

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b> December 17, 2012
	<b>Agenda Item No.</b> 33 <b>Roll Call No.</b> <u>12-1944</u> <b>Communication No.</b> <u>12-615</u> <b>Submitted by:</b> <b>Matthew A. Anderson,</b> <b>Assistant City Manager</b>

**AGENDA HEADING:**

Approve conceptual development plans submitted by the Des Moines Social Club (Chris Draper, President and Zachary Mannheimer, Executive Director, 400 Walnut Street, Des Moines, Iowa), the developer for the to-be former central fire station property at 900 Mulberry Street.

**SYNOPSIS:**

This roll call:

- a. Receives/files the Urban Design Review Board recommendation to approve the conceptual development plans; and
- b. Approves the submitted conceptual development plans for the proposed redevelopment of the City-owned property at 900 Mulberry St. which satisfies one of the pre-sale requirements contained in the development agreement for the sale of the property.

**FISCAL IMPACT: NONE**

**ADDITIONAL INFORMATION:**

Background: The City received proposals for the purchase and re-use of the soon-to-be-vacated central fire station property at 900 Mulberry Street in June 2012. The City Council selected the Des Moines Social Club’s (DMSC) proposal to reuse the property as an arts incubator providing a wide range of arts, cultural and educational events and for-profit space that could include restaurant and coffee shop functions.

The City required potential developers to indicate whether the property would be nominated to the National Register of Historical Places and/or to the City of Des Moines’ Local Landmarks listing. The DMSC proposal indicated it would nominate the property to the National Register. As part of the sales contract requirements, the developer is required to nominate the buildings to the National Register of Historic Places and undertake its proposed renovations in accordance with the National Register requirements. DMSC hired a historical consultant who prepared the necessary documentation and submitted the nominations to the National Register in early November 2012.

An associated requirement of the development agreement requires the conceptual development plans to be approved by the City Council on or by December 17, 2012. The conceptual plan presented by the project architects, Slingshot Architecture (Greg Wattier), show minimal exterior changes to the two buildings; in addition, the building plans are subject to review and approval to qualify for federal and

state historical credits. Internal plans show the individual building's uses. Staff recommends approval of the submitted plans, finding the plans in conformance with the development proposal submitted to the City and requirements of the development agreement executed for the sale of the property.

Urban Design Review Board Review: As requested by the City Council, the Urban Design Review Board reviewed the conceptual development plans at its December 4, 2012 meeting and recommended approval with the following recommendations:

- a. Final plans should be reviewed by the Board prior to the proposed February sale of the property. Because there are several major items still to be determined including the heating/cooling systems (geothermal or a system that will include roof-top mounted units) and State of Iowa Historical Preservation Office determinations including a decision on whether retention of the radio tower is required or optional, the Board would like to review and comment on the more complete design plans.
- b. The Board recommends the Council nominate the property to become a City of Des Moines Local Landmark. While the developer's nomination of the buildings to the National Register of Historic Places and use of State of Iowa historical tax credits will provide a significant degree of oversight on the proposed redevelopment, the Board is concerned about the long-term protection of the buildings' character-defining elements and believes nomination to Local Landmark status with its required review and approval of any future changes to these elements by the Local Landmark Review Board is important in maintaining the property.

The Legal Department has stated the City cannot unilaterally impose the landmark requirement after the parties have agreed to the terms and entered into the development agreement for the sale of the property. This would be considered a substantial and material encumbrance upon the property and change to the conditions upon which the property is sold. The developer has indicated at this time it does not intend to pursue the Local Landmarks listing. It is recommended that no further action be taken on this suggestion.

#### **PREVIOUS COUNCIL ACTION(S):**

Date: December 3, 2012

Roll Call Number: [12-1875](#), [12-1876](#), [12-1877](#) and [12-1878](#)

Action: Items regarding the rezoning of 900 Mulberry Street (existing Central Fire Station):

- A) Amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Downtown Support Commercial to Downtown: Retail/Office Core/Core Fringe. Moved by Hensley to adopt and to approve the proposed amendment. Motion Carried 7-0.
- B) Hearing on rezoning of the property from "C3-A" (Central Business District Support Commercial) to allow use as the Des Moines Social Club with theater, restaurant and nightclub assembly venues. Moved by Hensley to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.
- C) First consideration of the ordinance above. Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.
- D) Final consideration of ordinance above (waiver requested by City Manager), requires 6 votes. Moved by Hensley that the rule requiring that an ordinance be considered and voted on for passage

at two Council meetings to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15,149. Motion Carried 7-0.

Date: December 3, 2012

Roll Call Number: [12-1872](#), [12-1873](#), and [12-1874](#)

Action: [On](#) vacation of alley right-of-way, Central Fire Station No. 1 at 900 Mulberry Street. Moved by Hensley to adopt. Motion Carried 7-0.

- A) [First](#) consideration of ordinance above. Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.
- B) [Final](#) consideration of ordinance above (waiver requested by Legal Department), requires six votes. Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15,148. Motion Carried 7-0.

Date: October 22, 2012

Roll Call Number: [12-1643](#) and [12-1644](#)

Action: [On](#) sale by installment contract of City-owned property in the vicinity of 900 Mulberry Street (Central Fire Station No. 1) to Des Moines Social Club, \$600,000. ([Council Communication No. 12-552](#)). Moved by Hensley to adopt. Motion Carried 7-0.

- A) [Communication](#) from Des Moines Social Club. Moved by Mahaffey to receive and file. Motion Carried 7-0.

Date: October 8, 2012

Roll Call Number: [12-1588](#) and [12-1589](#)

Action: Items regarding property in the vicinity of 900 Mulberry Street (Central Fire Station No. 1):

- A) [Directing](#) the Community Development Department and Plan and Zoning Commission to consider rezoning. Moved by Hensley to adopt. Motion Carried 7-0.
- B) [Setting](#) date of hearing on sale by installment contract of City-owned property to Des Moines Social Club, \$600,000, (10-22-12). ([Council Communication No. 12-540](#)). Moved by Hensley to adopt; refer to City Manager to set up a meeting with the Des Moines Social Club Board of Directors prior to the hearing. Motion Carried 7-0.

#### **BOARD/COMMISSION ACTION(S):**

Board: Urban Design Review Board

Date: December 4, 2012

Resolution Number: Receive/file resolution for the Board's communication containing its recommendation is on this agenda (December 17, 2012).

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

Several additional development agreement requirements relating to financing and issuance of a building must be met by the Des Moines Social Club prior to the actual sale of the property which is anticipated to be in February 2013.

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