★ **Roll Call Number**

Agenda Item Number
40

Date January 11, 2016

HOLD HEARING FOR VACATION OF AIR SPACE AND SUBSURACE RIGHTS IN CITY STREET RIGHT-OF-WAY ADJOINING 219 EAST GRAND AVENUE AND CONVEYANCE OF AN AIR RIGHTS EASEMENT WITHIN EAST GRAND AVENUE AND EAST 2ND STREET, AND CONVEYANCE OF A SUBSURFACE EASEMENT WITHIN EAST GRAND AVENUE, TO 219 GRAND, LLC FOR $6,307.00

WHEREAS, on December 7, 2015, by Roll Call No. 15-2049, the City Council of the City of Des Moines, Iowa, received a recommendation from the City Plan and Zoning Commission recommending approval of a request from 219 Grand, LLC for the vacation of the air rights over the south 4 feet of East Grand Avenue right-of-way adjoining 219 East Grand Avenue and the east 4 feet of East 2nd Street right of way adjoining 219 East Grand Avenue to allow for balcony encroachments, and for vacation of the subsurface rights within the south 4 feet of East Grand Avenue right-of-way adjoining 219 East Grand Avenue to allow for building footings and foundation, all subject to the reservation of easements for existing utilities in place until such time as they are abandoned or relocated; and

WHEREAS, on April 2, 2001, by Roll Call No. 01-995, the City Council of the City of Des Moines, Iowa, adopted Ordinance No. 13,937 vacating the East 25.25 feet of East 2nd Street right-of-way adjoining 219 East Grand Avenue; and

WHEREAS, 219 Grand, LLC is the owner of the real property locally known as 219 East Grand Avenue, which property is being developed into a new 6-story mixed use building; and

WHEREAS, 219 Grand, LLC has requested the vacation of air space and subsurface rights in portions of East Grand Avenue right-of-way adjoining 219 East Grand Avenue, hereinafter more fully described, and has further requested that the City of Des Moines, Iowa ("City") convey unto 219 Grand, LLC a Permanent Easement For Air Space Above City-owned Property in the vacated portion of East Grand Avenue right-of-way and in the vacated portion of East 2nd Street right-of-way, and a Permanent Subsurface Easement for Building Encroachment in the vacated portion of East Grand Avenue right-of-way, all adjoining 219 East Grand Avenue, hereinafter more fully described, to allow for balcony encroachments and building footing and foundation encroachments as part of the proposed 6-story mixed used building project; and

WHEREAS, 219 Grand, LLC, owner of the adjoining property at 219 East Grand Avenue, has offered to the City the purchase price of $6,307.00 for the vacation and purchase of a Permanent Easement for Air Space Above City-Owned Property and a Permanent Subsurface Easement for Building Encroachment in the City Right-of-Way, which price reflects the fair market value of the City Right-of-Way as currently estimated by the City's Real Estate Division; and

WHEREAS, on December 21, 2015, by Roll Call No. 15-2115, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of such easement interests be set down for hearing on January 11, 2016, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to vacate airspace and subsurface rights in portions of said City Right-of-Way and convey a Permanent Easement for Air Space Above City-Owned Property and a

Date January 11, 2016

Permanent Subsurface Easement for Building Encroachment was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with said notice, those interested in said proposed vacation and conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council of the City of Des Moines, Iowa.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to said proposed vacation and conveyance of the air space and subsurface easements as described below are hereby overruled, and the hearing is closed.

2. There is no public need or benefit for the right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of air space and subsurface rights in portions of East Grand Avenue right-of-way adjoining 219 East Grand Avenue, more specifically described as follows:

AIR SPACE
THE SOUTH 4.0 FEET OF EAST GRAND AVENUE RIGHT-OF-WAY LYING DIRECTLY ADJACENT TO THE NORTH LINE OF THE WEST 20 FEET OF LOT 2 AND ALL OF LOTS 3, 4, 5, AND 6 OF BLOCK 8, EAST FORT DES MOINES, AN OFFICIAL PLAT, ALL BEING LOCATED BELOW A PLANE WITH A CITY OF DES MOINES DATUM ELEVATION OF 88.0 FEET AND ABOVE A PLANE WITH A CITY OF DES MOINES DATUM ELEVATION OF 48.0 FEET WITH A CITY OF DES MOINES DATUM GROUND ELEVATION OF 25.0 FEET, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND

