

Date May 9, 2016

HOLD HEARING FOR VACATION AND CONVEYANCE OF THE NORTH/SOUTH ALLEY RIGHT-OF-WAY LOCATED NORTH OF CROCKER STREET BETWEEN 8TH STREET AND 9TH STREET TO HRC 8TH STREET, LLC FOR \$31,350.00

WHEREAS, on April 25, 2016, by Roll Call No. 16-0676, 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 for the vacation of a dead-end segment of north/south alley right-of-way located west of and adjoining 900 and 922 8th Street, subject to the reservation of easements for all existing utilities in place until such time as they are abandoned or relocated; and

WHEREAS, HRC 8th Street, LLC is currently under contract to purchase 900 8th Street and 922 8th Street, and has offered to the City of Des Moines, Iowa ("City") the purchase price of \$31,350.00 for the purchase of the portion of the alley right-of-way lying west of and adjoining 900 8th Street and 922 8th Street for incorporation into the adjoining commercial property to allow for redevelopment, which price reflects the fair market value of said portion of alley right-of-way as currently estimated by the City's Real Estate Division; and

WHEREAS, said conveyance is contingent upon HRC 8th Street, LLC or its affiliate obtaining title to both 900 8th Street and 922 8th Street; and

WHEREAS, there is no known current or future public need for the alley right-of-way proposed to be vacated and sold, and the City will not be inconvenienced by the vacation and sale of said property.

WHEREAS, on April 25, 2016, by Roll Call No. 16-0675, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the City alley right-of-way be set for hearing on May 9, 2016, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to vacate and convey the City alley right-of-way was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with City Council direction, those interested in the 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.

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 the proposed vacation and conveyance of the north/south alley right-of-way located west of and adjoining 900 and 922 8th Street, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the alley right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of the north/south alley right-of-way located

.....
Date May 9, 2016

west of and adjoining 900 and 922 8th Street, legally described as follows, and said vacation is hereby approved:

-EXCEPT THE NORTH 33.5 FEET-, ALL OF THE NORTH/SOUTH 16 FOOT ALLEY LYING EAST OF AND ADJOINING LOTS 1, 2, 3 AND 4 IN THE SUBDIVISION OF BLOCK P IN HOLCOMB'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 3688 SQUARE FEET.

3. The proposed sale of such vacated right-of-way, as legally described below and to the grantees and for the consideration identified below, subject to reservation of easements therein, and said conveyance is hereby approved:

To: HRC 8th Street, LLC
For: \$31,350.00

-EXCEPT THE NORTH 33.5 FEET-, ALL OF THE VACATED NORTH/SOUTH 16 FOOT ALLEY LYING EAST OF AND ADJOINING LOTS 1, 2, 3 AND 4 IN THE SUBDIVISION OF BLOCK P IN HOLCOMB'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 3688 SQUARE FEET.

4. The Mayor is authorized and directed to sign the Offer to Purchase and Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

5. 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 Quit Claim Deed, 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 Quit Claim Deed, together with a certified copy of this resolution and of the affidavit of publication of the 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 Quit Claim Deed and a copy of the other documents to the grantee.

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



Roll Call Number

Agenda Item Number

53

Page 3

Date May 9, 2016

(Council Communication No. 16-241)

Moved by _____ to adopt.

APPROVED AS TO FORM:

[Handwritten signature]

