

Date February 6, 2017

HOLD HEARING FOR VACATION OF AIR SPACE, SURFACE AND SUBSURFACE RIGHTS IN PORTIONS OF CITY RIGHT-OF-WAY ADJOINING 1400 WALNUT STREET AND CONVEYANCE OF PERMANENT EASEMENTS TO 14 WALNUT LLC FOR \$5,724.00, AND ACCEPTANCE OF A PERMANENT EASEMENT FOR PUBLIC PEDESTRIAN WAY FROM 14 WALNUT LLC VALUED AT \$1,400.00

WHEREAS, 14 Walnut LLC is the owner of the real property locally known as 1400 Walnut Street, Des Moines, Iowa, which property is being developed with a new 5-story mixed-use building with below grade off street parking; and

WHEREAS, 14 Walnut LLC has requested the vacation of air space, surface rights and subsurface rights in portions of Walnut Street, 14th Street, Falcon Drive and City of Des Moines alley right-of-way all adjoining 1400 Walnut Street, hereinafter more fully described (collectively "City Right-of-Way"), and has further requested that the City of Des Moines, Iowa ("City") convey unto 14 Walnut LLC a Permanent Easement For Air Space Above City-Owned Property, a Permanent Subsurface Easement for Building Encroachment on City-Owned Property, a Permanent Easement for Building Encroachment – Gate Swing, and a Permanent Easement for Building Encroachment – Door Swing in the vacated City Right-of-Way, all adjoining 1400 Walnut Street, hereinafter more fully described, in order to allow for balcony, subsurface building footing and surface door and gate swing encroachments into the City Right-of-Way; and

WHEREAS, 14 Walnut LLC has offered to the City the purchase price of \$5,724.00 and conveyance to the City of Des Moines, Iowa of a Permanent Easement for Public Pedestrian Way in a portion of the real property located at 1400 Walnut Street valued at \$1,400.00, hereinafter more fully described, for the purchase of said permanent easements in the vacated City Right-of-Way which prices reflect the fair market value of the City Right-of-Way as determined by the City's Real Estate Division; and

WHEREAS, the City will not be inconvenienced by the proposed vacation and conveyance of said easement interests; and

WHEREAS, on January 23, 2017, by Roll Call No. 17-0105, 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 February 6, 2017, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to vacate air space, surface rights and subsurface rights in portions of said City Right-of-Way and convey a Permanent Easement For Air Space Above City-Owned Property, a Permanent Subsurface Easement for Building Encroachment on City-Owned Property, a Permanent Easement for Building Encroachment – Gate Swing, and a Permanent Easement for Building Encroachment – Door Swing 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

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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, surface, and subsurface easements as described below are hereby overruled, and the hearing is closed.
2. There is no public need or benefit for the City Right-of-Way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of air space, surface rights and subsurface rights in portions of Walnut Street, 14th Street, Falcon Drive and City of Des Moines alley right-of-way all adjoining 1400 Walnut Street, more specifically described as follows:

BUILDING ENCROACHMENT DOOR SWING EASEMENT DESCRIPTION

AREA "A"

THAT PART OF THE FALCON DRIVE RIGHT-OF-WAY LYING SOUTH OF AND ADJACENT TO LOT 1 IN BLOCK 39, JONATHAN LYON'S ADDITION TO FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF EXISTING 14TH STREET AND THE NORTH RIGHT-OF-WAY LINE OF FALCON DRIVE; THENCE SOUTH 74°16'20" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE OF FALCON DRIVE, 59.70 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 15°48'33" EAST, 3.49 FEET; THENCE SOUTH 74°11'27" WEST, 5.00 FEET; THENCE NORTH 15°48'33" WEST, 3.50 FEET TO SAID NORTH RIGHT-OF-WAY LINE OF FALCON DRIVE; THENCE NORTH 74°16'20" EAST, 5.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 17 S.F.,

AREA "B"

THAT PART OF THE ALLEY RIGHT-OF-WAY LYING WEST OF AND ADJACENT TO LOT 2 IN BLOCK 39, JONATHAN LYON'S ADDITION TO FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 15°23'36" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF SAID ALLEY, 36.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 74°11'27" WEST, 1.96 FEET; THENCE NORTH 15°48'33" WEST, 5.00 FEET; THENCE NORTH 74°11'27" EAST, 2.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF SAID ALLEY; THENCE SOUTH 15°23'36" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, 5.00 FEET TO THE POINT OF BEGINNING AN CONTAINING 10 S.F.,

AREA "C"

THAT PART OF THE WALNUT STREET RIGHT-OF-WAY LYING NORTH OF AND ADJACENT TO LOT 1 IN BLOCK 39, JONATHAN LYON'S ADDITION TO FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE

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PARTICULARLY DESCRIBED AS: COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF EXISTING 14TH STREET AND THE SOUTH RIGHT-OF-WAY LINE OF WALNUT STREET; THENCE SOUTH 74°11'27" WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE OF WALNUT STREET, 8.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 74°11'27" WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE, 5.00 FEET; THENCE NORTH 15°48'33" WEST, 1.00 FEET; THENCE NORTH 74°11'27" EAST, 5.00 FEET; THENCE SOUTH 15°48'33" EAST, 1.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 5 S.F.,

AREA "D"

THAT PART OF THE WALNUT STREET RIGHT-OF-WAY LYING NORTH OF AND ADJACENT TO LOT 1 IN BLOCK 39, JONATHAN LYON'S ADDITION TO FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF EXISTING 14TH STREET AND THE SOUTH RIGHT-OF-WAY LINE OF WALNUT STREET; THENCE SOUTH 74°11'27" WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE OF WALNUT STREET, 37.25 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 74°11'27" WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE, 5.00 FEET; THENCE NORTH 15°48'33" WEST, 1.00 FEET; THENCE NORTH 74°11'27" EAST, 5.00 FEET; THENCE SOUTH 15°48'33" EAST, 1.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 5 S.F.