SUBSURFACE
THE SOUTH 4.0 FEET OF EAST GRAND AVENUE RIGHT-OF-WAY LYING NORTH OF AND ADJACENT TO THE WEST 20 FEET OF LOT 2 AND ALL OF LOTS 3, 4, 5, AND 6 OF BLOCK 8, EAST FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

3. That the sale and conveyance of a Permanent Easement for Air Space Above City-Owned Property and a Permanent Subsurface Easement for Building Encroachment within such vacated East Grand Avenue right-of-way and the previously vacated East 2nd Street right-of-way, as described below, to 219 Grand, LLC for $6,307.00, together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved:

Date January 11, 2016

AIR SPACE
THE SOUTH 4.0 FEET OF VACATED EAST GRAND AVENUE RIGHT-OF-WAY LYING DIRECTLY ADJACENT TO THE NORTH LINE OF THE WEST 20 FEET OF LOT 2 AND ALL OF LOTS 3, 4, 5, AND 6 OF BLOCK 8, EAST FORT DES MOINES, AN OFFICIAL PLAT,

AND

THE EAST 4.0 FEET OF VACATED EAST SECOND STREET RIGHT-OF-WAY LYING DIRECTLY ADJACENT TO THE WEST LINE OF SAID LOT 6,

ALL BEING LOCATED BELOW A PLANE WITH A CITY OF DES MOINES DATUM ELEVATION OF 88.0 FEET AND ABOVE A PLANE WITH A CITY OF DES MOINES DATUM ELEVATION OF 48.0 FEET WITH A CITY OF DES MOINES DATUM GROUND ELEVATION OF 25.0 FEET, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND

SUBSURFACE
THE SOUTH 4.0 FEET OF VACATED EAST GRAND AVENUE RIGHT-OF-WAY LYING NORTH OF AND ADJACENT TO THE WEST 20 FEET OF LOT 2 AND ALL OF LOTS 3, 4, 5, AND 6 OF BLOCK 8, EAST FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

4. The Mayor is authorized and directed to sign the Offer to Purchase, the Permanent Easement for Air Space Above City-Owned Property and the Permanent Subsurface Easement for Building Encroachment for the conveyance identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

5. Upon final passage of an ordinance vacating said air space and subsurface rights in portions of said right-of-way and upon proof of payment of the consideration plus $113.00 for publication and recording costs, the City Clerk is authorized and directed to forward the original of the Easements, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded.

6. The Real Estate Division Manager is authorized and directed to forward the original of the Easements, together with a certified copy of this resolution and of the affidavit of publication of notice of this hearing, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.

7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Easements and copies of the other documents to the grantee.

8. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

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Date January 11, 2016

(Council Communication No. 16-018)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland, Assistant City Attorney

