

Date September 26, 2016

CONTINUANCE OF HEARING FOR VACATION OF ALLEY RIGHT-OF-WAY AND VACATION OF AIR SPACE IN GRAND AVENUE AND 7TH STREET ADJOINING 665 GRAND AVENUE, AND CONVEYANCE OF SUCH ALLEY RIGHT-OF-WAY AND AN AIR SPACE EASEMENT TO GRAND 7 PARTNERS, LLC FOR \$224,525.00

WHEREAS, on September 12, 2016, by Roll Call No. 16-1505, 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 Grand 7 Partners, LLC for the vacation of the north/south alley right-of-way between 6th Avenue and 7th Street adjoining High Street and Grand Avenue, and a portion of air space in 7th Street and Grand Avenue right-of-way to allow for second floor entrance encroachments, all subject to the reservation of easements for existing utilities in place until such time as they are abandoned or relocated and further subject to the reservation of an ingress/egress easement for the northern portion of said alley right-of-way; and

WHEREAS, Grand 7 Partners, LLC has requested the vacation of the north/south alley right-of-way between 6th Avenue and 7th Street adjoining High Street and Grand Avenue, and the vacation of air space in portions of 7th Street and Grand Avenue right-of-way adjoining 665 Grand Avenue, hereinafter more fully described; and has further requested that the City convey unto Grand 7 Partners, LLC said alley right-of-way, a Temporary Access Agreement for said alley right-of-way, and a Permanent Easement For Air Space Above City-Owned Property in the vacated portion of Grand Avenue and 7th Street right-of-way, all adjoining 665 Grand Avenue, hereinafter more fully described (collectively "City Right-of-Way"), to allow for second floor entrance canopy encroachments as part of the construction of a proposed 12-story mixed used building project; and

WHEREAS, Grand 7 Partners, LLC, has offered to the City the purchase price of \$224,525.00 for the purchase of the temporary and fee interest in said alley right-of-way and a permanent easement for said air space adjoining 665 Grand Avenue, which price reflects the fair market value of the City Right-of-Way as determined by an independent appraisal; and

WHEREAS, said conveyance is contingent upon future City Council approval of the redevelopment plan for said alley right-of-way; and

WHEREAS, on September 12, 2016, by Roll Call No. 16-1509, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of such property interests be set down for hearing on September 26, 2016, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to vacate the City Right-of-Way and convey said alley right-of-way, Temporary Access Agreement, and a Permanent Easement For Air Space Above City-Owned Property was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, a continuance of the public hearing is needed until the City Council meeting on October 10, 2016, in order to allow for further negotiations on an Amendment to Development Agreement between the

Date September 26, 2016

City and Grand 7 Partners, LLC, pursuant to which the temporary interests in the property will not be acquired.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the public hearing for the vacation of the north/south alley right-of-way between 6th Avenue and 7th Street adjoining High Street and Grand Avenue, and a portion of air space in 7th Street and Grand Avenue right-of-way and conveyance of a Permanent Easement for Air Space Above City-Owned Property to Grand 7 Partners, LLC be and is hereby continued to October 10, 2106, at 5:00 p.m. in the City Council Chambers.

Moved by _____ to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland
 Lisa A. Wieland, Assistant City Attorney

PIW

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

54

11-2016-7.18

Nelson Development, 665 Grand Avenue



Updated on: 8/18/2016

William Page	
Mike Simonson	X
CJ Stephens	X
Steve Wallace	X
Greg Wattier	X

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 and so long as any proposed structure is constructed in compliance with the approved Site Plan and approval of Part B) the submitted site plan and building elevations subject to the following conditions:
(11-2016-1.18 & 10-2017.12)

1. Compliance with all administrative review comments of the City's Permit and Development Center.
2. Provision of black Autobahn LED Series ATBO Street Light Fixtures and metal poles.
3. All site lighting shall be directed downward and shielded from adjoining properties. 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.
4. Review and approval of the final design and building materials by the Urban Design Review Board.

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 and so long as any proposed structure is constructed in compliance with the approved Site Plan.

