

★ Roll Call Number

Agenda Item Number

SOA

Date May 21, 2007

WHEREAS, on August 7, 2000, by Roll Call No. 00-3381 the City Council adopted the Des Moines 2020 Community Character Land Use Plan; and


WHEREAS, the City Plan and Zoning Commission has advised in the attached letter that at a public hearing held April 19, 2007, the members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Nationwide Mutual Insurance Company (developer) represented by Douglas Gross (agent) to amend the Des Moines 2020 Community Character Plan designation from Downtown Support Commercial to Downtown High Amenity Office/Institutional for property located at 1206 Mulberry Street as more specifically shown on the accompanying map. The subject property is owned by William C. Knapp, L.C. represented by Gerard Neugent.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. That the proposed amendment to the Des Moines 2020 Community Character Land Use Plan described above, is hereby approved.
2. That all other parts of said Des Moines 2020 Community Character Land Use Plan are hereby deemed to remain in full force and effect and the Plan adopted by the City Council by Roll Call No. 00-3381 on August 7, 2000, and all subsequent amendments thereto including the amendment herein shall constitute the official comprehensive plan known as the Des Moines 2020 Community Character Land Use Plan.

MOVED by _____ to adopt, and approve the proposed amendment.

FORM APPROVED:


 Roger K. Brown
 Assistant City Attorney

(21-2007-4.02)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

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.

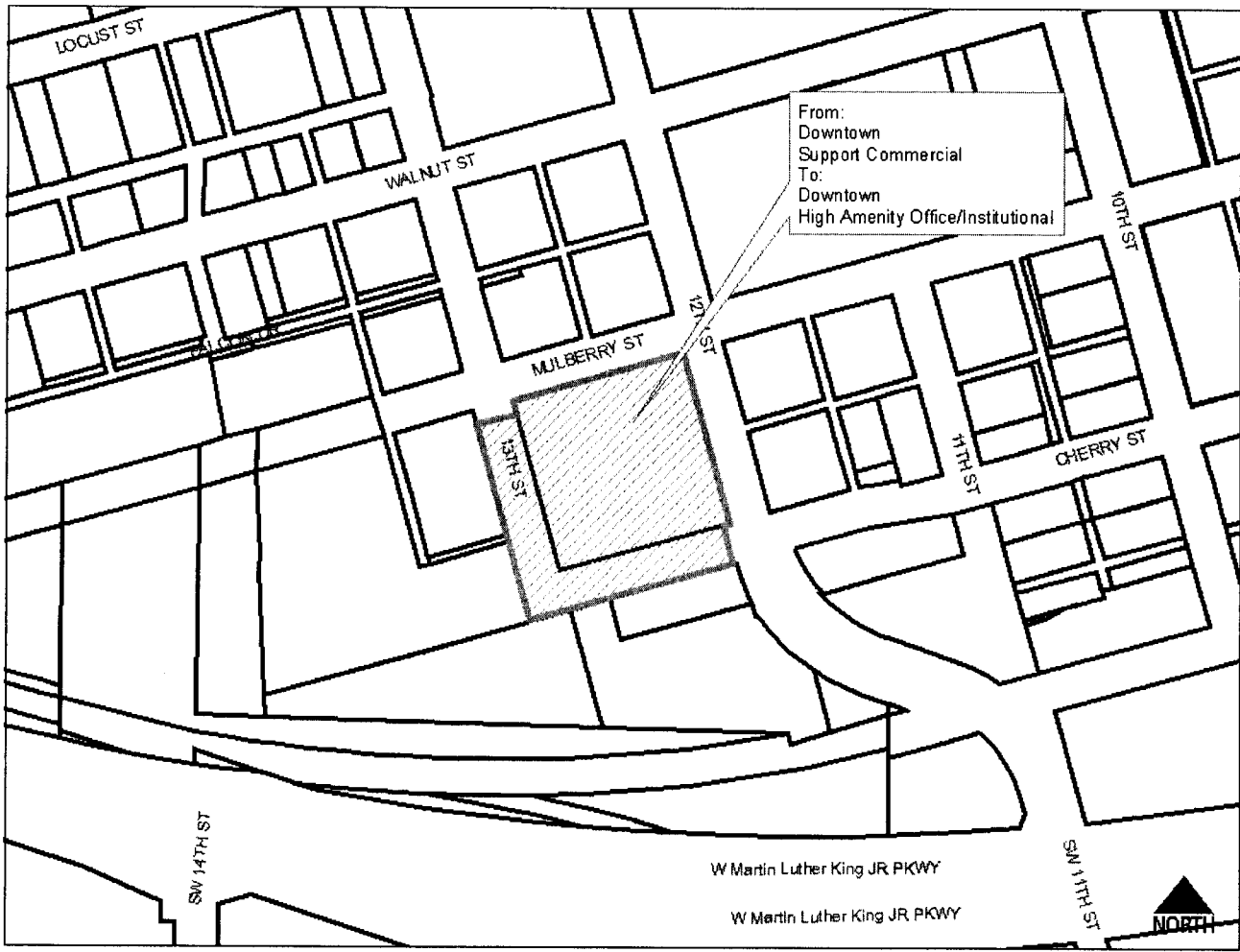
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

