 7<sup>th</sup> Street to allow for support elements of the Skywalk Bridge;
3. Two segments of surface and subsurface Right-of-Way on the western portion of 7<sup>th</sup> Street adjacent to 701 Walnut Street and 700 Locust Street,

subject to the following conditions:

1. Reservation of any necessary easements to allow public access to the alley entrances from 7<sup>th</sup> Street;
2. Reservation of any existing utilities until such time as they are abandoned or relocated at the applicant's expense; and
3. Any construction on the proposed vacations shall be in accordance with all administrative comments as part of the Site Plan review.

**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:

Judy K. Parks-Kruse  
Judy K. Parks-Kruse, Assistant City Attorney

(11-2020-1.02)

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

MOTION CARRIED APPROVED

**CERTIFICATE**

I, P. Kay Cmelik, 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.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

Date 3/9/20  
 Agenda Item 17  
 Roll Call # \_\_\_\_\_

March 3, 2020

Honorable Mayor and City Council  
 City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their February 20, 2020 meeting, the following action was taken regarding a request from Employers Mutual Casualty Company (owner) 655 and 701 Walnut Street, represented by Cindy McCauley (officer) for vacation of the following segments of Right-Of-Way.

- A) A segment of air rights within the east/west alley and 7<sup>th</sup> Street adjoining 655 Walnut Street to allow for encroachment of the private portion of the 2<sup>nd</sup> Story Skywalk Bridge over the street.
- B) Two segments of surface and subsurface Right-Of-Way on the eastern portion of 7<sup>th</sup> Street adjacent to 655 Walnut Street and 319 7<sup>th</sup> Street to allow for support elements of the Skywalk Bridge.
- C) Two segments of surface and subsurface Right-Of-Way on the western portion of 7<sup>th</sup> Street adjacent to 701 Walnut Street and 700 Locust Street.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 8-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
Abby Chungath	X			
Jacqueline Easley				X
Jann Freed				X
John "Jack" Hilmes				X
Lisa Howard	X			
Carolyn Jenison	X			
Greg Jones				X
William Page				X
Rocky Sposato	X			
Steve Wallace	X			
Greg Wattier				X
Emily Webb	X			

**RECOMMEND APPROVAL** of the requested vacations subject to the following conditions:

1. Reservation of any necessary easements to allow public access to the alley entrances from 7th Street.
2. Reservation of any existing utilities until such time that they are abandoned or relocated at the applicant's expense.
3. Any construction on the proposed vacations shall be in accordance with all administrative comments as part of the Site Plan review.

(11-2020-1.02)

### Written Responses

1 in Favor

0 in opposition

### **RECOMMENDATION TO THE P&Z COMMISSION**

Part A-C) Staff recommends approval of the requested vacations subject to the following conditions:

1. Reservation of any necessary easements to allow public access to the alley entrances from 7th Street.
2. Reservation of any existing utilities until such time that they are abandoned or relocated at the applicant's expense.
3. Any construction on the proposed vacations shall be in accordance with all administrative comments as part of the Site Plan review.

### **STAFF REPORT TO THE PLANNING COMMISSION**

#### **I. GENERAL INFORMATION**

1. **Purpose of Request:** The proposed vacations would allow construction of a skywalk connection between buildings at 655 Walnut Street and 700 Locust Street replacing a previous skywalk connection between 655 Walnut Street and 701 Walnut Street.
2. **Size of Site:** 269.2 square feet total for all proposed vacations.
3. **Existing Zoning (site):** "DX1" Downtown District. *DX1 is intended for the highest intensity of activity in the downtown, where mixed use buildings include offices, ground floor storefronts with shopping, services, and restaurants, and residential and lodging.*
4. **Existing Land Use (site):** The site consists of public 7<sup>th</sup> Street and alley rights-of-way.
5. **Adjacent Land Use and Zoning:**

**North** – “DX1”; Use includes 7<sup>th</sup> Street public right-of-way.

**South** – “DX1”; Uses include 7<sup>th</sup> Street public right-of-way.

**East** – “DX1”; Use includes Employers Mutual Casualty Company and the Des Moines Griffin Building.

**West** – “DX1”; Use includes a parking garage and proposed high-rise development under construction.

**6. General Neighborhood/Area Land Uses:** The subject property is located in Downtown Des Moines Neighborhood, which is an area consisting of a mix of multiple-household residential, office, commercial, religious, educational, and institutional uses.