BUILDING ENCROACHMENT GATE SWING EASEMENT DESCRIPTION

THAT PART OF THE FALCON DRIVE RIGHT-OF-WAY LYING SOUTH OF AND ADJACENT TO LOTS 1 AND 2 IN BLOCK 39, JONATHAN LYON'S ADDITION TO FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 74°16'20" EAST ALONG THE NORTH RIGHT-OF-WAY LINE OF FALCON DRIVE, 58.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 74°16'20" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE OF FALCON DRIVE, 16.00 FEET; THENCE SOUTH 15°48'33" EAST, 4.32 FEET; THENCE SOUTH 74°11'27" WEST, 16.00 FEET; THENCE NORTH 15°48'33" WEST, 4.34 FEET TO THE POINT OF BEGINNING AND CONTAINING 69 S.F.;

AIR SPACE EASEMENT DESCRIPTION

AREA "A"

ALL OF THE AIR SPACE FOR THAT PART OF THE EXISTING 14TH STREET RIGHT-OF-WAY LYING ADJACENT TO AND EAST OF THE VACATED 14TH STREET RIGHT-OF-WAY, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF THE EXISTING 14TH STREET AND THE NORTH RIGHT-OF-WAY LINE OF FALCON DRIVE; THENCE NORTH 15°50'11" WEST ALONG SAID WEST RIGHT-OF-WAY LINE OF SAID 14TH STREET, 59.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 15°50'11" WEST ALONG SAID WEST RIGHT-OF-WAY LINE, 12.00 FEET; THENCE NORTH 74°11'27" EAST, 2.97 FEET; THENCE SOUTH 15°48'33" EAST, 12.00 FEET;

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THENCE SOUTH 74°11'27" WEST, 2.96 FEET TO THE POINT OF BEGINNING AND CONTAINING 36 S.F. WHICH IS BELOW A PLANE ELEVATION OF 92.55 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 56.30 FEET CITY DATUM. THE GROUND ELEVATION WITHIN SAID DESCRIPTION IS APPROXIMATELY 37.69 FEET,

AREA "B"

ALL OF THE AIR SPACE FOR THAT PART OF FALCON DRIVE RIGHT-OF-WAY LYING SOUTH OF AND ADJACENT TO LOT 2 IN BLOCK 39, JONATHAN LYON'S ADDITION TO FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 74°16'20" EAST ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID FALCON DRIVE, 5.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 74°16'20" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE, 12.00 FEET; THENCE SOUTH 15°48'33" EAST, 4.40 FEET; THENCE SOUTH 74°11'27" WEST, 12.00 FEET; THENCE NORTH 15°48'33" WEST, 4.42 FEET TO THE POINT OF BEGINNING AND CONTAINING 53 S.F. WHICH IS BELOW A PLANE ELEVATION OF 92.55 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 42.30 FEET CITY DATUM. THE GROUND ELEVATION WITHIN SAID DESCRIPTION IS APPROXIMATELY 31.60 FEET,

AREA "C"

ALL OF THE AIR SPACE FOR THAT PART OF FALCON DRIVE RIGHT-OF-WAY LYING SOUTH OF AND ADJACENT TO LOT 2 IN BLOCK 39, JONATHAN LYON'S ADDITION TO FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 74°16'20" EAST ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID FALCON DRIVE, 43.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 74°16'20" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE, 12.00 FEET; THENCE SOUTH 15°48'33" EAST, 4.35 FEET; THENCE SOUTH 74°11'27" WEST, 12.00 FEET; THENCE NORTH 15°48'33" WEST, 4.36 FEET TO THE POINT OF BEGINNING AND CONTAINING 52 S.F. WHICH IS BELOW A PLANE ELEVATION OF 92.55 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 42.30 FEET CITY DATUM. THE GROUND ELEVATION WITHIN SAID DESCRIPTION IS APPROXIMATELY 32.30 FEET,

AREA "D"

ALL OF THE AIR SPACE FOR THAT PART OF THE ALLEY RIGHT-OF-WAY LYING WEST OF AND ADJACENT TO LOT 2 IN BLOCK 39, JONATHAN LYON'S ADDITION TO FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 15°23'36" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF SAID ALLEY, 59.50 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 74°11'27" WEST, 3.41 FEET; THENCE NORTH 15°48'33" WEST, 12.00 FEET; THENCE NORTH 74°11'27" EAST, 3.50 FEET TO THE EAST RIGHT-OF-WAY LINE OF SAID ALLEY; THENCE SOUTH 15°23'36" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, 12.00 FEET TO THE

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POINT OF BEGINNING AND CONTAINING 41 S.F. WHICH IS BELOW A PLANE ELEVATION OF 92.55 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 56.30 FEET CITY DATUM. THE GROUND ELEVATION WITHIN SAID DESCRIPTION IS APPROXIMATELY 38.00 FEET.

