

July 27, 2009
Date

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 16, 2009, its members voted 12-0 in support of a motion to recommend **APPROVAL** for vacation of the remaining intervening public alleys located in the block bound by Vine Street, Water Street, Market Street, and Southwest 2nd Street subject to the following conditions:

1. Conveyance shall be subject to the site being developed in conformance with the City's Design Guidelines for the Court Avenue Historic Area as approved by the Urban Design Review Board and with a "D-R" District site plan as approved by the Plan and Zoning Commission.
2. Reservation of easements for any existing utilities as necessary.

MOVED by _____ to receive and file and refer to the City Manager for review of proposed development.

FORM APPROVED:



Michael F. Kelley
Assistant City Attorney

(11-2009-1.10)

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

MOTION CARRIED

APPROVED

.....
Mayor

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.

City Clerk

Date _____

Agenda Item 15

Roll Call # _____

July 27, 2009

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 July 16, 2009, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	X			
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Dann Flaherty	X			
Ted Irvine	X			
Jeffrey Johannsen	X			
Greg Jones	X			
Frances Koontz				X
Jim Martin	X			
Brian Millard	X			
Mike Simonson	X			
Kent Sovern	X			

APPROVAL of the request from HRC Hotels, LLC (purchaser) 101 Southwest 2nd Street, represented by Jeffery Good (officer) all adjoining subject property is owned by Riverfront Associates, LP for vacation of the remaining intervening public alleys located in the block bound by Vine Street, Water Street, Market Street, and Southwest 2nd Street subject to the following conditions: 11-2009-1.10

1. Conveyance shall be subject to the site being developed in conformance with the City's Design Guidelines for the Court Avenue Historic Area as approved by the Urban Design Review Board and with a "D-R" District site plan as approved by the Plan and Zoning Commission.
2. Reservation of easements for any existing utilities as necessary.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of an amended request for vacation of right-of-way subject to the following conditions:

1. Conveyance shall be subject to the site being developed in conformance with the City's Design Guidelines for the Court Avenue Historic Area as approved by the Urban Design Review Board and with a "D-R" District site plan as approved by the Plan and Zoning Commission.
2. Reservation of easements for any existing utilities as necessary.



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

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is requesting the vacation to allow the alley to be incorporated with the sounding properties with the intent of developing a hotel.
2. **Size of Site:** Approximately 300 lineal feet.
3. **Existing Zoning (site):** "D-R" Downtown Riverfront District.
4. **Existing Land Use (site):** Gravel alley.
5. **Adjacent Land Use and Zoning:**

 North – "D-R", Uses are vacant commercial buildings and multiple-family dwellings.

 South – "D-R", Uses are warehousing and condo dwellings.

 West – "C-3R", Uses are warehousing.
6. **General Neighborhood/Area Land Uses:** The subject property is located in the Court Avenue district near the Des Moines River. The area includes a mix of commercial, industrial and residential uses.
7. **Applicable Recognized Neighborhood(s):** Downtown Des Moines Neighborhood.
8. **Relevant Zoning History:** N/A.
9. **2020 Community Character Land Use Plan Designation:** Downtown/ Support Commercial.
10. **Applicable Regulations:** The Commission reviews all proposals to vacate land dedicated for a specific public purpose, such as for streets and parks, to determine whether the land is still needed for such purpose or may be released (vacated) for other use. The recommendation of the Commission is forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Utilities:** Easements must be maintained for any existing utilities unless other arrangements are approved by the impacted utility.
2. **Traffic/Street System:** The proposed vacation should have no impact on traffic or vehicular access as all the properties that adjoin the alley are held in common ownership.
3. **Site Plan Standards:** The subject alley and adjoining properties are zoned "D-R" Downtown Riverfront District. This zoning district has specific design standards and requires site plans to be approved by the Plan and Zoning Commission.

Sec. 82-214.7. Design guidelines within D-R and C-3B districts.

- (a) The design guidelines within the D-R downtown riverfront district are intended to support and enhance the downtown riverfront as a safe and lively people-oriented open-space spine, connecting a series of distinct destination nodes within a urban setting of high-quality buildings. The district is aimed at supporting redevelopment that will significantly enhance

the downtown riverfront, attracting visitors and residents of the metropolitan region to a waterfront resource that has been underutilized for many years. These guidelines are intended to work with the D-R downtown riverfront district regulations in chapter 134 to assure that redevelopment adjacent to the river is pedestrian oriented and compatible with the new mixed-use neighborhoods, commercial and residential nodes planned for the area as further described in section 134-1035.

The design guidelines within the C-3B central business mixed-use district are intended to establish a lively pedestrian-scaled, urban setting. These guidelines are intended to work with the C-3B central business mixed-used district regulations in chapter 134 to assure that redevelopment is pedestrian-oriented and compatible with the new mixed-use neighborhoods.