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. Provision of black Autobahn LED Series ATBO Street Light Fixtures and metal poles.
3. All site lighting shall be directed downward and shielded from adjoining properties. 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.
4. Review and approval of the final design and building materials by the Urban Design Review Board.

West – “C-3”; Use is 7th Street Right-Of-Way and vacant lot owned by Principal Financial Group.

6. **General Neighborhood/Area Land Uses:** The site is located at the northeast corner of the 7th Street and Grand Avenue intersection in the downtown core. The area contains a mix of commercial, office and multiple-family residential uses. The site adjoins the Roman Catholic Diocese Building, which was designed by Architect Mies Van Der Rohe and is a designated local landmark.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Downtown Des Moines Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on July 28, 2016 and a Final Agenda on August 12, 2016. Additionally, separate notifications of the hearing for this specific item were mailed on August 8, 2016 (10 days prior to the public hearing) to the 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 Downtown Des Moines Neighborhood Association notices were mailed to Jon Thompson, 1719 Grand Avenue #330, Des Moines, IA 50309.

8. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** “Downtown Mixed Use”. The Plan describes this category as an “area that allows mixed-use, high-density residential uses, and compact combinations of pedestrian-oriented retail, office, residential, and parking in downtown. Should include active uses (e.g. retail) on ground floor, particularly at key intersections.”

II. 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.

1. **Air Rights:** The building entrance canopies will cantilever into the 7th Street and Grand Avenue Rights-Of-Ways, requiring vacation of air rights. This would not extend over vehicular travelled portions of the adjoining streets.

- 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 building would be 12 stories tall with a total height of 152 feet. It is comparable in scale and height to most other buildings in the downtown core. It would be set along the three adjoining public Rights-Of-Ways with minimal setback. The twelfth floor includes indoor and outdoor residential amenity space, with an outdoor rooftop terrace that provides a slight variation in roof profile. The placement of an open staircase at the southeast corner of the building and public plaza, and use of complementary design and massing gives a cohesive appearance to the overall block with the existing Catholic Diocese Building.

- 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.

The proposed building frames 7th Street, Grand Avenue and High Street with minimal setbacks. The building would have direct access to the public sidewalk on all three streets. Bike parking is provided in close proximity to the primary entrances along 7th Street and Grand Avenue. The existing skywalk bridge to Ruan I will be reused to connect the north and south blocks. An open staircase at the southeast corner of the building connects the 2nd level to the ground level plaza, enhancing the pedestrian experience.

- 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.

Garages are not proposed as part of the project. Three overhead doors located at the north rear façade along High Street will provide vehicular access to the mechanical area, loading zone and trash collection area, internal to the building.

- 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.

- 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 stormtech underground detention is proposed under the proposed plaza along the east portion of the site. In addition, the applicant is proposing use of permeable pavers and landscaped strips within the plaza.

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

Grand Avenue and 7th Street are designated pedestrian corridors. The proposed building frames 7th Street, Grand Avenue and High Street with zero to minimal setbacks. This allows the building to have direct access to the public sidewalk on all three streets. The existing skywalk bridge to Ruan I will be reused to connect the north and south blocks. An open staircase at the southeast corner of the building connects the 2nd level to the ground level plaza. Connection to the adjoining Diocese building is further enhanced through the public plaza, utilizing both efficient pedestrian traffic movement and like materials across the two sites. Three overhead doors located at the north rear façade along High Street will provide vehicular access to the mechanical, loading zone and trash collection areas within the building.

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

The submitted Site Plan shows parkway plantings along 7th Street, Grand Avenue and High Street. The site also includes a landscaped pedestrian plaza located along the east side between Miesblock and the Catholic Diocese Building.

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

The vacated north/south alleyway between 6th Avenue and 7th Street from High Street to Grand Avenue will be incorporated into the project to allow for a landscaped pedestrian plaza between Miesblock and the neighboring Catholic Diocese Building. The plaza would provide outdoor seating area for restaurant use at Miesblock, and also serve as a public gathering space. The twelfth floor of the building contains an indoor and outdoor residential amenity space with an outdoor rooftop terrace.

