

Date November 18, 2013

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on November 7, 2013, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from YMCA of Greater Des Moines (owner), 505 6<sup>th</sup> Avenue, represented by Vernon Delpesce (officer) for vacation of air rights over the Grand Avenue and 6<sup>th</sup> Avenue rights-of-way adjoining the subject property and for vacation of a portion of the north side of Grand Avenue right-of-way adjoining the subject property. This would allow for development of an Olympic swimming pool arena building with portions that would cantilever over both street rights-of-way to include a support column that would be located on the north side of Grand Avenue outside of the travelled portion of the street. This project is proposed as part of improvements to convert the former Polk County Convention Complex for the Downtown YMCA recreational facility subject to the following conditions:

1. Coordination of the design for any addition with any affected utilities and public improvements to ensure necessary protection or relocation of those facilities within the right-of-way.
2. Compliance with comments by the Urban Design Review Board for any portions of the proposed project that will affect the adjoining rights-of-way.

MOVED by \_\_\_\_\_ to receive and file and refer to the Engineering Department, Real Estate Division.

FORM APPROVED:

  
 Michael F. Kelley  
 Assistant City Attorney

(11-2013-1.17)

| COUNCIL ACTION | YEAS     | NAYS | PASS | ABSENT |
|----------------|----------|------|------|--------|
| COWNIE         |          |      |      |        |
| COLEMAN        |          |      |      |        |
| GRIESS         |          |      |      |        |
| HENSLEY        |          |      |      |        |
| MAHAFFEY       |          |      |      |        |
| MOORE          |          |      |      |        |
| 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

November 13, 2013

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 November 7, 2013, the following action was taken regarding a request from YMCA of Greater Des Moines (owner), 505 6<sup>th</sup> Avenue, represented by Vernon Delpesce (officer) for vacation of air rights over the Grand Avenue and 6<sup>th</sup> Avenue rights-of-way adjoining the subject property and for vacation of a portion of the north side of Grand Avenue right-of-way adjoining the subject property.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 13-0 as follows:

| Commission Action: | Yes | Nays | Pass | Absent |
|--------------------|-----|------|------|--------|
| Dory Briles        | X   |      |      |        |
| JoAnne Corigliano  | X   |      |      |        |
| Shirley Daniels    | X   |      |      |        |
| Jacqueline Easley  | X   |      |      |        |
| Tim Fitzgerald     |     |      |      | X      |
| Jann Freed         | X   |      |      |        |
| Dann Flaherty      | X   |      |      |        |
| John "Jack" Hilmes | X   |      |      |        |
| Ted Irvine         | X   |      |      |        |
| Greg Jones         | X   |      |      |        |
| William Page       | X   |      |      |        |
| Christine Pardee   | X   |      |      |        |
| CJ Stephens        |     |      |      | X      |
| Vicki Stogdill     | X   |      |      |        |
| Greg Wattier       | X   |      |      |        |

**APPROVAL** of the requested vacation of air rights within 6<sup>th</sup> Avenue and Grand Avenue as well as right-of-way in Grand Avenue necessary for a structural support column, subject to the following conditions: (11-2013-1.17)

1. Coordination of the design for any addition with any affected utilities and public improvements to ensure necessary protection or relocation of those facilities within the right-of-way.
2. Compliance with comments by the Urban Design Review Board for any portions of the proposed project that will affect the adjoining rights-of-way.



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 RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation of air rights within 6<sup>th</sup> Avenue and Grand Avenue as well as right-of-way in Grand Avenue necessary for a structural support column, subject to the following conditions:

1. Coordination of the design for any addition with any affected utilities and public improvements to ensure necessary protection or relocation of those facilities within the right-of-way.
2. Compliance with comments by the Urban Design Review Board for any portions of the proposed project that will affect the adjoining rights-of-way.

## STAFF REPORT

### I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to redevelop the former Polk County Convention Complex for a Downtown YMCA, to include an addition to the west for an Olympic swimming pool arena which would have the upper portions cantilever over both Grand Avenue and over 6<sup>th</sup> Avenue. There would also be a support column that would be placed within an area that is currently within the public sidewalk along the north side of Grand Avenue near the center of the block.
2. **Size of Site:** Area 1 along Grand Avenue is 1,211 square feet and 21,798 cubic feet of air space. Area 2 along 6<sup>th</sup> Avenue is 2,859 square feet and 51,462 cubic feet. The location of the column would be completely contained within Area 1 but does not have a defined area.
3. **Existing Zoning (site):** "C-3" Central Business District Commercial District and "GGP" Gambling Games Prohibition Overlay District.
4. **Existing Land Use (site):** Street right-of-way.
5. **Adjacent Land Use and Zoning:**
  - North* – "C-3", Use is the former Polk County Convention Complex.
  - South* – "C-3", Uses are Grand Avenue right-of-way and the Liberty Building parking structure.
  - East* – "C-3"; Use former Polk County Convention Complex.
  - West* – "C-3"; Uses are 6<sup>th</sup> Avenue right-of-way and the Roman Catholic Diocese Offices.
6. **General Neighborhood/Area Land Uses:** The subject property is located in the heart of the downtown central business district at the intersection of two major traffic corridors of Grand Avenue (westbound) and 6<sup>th</sup> Avenue (northbound).

- 7. Applicable Recognized Neighborhood(s):** The subject property is located in the Downtown Des Moines Neighborhood. This neighborhood association was notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhood associations on October 22, 2013. Additionally, separate notifications of the hearing for this specific item were mailed on October 28, 2013 (10 days prior to the hearing) to the Downtown Des Moines Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property adjoining the right-of-way requested to be vacated. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on November 1, 2013.