PSW

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

MOTION CARRIED APPROVED

_____ Mayor

CERTIFICATE

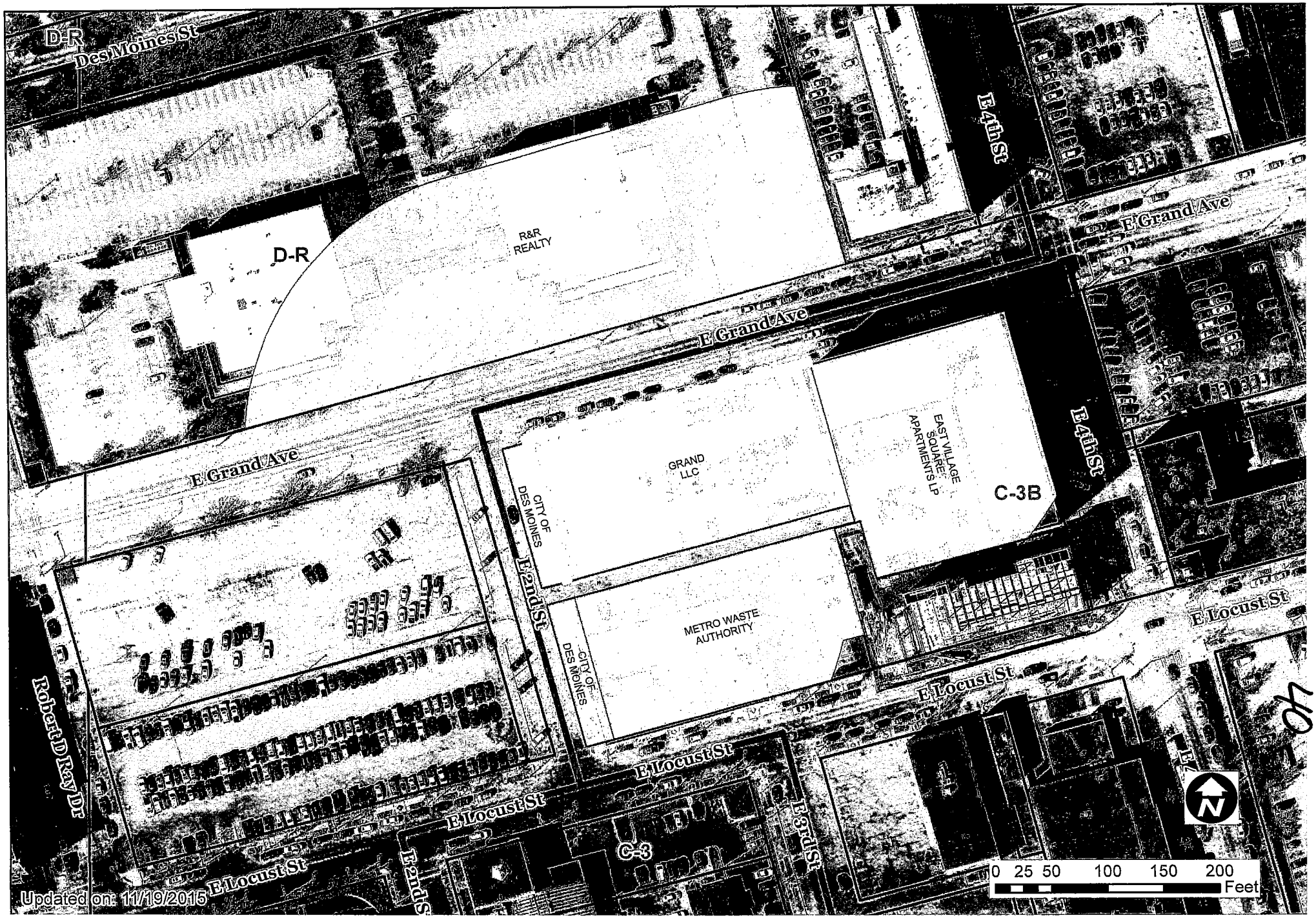
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