Lisa A. Wieland, Assistant City Attorney

PSW

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

MOTION CARRIED APPROVED

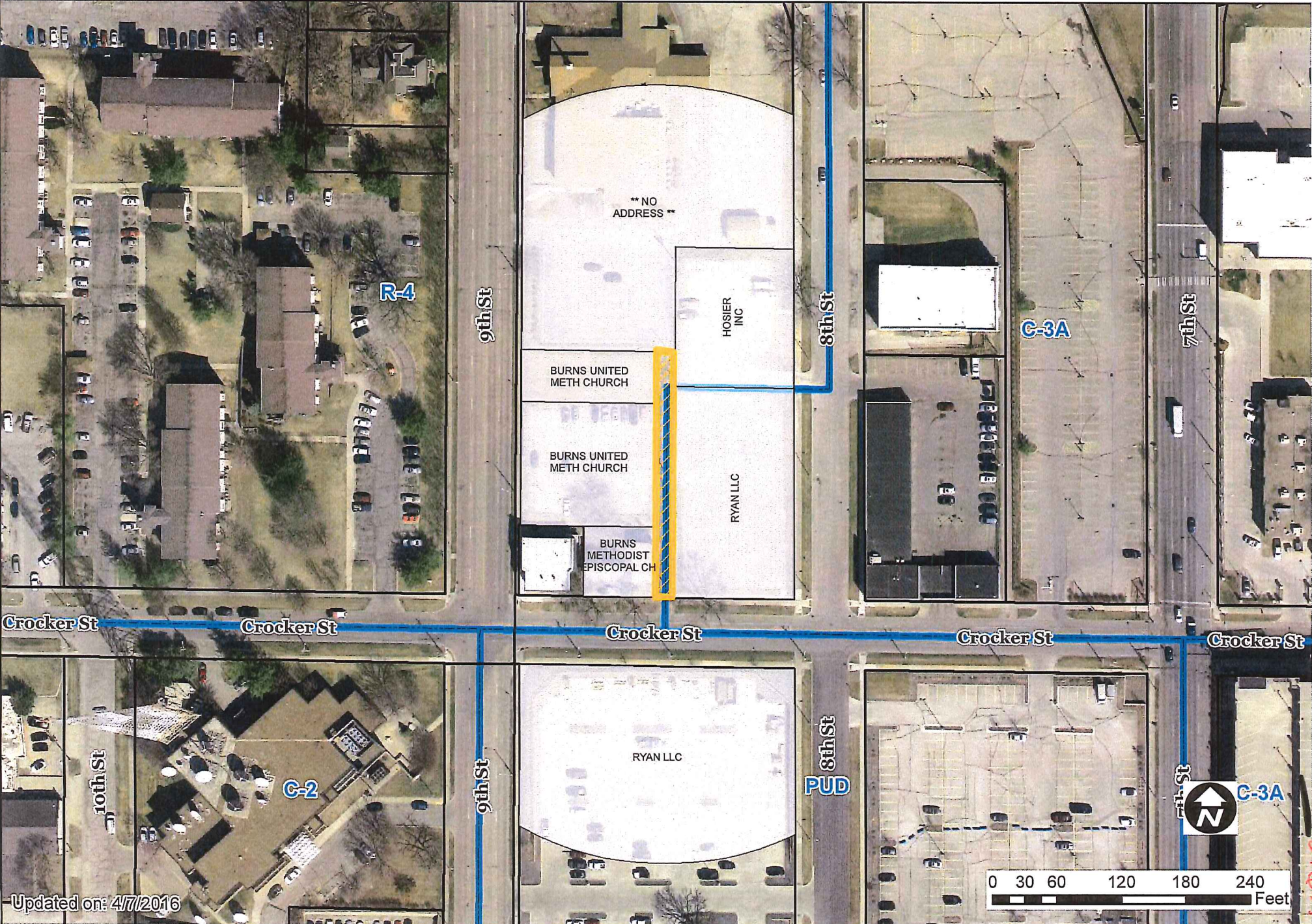
Mayor

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



Updated on: 4/7/2016

53
2016

Hubbell Realty Company (purchaser) represented by Steve Niebuhr (officer) for property located at 900 and 922 8th Street; 915 and 919 9th Street; and 811 Crocker Street. The adjoining subject property is owned by Hosier, Inc., Principal Mutual Life Insurance Company, Burns Methodist Episcopal Church and Burns United Methodist Church.			File # 11-2016-1.07	
Description of Action	Approval of request to vacate a dead end segment of north/south alley adjoining the subject properties running from Crocker Street to a point approximately 230 feet north subject to the provision of easements for any existing utilities until such time that they are abandoned or relocated.			
2020 Community Character Plan	Current: High Density Residential and Downtown Support Commercial. Proposed: Downtown Support Commercial (pending Council adoption)			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"C-3A" Central Business District Support Commercial District, "R-4" Multiple-Family Residential District, "GGP" Gambling Games Prohibition Overlay District, "D-O" Downtown Overlay District and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District	"C-3A" Central Business District Support Commercial District, "GGP" Gambling Games Prohibition Overlay District, "D-O" Downtown Overlay District and "FSO" Freestanding Signs Overlay District.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area				
Plan and Zoning Commission Action	Approval	10-2	Required 6/7 Vote of the City Council	Yes
	Denial			No
				X

