

★ Roll Call Number

Agenda Item Number

57A

.....
May 21, 2007

Date

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 (owner) 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 1200 Locust Street as more specifically shown on the accompanying map.

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
Roger K. Brown
Assistant City Attorney

(21-2007-4.03)

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.

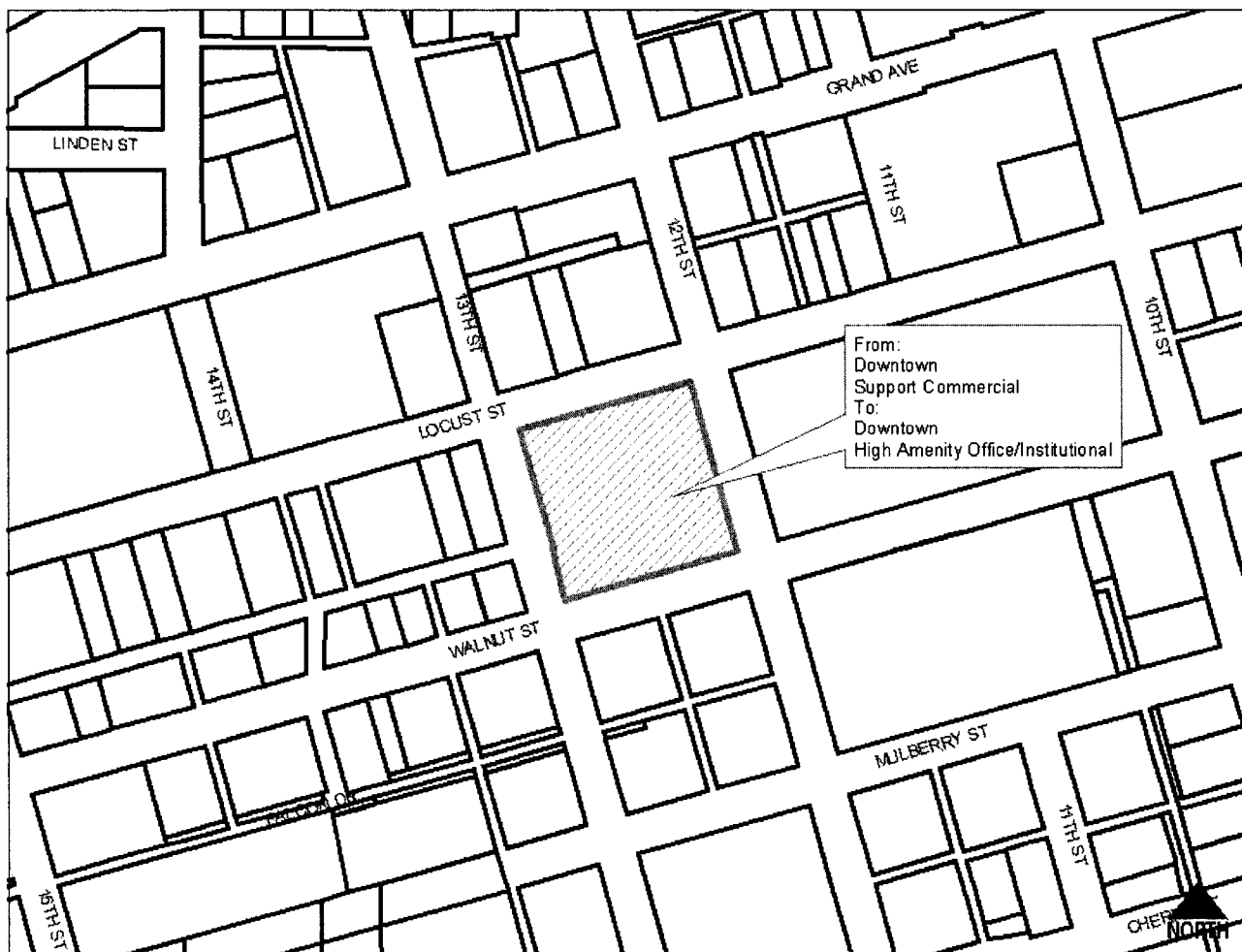
Mayor

City Clerk

SIA

Nationwide Mutual Insurance Co. - 12th St to 13th & Locust St to Walnut St

21-2007-4.03



May 21, 2007

Date _____

Honorable Mayor and City Council
City of Des Moines, Iowa

Agenda Item SIA

Roll Call # _____

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 (owner) 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 1200 Locust Street as more specifically shown on the accompanying map. (21-2007-4.03)

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 a five-story, 360,000 square foot office building. (ZON2007-00031)

Written Responses

3 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 construct a five-story, 360,000 square foot office building. The development as proposed could be constructed in the "C-3A" District. The existing Allied Insurance Campus to the east is zoned "C-3". The applicant prefers that the entire campus have the same zoning classification. The "C-3" District will give the applicant the flexibility of constructing a taller building if necessary. This district also has no off-street parking requirements. Parking for this building will be provided at the proposed eight-story parking garage at 1206 Mulberry Street.
2. **Size of Site:** 79,360 square feet.
3. **Existing Land Use (site):** Vacant land.
4. **Adjacent Land Use and Zoning:**
 - North* – "C-3A"; Use is Western Gateway Park.
 - South* – "C-3A"; Use is surface parking.
 - East* – "C-3"; Use is Allied Insurance Headquarters.
 - West* – "C-3A"; Uses are office and warehousing.
5. **General Neighborhood/Area Land Uses:** The subject property is located at the edge of the downtown core.
6. **Applicable Recognized Neighborhood(s):** Downtown Des Moines Neighborhood.
7. **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 office building will expand the Allied Insurance Headquarters and strengthen its position as a major employer in the downtown.