SUBSURFACE EASEMENT DESCRIPTION

AREA "A"

THAT PART OF THE SUBSURFACE OF EXISTING 14TH STREET RIGHT-OF-WAY LYING ADJACENT TO AND EAST OF THE VACATED 14TH STREET RIGHT-OF-WAY, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF EXISTING 14TH STREET AND THE NORTH RIGHT-OF-WAY LINE OF FALCON DRIVE; THENCE NORTH 15°50'11" WEST ALONG SAID WEST RIGHT-OF-WAY LINE OF 14TH STREET, 50.38 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 15°50'11" WEST ALONG SAID WEST RIGHT-OF-WAY LINE, 9.00 FEET; THENCE NORTH 74°11'27" EAST, 0.46 FEET; THENCE SOUTH 15°48'33" EAST, 9.00 FEET; THENCE SOUTH 74°11'27" WEST, 0.46 FEET TO THE POINT OF BEGINNING AND CONTAINING 4 S.F.,

AREA "B"

THAT PART OF THE SUBSURFACE OF EXISTING 14TH STREET RIGHT-OF-WAY LYING ADJACENT TO AND EAST OF THE VACATED 14TH STREET RIGHT-OF-WAY, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF EXISTING 14TH STREET AND THE NORTH RIGHT-OF-WAY LINE OF FALCON DRIVE; THENCE NORTH 15°50'11" WEST ALONG SAID WEST RIGHT-OF-WAY LINE OF SAID 14TH STREET, 80.88 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 15°50'11" WEST ALONG SAID WEST RIGHT-OF-WAY LINE, 9.00 FEET; THENCE NORTH 74°11'27" EAST, 0.48 FEET; THENCE SOUTH 15°48'33" EAST, 9.00 FEET; THENCE SOUTH 74°11'27" WEST, 0.47 FEET TO THE POINT OF BEGINNING AND CONTAINING 4 S.F.,

AREA "C"

THAT PART OF THE SUBSURFACE OF FALCON DRIVE RIGHT-OF-WAY LYING SOUTH OF AND ADJACENT TO THE VACATED 14TH STREET RIGHT-OF-WAY, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF EXISTING 14TH STREET AND THE NORTH RIGHT-OF-WAY LINE OF FALCON DRIVE; THENCE SOUTH 74°16'20" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE OF FALCON DRIVE, 26.81 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 15°48'33" EAST, 1.32 FEET; THENCE SOUTH 74°11'27" RIGHT-OF-WAY LINE OF FALCON DRIVE; THENCE NORTH 74°16'20" EAST, 8.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 11 S.F.,

AREA "D"

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THAT PART OF THE SUBSURFACE OF FALCON DRIVE RIGHT-OF-WAY LYING SOUTH OF AND ADJACENT TO LOT 2 IN BLOCK 39 IN JONATHAN LYON'S ADDITION TO FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 74°16'20" EAST ALONG THE NORTH RIGHT-OF-WAY LINE OF FALCON DRIVE, 16.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 74°16'20" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE OF FALCON DRIVE, 8.00 FEET; THENCE SOUTH 15°48'33" EAST, 1.50 FEET; THENCE SOUTH 74°11'27" WEST, 8.00 FEET; THENCE NORTH 15°48'33" WEST, 1.51 FEET TO THE POINT OF BEGINNING AND CONTAINING 12 S.F.,

AREA "E"

THAT PART OF THE SUBSURFACE OF FALCON DRIVE RIGHT-OF-WAY LYING SOUTH OF AND ADJACENT TO LOT 2 IN BLOCK 39 IN JONATHAN LYON'S ADDITION TO FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 74°16'20" EAST ALONG THE NORTH RIGHT-OF-WAY LINE OF FALCON DRIVE, 51.75 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 74°16'20" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE OF FALCON DRIVE, 8.00 FEET; THENCE SOUTH 15°48'33" EAST, 1.32 FEET; THENCE SOUTH 74°11'27" WEST, 8.00 FEET; THENCE NORTH 15°48'33" WEST, 1.33 FEET TO THE POINT OF BEGINNING AND CONTAINING 11 S.F.

3. That the sale and conveyance of a Permanent Easement For Air Space Above City-Owned Property, a Permanent Subsurface Easement for Building Encroachment on City-Owned Property, a Permanent Easement for Building Encroachment – Gate Swing, and a Permanent Easement for Building Encroachment – Door Swing within such vacated Walnut Street, 14th Street, Falcon Drive and City of Des Moines alley right-of-way all adjoining 1400 Walnut Street, as described below, to 14 Walnut LLC in consideration of \$5,724.00 and conveyance to the City of a Permanent Easement for Public Pedestrian Way, and acceptance from 14 Walnut LLC of a Permanent Easement for Public Pedestrian Way in a portion of the real property located at 1400 Walnut Street, together with payment by 14 Walnut LLC of the estimated publication and recording costs for this transaction, subject to the requirements of the Offer to Purchase and the City Plan and Zoning Commission review, be and is hereby approved:

BUILDING ENCROACHMENT DOOR SWING EASEMENT DESCRIPTION

AREA "A"