Hubbell Realty Company, North of Crocker between 8th & 9th Streets

11-2016-1.07



1 inch = 83 feet



April 18, 2016

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 April 7, 2016, the following action was taken regarding a request from Hubbell Realty Company (purchaser) represented by Steve Niebuhr (officer) for the following items related to property located at 900, 922, and 927 8th Street; 915 and 919 9th Street; and 811 Crocker Street. The subject property is owned by Hosier, Inc., Principal Mutual Life Insurance Company, Burns Methodist Episcopal Church and Burns United Methodist Church. Approval is subject to approval of the pending rezoning of the property by the City Council.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-2 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus		X		
Dory Briles	X			
JoAnne Corigliano	X			
David Courard-Hauri	X			
Jacqueline Easley		X		
Tim Fitzgerald	X			
Jann Freed	X			
John "Jack" Hilmes	X			
Greg Jones	X			
Sasha Kamper				X
William Page	X			
Mike Simonson	X			
CJ Stephens				X
Greg Wattier	X			

APPROVAL of Part A) the proposed vacation subject to the provision of easements for any existing utilities until such time that they are abandoned or relocated. (11-2016-1.07)

And

APPROVAL of Part B) the submitted site plan and building elevations subject to the following conditions: (10-2016-7.82)

1. Compliance with all administrative review comments of the City's Permit and Development Center.
2. The first floor of the buildings shall be sided with a durable material such as masonry or other comparable durable material to the satisfaction of the Planning Administrator.
3. Provision of additional architectural detail, ornamental trees and/or plantings with a strong vertical growth pattern to enhance the exposed street facing basement walls of 922 8th Street.
4. Review and approval of the finalized building elevations and materials by the Planning Administrator.
5. Provision of foundation plantings around each building to the satisfaction of the Planning Administrator.
6. Provision of black Autobahn LED Series ATBO Street Light Fixtures and metal poles.
7. All site lighting shall be directed downward and shielded from adjoining properties. Any pole mounted lighting along private walkways shall not exceed 15 feet in height and any pole mounted lighting in a parking area shall not exceed 20 feet in height. Private light poles and pole mounted light fixtures are to be similar in style to a black KIM Archetype light fixture, black Autobahn LED Series ATBO light fixture, or of other similar esthetic quality as approved by the Planning Administrator.
8. All rooftop mechanical equipment shall be screened with material that is architecturally compatible with the building to the satisfaction of the Planning Administrator.
9. All utility meters, transformers, ground-mounted equipment, and other utilities shall be placed alongside or rear facades that are internal to the site.
10. All services lines to the building and all utility lines in the adjoining right-of-way shall be located underground.
11. All trash enclosures shall have a dedicated recycling area.

RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends approval of the proposed vacation subject to the provision of easements for any existing utilities until such time that they are abandoned or relocated.

Part B) Staff recommends approval of the submitted site plan and building elevations subject to the following conditions:

