



**Roll Call Number**

**Agenda Item Number**

15 ✓

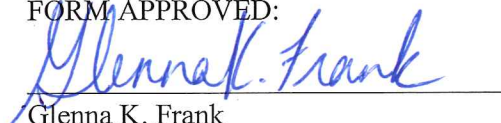
**Date** November 3, 2014

**RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING A REQUEST FROM SIEGEWORKS LODGING, LLC (PURCHASER), REPRESENTED BY LINCOLN MCILRAVY (OFFICER), FOR VACATION OF A PORTION OF THE AIR RIGHTS WITHIN THE SOUTH 7 FEET OF EAST LOCUST STREET ADJOINING THE NORTH OF 201 EAST LOCUST STREET, TO ALLOW FOR A CANOPY EXTENSION ABOVE THE FIRST FLOOR OF THE PROPOSED HOTEL BUILDING**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 16, 2014, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Siegeworks Lodging, LLC (purchaser), represented by Lincoln McIlravy (officer), for vacation of a portion of the air rights within the south 7 feet of East Locust Street adjoining the north of the property locally known as 201 East Locust Street, to allow for a canopy extension above the first floor of the proposed hotel building at 201 East Locust Street, subject to resolving the conflict with the pedestrian lighting arms of the street lights on the Locust Street streetscape.

**MOVED** by \_\_\_\_\_ to receive and file the attached communication from the Plan and Zoning Commission and refer to the Engineering Department, Real Estate Division.

FORM APPROVED:



Glenna K. Frank  
Assistant City Attorney

(11-2014-1.12)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
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









October 24, 2014

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 October 16, 2014, the following action was taken regarding a request from Siegeworks Lodging, LLC (purchaser) 201 East Locust Street represented by Lincoln McIlravy (officer) for vacation of a portion of the air rights within the south 7 feet of East Locust Street adjoining the north of the subject property, to allow for a canopy extension above the first floor of the proposed hotel building. The subject property is owned by 201 East Locust, LLC.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 11-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles	X			
JoAnne Corigliano	X			
Jacqueline Easley	X			
Tim Fitzgerald				X
Dann Flaherty	X			
Jann Freed	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 subject to resolving the conflict with the pedestrian lighting arms of the street lights on the Locust Street streetscape. (11-2014-1.12)

## STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation subject to resolving the conflict with the pedestrian lighting arms of the street lights on the Locust Street streetscape.

### Written Responses

1 In Favor

0 In Opposition

## STAFF REPORT TO THE PLANNING COMMISSION

### I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant intends to redevelop the northern portion of the block bounded by East 2<sup>nd</sup> Street, Locust Street, East 3<sup>rd</sup> Street, and East Walnut Street. The proposal is to construct a 6-story hotel building with 137 guest rooms fronting East Locust Street. A canopy for the proposed hotel would extend from above the first floor out over the sidewalk along East Locust Street.
2. **Size of Site:** 20,509 (0.47 acres).
3. **Existing Zoning (site):** "C-3B" Central Business Mixed-Use District, "DO" Downtown Overlay District, "GGP" Gambling Games Prohibition Overlay District, and "CDO" Capitol Dominance Overlay District (Area A), "PSO" Pedestrian-Oriented Sign Overlay District, and "FSO" Freestanding Sign Overlay District.
4. **Existing Land Use (site):** The site is currently unoccupied and existing improvements are being demolished. The block was previously occupied by the Bud Mulcahy Jeep dealership followed by partial use for Enterprise Car Rental and professional offices.
5. **Adjacent Land Use and Zoning:**
  - North** – "C-3B"; Uses are surface parking lot for Embassy Suites Hotel and a 3-story multi-tenant office building.
  - South** – "C-3", Use is vacant land proposed for a 7-story 124-unit apartment building.
  - East** – "C-3B"; Uses are one-story retail and warehouse for Koch Brothers office supply and a surface parking lot.
  - West** – "D-R"; Use is the Embassy Suites hotel.
6. **General Neighborhood/Area Land Uses:** The surrounding area generally contains a mix of commercial and residential uses in the eastern Downtown core.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Historic East Village Neighborhood. This neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on September 26, 2014. A Final Agenda



was mailed to the neighborhood association on October 10, 2014. Additionally, separate notifications of the hearing for this specific item were mailed on October 6, 2014 (10 days prior to the hearing) to the Historic East Village Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Historic East Village Neighborhood Association notices were mailed to Colleen MacRae, PO Box 93904, Des Moines, IA 50393.