All agendas and notices are mailed to the primary contact person designated to the City of Des Moines Neighborhood Development Division by the recognized neighborhood association. The Downtown Des Moines Neighborhood notices were mailed to Larry Bradshaw, 418 6<sup>th</sup> Avenue, Suite 902, Des Moines, IA 50309.

- 8. 2020 Community Character Land Use Plan Designation:** Downtown: Intensive, Mixed Use Office/Residential.

- 9. Applicable Regulations:** The Commission reviews all proposals to vacate land or air rights dedicated for a specific public purpose, such as for streets and parks, to determine whether the land or air rights are 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:** There are existing traffic signals and street lights that will be impacted by the proposed project in both areas. There are AT&T subsurface communication vaults in the vicinity of the proposed column that would possibly be impacted by the project. These affected utilities would have to be considered in the design of project and the developer would be responsible for protection or relocation if necessary.
- 2. Street System:** The proposed design gives adequate clearance over both pedestrian ways and vehicular traffic ways within the proposed right of way. Portions of the building that would cantilever over the sidewalks would not allow for tree plantings within the right of way. A very small portion of the roof would project over the vehicular traveled area of 6<sup>th</sup> Avenue but would have adequate clearance for all vehicles.
- 3. Urban Design:** The submitted perspective rendering indicates that the proposed addition will have a mezzanine level that will project over the rights-of-way at approximately the same elevation as the existing skywalk over Grand Avenue from the former convention complex to the south. Most of the exterior material will be glass with metal and concrete finishes. Urban Design staff for the City has expressed concern over the portion of the building at grade with the 6<sup>th</sup> Avenue streetscape which would be an expansive wall with no proposed openings.

Because the project affects the public right-of-way and existing skywalk system, it will also be reviewed by the Urban Design Review Board on November 5, 2013. That Board will be considering building and streetscape design. Any relevant comments from that meeting will be forwarded to the Commission at the meeting on November 7,

2013. Staff recommends that any vacation be subject to any comments from the Urban Design Review Board.

**SUMMARY OF DISCUSSION**

Mike Ludwig noted in the staff recommendation for Item #2 the condition that addresses the compliance with comments by the Urban Design Review Board is in place because the Board has not finalized their review of the project yet. Prior to Council action to either approve the vacations or prior to the conveyance of the property those conditions would need to be addressed.

Will Page asked except for the skywalks, are there incidents in Des Moines when air rights are involved.

Mike Ludwig stated there have been a few recently for balcony projections over the right-of-way. One recently was on E. Locust Street. The air rights for balcony projections are more common.

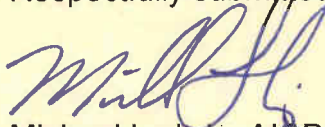
**COMMISSION ACTION:**

Christine Pardee moved staff recommendation to approve the requested vacation of air rights within 6<sup>th</sup> Avenue and Grand Avenue as well as right-of-way in Grand Avenue necessary for a structural support column, subject to the following conditions:

1. Coordination of the design for any addition with any affected utilities and public improvements to ensure necessary protection or relocation of those facilities within the right-of-way.
2. Compliance with comments by the Urban Design Review Board for any portions of the proposed project that will affect the adjoining rights-of-way.

Motion passed 13-0. (Tim Fitzgerald was not yet present)

Respectfully submitted,



Michael Ludwig, AICP  
 Planning Administrator

MGL:clw  
Attachment

|   |  |              |  |                               |   |
|---|--|--------------|--|-------------------------------|---|
| Request from YMCA of Greater Des Moines (owner), 505 6 <sup>th</sup> Avenue, represented by Vernon Delpesce (officer) for vacation of air rights over the Grand Avenue and 6 <sup>th</sup> Avenue rights-of-way adjoining the subject property. |  |              |  | <b>File #</b><br>11-2013-1.17 |   |
| <b>Description of Action</b>  | Approval for vacation of air rights over the Grand Avenue and 6 <sup>th</sup> Avenue rights-of-way adjoining the subject property. This would allow for development of an Olympic swimming pool arena building with portions that would cantilever over both street rights-of-way, all as part of improvements to convert the former Polk County Convention Complex for the Downtown YMCA recreational facility subject to conditions. |              |  |                               |   |
| <b>2020 Community Character Plan</b>  | Downtown: Retail/Office Core/Core Fringe (current & no change proposed)  |              |  |                               |   |
| <b>Horizon 2035 Transportation Plan</b>   | No Planned Improvements  |              |  |                               |   |
| <b>Current Zoning District</b>  | "C-3" Central Business District Commercial   |              |  |                               |   |
| <b>Proposed Zoning District</b>   | "C-3" Central Business District Commercial   |              |  |                               |   |
| <b>Consent Card Responses</b>   | In Favor   | Not In Favor | Undetermined                                 | % Opposition                  |   |
| Inside Area   | 1  |              |  |                               |   |
| Outside Area  |  |              |  |                               |   |
| <b>Plan and Zoning Commission Action</b>  | Approval   | 13-0         | <b>Required 6/7 Vote of the City Council</b> | Yes                           |   |
|   | Denial   |              |  | No                            | X |

YMCA of Greater Des Moines - Vicinity of 6th Ave & Grand Ave 11-2013-1.17



11-2013-1.17

Item

Date

10/31/2013

(am) (am not) in favor of the request.

(Circle One)

RECEIVED

COMMUNITY DEVELOPMENT

Print Name

DOWNTOWN NEIGHBORHOOD ASSOC.

NOV 07 2013

Signature

[Signature] PRESIDENT

DEPARTMENT

Address

418 6th AVE STE 902 50309

Reason for opposing or approving this request may be listed below:

Five horizontal lines for providing reasons for opposing or approving the request.





YMCA ROW EXHIBIT DRAWING  
10/1/13

Property Lines  
Building Overhand in ROW  
Column Location