1. Compliance with all administrative review comments of the City's Permit and Development Center.
2. The first floor of the buildings shall be sided with a durable material such as masonry or other comparable durable material to the satisfaction of the Planning Administrator.
3. Provision of additional architectural detail, ornamental trees and/or plantings with a strong vertical growth pattern to enhance the exposed street facing basement walls of 922 8th Street.
4. Review and approval of the finalized building elevations and materials by the Planning Administrator.
5. Provision of foundation plantings around each building to the satisfaction of the Planning Administrator.
6. Provision of black Autobahn LED Series ATBO Street Light Fixtures and metal poles.
7. All site lighting shall be directed downward and shielded from adjoining properties. Any pole mounted lighting along private walkways shall not exceed 15 feet in height and any pole mounted lighting in a parking area shall not exceed 20 feet in height. Private light poles and pole mounted light fixtures are to be similar in style to a black KIM Archetype light fixture, black Autobahn LED Series ATBO light fixture, or of other similar esthetic quality as approved by the Planning Administrator.
8. All rooftop mechanical equipment shall be screened with material that is architecturally compatible with the building to the satisfaction of the Planning Administrator.
9. All utility meters, transformers, ground-mounted equipment, and other utilities shall be placed alongside or rear facades that are internal to the site.
10. All services lines to the building and all utility lines in the adjoining right-of-way shall be located underground.
11. All trash enclosures shall have a dedicated recycling area.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed alley vacation and site plan would allow the construction of a 4-story, 31 unit apartment building at 927 8th Street; a 4-story, 60 unit apartment building with 56 underground parking spaces at 922 8th Street; and a 4-story, 32 unit apartment building at 915 9th Street.
2. **Size of Site:** 1.92 acres.
3. **Existing Zoning (site):** "R-4" Multiple-Family Residential District, "C-3A" Central Business District Support Commercial District, "D-O" Downtown Overlay District, "FSO" Freestanding Sign Overlay District, and "GGP" Gambling Games Prohibition District.
4. **Existing Land Use (site):** The site contains a church building, a commercial building, a surface parking lot and a paved alley.
5. **Adjacent Land Use and Zoning:**
 - North** – "R-4" & "C-3A"; Use is a church and surface parking lot.
 - South** – "Hillside PUD" & "C-3A"; Use is surface parking lot and auto repair.
 - East** – "C-3A"; Use is surface parking lot.
 - West** – "R-4"; Uses are multiple-family residential.
6. **General Neighborhood/Area Land Uses:** The subject property is located in the northern portion of downtown near Interstate 235. The area contains a mix of commercial, multiple-family and surface parking uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is not located in or within 250 feet of a recognized neighborhood. All neighborhoods were notified of the Commission meeting by mailing of the Preliminary Agenda on March 22, 2016. A Final Agenda was mailed to all neighborhood associations on April 1, 2016. Additionally, separate notifications of the hearing for the site plan were mailed on March 28, 2016 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for every property within 250 feet of the site.
8. **Relevant Zoning History:** The portion of the site to the east of 8th Street is zoned "C-3A" District. The portion of the site to the west of 8th Street is zoned "R-4" District. The applicant has requested this portion of the site be rezoned to "C-3A" District. The first and second readings of the rezoning ordinance were approved by the City Council on March 7, 2016 and March 21, 2016. Final approval of the site plan would be subject to Council approval of the third (final) reading. The Plan and Zoning Commission heard the request on February 18, 2016.

9. **2020 Community Character Land Use Plan Designation:** The “High Density Residential” designation is described as areas developed with high-rise and mid-rise buildings over 17 units per acre.

10. **Applicable Regulations:** 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.

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, 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 the design standards. See Section II(5) of this report for analysis.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Street System:** The proposed vacation would eliminate the remaining segment of north/south alley in the 800 block of Crocker Street. The northern portion of this alley was vacated and conveyed to the Corinthian Baptist Church and incorporated into their site some time ago. All but one of the properties currently served by the subject alley would become a part of the proposed development. The parking lot for the Corinthian Baptist Church has accessed to the alley. However, the main entrances to the parking lot are from 9th Street and School Street.
2. **Utilities:** Easements must be reserved for any existing utilities located in the subject alley until such time that they are abandoned or relocated. All necessary utilities are available in the surrounding street network to support the project.
3. **Parking & Access:** The “C-3A” District does not require parking for residential uses or commercial uses allowed in the “C-1” District. The site plan includes two surface parking lots and basement level parking within one of the buildings. A total of 78 surface parking spaces would be provided along with 56 spaces within the middle building. This provides a total of 129 spaces for the proposed 123 dwelling units.
4. **Downtown Overlay District Design Guidelines:** The subject property is within the Downtown Overlay District. The Plan and Zoning Commission shall apply the following design guidelines in acting upon any future site plan application for the site.
 - 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 apartment building would be four stories tall. The proposed apartment buildings would be constructed with a mix of metal and fiber cement board siding. Portions of the foundation would be exposed due to changes in grade on the site. These walls would consist of precast concrete. Staff believes that the first floor of the building should be sided with a product more durable than fiber cement board. In addition, staff is concerned by the blank wall effect of an exposed basement level of the middle building on the pedestrian environment along Crocker Street and 8th Street. Staff believes that additional architectural detail and/or tall plant material should be provided.