 Mayor

 City Clerk

50A

Nationwide Mutual Insurance Co. - 12th St to 13th & Mulberry St to Cherry St 21-2007-4.02



May 21, 2007

Date _____

Agenda Item SOA

Roll Call # _____

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 April 19, 2007, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 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
Jim Martin				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 Nationwide Mutual Insurance Company (developer) represented by Douglas Gross (agent) to amend the Des Moines 2020 Community Character Plan designation from Downtown Support Commercial to Downtown High Amenity Office/Institutional for property located at 1206 Mulberry Street as more specifically shown on the accompanying map. The subject property is owned by William C. Knapp, L.C. represented by Gerard Neugent. (21-2007-4.02)

By same motion and vote, members recommended **APPROVAL** of a request to rezone subject property from "C-3A" Central Business District Support Commercial District to "C-3" Central Business District Commercial District, to allow construction of an eight-story off-street parking structure with the recommendation to both the City Council and the Urban Renewal Board that the architecture of the garage accommodate adaptive use fronting on Mulberry Street rather than a structural wall that would preclude other uses. (ZON2007-00030)

Written Responses

7 In Favor

0 In Opposition

This item would not require a 6/7 vote of City Council.

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Part A) Staff recommends the proposed rezoning be found not in conformance with the Des Moines' 2020 Community Character Plan.

Part B & C) Staff recommends approval of the requested land use plan amendment and rezoning.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to clear the subject site and construct an eight-story parking garage to support the expansion of the Allied Insurance Headquarters to the north. The proposed parking garage will exceed the height limitations of the "C-3A" District. The subject property adjoins the "C-3" District to the east.
2. **Size of Site:** 78,680 square feet.
3. **Existing Land Use (site):** Two office buildings and surface parking.
4. **Adjacent Land Use and Zoning:**
 - North* – "C-3A"; Uses are office and warehousing.
 - South* – "C-3B"; Uses are surface parking and vacant land.
 - East* – "C-3" & "C-3A"; Uses are office and warehousing.
 - West* – "C-3B"; Uses are surface parking and vacant land.
6. **General Neighborhood/Area Land Uses:** The subject property is located at the southwestern fringe of the downtown core. It is two blocks south of the Western Gateway Park and two blocks north of West M.L. King Jr. Parkway.
7. **Applicable Recognized Neighborhood(s):** Downtown Des Moines Neighborhood.
8. **Applicable Regulations:** The Commission reviews all proposals to amend zoning regulations or zoning district boundaries within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in §414.3 of the Iowa Code. The Commission may recommend that certain conditions be applied to the subject property if the property owner agrees in writing, in addition to the existing regulations. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Site Plan Requirements:** The proposed development will be required to meet all of the City's site plan requirements, including landscaping and storm water management.
2. **2020 Community Character Plan:** The proposed rezoning will require the 2020 Community Character Plan to be amended from Support Commercial to High Amenity Office/Institutional. The High Amenity Office/Institutional Land Use Designation is intended to strengthen and compliment facilities in the retail and office core and to provide buildings for office, institutional, cultural, and recreational uses and hotels. The proposed parking garage supports the expansion of the Allied Insurance Headquarters, which is a major employer in the downtown and in turn supports the overall vitality of the downtown.