_____ City Clerk

219 Grand, LLC, 219 East Grand Avenue

11-2015-1.27



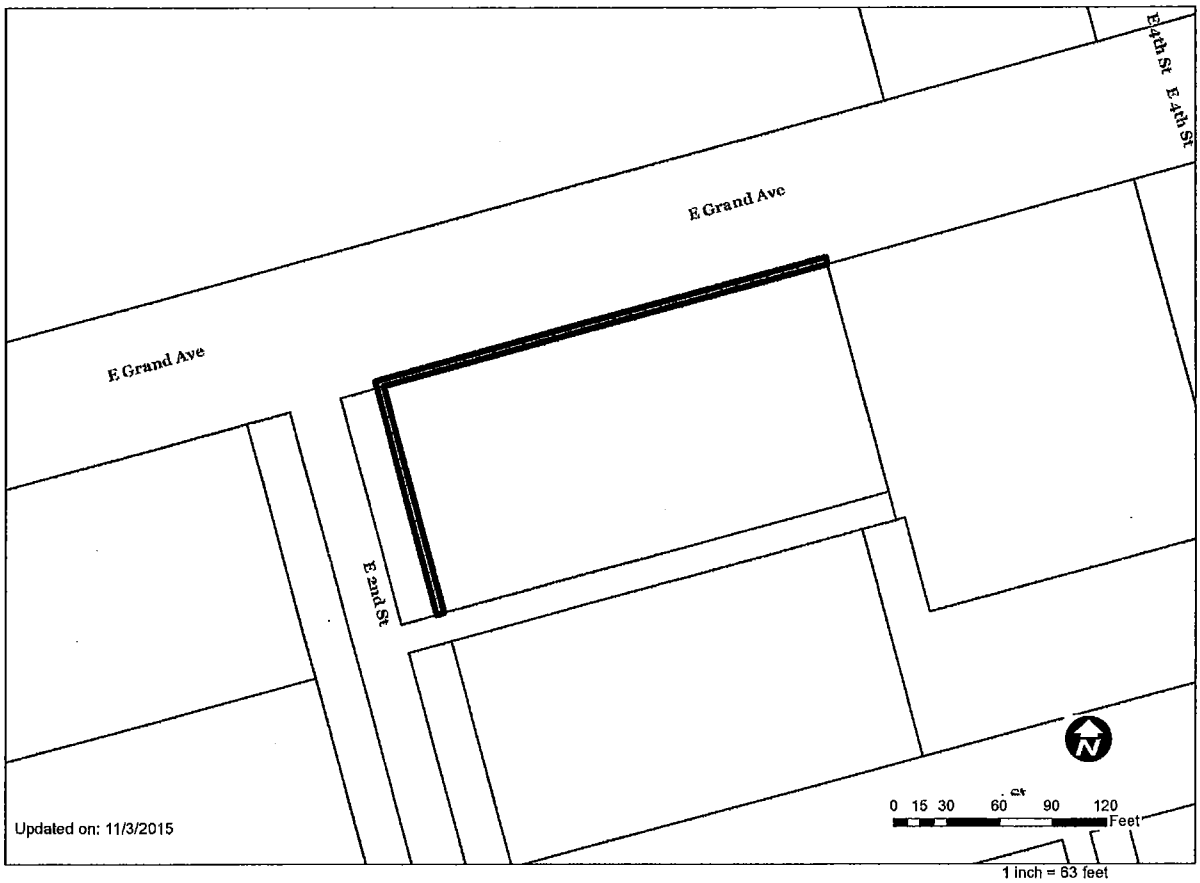
219 Grand, LLC (owner) represented by Paul Hayes (officer) for property located at 219 East Grand Avenue.	File # 11-2015-1.27

Description of Action	Approval of Part A) to vacate the air rights over the north 4 feet of East Grand Avenue and the east 4 feet of East 2nd Street, to allow for balcony encroachments from floors 2-6 and approval of Part B) to vacate the subsurface rights within the north 4 feet of East Grand Avenue, to allow for the building footings and foundation subject to reservation of any necessary easements for existing utilities in place until such time that they are abandoned or they are relocated.
2020 Community Character Plan	Current: Downtown Retail/Office Core/Core Fringe. Proposed: N/A.
Mobilizing Tomorrow Transportation Plan	N/A
Current Zoning District	"C-3B" Central Business Mixed Use District, "CDO" Capitol Dominance Overlay District, "GGP" Gambling Games Prohibition Overlay District, "PSO" Pedestrian Oriented Sign Overlay District, "D-O" Downtown Overlay District, and "FSO" Freestanding Signs Overlay District.
Proposed Zoning District	N/A.

Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area				

Plan and Zoning Commission Action			**Required 6/7 Vote of the City Council**		
	Approval	8-0		Yes	
	Denial			No	X

219 Grand, LLC, 219 East Grand Avenue **11-2015-1.27**



CITY OF DES MOINES
COMMUNITY DEVELOPMENT

December 1, 2015

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 19, 2015, the following action was taken regarding a request from 219 Grand, LLC (owner) represented by Paul Hayes (officer) for the following:

A) Vacation of the air rights over the north 4 feet of East Grand Avenue and the east 4 feet of East 2nd Street, to allow for balcony encroachments from floors 2-6.