THAT PART OF THE VACATED FALCON DRIVE RIGHT-OF-WAY LYING SOUTH OF AND ADJACENT TO LOT 1 IN BLOCK 39, JONATHAN LYON'S ADDITION TO FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF EXISTING 14TH STREET AND THE NORTH RIGHT-OF-WAY LINE OF FALCON DRIVE; THENCE SOUTH 74°16'20" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE OF FALCON DRIVE, 59.70 FEET TO THE POINT OF BEGINNING; THENCE SOUTH

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15°48'33" EAST, 3.49 FEET; THENCE SOUTH 74°11'27" WEST, 5.00 FEET; THENCE NORTH 15°48'33" WEST, 3.50 FEET TO SAID NORTH RIGHT-OF-WAY LINE OF FALCON DRIVE; THENCE NORTH 74°16'20" EAST, 5.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 17 S.F.,

AREA "B"

THAT PART OF THE VACATED ALLEY RIGHT-OF-WAY LYING WEST OF AND ADJACENT TO LOT 2 IN BLOCK 39, JONATHAN LYON'S ADDITION TO FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 15°23'36" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF SAID ALLEY, 36.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 74°11'27" WEST, 1.96 FEET; THENCE NORTH 15°48'33" WEST, 5.00 FEET; THENCE NORTH 74°11'27" EAST, 2.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF SAID ALLEY; THENCE SOUTH 15°23'36" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, 5.00 FEET TO THE POINT OF BEGINNING AN CONTAINING 10 S.F.,

AREA "C"

THAT PART OF THE VACATED WALNUT STREET RIGHT-OF-WAY LYING NORTH OF AND ADJACENT TO LOT 1 IN BLOCK 39, JONATHAN LYON'S ADDITION TO FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF EXISTING 14TH STREET AND THE SOUTH RIGHT-OF-WAY LINE OF WALNUT STREET; THENCE SOUTH 74°11'27" WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE OF WALNUT STREET, 8.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 74°11'27" WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE, 5.00 FEET; THENCE NORTH 15°48'33" WEST, 1.00 FEET; THENCE NORTH 74°11'27" EAST, 5.00 FEET; THENCE SOUTH 15°48'33" EAST, 1.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 5 S.F.,

AREA "D"

THAT PART OF THE VACATED WALNUT STREET RIGHT-OF-WAY LYING NORTH OF AND ADJACENT TO LOT 1 IN BLOCK 39, JONATHAN LYON'S ADDITION TO FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF EXISTING 14TH STREET AND THE SOUTH RIGHT-OF-WAY LINE OF WALNUT STREET; THENCE SOUTH 74°11'27" WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE OF WALNUT STREET, 37.25 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 74°11'27" WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE, 5.00 FEET; THENCE NORTH 15°48'33" WEST, 1.00 FEET; THENCE NORTH 74°11'27" EAST, 5.00 FEET; THENCE SOUTH 15°48'33" EAST, 1.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 5 S.F.

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BUILDING ENCROACHMENT GATE SWING EASEMENT DESCRIPTION

THAT PART OF THE VACATED FALCON DRIVE RIGHT-OF-WAY LYING SOUTH OF AND ADJACENT TO LOTS 1 AND 2 IN BLOCK 39, JONATHAN LYON'S ADDITION TO FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 74°16'20" EAST ALONG THE NORTH RIGHT-OF-WAY LINE OF FALCON DRIVE, 58.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 74°16'20" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE OF FALCON DRIVE, 16.00 FEET; THENCE SOUTH 15°48'33" EAST, 4.32 FEET; THENCE SOUTH 74°11'27" WEST, 16.00 FEET; THENCE NORTH 15°48'33" WEST, 4.34 FEET TO THE POINT OF BEGINNING AND CONTAINING 69 S.F.;

AIR SPACE EASEMENT DESCRIPTION

AREA "A"

ALL OF THE VACATED AIR SPACE FOR THAT PART OF THE EXISTING 14TH STREET RIGHT-OF-WAY LYING ADJACENT TO AND EAST OF THE VACATED 14TH STREET RIGHT-OF-WAY, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF THE EXISTING 14TH STREET AND THE NORTH RIGHT-OF-WAY LINE OF FALCON DRIVE; THENCE NORTH 15°50'11" WEST ALONG SAID WEST RIGHT-OF-WAY LINE OF SAID 14TH STREET, 59.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 15°50'11" WEST ALONG SAID WEST RIGHT-OF-WAY LINE, 12.00 FEET; THENCE NORTH 74°11'27" EAST, 2.97 FEET; THENCE SOUTH 15°48'33" EAST, 12.00 FEET; THENCE SOUTH 74°11'27" WEST, 2.96 FEET TO THE POINT OF BEGINNING AND CONTAINING 36 S.F. WHICH IS BELOW A PLANE ELEVATION OF 92.55 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 56.30 FEET CITY DATUM. THE GROUND ELEVATION WITHIN SAID DESCRIPTION IS APPROXIMATELY 37.69 FEET,

AREA "B"