SUMMARY OF DISCUSSION

Erik Lundy: Presented staff report and recommendation.

Fran Koontz: Asked if there were any Capitol View problems.

Larry Hulse: Noted there was nothing in the area.

Erik Lundy: Noted the subject area is lower and the first and second and third floor levels will not see the Capitol and should not impact any protection corridors.

Brook Rosenberg: Asked about the City doing a large parking facility to the south of the subject site.

Larry Hulse: Noted in some of the Gateway planning there was a design scheme to work the topography and do parking and have development on it as well, but there are no real proposals other than the subject request.

Erik Lundy: Noted the structure will be 8 stories and 75' would be 5 stories, which would stay under the 75' limit so it will be another 15' to 20' higher.

Roger Brown: Emphasized the subject project would not return to the Commission. The parking garage is being constructed pursuant to an Urban Renewal agreement that has already been executed with the City of Des Moines so it will go through the Urban Design Review Board and City Council for approval.

Tim Urban: Asked if there is a concern about the incorporation of mixed use in the parking structure having some street front retail, etc., the Commission has no voice and the developer can decide just to have a parking structure from the ground up because there are no requirements for ground level retail being imposed.

Larry Hulse: Noted the Commission could offer a recommendation to the City Council to look at the Urban Renewal requirements/negotiations.

Dann Flaherty: Asked if the Commission could request the item return before final approval.

Roger Brown: Noted the City Council has already approved and executed an Urban Renewal contract for the subject property, which identifies that for the project to move forward the site will be used for a parking garage. There has been no provision in the agreement for retail uses. Suggested the idea was to push the retail uses closer to the Gateway Parkway or downtown core and the area has been viewed more as a support area and the goal has been not to loot the retail by spreading it this far to the south and west.

Fran Koontz: Asked if the Commission was merely a rubber stamp.

Larry Hulse: Noted there is a difference between the zoning request before the Commission and the Urban Renewal Agreements, which work on the actual development. The Commission's action is only for the rezoning request.

Erik Lundy: Noted the retail component is permitted with either the current or proposed zoning.

Larry Hulse: Noted the way the ramps are constructed are so the heights could be converted, but the primary purpose is for the parking.

Tim Urban: Reminded the Commission of the old Meadow Gold building and the discussion regarding the frontage on Grand Avenue. Noted the end result is an unsightly façade on a high

visibility street area that went through the Urban Review Committee and Architectural review. Stressed it would be a mistake for the Commission not to offer any oversight or direction. Suggested architecturally, precluding store front display in the mixed use areas with buildings that already have that character would be a mistake.

Bruce Heilman: Noted it is a bit unusual, and if the Commission votes against it they have to have a reason to and the design aspects are not in the Commission's purview.

Tim Urban: Noted the Commission puts restrictions on zoning all the time.

Larry Hulse: Explained the restrictions on zoning cannot be forced on the owner.

Bruce Heilman: Agreed the Commission could send recommendations along with any votes. There is no valid defensible reason not to go ahead with it.

Fran Koontz: Noted the Commission has seen the type of buildings that are regrettable.

Dann Flaherty: Asked what would happen if the request were tabled relative to the City Council's ability to hear the recommendations.

Roger Brown: Deferred to the applicant regarding their time schedule for completing the design. Indicated the change of zoning is for the change in height, which allows a smaller footprint. Explained the footprint for the building will fit on the site that is shown by being the height proposed. The City is buying the two green blocks to the west and the south, which leaves the City with a very large tract for development in the future. If Nationwide is not allowed to be permitted to build the taller building the footprint will have to expand. The developer can, by right, build a shorter, wider building or a smaller, taller building. The question for the Commission is if the area is appropriate for C-3 Downtown Commercial District or if it should remain C-3A Downtown Support.

Tim Urban: Did not think the issue was whether they should receive the higher option, but what capability the Commission had in improving the zoning to incorporate some design criteria either prescriptively in the zoning approval or by recommendation.