- (b) In acting upon any site plan application for property located within the D-R downtown riverfront district or C-3B central business mixed-use district, the plan and zoning commission shall apply the design regulations in section 82-213 of this article and the design guidelines in this section. The decision to approve, approve subject to conditions or disapprove a proposed site plan shall be based upon the conformance of the site plan with such design regulations and the following guidelines. These guidelines shall be applied to the entire site when a new building is constructed or an existing building is expanded by more than 50 percent of its gross floor area as of the time it became part of the D-R downtown riverfront district or C-3B central business mixed-use district. If a building is expanded by less than 50 percent of its gross floor area as of the time it became part of the D-R downtown riverfront district or C-3B central business mixed-use district, then these guidelines shall apply only to the expansion of the building.
- (1) **Building Heights.** Minimum height for all uses that are not built integral to the levee as part of the Riverwalk redevelopment, should be the lesser of 36-feet or 3-stories.
 - (2) **Riverfront setbacks.** Riverfront setbacks for all new construction (that is not built integral to the levee and as part of a riverfront park) should be a minimum of 100 (horizontal) feet from the high water mark of the river. Redevelopment adjacent to a riverfront park (not part of the levee reconstruction) should front a continuous public right-of-way. This could be either a road built to an urban standard, or an alternative profile of a minimum 20' width that clearly delineates a public right-of-way between new private development and the riverfront park.
 - (3) **Lighting.** All new exterior lighting upon private property should be pedestrian in scale. The use of private overhead floodlighting is discouraged.
 - (4) **Residential building standards.** New residential buildings should also comply with the following guidelines:
 - a. Building front entrances should face public rights-of-ways. Those buildings with river frontage should be oriented towards the riverfront (except when located above street level retail).
 - b. At least one building entrance for the residential uses should directly access the street when located above street-level retail.
 - c. Buildings should have a building frontage on the principal street of not less than 70 percent of the lot frontage on the principal street.
 - d. Buildings should have a maximum setback of 15 feet from the public right-of-way.

- e. Service entrances, waste disposal areas and other similar uses should be located adjacent to service lanes and away from major streets and the public right-of-way adjacent to the river.
- (5) Commercial building standards. New commercial buildings should also comply with the following guidelines:
- a. Buildings should have a building frontage on the principal street of not less than 70 percent of the lot frontage on the principal street.
 - b. A minimum of 70 percent of the building frontage should be set within one foot of the front lot line.
 - c. Building entrances on new development sites that have river frontage (and are not integral to the levy), should be oriented both towards the riverfront and the primary street.
 - d. Service entrances, waste disposal areas and other similar uses should be located adjacent to service lanes and away from major streets and the public right-of-way adjacent to the river.
 - e. Restaurants may operate outdoor cafes on public sidewalks while maintaining pedestrian circulation subject to obtaining an areaway permit.
- (6) Storage of any and all materials and equipment should take place within completely enclosed buildings. All open areas should be paved or landscaped, properly maintained and kept free from refuse and debris. All refuse collection containers and dumpsters should be enclosed on all sides by the use of a permanent wall of wood, brick, or masonry. The enclosure, including any gates for pedestrian and/or disposal truck access, should be constructed to provide at least a 75% opaque screen of the receptacle from any street.
- (7) All open areas not used for off-street loading or parking should be landscaped in accordance with the Des Moines Landscape Standards. (See Site Plan Landscape Policies)
- (8) Access doors for any warehouse use and any loading docks should not front on any public street. That portion of a building fronting on a public street should be used in an office or other commercial use.
- 4. Urban Design:** The subject alley is located in the Court Avenue District along the Des Moines Riverwalk corridor and to the north of the new Martin Luther King Jr. Parkway corridor. These areas have received significant public and private investment in an effort to strengthen the downtown.

It is in the public's interest to protect these investments by insuring that any City-owned land or right-of-way that is sold is incorporated in developments that use quality materials and fit the historic urban character of the area. Staff believes that the alley should not be vacated and conveyed unless it is incorporated into a development that complies with the design standards set out in the City's Design Guidelines for the Court Avenue Historic Area.

The following are the standards from the City's Design Guidelines for the Court Avenue Area.

III. DESIGN REQUIREMENTS - REHABILITATION

The intent of these requirements is to establish objectives and minimum standards which must be met in order to develop rehabilitation projects which qualify for tax abatement. All these requirements must be met in order to qualify for tax abatement.