- 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.

The proposed stormwater management improvements include underground facilities. Staff is not aware of any additional low impact development techniques being utilized.

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

All three buildings would have direct access to the public sidewalk system. The nature of the adjoining uses and proposed development program do not warrant parking lot connections with the adjoining properties.

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

Some green space would be provided around the perimeter of each building. Staff believes that foundation planting should be provided around each building as these spaces are proposed to consist predominately of turf.

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

A rooftop patio is planned at the southern end of the middle building for tenants.

- 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 within both parking lots near the buildings.

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

The proposed buildings would be four stories tall and would comply with 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).

N/A.

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

All three buildings frame the streets they adjoin with minimal setbacks. The east and west buildings are single frontage buildings. Each has two sets of doors that front the street. The middle building has frontage on 8th Street and Crocker Street. It has a single entrance at the northern portion of the 8th Street façade. An entrance is not provided off of Crocker Street. The changes in grade and provision of basement level parking within the building create a challenge in provided additional entrances, which diminishes the street presence of the building. Staff believes that additional architectural detail and/or tall plant material should be provided to compensate.

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

All three buildings exceed this minimum and comply with this guideline.

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

N/A.

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.).

All three buildings frame the streets they adjoin with minimal setbacks. The setbacks range from 2.5 feet to 7.18 feet.

- 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.

A trash enclosure would be located in each parking lot. Both would be constructed of masonry with solid metal gates. A separate pedestrian entrance would be provided. A dedicated recycling areas are not identified. Staff believes that dedicated recycling areas should be provided. Recycling facilities are required by the City's Rental Code.

- 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.

See subparagraph 6 of Section II for landscaping information.

- 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.

Staff believes the proposed number of curb cuts is the minimum number necessary to adequately serve the development.

- 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 1.92 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.

5. Multiple-Family Residential Design Guidelines: The Plan and Zoning Commission shall apply the following design guidelines in acting upon any future site plan application that includes a multiple-family dwelling, boardinghouse or roominghouse,

- a) *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 apartment buildings would be constructed with a mix of metal and fiber cement board siding. Portions of the foundation would be exposed due to changes in grade on the site. These walls would consist of precast concrete. Staff believes that the first floor of the building should be sided with a product more durable than fiber cement board. In addition, staff is concerned by the blank wall effect of an exposed basement level of the middle building on the pedestrian environment along Crocker Street and 8th Street. Staff believes that additional architectural detail and/or tall plant material should be provided.

- b) *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 buildings would be four stories tall and have massing that is appropriate to the downtown.

- c) *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.

All three buildings frame the streets they adjoin with minimal setbacks. The east and west buildings are single frontage buildings. Each has two sets of doors that front the street. The middle building has frontage on 8th Street and Crocker Street. It has a single entrance at the northern portion of the 8th Street façade. An entrance is not provided off of Crocker Street. The changes in grade and provision of basement level parking within the building create a challenge in provided additional entrances, which diminishes the street presence of the building. Staff believes that additional architectural detail and/or tall plant material should be provided to compensate.

- d) *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.

The overhead doors to the parking level would be located on the west façade of the middle building and accessed from the parking lot. The proposal complies with this guideline.

- e) *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.

N/A.

- f) *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.

All means of egress would be located within the buildings.

- g) *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.

See subparagraph 6 of Section II for landscaping information.

6. Landscape Standards: The applicable landscaping standards include the following:

- 1 overstory street tree per 30 lineal feet of frontage.
- 1 overstory tree and 10 shrubs per 40 lineal feet of parking lot perimeter.
- 1 overstory tree and 3 shrubs per 25 parking stalls of parking lot interior.

- 1 overstory tree, 1 evergreen tree and 1 shrub per 2,500 square feet of required open space.

The submitted site plan includes a total of 29 overstory trees, 10 evergreen trees and 116 shrubs. Ornamental grasses are proposed in all 24 street tree beds.