**7. Applicable Recognized Neighborhood(s):** The subject property is located in the Downtown Des Moines Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on January 31, 2020 and by mailing of the Final Agenda on February 14, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on February 10, 2020 (10 days prior to public hearing) to the Neighborhood Associations and to the primary titleholder on file with the Polk County Assessor for each property adjacent or directly across the street from the requested right-of-way.

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 on the date of the mailing. The Downtown Des Moines Neighborhood Association notices were mailed to Peter Erickson, 214 Watson Powell Jr. Way #505, Des Moines, IA 50309.

**8. Relevant Zoning History:** On October 26, 2016, by Docket ZON2016-00185, the Zoning Board of Adjustment granted an Exception of 105 feet over the calculated maximum allowed 315 feet of height for a building at 701 Walnut Street to allow construction of a mixed-use (commercial and multiple-family residential) building having a maximum height of up 420 feet and a maximum prism volume of up to 4,536,045 cubic feet, on a parcel of land with 17,315 square feet of area

**9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Downtown Mixed Use.

**10. Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, 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:** A distribution water main, valves and hydrant connections are located within the 7<sup>th</sup> Street right-of-way. A sanitary conduit is located within the 7<sup>th</sup> Street right-of-way. The subject vacations do not appear to directly impact these utilities; however, any necessary easements must be reserved for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.

2. **Alley System:** The subject east/west alley rights-of-way provide access to the rear of the surrounding buildings including emergency pedestrian exits. The proposed vacations should not impact the ability to provide adequate access to the properties via this alley. Staff recommends approval of the requested vacations subject to reservation of any necessary easements to allow public access to the alley entrances from 7<sup>th</sup> Street.
3. **Streets/Sidewalk:** The proposed vacations would facilitate the construction of necessary support structures within the public rights-of-way, including the sidewalks and alley accesses, along the east and west sides of 7<sup>th</sup> Street. Staff recommends approval of the requested vacations subject to reservation of any necessary easements within the 7<sup>th</sup> Street rights-of-way.

### **SUMMARY OF DISCUSSION**

Dory Briles 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:**

Rocky Sposato made a motion for approval of the requested vacations subject to the following conditions:

1. Reservation of any necessary easements to allow public access to the alley entrances from 7th Street.
2. Reservation of any existing utilities until such time that they are abandoned or relocated at the applicant's expense.
3. Any construction on the proposed vacations shall be in accordance with all administrative comments as part of the Site Plan review.

