



Roll Call Number

Agenda Item Number

16

Date December 22, 2014

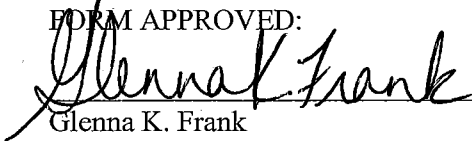
**RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION  
REGARDING A REQUEST FROM IOWA MACHINE SHED COMPANY  
(PURCHASER/ DEVELOPER) FOR VACATION OF AIR, SURFACE AND SUBSURFACE RIGHTS  
WITHIN EAST GRAND AVENUE AND SUBSURFACE RIGHTS WITHIN EAST 4<sup>TH</sup> STREET  
ADJOINING 409-423 EAST GRAND AVENUE**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on December 4, 2014, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Iowa Machine Shed Company (purchaser/developer), represented by Kirk Whalen (officer), for vacation of the air rights within a portion of the south 14.17 feet of East Grand Avenue, the surface rights within a portion the south 3.25 feet of East Grand Avenue, and the subsurface rights within the south 5 feet of East Grand Avenue and within a portion of the east 5 feet of East 4th Street, all adjoining the real property locally known as 409-423 East Grand Avenue and being redeveloped by Iowa Machine Shed Company; and

**WHEREAS**, said formal written communication from the Plan and Zoning Commission regarding the Commission's recommendation to approve the requested vacation is attached hereto.

**MOVED** by \_\_\_\_\_ to receive and file the attached communication from the Plan and Zoning Commission.

FORM APPROVED:

  
Glenna K. Frank  
Assistant City Attorney

(11-2014-1.16)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
TOTAL				

MOTION CARRIED

APPROVED

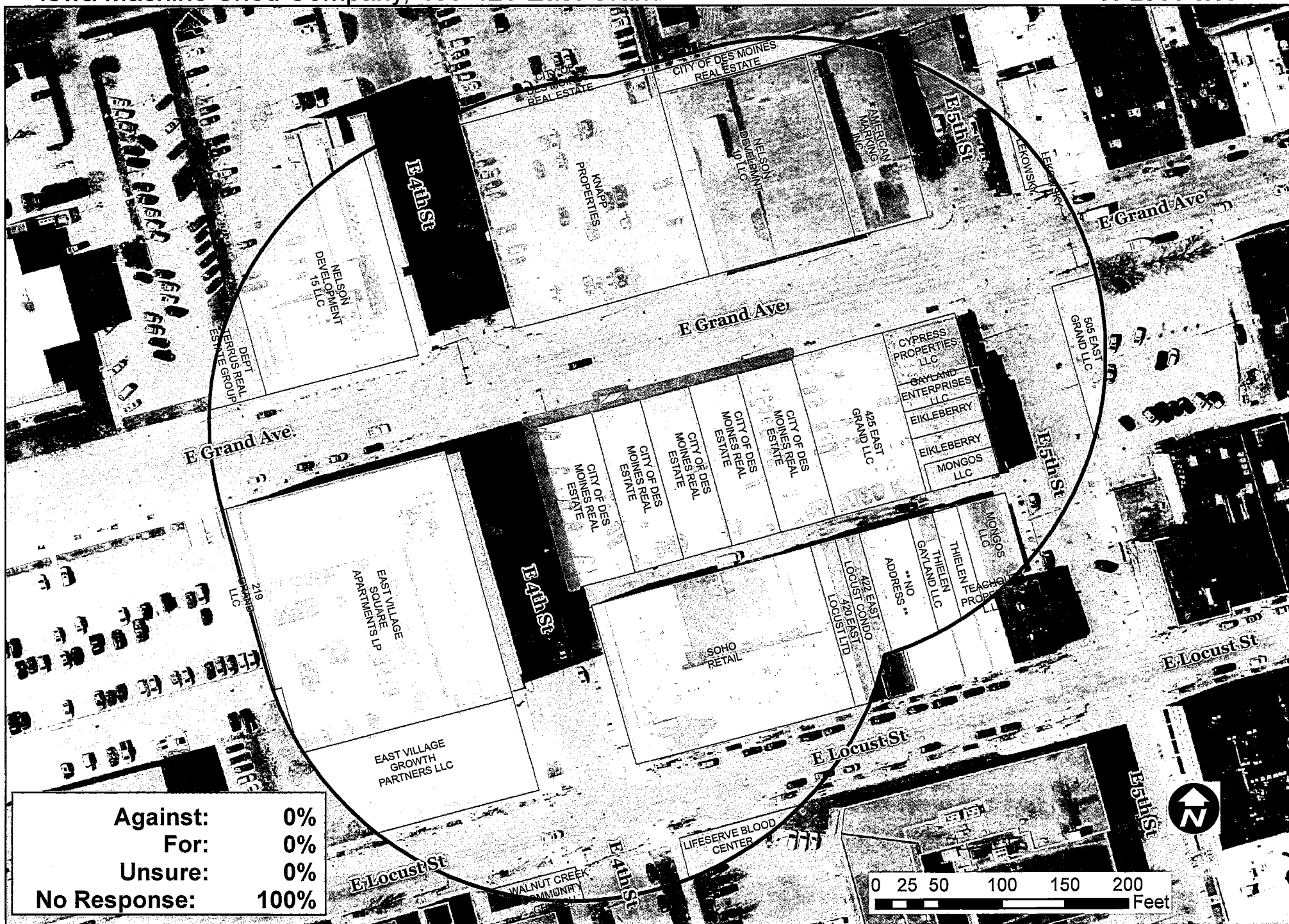
Mayor

**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.

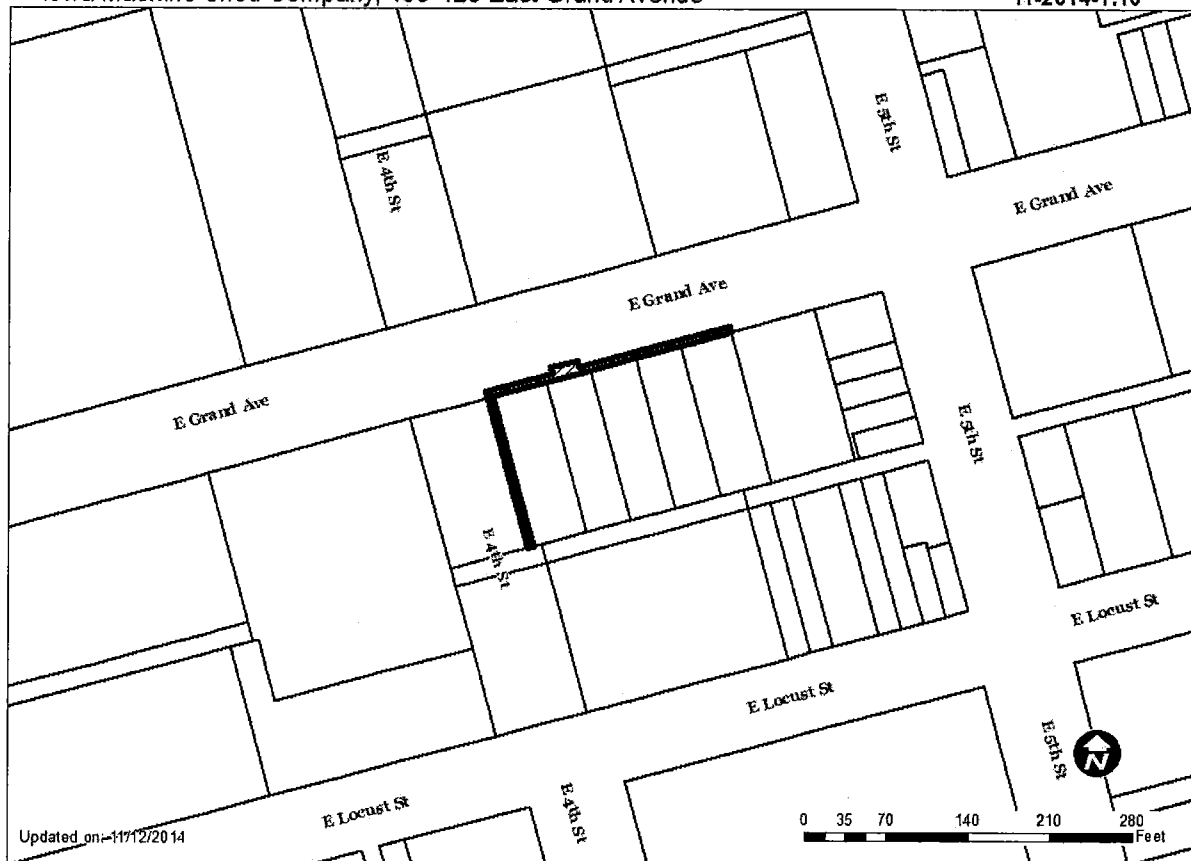
City Clerk



Request from Iowa Machine Shed Company (purchaser/developer) represented by Kirk Whalen (officer) on property located at 409-423 East Grand Avenue. The subject property is owned the City of Des Moines.		<b>File #</b> <b>11-2014-1.16</b>	
<b>Description of Action</b>	Approval of the requested Vacation of the air rights within a portion of the south 14.17 feet of East Grand Avenue, adjoining the subject property; vacation of the surface rights within a portion the south 3.25 feet of East Grand Avenue, adjoining the subject property; and vacation of the subsurface rights within the south 5 feet of East Grand Avenue and within a portion of the east 5 feet of East 4th Street, adjoining the subject property.		
<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-3B" Central Business Mixed-Use District.		
<b>Proposed Zoning District</b>	N/A.		
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined
Inside Area			
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

Iowa Machine Shed Company, 409-423 East Grand Avenue

11-2014-1.16





December 12, 2014

Date \_\_\_\_\_

Agenda Item 16

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 December 4, 2014, the following action was taken regarding a request from Iowa Machine Shed Company (purchaser/developer) represented by Kirk Whalen (officer) 409-423 East Grand Avenue, for vacation of the air rights within a portion of the south 14.17 feet of East Grand Avenue, adjoining the subject property; vacation of the surface rights within a portion the south 3.25 feet of East Grand Avenue, adjoining the subject property; and vacation of the subsurface rights within the south 5 feet of East Grand Avenue and within a portion of the east 5 feet of East 4<sup>th</sup> Street, adjoining the subject property. The subject property is owned the City of Des Moines.