- 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 parking is provided in close proximity to the primary entrances along 7th Street and Grand Avenue. Staff is recommending provision of additional bike racks, especially along the Grand Avenue frontage, to provide sufficient bike parking for employees and residents of the building.

- 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 2 of Section III 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 0.818 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.

The Urban Design Review Board will review the project on August 16, 2016. Staff recommends approval subject to review and approval of the design and building materials by the UDRB.

SUMMARY OF DISCUSSION

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

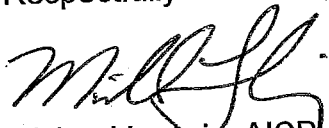
COMMISSION ACTION:

Jann Freed 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 so long as any proposed structure is constructed in compliance with the approved Site Plan 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. Provision of black Autobahn LED Series ATBO Street Light Fixtures and metal poles.
3. All site lighting shall be directed downward and shielded from adjoining properties. 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.
4. Review and approval of the final design and building materials by the Urban Design Review Board.

Motion passed 10-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:clw

cc: Nelson Construction Development
Genus Landscape

6. Please provide public improvement plans and private construction contract documents for the proposed public improvements. Contact Adam Prilipp apprilipp@dmgov.org for questions regarding the plans and Ron DeGroot rdegroot@dmgov.org for questions regarding the contract documents. More information regarding the PCC process can be found here: <https://www.dmgov.org/Departments/Engineering/PDF/Private%20Const%20Contract%20Instructions%204-25-2016.pdf>

7. Provide more detail on the plans to show that the required underground storage volume is achieved. The detail on L502 should include dimensions. The extent of the underground storage areas should be dimensioned in plan view.

8. The upper left StormTech detail on C300 is missing leaders for the notes.

9. If the storm sewer inverts from the building can be raised (shown as 37.5'), it appears the entire system could be raised, thus creating a better scenario for public sewer in the ROW

10. How does the StormTech volume table at the end of the stormwater report account for the areas under the planter pits? Also, how does it account for the odd shape of the system? A more detailed analysis of how the storage volume was calculated should be provided.

11. Along with submitting one signed paper copy, please e-mail a PDF copy of the Stormwater Management Report for this project to: apprilipp@dmgov.org

12. Retaining walls on site that exceed four feet in height will require a separate building permit with a design and by a licensed professional engineer, accompanied by structural calculations.

13. A Grading Permit will be required prior to commencement of site work.

Traffic

14. Traffic comments are forthcoming and will be emailed to you once received. Please do not resubmit until received update correspondence with traffic comments. Please contact Mark Garrett for immediate questions at 515-237-1436.

Planning

15. Add the legal description to the site plan.

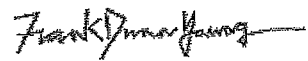
16. As this site will be reviewed by the Plan and Zoning Commission, provide the meeting date and all applicable conditions of approval on the site plan.

17. Provide two copies of easement documents and illustrations for City Legal review and approval with an 11 X 17 copy of the site plan. This shall include easements for the public pedestrian way and building easements:

18. It appears as though you have spaced the street trees at intervals of 23 feet on center which deviates from the landscape standards that typically require 30 feet between each tree. As part of your presentation to the Plan and Zoning Commission, be sure to provide support as to why the number of overstory trees has not been maximized along each frontage and set at these intervals.

If you have any questions contact me @ **283-4743** or by email @ **fadunnyoung@dmgov.org**.