ALL OF THE VACATED AIR SPACE FOR THAT PART OF FALCON DRIVE RIGHT-OF-WAY LYING SOUTH OF AND ADJACENT TO LOT 2 IN BLOCK 39, JONATHAN LYON'S ADDITION TO FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 74°16'20" EAST ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID FALCON DRIVE, 5.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 74°16'20" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE, 12.00 FEET; THENCE SOUTH 15°48'33" EAST, 4.40 FEET; THENCE SOUTH 74°11'27" WEST, 12.00 FEET; THENCE NORTH 15°48'33" WEST, 4.42 FEET TO THE POINT OF BEGINNING AND CONTAINING 53 S.F. WHICH IS BELOW A PLANE ELEVATION OF 92.55 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 42.30 FEET CITY DATUM. THE GROUND ELEVATION WITHIN SAID DESCRIPTION IS APPROXIMATELY 31.60 FEET,

Date February 6, 2017

AREA "C"

ALL OF THE VACATED AIR SPACE FOR THAT PART OF FALCON DRIVE RIGHT-OF-WAY LYING SOUTH OF AND ADJACENT TO LOT 2 IN BLOCK 39, JONATHAN LYON'S ADDITION TO FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 74°16'20" EAST ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID FALCON DRIVE, 43.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 74°16'20" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE, 12.00 FEET; THENCE SOUTH 15°48'33" EAST, 4.35 FEET; THENCE SOUTH 74°11'27" WEST, 12.00 FEET; THENCE NORTH 15°48'33" WEST, 4.36 FEET TO THE POINT OF BEGINNING AND CONTAINING 52 S.F. WHICH IS BELOW A PLANE ELEVATION OF 92.55 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 42.30 FEET CITY DATUM. THE GROUND ELEVATION WITHIN SAID DESCRIPTION IS APPROXIMATELY 32.30 FEET,

AREA "D"

ALL OF THE VACATED AIR SPACE FOR THAT PART OF THE ALLEY RIGHT-OF-WAY LYING WEST OF AND ADJACENT TO LOT 2 IN BLOCK 39, JONATHAN LYON'S ADDITION TO FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 15°23'36" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF SAID ALLEY, 59.50 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 74°11'27" WEST, 3.41 FEET; THENCE NORTH 15°48'33" WEST, 12.00 FEET; THENCE NORTH 74°11'27" EAST, 3.50 FEET TO THE EAST RIGHT-OF-WAY LINE OF SAID ALLEY; THENCE SOUTH 15°23'36" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, 12.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 41 S.F. WHICH IS BELOW A PLANE ELEVATION OF 92.55 FEET CITY DATUM AND WHICH IS ABOVE A PLANE ELEVATION OF 56.30 FEET CITY DATUM. THE GROUND ELEVATION WITHIN SAID DESCRIPTION IS APPROXIMATELY 38.00 FEET.

SUBSURFACE EASEMENT DESCRIPTION

AREA "A"

THAT PART OF THE VACATED SUBSURFACE OF EXISTING 14TH STREET RIGHT-OF-WAY LYING ADJACENT TO AND EAST OF THE VACATED 14TH STREET RIGHT-OF-WAY, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF EXISTING 14TH STREET AND THE NORTH RIGHT-OF-WAY LINE OF FALCON DRIVE; THENCE NORTH 15°50'11" WEST ALONG SAID WEST RIGHT-OF-WAY LINE OF 14TH STREET, 50.38 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 15°50'11" WEST ALONG SAID WEST RIGHT-OF-WAY LINE, 9.00 FEET; THENCE NORTH 74°11'27" EAST, 0.46 FEET; THENCE SOUTH 15°48'33" EAST, 9.00 FEET; THENCE SOUTH 74°11'27" WEST, 0.46 FEET TO THE POINT OF BEGINNING AND CONTAINING 4 S.F.,

Date February 6, 2017

AREA "B"

THAT PART OF THE VACATED SUBSURFACE OF EXISTING 14TH STREET RIGHT-OF-WAY LYING ADJACENT TO AND EAST OF THE VACATED 14TH STREET RIGHT-OF-WAY, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF EXISTING 14TH STREET AND THE NORTH RIGHT-OF-WAY LINE OF FALCON DRIVE; THENCE NORTH 15°50'11" WEST ALONG SAID WEST RIGHT-OF-WAY LINE OF SAID 14TH STREET, 80.88 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 15°50'11" WEST ALONG SAID WEST RIGHT-OF-WAY LINE, 9.00 FEET; THENCE NORTH 74°11'27" EAST, 0.48 FEET; THENCE SOUTH 15°48'33" EAST, 9.00 FEET; THENCE SOUTH 74°11'27" WEST, 0.47 FEET TO THE POINT OF BEGINNING AND CONTAINING 4 S.F.,

AREA "C"

THAT PART OF THE VACATED SUBSURFACE OF FALCON DRIVE RIGHT-OF-WAY LYING SOUTH OF AND ADJACENT TO THE VACATED 14TH STREET RIGHT-OF-WAY, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF EXISTING 14TH STREET AND THE NORTH RIGHT-OF-WAY LINE OF FALCON DRIVE; THENCE SOUTH 74°16'20" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE OF FALCON DRIVE, 26.81 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 15°48'33" EAST, 1.32 FEET; THENCE SOUTH 74°11'27" RIGHT-OF-WAY LINE OF FALCON DRIVE; THENCE NORTH 74°16'20" EAST, 8.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 11 S.F.,

AREA "D"