B) Vacation of the subsurface rights within the north 4 feet of East Grand Avenue, to allow for the building footings and foundation.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 8-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles	X			
JoAnne Corigliano				X
Jacqueline Easley				X
Tim Fitzgerald	X			
Jann Freed	X			
John "Jack" Hilmes				X
Greg Jones	X			
Sasha Kamper				X
Brian Millard	X			
William Page	X			
Jonathan Rosenbloom	X			
Mike Simonson	X			
CJ Stephens				X
Greg Wattier				X

APPROVAL of the requested vacations, subject to reservation of any necessary easements for existing utilities in place until such time that they are abandoned or are relocated. (11-2015-1.27A&B)

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Parts A & B) Staff recommends approval of the requested vacations, subject to reservation of any necessary easements for existing utilities in place until such time that they are abandoned or are relocated.

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

1. Compliance with all administrative review comments of the City's Permit and Development Center.

2. Bike racks shall be provided at appropriate locations near the entrances to the retail and multiple-family residential areas on the public streetscape.

3. All mechanical equipment and utility meters shall be architecturally integrated into the structure and shall be entirely screened from public street views.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed Site Plan would allow development of a 6-story mixed use building that would be built up to the street along both East Grand Avenue and East 2nd Street.

2. **Size of Site:** 47,723 square feet (1.09 acres).

3. **Existing Zoning (site):** "C-3B" Central Business Mixed Use District, "CDO" Capitol Dominance Overlay District, "D-O" Downtown Overlay District, "GGP" Gambling Games Prohibition Overlay District, "PSO" Pedestrian-Oriented Sign Overlay District and "FSO" Freestanding Sign Overlay District.

4. **Existing Land Use (site):** Surface off-street parking lot.

5. **Adjacent Land Use and Zoning:**

   North – "D-R"; Use is the 3-story East Grand Office Park office building.

   South – "C-3B"; Use is the 3-story Metro Waste Authority office building.

   East – "C-3B"; Use is a 6-story building with mixed-use live/work and residential apartments.

   West – "D-R"; Use is an off-street parking lot for City Hall.

6. **General Neighborhood/Area Land Uses:** The site is located in the East Village Downtown core. The surrounding area contains a mix of office, hotel, retail, government and multiple-family residential uses.

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 October 30, 2015 and a Final Agenda on November 13, 2015. Additionally, separate notifications of the hearing for this specific item were mailed on November 9, 2015 (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:** On June 3, 2002, by Ordinance No. 14,097, the City Council rezoned the subject property with the "CDO" Capitol Dominance Overlay District. On July 26, 2004, by Ordinances No. 14,361 and No. 14,362, the City Council rezoned the subject property with the "GGP" Gambling Games Prohibition Overlay District and the "PSO" Pedestrian-Oriented Sign Overlay District respectively. On September 27, 2010, by Ordinance No. 14,960, the City Council rezoned the subject property to the "C-3B" Central Business Mixed Use District. On November 7, 2011, by Ordinance No. 15,060, the City Council rezoned the subject property with the "D-O" Downtown Overlay District.

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

10. **Applicable Regulations:** In consideration of the criteria set forth in Chapter 18B of the Iowa Code, 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 82-214.05. In acting upon any Site Plan application in the "C-3B" District, they shall apply the design guidelines in City Code Section 82-214.07. 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.

    The Commission, considering the criteria set forth in Chapter 18B of the Iowa Code, 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. **Multiple-Family Residential Design Guidelines:** The following design guidelines apply to any Site Plan for multiple-family residential:

   1) *Architectural character.* New developments and alterations to existing development in or adjacent to existing developed areas shall be compatible with the existing architectural character of such areas by using a compatible design. Compatibility may be achieved through techniques such as the repetition of roof lines, the use of similar proportions in building mass and outdoor spaces, similar relationships to the

street, similar window and door patterns, and/or the use of building materials that have color shades and textures similar to those existing in the immediate area of the proposed development. Brick and stone masonry shall be considered compatible with wood framing and other materials.