**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			
Greg Jones	X			
William Page	X			
Mike Simonson	X			
CJ Stephens				X
Vicki Stogdill	X			
Greg Wattier	X			

**APPROVAL** of the requested vacation.

(11-2014-1.16)

**STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Part A) Staff recommends approval of the requested vacation.

Part B) Staff recommends approval of the Site Plan, subject to the following conditions:

1. Compliance with all administrative review comments of the City's Permit and Development Center.
2. All exterior lighting shall be low-glare cut-off fixtures.
3. Any refuse collection enclosure shall be constructed with masonry walls to match the building and solid steel gates.
4. Provision of bike racks along East Grand Avenue near the main entrance or along the west edge of the western most planter bed.
5. Provision of overstory street trees along East Grand Avenue in accordance with the City's Landscaping Standards.
6. Provision of trees in the green space to the south of the basement level parking entrance/exist ramp as approved by the Planning Administrator.
7. Elimination of the proposed East Grand Avenue driveway.
8. The front entrance canopy shall be reduced in depth so it sets terminates south of the East Grand Avenue curb line. The height of the canopy shall be reduced as approved by the Urban Design Review Board, or by the Planning Administrator should the Board not recommend a specific height.
9. The architecture of the building shall comply with any revisions required by any future review by the City's Urban Design Review Board.