SUMMARY OF DISCUSSION

Erik Lundy: Presented staff report and recommendation. Noted there were some provisions in the agreement that they provide retail at the ground floor level and deferred to Matt Anderson at the Economic Development office for any further information relative to that agreement.

Tim Urban: Noted a parking garage was just approved two blocks south for the project and asked if there were any proposed physical linkage such as skywalks in the planning stages for tying the structures together.

Erik Lundy: Noted there was a proposal, but he had no maps to show the linkages.

Kent Sovern: Noted on all layouts he's seen there is a diagonal skywalk from the southwest to the northeast linking the two parking ramps. There is a building addition being completed to the west of the current building and on the southwest corner there is also a skywalk connection from the parking ramp through the southwest corner to the new addition.

Roger Brown: Noted there is a public corridor through the old Federal Home Loan Bank building across the bridge to the Hotel Fort Des Moines and has been expanded. At such time as the next building is built it will be expanded as a public corridor and if in the future something happens where a skywalk agreement is entered into and agreed to provide skywalk connection then the skywalk system will be extended across the block. At the time there is no knowledge of anything occurring there at this time. The garage on the site that was previously considered will be connected to the skywalk system by an extension through the existing garage and across the diagonal bridge and is to have a provision for a covered corridor potentially at ground-level with the idea that some day there may be a City parking facility or future development.

Erik Lundy: Noted the issue was the design flexibility on the height and potentially adding stories in the future.

Mary Ericson, Brown, Winnick law Firm, 666 Grand Avenue: Represented Nationwide.

CHAIRPERSON OPENED THE PUBLIC HEARING

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

CHAIRPERSON CLOSED THE PUBLIC HEARING

Kent Sovern: Moved to find the rezoning not to be in conformance with the Des Moines' 2020 Community Character Plan.

Motion passed 12-0.

Kent Sovern: Moved staff recommendations for the land use plan amendment and rezoning.

Tim Urban: Asked about the statement that the proposal is a mixed use but the zoning classification being provided would only allow mixed use not prescribe and asked if the same recommendation should be attached as on the previous request.

Kent Sovern: Noted he has seen the schematics for the new building facing 12th Street and the provision for street presence and other than the "Nationwide use" is very adaptable to retail and other uses on the first floor.

Larry Hulse: Noted the comments were accurate; the proposal is a perfect fit and works well.

Brook Rosenberg: Believes there to be a perception issue and questioned why the links were not presented to the Commission. He felt the Commission had an obligation to look at it and although he was not opposed to the project, he was concerned about the perception.

Larry Hulse: Noted it is simply a rezoning.

Brook Rosenberg: Argued it is not just a rezoning, it is a very large building and a very large parking ramp and asked why the information would not be a part of the Commissions packet if it is in fact available.

Kent Sovern: Concurred with some of the concern, particularly in light of the meetings Commissioners have been attending. Understood there is delineation of responsibility and authority, but expressed concern that the Park and Rec, Planning and Zoning and Urban Design are expected to work collaboratively. Even though it is only a rezoning, suggested there should be a more comprehensive review, indicating he has seen what's being proposed because he happens to be a neighbor. He suggested it would be helpful for the Commission to see that.

Larry Hulse: Expressed concern that there is an insinuation that the City is hiding something.

Dann Flaherty: Suggested it was not an insinuation that staff is hiding anything, but possibly elsewhere.

Larry Hulse: Did not believe there to be any hiding of any public decisions being made.

Fran Koontz: Explained this has been ongoing and Allied has received a lot of public money, in-kind streets, air rights, underground rights and more so the public does have a perception that when the little guy doesn't get something and the big guy does it has been hammered out before it becomes public.

Larry Hulse: Did not have a problem including the skywalk information on the projects but stressed that all decisions that are made on projects go to the proper boards and the Council does their job very diligently.


Tim Urban: Argued that the Commission does not have the scrutiny in the downtown area that they do elsewhere in the city. Suggested two things could be done. A procedural amendment could be proposed to bring the oversight back to the Commission, or to have a joint meeting with the Urban Design Board to share the Planning Commission's thoughts on the principles being discussed. Suggested scheduling an opportunity with the Chairman and Community Development Director with an agenda with design and planning issues the Commission would like to have explored.

Bruce Heilman: Agreed the Commission lacks scrutiny in downtown projects, but suggested it was much more problematic years ago. Suggested there are a lot of benefits to what has gone in downtown, but there would be stronger arguments for the Commission if they devised a list of what they don't like.

Kent Sovern: Asked for a vote on the motion.

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 and rezone the subject property from "C-3A" Central Business District Support Commercial District to "C-3" Central Business District Commercial District, to allow construction of a five-story, 360,000 square foot office building.

Respectfully submitted,


Erik Lundy, AICP
Senior Planner

EML:dfa

Attachment