The proposed multiple-family dwelling units would be located in stories 2-6 atop ground level office/retail space. The submitted elevations demonstrate that the structure would be of a design and mass that is compatible with the surrounding area.

2) *Building height and mass.* Buildings shall be either similar in size and height, or if larger, shall be articulated, setback or subdivided into massing that is proportional to the mass and scale of other structures on the same block and adjoining blocks. Articulation may be achieved through variation of roof lines, setbacks, patterns of door and window placement, and the use of characteristic entry features. To the maximum extent feasible, the height, setback and width of new buildings and alterations to existing buildings should be similar to those of existing buildings on the same block. Taller buildings or portions of buildings should be located interior to the site. Buildings at the ends of blocks should be of similar height to buildings on the adjoining blocks.

   The proposed building is of an appropriate height and mass for the East Downtown area. The building would be 6 stories tall, with a height of 73 feet. This would be within the allowance of the "C-3B" District and the "CDO" Capitol Dominance Overlay District maximum height restriction of 75 feet.

3) *Building orientation.* To the maximum extent feasible, primary facades and entries shall face the adjacent public street. A main entrance should face a connecting walkway with a direct pedestrian connection to the public street without requiring all pedestrians to walk through parking lots or across driveways.

   The building would frame two adjoining street frontages on East Grand Avenue and East 2nd Street. There would be main entrances to ground floor retail spaces directly to the street sidewalks. The multiple-family residential dwelling units would also have primary entrances to the stair towers facing both of these public streets.

4) *Garage access/location.* If the prominent character of garage access and/or location is located to the rear of the properties in the surrounding neighborhood, then new construction should be compatible with such character.

   There is not a garage proposed on the subject site.

5) *Rooftop/second story additions.* A rooftop or second floor addition, including but not limited to stairs and emergency egress, should not overhang the front or sidewalls of the existing building.

   There are not any proposed rooftop additions. The stair and elevator bulkhead would not project over the front or sidewalls of the building.

6) *Emergency egress.* All stairs and means of emergency egress extending more than 15 feet above grade and visible from the adjoining street should be completely enclosed with materials compatible in color and texture with the balance of the building.

The proposed elevations meet this guideline. There are not any proposed exterior stair cases.

7) *Parking.* Parking lots containing more than eight parking spaces should comply with the adopted landscape standards applicable to commercial development in the C-1 district.

This guideline is not applicable, there are only 6 spaces of off-street parking proposed exterior to the building.

1. **"C-3B" District Design Guidelines:** The following design guidelines are applicable to any Site within a "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 building would be 6 stories tall with a height of 73 feet.

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 indicates installing black Autobahn fixture replacements as required for any street lights along East 2nd Street and East Grand Avenue. These lighting fixtures would meet this design guideline. Other lighting includes fixtures on-site of a pedestrian scale.

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.

The submitted Site Plan demonstrates compliance with these design guidelines.

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.

The Site Plan generally complies with all these applicable design guidelines.

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.

The Site Plan does not propose outdoor storage areas. The refuse collection containers would be enclosed within an enclosure interior to the block.

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)

The Site Plan would subject to parkway plantings only as there are not any surface parking lots proposed. The submitted Site Plan meets the minimum landscaping requirements.

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. All access doors to the building are pedestrian doors away from the street facing sides.

2. **Downtown Overlay District Design Guidelines:** 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, which are in consideration of the criteria set forth in Chapter 18B of the Iowa 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 proposed structure satisfies this guideline. The building addressed both street facing sides and keeps non-public functions internal to the block and away from the public streets.

   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.

   There is underground stormwater management proposed.

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

   The building would address the streets directly to both public sidewalk systems on East 2nd Street and Grand Avenue. Vehicular access would be shared through the center of the block with each of the other three existing buildings.

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

   There would be privately accessible green space provided within the proposed courtyard that would be internal to the block and available to the occupants of the building.