Larry Hulse: Noted the Commission has no ability to prescribe in any zoning case; the applicant has to agree to it. Noted the Commission can add a recommendation that the City Council look seriously at the adaptability of the first floor and explained they discuss that with all the ramps but the problem is in getting it to happen in market conditions.

Kent Sovern: Suggested a good evidence of the Allied Nationwide intent was the design that fronts Walnut adjacent to the Hotel Fort Des Moines, in which they have a design, which could be adaptable if the market should enable the reestablishment of retail along Walnut just as the parking ramp at Court Avenue behind the Federal Building is adaptable. Suggested the Commission should move on the request and wait for the hearing.

Mary Ericson, Brown, Winnick Law Firm, 666 Grand Avenue: Represented Nationwide. Pointed out that on the next item, under the development agreement they are going to consider the retail so it would be a viable item. It is a market-driven: what will be needed and what could be put in.

Tim Urban: Noted since the Commission has no oversight on the architecture they can either propose conditional rezoning in which the petitioner can either accept or reject, or make a recommendation that the petitioner incorporates certain issues within the proposal once they bring it forward and complete the Urban Renewal agreement, but the Commission has no way of enforcing that. Questioned whether there has been any consideration or if they have completed any plans for the building to show a capability of having the frontage on Mulberry adaptive to other uses other than just a louvered wall or some type of barrier that would reflect parking forever behind that wall.

Mary Ericson: Noted the design was approved and shows parking.

Fran Koontz: Noted it is not market driven if a building is built that is a barrier to adaptive reuse.

Mary Ericson: Indicated the alternative is that they can put it in the new service center. Does not want it to look like Nationwide is oblivious to the corporate needs.

Tim Urban: Noted the agenda item regards a parking structure fronting on Mulberry. There are other buildings on Mulberry and proximity that have store fronts and building fronts. There are office uses, warehouse uses and service uses. It is not a retail environment, but they do have other utilization frontage other than a blind or louvered wall, which is not only unsightly architecturally, but it is also not adaptive if it structurally precludes from being converted to other uses.

Mary Ericson: Noted Urban Renewal has approved the concept but not the design.

Larry Hulse: Noted it is difficult for Nationwide or anyone to bounce between different Boards and Commissions on design questions.

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one in the audience to speak on this item.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Tim Urban: Moved to approve staff recommendation with a Commission recommendation to both the City Council and the Urban Renewal Board that they consider the architecture of the garage accommodate adaptive use fronting on Mulberry Street rather than a structural wall that would preclude other uses.

Brian Millard: Noted this would be highly visible to the Gateway and MLK and he was hopeful the Council and Urban Renewal Board would look at the structure to make sure it is attractive if they are going to approve it.

Marc Wallace: Commented on the importance of considerations for reuse. Was not concerned geographically with the expansion of the downtown core as a result of the streets, but the Commission does need to foresee what is being done. Agreed with the recommendation.

Brook Rosenberg: Agreed with the recommendation as well. Noted some Commissioners attended the downtown project overview and one of the speakers spoke about what most of the discussion was brick and mortar and not the vision. Suggested it to be a perception that there may be favorable dealings going on with a very large corporate entity, because other developers have been restricted and he did not think justice was being done. Did not think there was anything wrong with the project, just concerned about perceptions.

Motion passed 12-0 to find it not in conformance with the Des Moines' 2020 Community Character Plan.

Motion passed 12-0 to amend the Des Moines' 2020 Community Character Plan future land use designation from Downtown Support Commercial to Downtown High Amenity Office/Institutional.

Motion passed 12-0 to rezone subject property from "C-3A" Central Business District Support Commercial District to "C-3" Central Business District Commercial District, to allow construction of an eight-story off-street parking structure with the recommendation to both the City Council and the Urban Renewal Board that the architecture of the garage accommodate adaptive use fronting on Mulberry Street rather than a structural wall that would preclude other uses.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Erik M. Lundy". The signature is written in a cursive, flowing style.

Erik Lundy, AICP
Senior Planner

EML:dfa

Attachment