- 8. Relevant Zoning History:** The City Council rezoned the subject property to a Limited "C-3" Central Business Commercial District on September 27, 2010. The conditions on the Limited "C-3" District required the following:
- A. Prohibit the use of the properties for adult entertainment businesses, mobile home parks, automobile washing (open bays and unattended), pawn shops, financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles, monument sales yards, sheet metal shops and sign painting shops.
  - B. Automotive Repair and Vehicle Display Lots subject to Vehicle Display Lot Site Plan Regulation continue to be permitted uses.
  - C. C-3B design guidelines, as set out in Section 82-214.7, 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 calculated at the time of the rezoning to a Limited C-3 District and with any site plan regulations applicable to the specific use. If a building is expanded by less than 50 percent of its gross floor area as calculated at the time of the rezoning to a Limited C-3 District, then the C-3B guidelines shall apply only to the expansion of the building as set out in Section 82-214.7 and with any site plan regulations applicable to the specific use.

The subject property is also within the "CDO" Capitol Dominance Overlay District, which limits the height of structures in order to "preserve and protect the dominance of the State Capitol and the view of the Capitol from prominent public viewing areas". The overlay district regulations for this parcel limit a structure to a maximum building height of 55 feet, with the caveat that a building may have a maximum height of 75 feet if the portion of the structure over 55 feet in height is entirely devoted to a residential use.

The developer was granted an Exception to the maximum 55 foot building height by the Zoning Board of Adjustment on April 23, 2014 subject to the following conditions:

- A. Any building shall be constructed in general compliance with all applicable building codes with issuance of all necessary permits by the Permit and Development Center.

- B. Any building shall be constructed in accordance with a Site Plan as approved by the Plan and Zoning Commission. This Site Plan must satisfy the design guidelines applicable for multiple-family residential, for the "C-3B" Central Business Mixed Use District, and for the "D-O" Downtown Overlay District.
- C. Any building shall comply with the Conceptual Development Plan as contained in a development agreement approved by the City Council.

The Urban Design Review Board considered the proposed site and building designs as part of a proposed development agreement for City financial incentive on August 19, 2014. The Board did not forward any affirmative recommendation to the City Council. On September 4, 2014, the Plan and Zoning Commission approved a Site Plan for the proposed 7-story, 134 guestroom hotel building subject to the vacation of air rights for any portion of the canopy that encroached into the public Right-of-Way.

**9. 2020 Community Character Land Use Plan Designation:** Downtown Retail/Office Core/Core Fringe.

**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:** The proposed building projections would not interfere with any aerial utilities, Right-of-Way signage or traffic control devices. At this time there is a conflict between the existing Locust Street streetscape lighting and the proposed canopy overhang. The pedestrian sidewalk lighting lamp heads project into the proposed airspace at this time.
- 2. **Air Rights:** The proposed hotel would have an approximately 4-foot tall canopy across the eastern portions of the north façade above the first story that would extend out over the public sidewalk. This would not extend over vehicular travelled portions of the street. The proposed canopy would have 11.7 feet of clearance over the grade of the public sidewalk.

**SUMMARY OF DISCUSSION**

Greg Jones asked if anyone was present to speak on this item. None were present or requested to speak.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

*There was no one to speak in favor or in opposition of the applicant's request.*

**COMMISSION ACTION:**

Staff recommends approval of the requested vacation subject to resolving the conflict with the pedestrian lighting arms of the street lights on the Locust Street streetscape.

Motion passed 11-0. (Tim Fitzgerald was not yet in attendance)

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:clw

Attachment



Siegeworks Lodging, LLC (purchaser) 201 East Locust Street represented by Lincoln McIlravy (officer). The subject property is owned by 201 East Locust, LLC.		<b>File #</b> 11-2014-1.12	
<b>Description of Action</b>	Approval of the requested vacation of a portion of the air rights within the south 7 feet of East Locust Street adjoining the north of the subject property, to allow for a canopy extension above the first floor of the proposed hotel building subject to resolving the conflict with the pedestrian lighting arms of the street lights on the Locust Street streetscape..		
<b>2020 Community Character Plan</b>	Current: Downtown Retail/Office Core/Core Fringe. Proposed: N/A.		
<b>Horizon 2035 Transportation Plan</b>	No planned improvements.		
<b>Current Zoning District</b>	"C-3" Central Business District Commercial District.		
<b>Proposed Zoning District</b>	N/A.		
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined
Inside Area	1	0	
Outside Area			
<b>Plan and Zoning Commission Action</b>	Approval	11-0	<b>Required 6/7 Vote of the City Council</b>
	Denial		Yes
			No
			X

Siegeworks Lodging, LLC, 201 East Locust Street

11-2014-1.12





11-2014-1.12

Item

Date

10/9/14

I (am) / (am not) in favor of the request

RECEIVED  
(Circle One)

IOWA STATE BANK

COMMUNITY DEVELOPMENT

Print Name

BY: JOHN BURGESSON, CEO

OCT 14 2014

Signature

John E. Burgess

DEPARTMENT

Address

627 EAST LAUST, DES MOINES

IA

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

CANOPY IS DESIRED IN EAST VILLAGE