Sincerely,

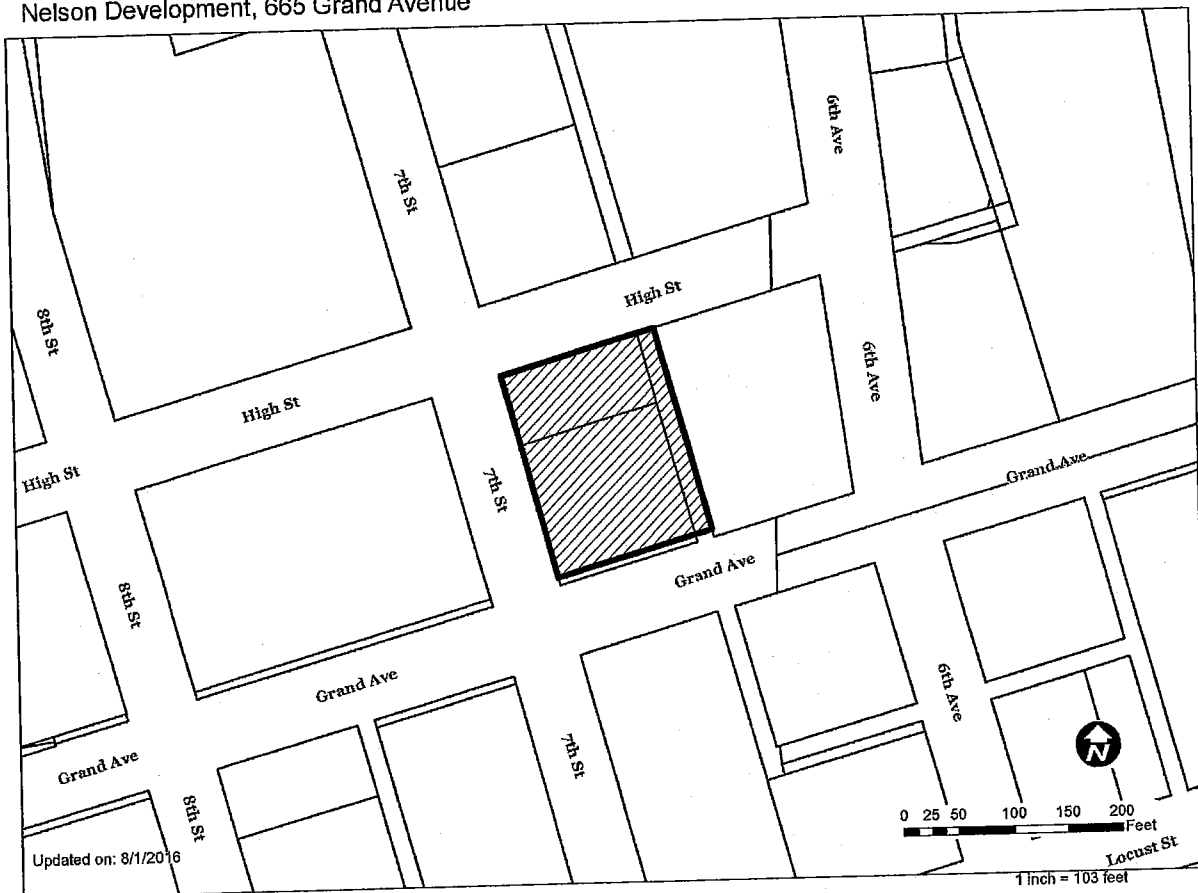
A handwritten signature in cursive script that reads "Frank Dunn-Young". The signature is written in black ink and includes a horizontal line extending to the right from the end of the name.

Frank Dunn-Young
Senior City Planner

Nelson Development (developer) represented by Alexander Grgurich (officer). The subject property is owned by the City of Des Moines.			File # 10-2017-7.12	
Description of Action	Approval of a Site Plan "Miesblock" under design guidelines for multiple-family dwellings to allow development of a 12-story mixed use building with 7,228 square feet of first floor retail, 25,378 square feet of 2 nd and 3 rd floor office space, and 168 residential units, subject to conditions.			
PlanDSM Future Land Use	Current: Downtown Mixed Use. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	Limited "C-3" Central Business District, "D-O" Downtown Overlay District, "GGP" Gambling Games Prohibition 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	2			
Outside Area				
Plan and Zoning Commission Action	Approval	10-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

Nelson Development, 665 Grand Avenue

10-2017-7.12



10-2017-7.12

Item

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

Date

Aug. 11, 2016

COMMUNITY DEVELOPMENT
HEALTH DEVELOPMENT

AUG 11 2016

Print Name

Wade Reisinger

Signature

Wade Reisinger

Address

5016 Grand Ave, DSM, IA 50309

DEPARTMENT

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

10-2017-7.12

Item

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

Date

8/5/18

Print Name

JARBOX

Signature

Jarbox

Address

AUG 16 2016

DEPARTMENT

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