

COUNCIL COMMUNICATION

	Number:	20-462	Meeting:	October 19, 2020
	Agenda Item:	29	Roll Call:	20-1665
	Submitted by:	Erin Olson-Douglas, Development Services Department Director		

AGENDA HEADING:

Resolution Approving Issuance of Phased Footings and Foundation Permit for Rehabilitation and Development Project Located at 3750 Grand Avenue.

SYNOPSIS:

On February 24, 2020, the City entered into an Urban Renewal Development Agreement with 3750 Grand, LLC (Harry Bookey, Developer, 400 Locust Street, Suite 790, Des Moines, IA) for the partial rehabilitation of the vacant former First Church of Christ Scientist property located at 3750 Grand Avenue, and new construction of an 8-story building with approximately 38 condominiums on the upper six (6) stories and approximately 59 indoor parking stalls located on floors one (1) and two (2).

The Developer has very recently submitted its Legacy PUD Final Development Plan for review as required by the City's Planning and Design Code, with City Plan and Zoning Commission review anticipated for November 2020 and City Council consideration anticipated for December 2020.

The Developer wishes to commence construction of footings and concrete work in fall 2020 and has requested the issuance of a phased footings and foundation permit ahead of winter conditions in order to meet its completion schedule.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

- Des Moines Municipal Code Section 134-2.2.9.C requires that Legacy PUD Final Development Plans be submitted for review and approval to the City Plan and Zoning Commission and City Council.
- The Developer has identified as its hardship that over half of residential units in the project have been pre-sold with buyer expectations for closing in March 2022. This timeline will only be met if footings and foundations can be poured prior to the upcoming winter season. Any further delays could risk the overall project feasibility.
- In accordance with Municipal Code Section 135-9.3.7.F, City Development Services Department staff are able to administratively issue phased permits for limited construction purposes in certain circumstances prior to final plan approval.
- City staff have agreed to issue a phased permit for limited construction purposes for the above-described project, prior to consideration of the City Plan and Zoning Commission and the City

Council of the project's Legacy PUD Final Development Plan, which permit will allow the Developer to install footings, foundations, and structural elements up to the finished grade floor level elevation at the Developer's sole risk, with the Developer responsible for completion of the Legacy PUD Final Development Plan review and approval process and for obtaining a building permit for the remainder of the building at such time as the Plan is approved.

- City staff have further determined to provide this specific request for a phased permit to Council due to the pending consideration of the Legacy PUD Final Development Plan and due to the Urban Renewal Development Agreement entered into by the Developer and the City as described above.

PREVIOUS COUNCIL ACTION(S):

Date: July 13, 2020

Roll Call Number: [20-1117](#)

Action: [First](#) Amendment to the Urban Renewal Development Agreement with 3750 Grand, LLC for the partial rehabilitation and construction of an 8-story residential building with approximately 38 condominiums and 59 indoor parking stalls at 3750 Grand Avenue. ([Council Communication No. 20-310](#)) Moved by Gatto to adopt. Motion Carried 6-1. Absent: Boesen.

BOARD/COMMISSION ACTION(S):

Board: Urban Design Review Board

Date: January 7, 2020

Resolution Number: N/A

Action: Motion to approve the financial assistance from tax-increment as being reasonable and appropriate by Nagle. Seconded by Hielkema. Motion carried. Yes = 6, No = 0, Abstain = 0, Absent = 2. Motion to approve the final design as presented by Clark. Seconded by Wilke-Shapiro. Motion carried. Yes = 6, No = 0, Abstain = 0, Absent = 2.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

- Plan and Zoning Commission – recommendation on Legacy PUD Final Development Plan
- City Council – consideration of Legacy PUD Final Development Plan

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