Motion passed: 8-0

Respectfully submitted,



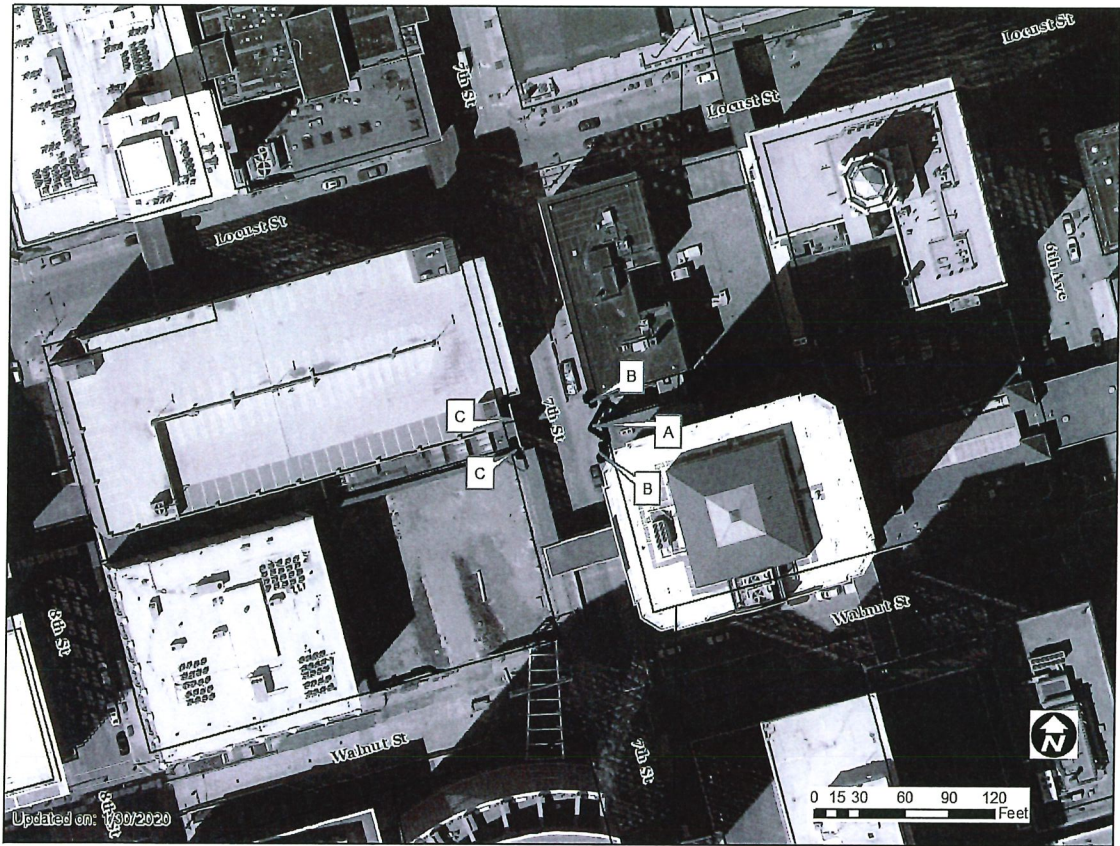
Erik Lundy, AICP  
Senior City Planner

EML:tjh  
Attachments

Employers Mutual Casualty Company (owner) 655 and 701 Walnut Street, represented by Cindy McCauley (officer).		File #		
		11-2020-1.02		
<b>Description of Action</b>	Vacation of the following segments of Right-Of-Way: A) A segment of air rights within the east/west alley and 7th Street adjoining 655 Walnut Street to allow for encroachment of the private portion of the 2nd Story Skywalk Bridge over the street. B) Two segments of surface and subsurface Right-Of-Way on the eastern portion of 7th Street adjacent to 655 Walnut Street and 319 7th Street to allow for support elements of the Skywalk Bridge. C) Two segments of surface and subsurface Right-Of-Way on the western portion of 7th Street adjacent to 701 Walnut Street and 700 Locust Street.			
<b>PlanDSM Future Land Use</b>	Current: Downtown Mixed Use. Proposed: N/A.			
<b>Mobilizing Tomorrow Transportation Plan</b>	No planned improvements.			
<b>Current Zoning District</b>	"DX1" Downtown 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>				
<b>Within Subject Property</b>	1	0		
<b>Plan and Zoning Commission Action</b>	Approval	X	<b>Required 6/7 Vote of the City Council</b>	Yes
	Denial			No