THAT PART OF THE VACATED SUBSURFACE OF FALCON DRIVE RIGHT-OF-WAY LYING SOUTH OF AND ADJACENT TO LOT 2 IN BLOCK 39 IN JONATHAN LYON'S ADDITION TO FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 74°16'20" EAST ALONG THE NORTH RIGHT-OF-WAY LINE OF FALCON DRIVE, 16.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 74°16'20" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE OF FALCON DRIVE, 8.00 FEET; THENCE SOUTH 15°48'33" EAST, 1.50 FEET; THENCE SOUTH 74°11'27" WEST, 8.00 FEET; THENCE NORTH 15°48'33" WEST, 1.51 FEET TO THE POINT OF BEGINNING AND CONTAINING 12 S.F.,

AREA "E"

THAT PART OF THE VACATED SUBSURFACE OF FALCON DRIVE RIGHT-OF-WAY LYING SOUTH OF AND ADJACENT TO LOT 2 IN BLOCK 39 IN JONATHAN LYON'S ADDITION TO FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 74°16'20" EAST ALONG THE

Date February 6, 2017

NORTH RIGHT-OF-WAY LINE OF FALCON DRIVE, 51.75 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 74°16'20" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE OF FALCON DRIVE, 8.00 FEET; THENCE SOUTH 15°48'33" EAST, 1.32 FEET; THENCE SOUTH 74°11'27" WEST, 8.00 FEET; THENCE NORTH 15°48'33" WEST, 1.33 FEET TO THE POINT OF BEGINNING AND CONTAINING 11 S.F.,

PERMANENT EASEMENT FOR PUBLIC PEDESTRIAN WAY DESCRIPTION:

A PART OF LOTS 1 AND 2 IN BLOCK 39, JONATHAN LYON'S ADDITION TO FORT DES MOINES, AND A PART OF THE VACATED 14TH STREET RIGHT-OF-WAY, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA AND MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 2; THENCE NORTH 74°11'27" EAST ALONG THE NORTH LINE OF SAID LOTS 1 AND 2, A DISTANCE OF 149.42 FEET TO THE WEST RIGHT-OF-WAY LINE OF 14TH STREET; THENCE SOUTH 15°50'11" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, 0.16 FEET; THENCE SOUTH 74°08'05" WEST, 149.42 FEET TO THE WEST LINE OF SAID LOT 2; THENCE NORTH 15°23'36" WEST ALONG SAID WEST LINE, 0.30 FEET TO THE POINT OF BEGINNING AND CONTAINING 35 S.F. PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD

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

5. The City Clerk is hereby authorized and directed to endorse upon the Permanent Easement for Public Pedestrian Way the approval and acceptance of this Council; and is further authorized and directed to deliver all the aforementioned documents to the Real Estate Division Manager, who shall proceed to closing in accordance with standard real estate practices.

6. Upon final passage of an ordinance vacating said air space, surface rights and subsurface rights in portions of said City 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.

7. 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.

8. 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.

★ Roll Call Number

Agenda Item Number

45

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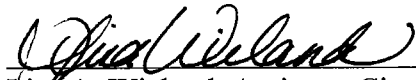
Date February 6, 2017

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

(Council Communication No. 17- 054)

Moved by _____ to adopt.

APPROVED AS TO FORM:



Lisa A. Wieland, Assistant City Attorney

RTV

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.

