

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	December 18, 2017
	Agenda Item No.	60A
	Roll Call No.	<u>17-2195</u>
	Communication No.	<u>17-842</u>
	Submitted by:	Erin Olson-Douglas, Economic Development Director

AGENDA HEADING:

Resolution approving the Conceptual Development Plan for The Fifth, a mixed-use project by 5th and Walnut Parking, LLC, at 422 Walnut Street.

SYNOPSIS:

On April 3, 2017, the City Council approved an Urban Renewal Development Agreement for the sale of land for private redevelopment of a 1.3-acre site located along 5th Avenue between Walnut Street and Court Avenue with 5th and Walnut Parking, LLC (Justin Mandelbaum, Developer, Mandelbaum Properties, 4500 Westown Parkway, West Des Moines, Iowa). The Conceptual Development Plan submitted for The Fifth includes 201 market rate apartment units stacked over a 117-key luxury boutique hotel fronting Walnut Street in a 39-story tower, a 5-story movie theater and office building on Court Avenue, and a privately operated 694-stall, 11-story parking garage that will be available for public use between the two. The Developer has further clarified that the parking structure is expected to contain 690 parking stalls versus the 694 shown in the Conceptual Development Plan to allow for a double-height entrance to a restaurant from the garage. The hotel is expected to contain 126 guest rooms versus the 117 shown in the Conceptual Development Plan. The Conceptual Development Plan is consistent with what was presented to the City Council in April 2017 in terms of the quality of development and building materials proposed.

On September 26, 2017, the Urban Design Review Board reviewed and approved the preliminary Conceptual Development Plan for The Fifth subject to comments provided by the Board. The Urban Design Review Board was supportive and complimentary of the Developer’s proposal. The comments from the review with the Urban Design Review Board meeting and staff recommendations for the Developer to consider amendments to the proposed Conceptual Development Plan are included in the additional information section below.

Staff recommends City Council approval of the Conceptual Development Plan subject to the Developer’s work with City Staff and the Urban Design Review Board on the items noted in the additional information below. Any future amendments to the Conceptual Development Plan will require additional Urban Design Review Board and City Council review and approval.

FISCAL IMPACT:

Amount: There is no direct fiscal impact associated with the approval of the Conceptual Development Plan.

Funding Source: N/A

ADDITIONAL INFORMATION:

On September 26, 2017, the Urban Design Review Board reviewed the preliminary Conceptual Development Plan for The Fifth and offered the following comments:

- Looks great. Appreciate how the design team has worked with staff and the Board. Feel it responds to key issues.
- Feel it is important that the alley entry/exit of the parking structure be available for the public use during high demand. I.e.: after movies, etc.
 - Staff note: This is an operational item that city staff will work with the development on once operational. Safety within the alley will be a top priority of how this exit will need to operate.
- Strongly feel that the curb line should be straight and the island in the middle of 5th and Court should disappear.
 - Staff note: This item will need additional study and review with the City's Traffic and Transportation division to determine how the traffic lanes, bike lanes and pedestrians all intersect at this intersection.
- Appreciate how the corner of 5th and Court was resolved with the use of masonry and glass. The space has been activated but remains sympathetic and responsive to the Court Avenue district and existing neighboring buildings.
- Feel the amount of bike parking is somewhat small. Encourage additional spaces if possible.
- Consider pedestrian crossing at the exit/entry of the parking structure.
- Appreciate the diagrams showing the property lines and the relationship. Support bringing the building closer to the plane of the Randolph building. Feel it is a good urban study.
 - Staff note: On October 23, 2017, the City Council approved the Third Amendment to the Third Restated Urban Revitalization Plan for the Citywide Urban Revitalization Area which updated the Court Avenue Historic Area boundary to remove The Fifth site, providing relief from the previously required 52-foot set back from the centerline of Court Avenue.
- Like the diagram of the streetscape along 5th Avenue. Looking forward to a streetscape that has an equal level of excitement and design thought to it as the building.
- Would be in favor of removing the 75% minimum brick standard as long as the design progresses and as long as the architects continue to take care to keep the lower proportion of the building at a pedestrian scale in accordance of the feel of the other buildings on Court Avenue.
 - Staff note: On October 23, 2017, the City Council approved the Third Amendment to the Third Restated Urban Revitalization Plan for the Citywide Urban Revitalization Area which updated the Court Avenue Historic Area boundary to remove The Fifth site, providing relief from the requirement that 75% of the building facades for the garage and hotel/apartment tower fronting any street to be brick.
- Concerned about the abruptness of the transition from office space to parking structure. As the design develops would like to be make sure it melds together gently flowing through.
- Would like to see more activation into the alleyway on the southeast elevation.
- Feel that a screen wall is important and that it unites the lower sections of the building; needs to screen the parking and tie the two other sides together. Understanding the scale of adjacent buildings and the context is good to show.

The Office of Economic Development recommends that the preliminary Conceptual Development Plan be approved as the Conceptual Development Plan for the project, subject to the Developer working with City Staff and the Urban Design Review Board to amend the preliminary Plan to incorporate the following:

- a) Consideration of additional bike parking if feasible and aesthetically appropriate.
- b) Clearly warn drivers and pedestrians of those locations where the driveways cross the public sidewalks and pedestrian pathways, using signage, pavement colors and textures, or other means.
- c) Further consideration of the transitions from the office space to the parking structure.
- d) The final design must conform with the fire separation requirements under the applicable Building and Fire Codes.
- e) The Skywalk Corridor and Vertical Access Facilities within the residential building and the parking garage must conform with the minimum design requirements under the Skywalk Ordinance.
- f) Appropriate easements must be acquired from the City for all building encroachments into the adjoining public rights-of-way.
- g) Appropriate relief must be obtained to remedy all nonconformities with the applicable requirements of the Zoning Ordinance.

PREVIOUS COUNCIL ACTION(S):

Date: July 17, 2017

Roll Call Number: [17-1202](#) and [17-1203](#)

Action: [First](#) Amendment to Urban Renewal Agreement for Sale of Land for Private Redevelopment with 5th and Walnut Parking LLC regarding the sale and redevelopment of the Fifth and Walnut Parking Garage at 422 Walnut Street. ([Council Communication No. 17-542](#)) Moved by Hensley to adopt; refer to the City Manager to be sure that the developer and staff over-communicate with affected businesses. Motion Carried 6-1. Nays: Gatto.

- (A) [Approving](#) private construction contract between the Weitz Company, LLC and 5th and Walnut Parking, LLC for Skywalk Bridge Improvements in Skywalk Bridges 4C-4D (Over Walnut) and 4C-5C (Over 5th), \$137,000. Moved by Hensley to adopt. Motion Carried 6-1. Nays: Gatto.

BOARD/COMMISSION ACTION(S):

Board: Urban Design Review Board

Date: September 26, 2017

Resolution Number: N/A

Action: Motion to approve incorporating the Board's comments by Reynolds. Seconded by Rypma. Motion carried. Yes – 8, No – 0, Absent – 2, Abstain – 0.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

- Site plan and zoning review – Plan and Zoning Commission
- Board of Adjustment – building height exceeding 200 feet
- Urban Design Review Board – amendments to the Conceptual Development Plan, if needed
- City Council – amendments to the Conceptual Development Plan, if needed

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the first floor of City Administration Building, 400 E. Court Avenue Ste.116. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to cityclerk@dmgov.org.