## **STAFF REPORT TO THE PLANNING COMMISSION**

### **I. GENERAL INFORMATION**

1. **Purpose of Request:** The applicant is proposing to construct a six (6) story hotel building that would be 75 feet in height. The development would include underground parking and a surface parking lot to the rear (south) of the building. The applicant is seeking financial assistance from the City. Therefore, the overall financing and design of the project is also subject to review by the Urban Design Review Board (UDRB). Their recommendations are forwarded to the City Council.
2. **Size of Site:** 28,099 square feet (0.645 acres).
3. **Existing Zoning (site):** "C-3B" Central Business Mixed Use District, "CDO" Capitol Dominance Overlay District, Downtown Overlay District, "GGP" Gambling Games Prohibition Overlay District, and Freestanding Sign Overlay District.
4. **Existing Land Use (site):** Surface parking lot.
5. **Adjacent Land Use and Zoning:**
  - North** – "C-3B"; Use is a surface parking lot.
  - South** – "C-3B"; Use is Soho Lofts mixed-use development.

**East** – “C-3B”; Use is the historic Norden Hall building (commercial use).

**West** – “C-3B”; Use is East Village Square mixed-use development.

- 6. General Neighborhood/Area Land Uses:** The site is located in an area that contains a mix of residential and commercial uses that is known as the East Village.
- 7. Applicable Recognized Neighborhood(s):** The subject property is located in the Historic East Village Neighborhood. This neighborhood association was notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhood associations on November 14, 2014. Additionally, separate notifications of the hearing for this specific item were mailed on November 24, 2014 (10 days prior to the hearing) to the Historic East Village Moines Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on November 26, 2014.

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 Historic East Village Neighborhood notices were mailed to Colleen MacRae, P.O. Box 93904, Des Moines, IA 50393.

- 8. Relevant Zoning History:** On November 19, 2014, the Zoning Board of Adjustment granted an Exception of 20 feet over the maximum 55 feet of height for a non-residential building in Area B of the Capitol Dominance Overlay District, a Variance of two (2) signs over the maximum two (2) signs allowed for a business in the “C-3B” District, and an Exception of 46 square feet over the maximum 100 square feet of signage area allowed for a business in the “C-3B” District 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 a Conceptual Development Plan as contained in a development agreement approved by the City Council.

The Board also granted the applicant a Conditional Use Permit for a business selling alcoholic liquor, wine, and/or beer subject to the following conditions:

- a) Any sale of liquor, wine, and/or beer shall be ancillary to a hotel use.
- b) Any sale of liquor, wine, and/or beer shall be in accordance with a liquor license obtained through the Office of the City Clerk as approved by the City Council.
- c) Any business shall comply with Article IV of Chapter 42 of the City Code pertaining to noise control.
- d) The business shall conspicuously post 24-hour contact information for a manager or owner of the business near the main public entrance.
- e) The business shall institute a strict no loitering policy and cooperate with police in addressing any loitering on the premises.

- f) The business shall not dispense alcoholic beverages from a drive-through window.
- g) Litter and trash receptacles shall be located at convenient locations inside and outside the premises, and operators of the business shall remove all trash and debris from the premises and adjoining public areas on a daily basis.
- h) All construction on the site shall be in accordance with an amendment Site Plan that satisfies all requirements of the City's Permit and Development Center.
- i) Any renovation on the site shall be in compliance with all applicable building and fire codes, with issuance of all necessary permits by the Permit and Development Center.
- j) If the Zoning Enforcement Officer determines at any time that the operation of the business becomes a nuisance or exhibits a pattern of violating the conditions set forth in the Conditional Use Permit, the Zoning Enforcement Officer may apply to the Zoning Board of Adjustment to reconsider the issuance of the Conditional Use Permit for such business.