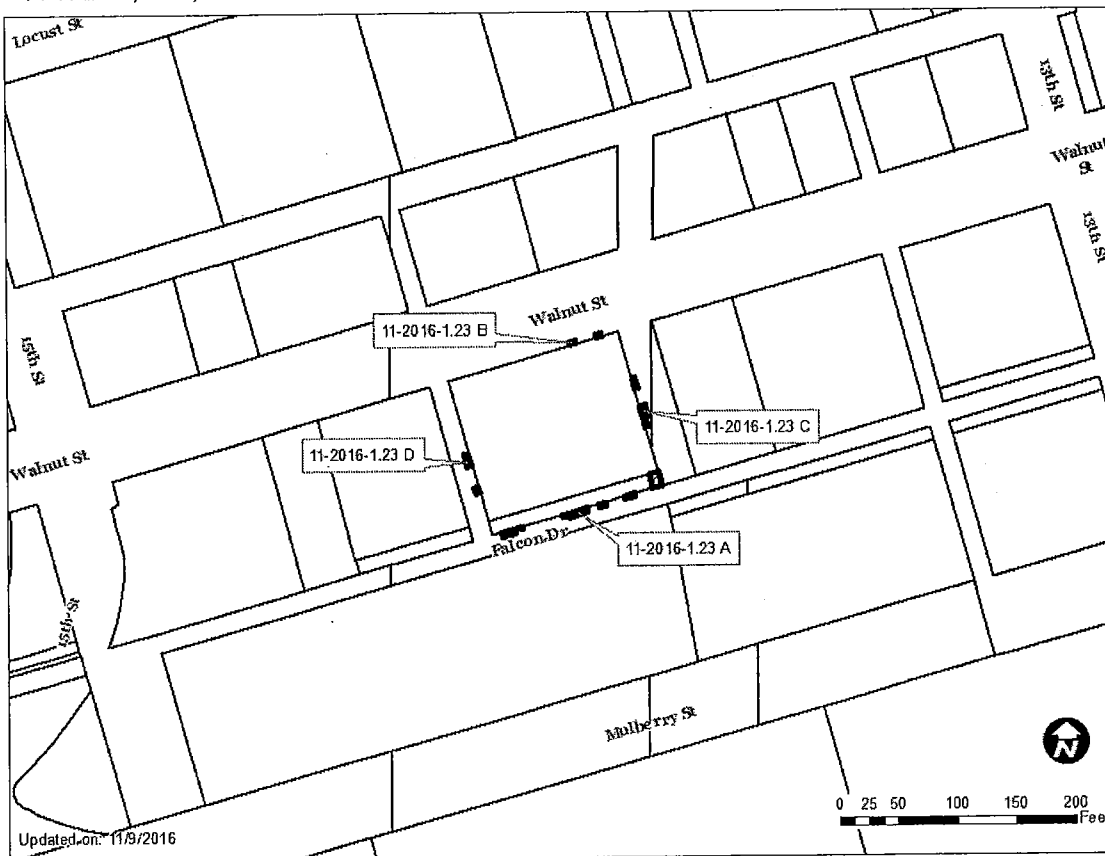
City Clerk

45

14 Walnut, LLC (developer) represented by Jeff Koch (officer) for property located at 1400 Walnut Street. The subject property is owned by Gifford & Brown, Inc.				File # 11-2016-1.23	
Description of Action	Approval of request for vacation of subsurface, surface, and air rights adjoining the subject property within the north portion of Falcon Drive, the south 1 foot of Walnut Street, the west 3 feet of 14th Street, and the east 3.5 feet of the north/south alley west of all adjoining the subject property, to allow for balcony, subsurface building footing and surface door and gate encroachments subject to conditions..				
PlanDSM Future Land Use	Current: Downtown Mixed Use. Proposed: N/A.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"C-3A" Central Business Support Commercial District, "GGP" Gambling Games Prohibition 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	Approval	10-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

14 Walnut, LLC, 1400 Walnut Street

11-2016-1.23



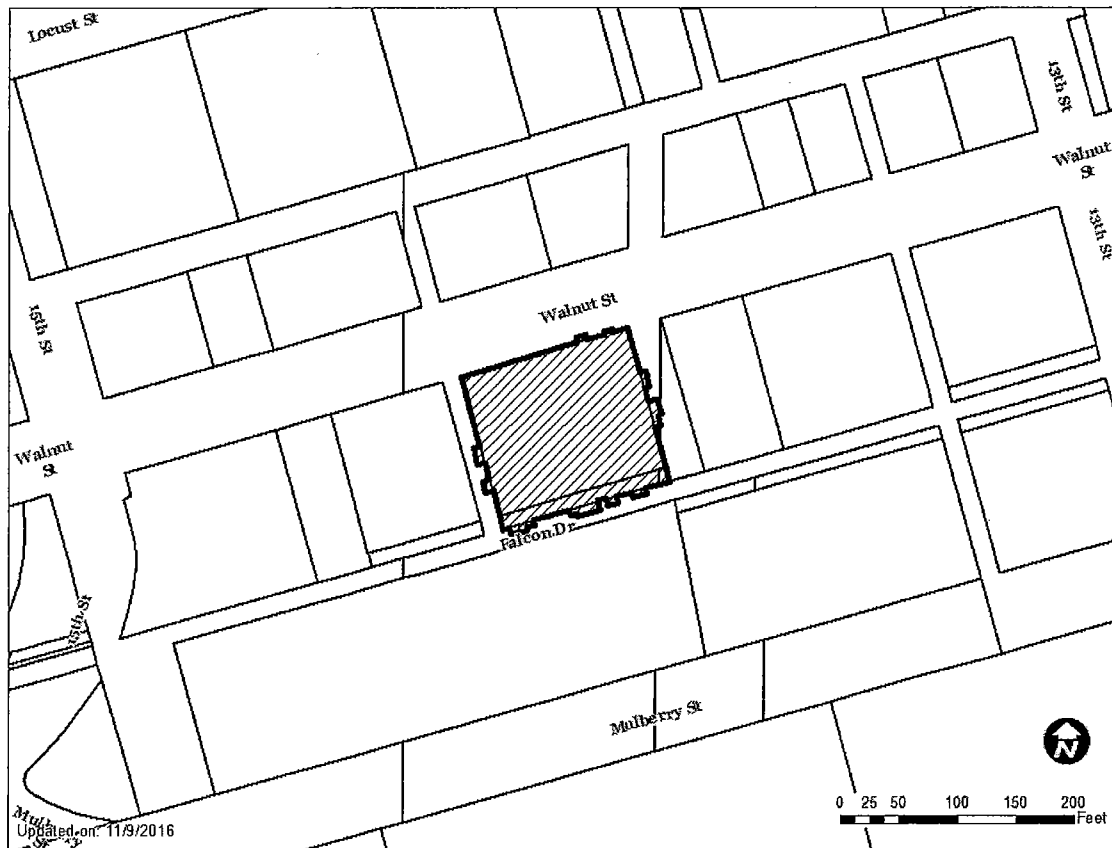
Updated on: 11/9/2016

1 inch = 95 feet

14 Walnut, LLC (developer) represented by Jeff Koch (officer) for property located at 1400 Walnut Street. The subject property is owned by Gifford & Brown, Inc.		File # 10-2017-7.39	
Description of Action	Approval of request for a Site Plan "Walnut Apartments" under design guidelines for multiple-family dwellings, to allow the development of a 5-story mixed-use building with 90 residential units, 2,450 square feet of first floor retail/office space, and 49 spaces of below grade off-street parking subject to conditions.		
PlanDSM Future Land Use	Current: Downtown Mixed Use. Proposed: N/A.		
Mobilizing Tomorrow Transportation Plan	No planned improvements.		
Current Zoning District	"C-3A" Central Business Support Commercial District, "GGP" Gambling Games Prohibition 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
Inside Area			
Outside Area			
Plan and Zoning Commission Action	Approval	10-0	Required 6/7 Vote of the City Council
	Denial		Yes
			No
			X