Employers Mutual Casualty Co., 655 and 701 Walnut Street

11-2020-1.02

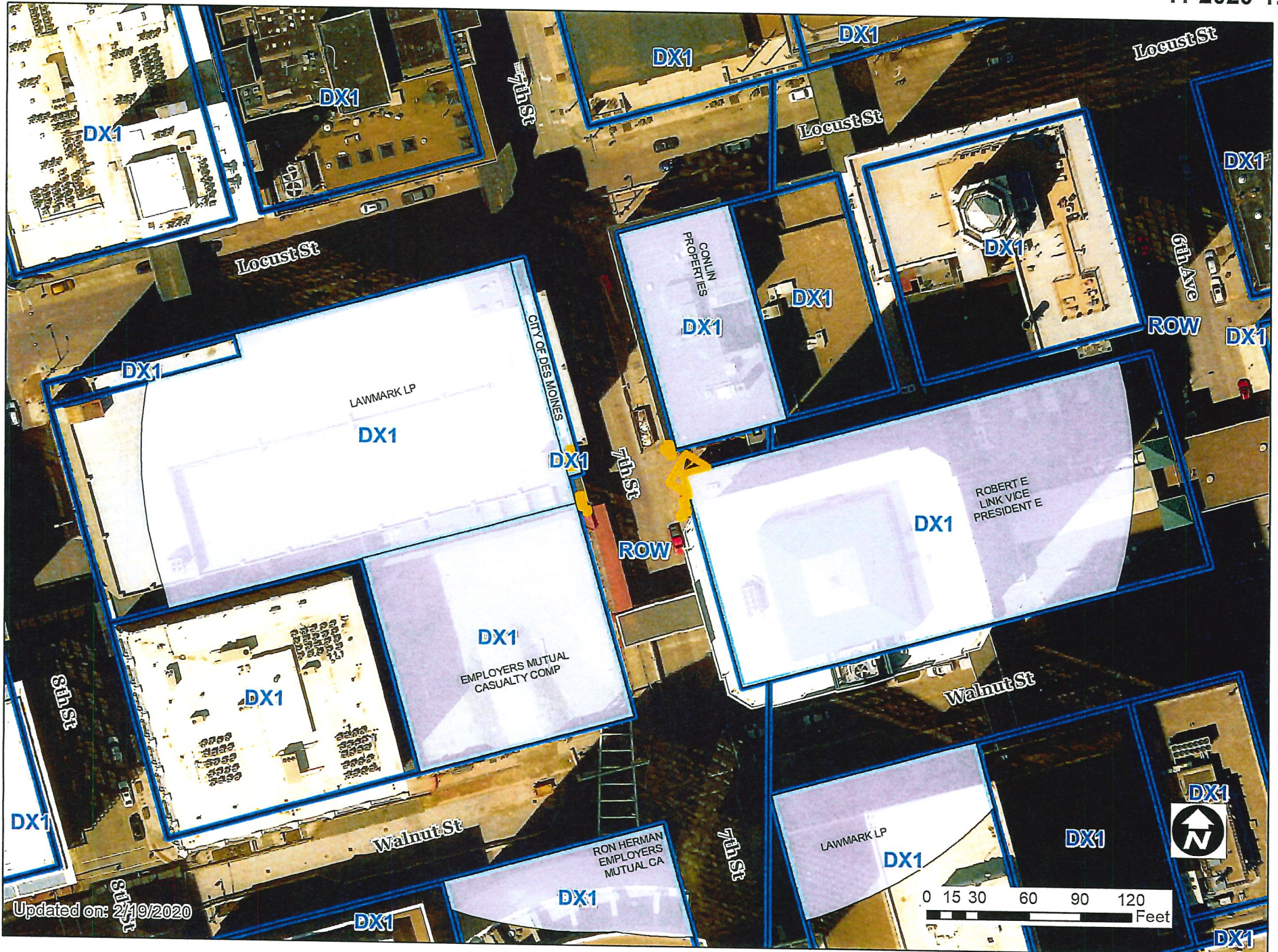


1 inch = 74 feet

Employers Mutual Casualty Co., 655 and 701 Walnut Street

11-2020-1.02

17



Updated on: 2/19/2020

0 15 30 60 90 120 Feet

Item: 11-2020-1.02 Date: 2/14/20

I (am) (am not) in favor of the request: SUBJECT PROPERTY OWNER

(Circle One) Print Name: Cindy McCawley, ARP-EMC

RECEIVED  
COMMUNITY DEVELOPMENT  
Signature: Cindy McCawley

FEB 18 2020 Address: 717 Mulberry St., Dubuque IA 52009

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