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

**10. Applicable Regulations:** In acting upon any Site Plan application for multiple-family dwellings, boarding houses or rooming-houses, the Plan and Zoning Commission shall apply the design guidelines City Code Section 82-213. 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 the design standards.

In acting upon any Site Plan application for property located within the "C-3B" Central Business Mixed-Use District, the Plan and Zoning Commission shall apply the design regulations in City Code Section 82-213. 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 "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.

In acting upon any site plan application for development of property located within the Downtown Overlay District, the community development director (or plan and zoning commission if applicable) shall apply the regulations in City Code Section 82-213, except as to those site plan applications for development of property located in the "R1-60" and "R-HD" zoning districts within the downtown overlay district. 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 when an existing building is cumulatively expanded by more than 50% of its gross floor area as of the time it became part of the downtown overlay district. If a building is cumulatively expanded by less than 50% of its gross floor area as of the time it became part of the downtown overlay district, then these guidelines shall apply only to the expansion of the building.

## II. ADDITIONAL APPLICABLE INFORMATION

1. **"C-3B" District Design Guidelines:** These additional design guidelines are applicable to any development within the "C-3B" District.

- 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.

*The proposed 75-foot height (6 stories) satisfies this guideline.*

- 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.

N/A.

- 3) *Lighting:* All new exterior lighting upon private property should be pedestrian in scale. The use of private overhead floodlighting is discouraged.

*The submitted site plan does not address site lighting. Staff recommends that all exterior lighting be low-glare cut-off fixtures.*

- 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.*

N/A.

- 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.

*The proposed building would occupy 92% of the East Grand Avenue frontage and would set at or be within 1 foot of the north property line. The building would occupy 50% of the frontage along East 4<sup>th</sup> Street. Half of this building frontage would setback 12 feet to allow for a staircase and ramp entrance. East 4<sup>th</sup> Street is a secondary frontage for this site. Greater building frontage along East 4<sup>th</sup> Street is not feasible given the site and building program.*

- 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.

*The proposed development includes basement level parking. The applicant is proposing the entrance ramp directly access East 4<sup>th</sup> Street. This does not comply with this guideline. However, this is necessary to layout the parking in the basement in an efficient manner given the limited size and shape of the site.*

*A refuse collection enclosure is proposed in the southeast corner of the property in the least visible portion of the site.*

- e. Restaurants may operate outdoor cafes on public sidewalks while maintaining pedestrian circulation subject to obtaining an areaway permit.

*No sidewalk cafes are proposed.*

- 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.

*A refuse collection enclosure is proposed in the southeast corner of the site. Building materials are not identified on the site plan. Staff recommends that it be constructed with masonry walls to match the building and solid steel gates.*

- 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)

*Plant material is proposed throughout the site. Ornamental street trees are proposed along East Grand Avenue. The City's Landscape Standards require overstory street trees except in cases where utility conflicts exist. Compliance with this standard should be a condition of approval. In addition, staff believes there is an opportunity to add trees to the area south of the basement level parking entrance/exist ramp. The vertical nature of trees would help break up the space between the proposed building and the building to the south enhancing the pedestrian feel of the area.*

- 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.

*No warehouse use or loading docks are proposed.*

2. **Downtown Overlay District Design Guidelines Analysis:** In acting upon any site plan application for development of property located within the Downtown Overlay District, the community development director (or plan and zoning commission if applicable) shall apply the regulations and design guidelines in Section 82-213 of the City Code. 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 when an existing building is cumulatively expanded by more than 50% of its gross floor area as of the time it became part of the downtown overlay district. If a building is cumulatively expanded by less than 50% of its gross floor area as of the time it became part of the downtown overlay district, then these guidelines shall apply only to the expansion of the building.

- A) Projects should demonstrate understanding of the micro and macro context for the project by offering place specific solutions for materiality, massing, uses, fabric and climate that are consistent with the vision of the "What's Next Downtown Plan". In most cases, corporate prototype architecture may not be an acceptable design.