- 7. Demolition Review Ordinance:** The subject property contains a building that was the former location of the Burns United Methodist Church. This building is individually listed on the National Register of Historic Places. The areas of significance noted in the nomination are relating to religion, social/humanitarian and African-American history. The building meets the City's landmark designation criteria based on the building's role in the history of the African-American community in Des Moines and given that it is one of the few surviving buildings from the neighborhood that existed before Interstate 235 was constructed and urban renewal projects occurred.

The proposed demolition of the church building was forwarded to the City Council for review in accordance with the Demolition Review Ordinance. On January 11, 2016, the City Council elected to not forward the request to the Landmark Review Board for further study and to allow the building to be demolished. The building must be documented and a salvage plan must be submitted before a plumbing cut and demolition permits can be issued.

A group from the River Bend Neighborhood have been in contact with the developer and are attempting to move the church building to a lot on the northeast corner of the intersection of University Avenue and 9th Street. On April 27, 2016, the Zoning Board of Adjustment will consider a request for setback and parking relief to allow the building to be moved to this lot.

SUMMARY OF DISCUSSION

Jason Van Essen presented the staff report and presentation.

Jacqueline Easley stated in full disclosure the church to the north (Corinthian Baptist Church) is her significant place of worship. She asked for clarification on what the Commission will be acting on tonight.

Jason Van Essen stated the Commission would be acting on the site plan and making a recommendation on the alley vacation. The City Council has approved the first and second readings of the rezoning request for the other part of the site and the third reading will be held on April 11, 2016. By the time they would receive the Commission's recommendation they will either approve or deny the third reading and then they will receive the Commission's recommendation of the alley vacation. This will give the applicant time to finalize their site plan through the administrative process.

Jacqueline Easley asked would there be an opportunity for revision or recommendations to accommodate concerns of individuals from the church to the north.

Jason Van Essen stated they still have opportunity to attend the third reading, they also have opportunity when the vacation goes before the Council. For the site plan, this will be the last public hearing.

Jacqueline Easley stated she believes the confusion is in the City Council minutes they discuss demolition of the Burns Church and it seems that there are some gray areas to what specifically that the Commission is looking at as opposed to what the Council is going to finally act on.

Jason Van Essen stated there is an effort to move the Burns Church and that is progressing and the group that is doing that is actually on this month's agenda for the Zoning Board of Adjustment to make some allowances to move it to the site that they have control of. He pointed out that if the Council approves the third reading of the zoning and the Commission approves the site plan tonight, the Commission's recommendation for vacation will have to be received and filed and the Council will then refer it to Engineering for the processing of that documentation then it will all come back to the Council for them to actually approve the sale of the right-of-way.

Jacqueline Easley stated that is why she believes what the Commission is doing tonight is putting the cart before the horse.

Steve Niebuhr 6900 Westown Parkway, West Des Moines stated they are in agreement with staff report. They have had numerous neighborhood meetings and an open house. They also met with the Trustees of Corinthian Baptist Church on the March 15, 2016.

CHAIRPERSON OPENED THE PUBLIC HEARING

Reverend Jonathan Whitfield pastor of Corinthian Baptist Church (CBC) stated he wants to express a few sentiments of the congregants of his church, specifically after having met with the Hubbell representatives with the Trustees they did take this information to the church family. He gave the history of Corinthian Baptist Church and how long they have been in the neighborhood which is over 110 years along with how the neighborhood is growing. Their feeling is this project is going to close CBC and move it out the neighborhood. They understand that the City is encouraging development on the hillside but they ask that the traditions of a family oriented community not be forgotten. They believe that the area does need some redevelopment specifically the aesthetics of the area. They are glad to have realtors and developers who are interested in the area, but they are asking for more conversation so they can be partnered with what is going to take place. Their church is growing fast, over the last two years they have grown over 100 members per year. That has caused them to park on most of the area that has been proposed for redevelopment. This development they believe will push the new residents into the street and push the members who worship and use the building into the street. Because of this and other concerns which is listed below it causes them to be in opposition of the applicant's request:

- Historical based on the changing of the neighborhood
- Project too big for area, perhaps there could be some discussion on how to repurpose some of the proposed ideas of the project.

- No open space or amenities for families.
- No traffic control
- Parking

Francis Boggus asked if he spoke to Hubbell Realty at the meeting.