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

   There would be a gathering space within the proposed internal courtyard.

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.

While there are bike racks proposed internally to the site which are privately accessible, none are proposed on the streetscape to serve the public which would frequent the ground level retail/office spaces. Staff believes that these must be provided at appropriate locations near the entrances to the retail and multiple-family residential areas.

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

The proposed 73-foot height (6 stories) building satisfies this guideline.

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).

   Not applicable.

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

   The first floor retail/office spaces all would have entrances directly onto the adjoining public street system. There are also proposed entrances to stair towers serving the upper floor residential apartments which would access directly to the public streets.

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

   The building would occupy over 70% of the frontages along East Grand Avenue and East 2nd Street.

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

   Over 70% of all street facing sides of the building would have a zero setback from public streets. There are some recesses in the facades to provide articulation.

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.

   The stair tower proposed for access to the upper floor multiple-family residential apartments would have entrances directly accessing the street.

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.).

   The building has a zero setback from the public rights-of-way.

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

No outdoor storage of materials and equipment 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.

The proposed trash enclosure would be located internally to the site away from the public street sides of the building and accessed by drives interior to the block.

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.

The proposed Site Plan would comply with the design guideline by meeting the parkway plantings requirements.

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

No overhead doors or loading docks are proposed.

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 development would share a curb cut along East 2nd Street with the property to the south.

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

The site measures 1.09 acres in area.

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.

No auto-dominant uses are proposed.

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.

No parking ramps are proposed.

4. **Urban Design:** The submitted elevations indicate use of brick and glass material as the predominant materials on the street facing façades of the building, wrapping around both ends the full height of the building. There is weathering steel panels proposed on portions of the upper two floors of the East Grand Avenue facade. This material is also used on the entire façade (other than the wrap around) of all the non-street facing walls. The weathering steel will eventually have a patina that is very dark in color.

   The Urban Design Review Board approved these elevations in general form at their August 18, 2015 meeting.

5. **Right-of-Way Vacation Request:** The appellant has requested vacation of portions of the adjoining rights-of-ways in order to accommodate the building's foundation and balconies on the residential floors. The foundation of the structure would extend underground up to 4 feet into the East Grand Avenue right-of-way. Balconies proposed on the upper floor residential units would extend up to 4 feet into both the East Grand Avenue and East 2nd Street rights-of-way. Easements must be provided for all existing utilities that are impacted until such time that they are abandoned or are relocated.

6. **Parking:** The Site Plan only proposes 6 off-street parking spaces. The "C-3B" District does not require minimum off-street parking. From a practical standpoint, the parking needs of commercial occupants and residents will be available nearby from a companion parking ramp project proposed on the block to the west.

7. **Drainage/Grading:** The Site Plan provides underground stormwater detention. The applicant is required to demonstrate compliance with the City's Stormwater Management requirements to the satisfaction of the City's Permit and Development Center. All grading is subject to an approved grading permit and soil erosion control plan. All trees being removed are smaller in diameter than what would require mitigation. The project would proposed replacement trees for the parkway plantings being removed.

8. **Additional Information:** The Site Plan indicates that all mechanical equipment would be located interior to the structure. However, Staff recommends a condition of approval be that all mechanical equipment and utility meters shall be architecturally integrated into the structure and entirely screened from public street views.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

Dory Briles moved staff recommendation for approval of Parts A & B) the requested vacations, subject to reservation of any necessary easements for existing utilities in place until such time that they are abandoned or are relocated and approval of Part C) Staff recommends approval of the proposed Site Plan, subject to the following conditions:

1. Compliance with all administrative review comments of the City's Permit and Development Center.

2. Bike racks shall be provided at appropriate locations near the entrances to the retail and multiple-family residential areas on the public streetscape.

3. All mechanical equipment and utility meters shall be architecturally integrated into the structure and shall be entirely screened from public street views.

Motion passed 8-0 (Jacqueline Easley and John "Jack" Hilmes were not yet present).

Respectfully submitted,

Michael Ludwig, AICP
Planning Administrator

MGL:clw
Attachment