*The "What's Next Downtown Plan" envisions a dense and pedestrian friendly downtown. Staff believes the proposed development complies with this guideline so long as it is developed in accordance with the conditions identified in the Staff Recommendation section of this report (page 12). The building would be similar in scale to what is expected in the East Village and would consist of a unique design.*

- B) Low Impact development techniques should be utilized which implement site water quality control solutions, using materials which are locally available and creating projects which minimize energy consumption.

*An underground stormwater detention basin would be located in the southwest corner of the site.*

- C) Connectivity between adjacent properties should be provided or demonstrated for both pedestrian and vehicular circulation.

*The building would have direct access to the public sidewalks along East Grand Avenue and East 4<sup>th</sup> Street. The applicant proposes that the surface parking lot have access from East Grand Avenue and the adjoining alley. East Grand Avenue and East 4<sup>th</sup> Street are designated pedestrian corridors. Staff recommends that the East Grand Avenue driveway be eliminated in accordance with guideline "O" as listed on page 10 of this report.*

*The property to the east has a driveway to East Grand Avenue and there is an opportunity for shared access to be developed. This would enhance vehicular circulation in the area and increase the amount of parking spaces in the area. Staff understands the applicant is exploring this option along with the possibility of*

*developing a patio to the east of the building and relying on the alley for access to the parking lot.*

- D) The incorporation of 'soft (green) spaces' on site is encouraged.

*Plant material is proposed throughout the site. Ornamental trees are proposed along East Grand Avenue. The City's Landscape Standards require overstory street trees except in cases where utility conflicts exist. Compliance with this standard should be a condition of approval. In addition, staff believes there is an opportunity to add trees to the area south of the basement level parking entrance/exist ramp. The vertical nature of trees would help break up the space between the proposed building and the building to the south enhancing the pedestrian feel of the area.*

- E) Where feasible, projects should provide outdoor spaces for people gathering.

*No designated outdoor gathering spaces are currently proposed. Staff understands the applicant is considering a patio space to the east of the building.*

- F) If feasible, connections to adjoining bike paths or on-street bike facilities and on-site bike racks should be provided in close proximity to building entrances.

*Bike racks are proposed in the southwest corner of the lot near the East 4<sup>th</sup> Street sidewalk. Staff believes additional bike racks are needed along East Grand Avenue near the main entrance or the street intersection.*

- G) Building heights. Minimum height for all uses should be the lesser of 36 feet or three stories.

*The Site Plan satisfies this guideline. The proposed building would be six stories, with a maximum height of 75 feet.*

- H) Bulk standards, building setbacks, orientation, frontage and residential access:

1. All buildings with river frontage should orient towards the river and have building entrances that are oriented to the river and primary street(s).

*N/A.*

2. All buildings without river frontage should have entrances oriented toward primary street(s).

*The primary entrance would front East Grand Avenue. A predominant entrance would be located on the East 4<sup>th</sup> Street façade as well.*

3. All buildings should have frontage on principal street(s) of not less than 70 percent of the lot.

*The proposed building would occupy 92% of the East Grand Avenue frontage and would set at or be within 1 foot of the north property line. The building would occupy 50% of the frontage along East 4<sup>th</sup> Street. Half of this building frontage would setback 12 feet to allow for a staircase and ramp entrance. East 4<sup>th</sup>*

*Street is a secondary frontage for this site. Greater building frontage along East 4th Street is not feasible given the site and building program.*

4. For commercial and mixed-use buildings, at least 70 percent of the building frontage should be within one foot of the property line.

*No portion of the front façade would setback more than 1 foot from the front property line.*

5. At least one building entrance for residential uses should directly access the street when a residential use is located above street-level retail or commercial uses.

*N/A.*

6. For residential buildings, a maximum setback of 15 feet from the public right-of-way is permitted unless superseded by bulk regulations of the underlying zoning district (i.e. R-HD Residential Historic District, R1-60 Low Density Residential District, etc.).

*N/A.*

- I) Storage of all materials and equipment should take place within completely enclosed buildings.