- A In order to ensure preservation of historic resources for future generations, new alterations or additions shall be done in such a manner that if such improvements were to be removed in the future, the essential form and integrity of the structure would be unimpaired.
- B In order to ensure preservation and enhancement of existing historic resources, alterations and additions to existing properties must avoid destroying significant historic or architectural material and must be compatible with the size, scale, color, material and character of the property and the district.
- C In order to encourage the preservation of existing historic resources, property owners must not leave known structural problems and other problems untreated which will cause continued deterioration of buildings identified as "significant historic buildings" on Map #2.
- D In order to encourage a fuller utilization of existing historic structures property owners must rehabilitate and put into service or retain in service over half of the upper levels of a building at the time of the improvement.
- E To prevent permanent damage to existing historic resources, sandblasting of brick and wood and stone exterior surfaces and brick interior walls must be avoided and will disqualify a property for tax abatement.
- F In order to preserve architectural character and building scale, projects must retain and restore existing windows or replace them with original and/or appropriate windows which are similar to the original in size, frame, operation, material, profile and setback from face of masonry. Original masonry openings on any street facade must be restored and retained. A minimum of 50% of the square footage of masonry openings on all other facades are encouraged to be restored and retained where not in conflict with existing building codes.
- G In order to preserve the architectural value of Court Avenue Area buildings, owners must not block down original window or door openings or fill in typical storefronts and street level facades to accept smaller sized windows and doors.

IV. DESIGN REQUIREMENTS - NEW CONSTRUCTION

The following design objectives and design requirements must be met by new construction projects in order to qualify for tax abatement

- A In order to build upon the commercial style brick warehouse character of the Court Avenue Historic Area and set off the Beaux Art design of the Civic Center Historic District (see attached Map #4), new project must not imitate the classically inspired architecture of the Civic Center Historic District.
- B In order to continue the predominance of brick as a building material in the Court Avenue Historic Area and also allow for the introduction of contemporary building materials, a minimum of 75% brick is required on all street facades and a minimum of 50% on other sides. (Masonry openings are not included in this percentage). A traditional brick size is required.
- C In order to encourage an appropriate level of development intensity and achieve compatibility with existing historic structures, new buildings must be a minimum of 36' in height with a breakdown or delineation at floor levels
- D In order to insure new construction which does not overwhelm adjacent historic buildings, new buildings can not exceed 80' in height for any portion of the building set at or within 20' of a streetside property line. Portions of the project which exceed this height must be set back a minimum of 20' from the streetside property line.
- E In order to maintain the concept of a street wall and the commercial development pattern of building up to the property line, a minimum of 50% of the linear frontage of the street facade of the main level of any new construction must be set at the property line and 60% of the remaining 50% must be within 10' of the property line.
- F In order to carry out the typical pattern of architectural emphasis of the street level, where ceiling heights range from 12'-16' in height, new construction must have a main level ceiling height of a minimum of 11' in height.
- G In order to build upon the pedestrian character of Court Avenue, projects along Court Avenue must have predominantly retail/commercial, civic/cultural uses or entertainment uses at the street level.
- H In order to achieve a scale of new construction which is similar to the scale of the existing historic building pattern in this area, various design measures must be taken to subdivide the facade and add visual richness to the area. Belt courses, vertical subdivision into bays, cornices, changes in patterns of masonry openings, fluctuation in height and other interruptions to monotonous repetitions must be implemented.

SUMMARY OF DISCUSSION

Kent Sovern stated there is an article on the Des Moines Register website regarding the item that quotes Mr. Terry Hall of HRC Management as saying "that working with this City of Des Moines has been a 10 out of 10 experience when it comes with dealing with governmental units." Congratulated the City Manager, the former City Manager, the Mayor, and the Council and all of the City Staff who have worked diligently over a lot of years to improve the City's review processes.

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one in the audience to speak in opposition.

CHAIRPERSON CLOSED THE PUBLIC HEARING

There was no discussion.

COMMISSION ACTION

Leisha Barcus moved staff recommendation to approve the request for vacation of right-of-way subject to the following conditions:

1. Conveyance shall be subject to the site being developed in conformance with the City's Design Guidelines for the Court Avenue Historic Area as approved by the Urban Design Review Board and with a "D-R" District site plan as approved by the Plan and Zoning Commission.
2. Reservation of easements for any existing utilities as necessary.

Motion passed 12-0.

Respectfully submitted,



Jason Van Essen, AICP
Senior City Planner

JMV:clw

Attachment

Request from HRC Hotels, LLC (purchaser) 101 Southwest 2 nd Street, represented by Jeffery Good (officer) for vacation of the remaining intervening public alleys located in the block bound by Vine Street, Water Street, Market Street, and Southwest 2 nd Street. All adjoining subject property is owned by Riverfront Associates, LP.				File # 11-2009-1.10	
Description of Action	Vacation of the remaining intervening public alleys located in the block bound by Vine Street, Water Street, Market Street, and Southwest 2 nd Street.				
2020 Community Character Plan	Downtown: Support Commercial				
Horizon 2025 Transportation Plan	No Planned Improvements				
Current Zoning District	"D-R" Downtown Riverfront District				
Proposed Zoning District	"D-R" Downtown Riverfront District				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area				N/A	
Outside Area					
Plan and Zoning Commission Action	Approval	12-0	Required 6/7 Vote of the City Council	Yes	N/A
	Denial			No	N/A

HRC Hotels LLC - SW 2nd Street and Vine Street

11-2009-1.10