Jonathan Whitfield stated at the meeting it was their first time hearing the full prospective of the project. They then took that information to the congregation and they have not had a chance to speak to them again, so this is the first time Hubbell is hearing CBC concerns.

Mike Ludwig stated that multi-family residential is allowed on the property today without any zoning change. What the zoning change is allowing the applicant to do is to put the building out at the street, instead of a 25 foot setback. If Council does not approve the zoning the site plan would have to be amended to comply with required zoning setbacks or get relief from the Zoning Board of Adjustment.

Rebuttal

Steve Niebuhr stated the parking did come up as a question. There are two major lots owned by Principal that are empty on the weekends, he has talked with the real estate individual at Principal and he is willing to share that contact information with CBC and let them reach out to Principal. He was amenable to listening to them, so he believes it is an opportunity for CBC to alleviate any parking concerns. There is also a large lot owned by Mercy that he can also share the contact information with CBC. He did count spaces around the block and there are about 65 spaces on the street Hubbell will be providing over 140 spaces which is well in excess of the zoning requirement without taking any street parking. They will have an individual on site that can manage the residents.

Francis Boggus asked about a playground for the area. With 123 units have they made any provision for a playground area?

Steve Niebuhr stated he believes they have less than 10 three bedroom units, most of them are two bedrooms and one bedroom units. They don't typically see a lot of families in a market rate rental project.

Francis Boggus stated that is the concern of CBC. That is the way it has been done in the past. He believes that things should be done a little differently, be a little more creative in the community.

Steve Niebuhr stated they are not looking to displace anybody.

Francis Boggus stated the Reverend Jonathan Whitfield could not make a decision because he had to go to his congregants. He believes that it would be a good idea to meet with the congregants to address their concerns.

Steve Niebuhr stated they met March 15, 2016 and received no input at the meeting and they have not received any input since the meeting. How long do they need to wait?

Francis Boggus stated two weeks wouldn't hurt in his opinion.

Steve Niebuhr stated they do have some due diligence deadlines they are up against.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Jacqueline Easley stated that she did not attend the March 15, 2016 meeting but she did attend the church meeting recently and she believes that individuals are opposed to development but she believes it is the opportunity to discuss a little more what the project will mean for the individuals they have coming for the computer program and free clinic. The parking concern is not just for Sunday but for days through the week.

COMMISSION ACTION:

Mike Simonson moved staff recommendation for approval of Part A) the proposed vacation subject to the provision of easements for any existing utilities until such time that they are abandoned or relocated and approval of Part B) the submitted site plan and building elevations subject to the following conditions:

1. Compliance with all administrative review comments of the City's Permit and Development Center.
2. The first floor of the buildings shall be sided with a durable material such as masonry or other comparable durable material to the satisfaction of the Planning Administrator.
3. Provision of additional architectural detail, ornamental trees and/or plantings with a strong vertical growth pattern to enhance the exposed street facing basement walls of 922 8th Street.
4. Review and approval of the finalized building elevations and materials by the Planning Administrator.
5. Provision of foundation plantings around each building to the satisfaction of the Planning Administrator.
6. Provision of black Autobahn LED Series ATBO Street Light Fixtures and metal poles.
7. All site lighting shall be directed downward and shielded from adjoining properties. Any pole mounted lighting along private walkways shall not exceed 15 feet in height and any pole mounted lighting in a parking area shall not exceed 20 feet in height. Private light poles and pole mounted light fixtures are to be similar in style to a black KIM Archetype light fixture, black Autobahn LED Series ATBO light fixture, or of other similar esthetic quality as approved by the Planning Administrator.

- 8. All rooftop mechanical equipment shall be screened with material that is architecturally compatible with the building to the satisfaction of the Planning Administrator.
- 9. All utility meters, transformers, ground-mounted equipment, and other utilities shall be placed alongside or rear facades that are internal to the site.
- 10. All services lines to the building and all utility lines in the adjoining right-of-way shall be located underground.
- 11. All trash enclosures shall have a dedicated recycling area.

Motion passed 10-2 (Jacqueline Easley and Francis Boggus voted in opposition).

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:clw
Attachment