*No outdoor storage is proposed.*

- J) All refuse collection containers and dumpsters should be enclosed on all sides by the use of a permanent wall of wood, brick or masonry and steel gates which are compatible in design with the principal structure.

*A refuse collection enclosure is proposed in the southeast corner of the site. Building materials are not identified on the site plan. Staff recommends that it be constructed with masonry walls to match the building and solid steel gates.*

- K) All open areas not used for off-street loading or parking should be landscaped in accordance with the Des Moines Landscape Standards for C-3 districts.

*Plant material is proposed throughout the site. Ornamental trees are proposed along East Grand Avenue. The City's Landscape Standards require overstory street trees except in cases where utility conflicts exist. Compliance with this standard should be a condition of approval. In addition, staff believes there is an opportunity to add trees to the area south of the basement level parking entrance/exist ramp. The vertical nature of trees would help break up the space between the proposed building and the building to the south enhancing the pedestrian feel of the area.*

- L) Access doors for any warehouse use and any loading docks should not front on any public street.

*N/A.*

- M) Gas stations/convenience stores should be limited to no more than six pumps and allow no more than 12 vehicles to be fueled at one time.

N/A.

- N) Gas station / convenience stores and canopies, drive-thru facilities for restaurants, banks, parking garages and other auto-dominant uses should not front or have vehicular access on or to a pedestrian corridor as designated in the downtown pedestrian corridor map on file in the office of the city clerk as approved by city council resolution.

N/A.

- O) Existing curb cuts should be consolidated to the minimum number necessary and be located as directed by the city traffic engineer and community development director.

*The site plan includes a driveway to East Grand Avenue and an entrance/exit ramp to the basement level parking to East 4<sup>th</sup> Street. East Grand Avenue and East 4<sup>th</sup> Street are designated pedestrian corridors. It is imperative to keep curb cuts to a minimum along pedestrian corridors and in the downtown in general. Staff recommends that the East Grand Avenue driveway be eliminated. Having the proposed basement level parking ramp directly accessing East 4<sup>th</sup> Street is not ideal. However, staff believes it is necessary in order to efficiently layout the basement level parking given the limited size and shape of the site.*

*The property to the east has a driveway to East Grand Avenue and there is an opportunity for shared access to be developed. This would enhance vehicular circulation in the area and increase the amount of parking spaces in the area. Staff understands the applicant is exploring this options along with the possibility of developing a patio to the east of the building and relying on the alley for access to the parking lot.*

- P) Parcels proposed for development that are greater than two acres should be rezoned to a planned unit development (PUD) zoning classification.

*The site is under 2 acres.*

- Q) Auto-dominant uses as described in guideline "N" above should be located in a mixed use commercial center and with buildings possessing a unified commercial design.

N/A.

- R) Parking ramps should either include ground floor retail or commercial space, be designed for conversion to retail or commercial space, or have significant architectural detail.

N/A.

3. **Parking:** Off-street parking is not required in the "C-3B" District. A total of 71 on-site parking spaces are proposed. Fifty-one of the spaces would be located in the basement and 16 surface spaces would be located to the south of the building.

- 16
4. **Additional Information:** The proposed vacation of air rights over East Grand Avenue is necessary for the proposed entrance canopy. The proposed canopy is shown as extending past the curb line and therefore must have at least 16 feet of clearance. This places the canopy substantially higher than the entrance doors and is not at the human scale that canopies typically are placed. Staff recommends the canopy be reduced in size so it does not extend past the curb line and that it be reduced to a height that better relates to the front doors. The proposed vacation of subsurface rights are necessary for the building's foundation system.

## **SUMMARY OF DISCUSSION**

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

## **COMMISSION ACTION:**

Mike Simonson moved staff recommendation for approval of the requested vacation.

Motion passed 11-0.

Respectfully submitted,



Jason Van Essen, AICP  
Planning Administrator

JMV:clw  
Attachment