14 Walnut, LLC, 1400 Walnut Street

10-2017-7.39



1 inch = 96 feet



November 28, 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 November 17, 2016, the following action was taken regarding a request from 14 Walnut, LLC (developer) represented by Jeff Koch (officer) for the following actions regarding property located at 1400 Walnut Street. The subject property is owned by Gifford & Brown, Inc.

- A) Vacation of subsurface, surface, and air rights within the northern portion of Falcon Drive adjoining the subject property, to allow for balcony, subsurface building footing and surface door and gate encroachments.
- B) Vacation of surface and subsurface rights within the south 1 foot of Walnut Street adjoining the subject property to allow for subsurface building footing and doorway stoop encroachments.
- C) Vacation of subsurface and air rights within the west 3 feet of 14th Street adjoining the subject property, to allow for balcony and subsurface building footing encroachments.
- D) Vacation of surface and air rights within the east 3.5 feet of the north/south alley west of and adjoining the subject property to allow for balcony and doorway encroachments.
- E) Review and approval of a Site Plan "Walnut Apartments" under design guidelines for multiple-family dwellings, to allow the development of a 5-story mixed-use building with 90 residential units, 2,450 square feet of first floor retail/office space, and 49 spaces of below grade off-street parking.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
JoAnne Corigliano				X

David Courard-Hauri	X	
Jacqueline Easley		X
Jann Freed	X	
John "Jack" Hilmes		X
Carolyn Jenison	X	
Greg Jones	X	
William Page	X	
Mike Simonson		X
Rocky Sposato	X	
Steve Wallace	X	
Greg Wattier	X	

APPROVAL of Parts A, B, C, & D) 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 E) the proposed Site Plan, subject to the following conditions: (11-2016-1.23 A-D & 10-2017-7.39)

1. Compliance with all administrative review comments of the City's Permit and Development Center.
2. Any brick veneer on the structure shall be full-dimensional brick and provide appropriate architectural detailing around windows and doors, to the satisfaction of the Planning Administrator.
3. Additional architectural detailing shall be provided around the windows for the residential units on the street level of the north façade, to the satisfaction of the Planning Administrator.
4. The developer shall work with staff to come up with an acceptable design for the surface area on the east and west façades of the structure to the satisfaction of the Planning Administrator.
5. The portions of the east, south, and west facades of the structure clad with cementitious panels shall provide additional articulation and/or detailing to the satisfaction of the Planning Administrator.
6. The developer shall be required to maintain the brick surface on the adjoining segment of 14th Street.
7. The gates screening the transformer and generator shall be solid steel that is painted to complement the structure.

RECOMMENDATION TO THE P&Z COMMISSION

Parts A, B, C, & D) 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 E) 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. Any brick veneer on the structure shall be full-dimensional brick and provide appropriate architectural detailing around windows and doors, to the satisfaction of the Planning Administrator.

3. Additional architectural detailing shall be provided around the windows for the residential units on the street level of the north façade, to the satisfaction of the Planning Administrator.
4. At least 33% percent of the surface area on the east and west façades of the structure shall be clad with full dimensional brick.
5. The portions of the east, south, and west facades of the structure clad with cementitious panels shall provide additional articulation and/or detailing to the satisfaction of the Planning Administrator.
6. The developer shall be required to maintain the brick surface on the adjoining segment of 14th Street.
7. The gates screening the transformer and generator shall be solid steel that is painted to complement the structure.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant intends to construct a 5-story mixed-use building containing 90 residential dwelling units, 2,450 square feet of first floor retail/office space, and approximately 49 spaces of below grade off-street parking. The structure would include footings that would encroach into the right-of-way on all four sides of the building, as well as balconies that would project into the right-of-way on the east, south, and west sides of the building.

The proposed project would not be reviewed by the City's Urban Design Review since the developer has not sought City incentives other than tax abatement.

2. **Size of Site:** 0.46 acres.
3. **Existing Zoning (site):** "C-3A" Central Business Support District, "GGP" Gambling Games Prohibition Overlay District, "D-O" Downtown Overlay District, and "FSO" Freestanding Signs Overlay District.
4. **Existing Land Use (site):** The site contains a 1-story commercial building and a surface parking lot.
5. **Adjacent Land Use and Zoning:**

North – "C-3A"; Uses include Walnut Street and a parking lot serving the Des Moines Radio Group.

South – "C-3A"; Uses include a 16-foot wide alley known as "Falcon Drive" and a parking lot serving the Des Moines Area Religious Council.

East – "C-3A"; Uses include 30-foot wide 14th Street and the Noce jazz club.

West – "C-3A"; Use is a 16-foot wide alley right-of-way and a 1-story office building owned by Fridley Theaters.

6. **General Neighborhood/Area Land Uses:** The property is located in an area south of Western Gateway Park that contains a mix of commercial, residential, and surface parking lot uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Downtown Des Moines Neighborhood. This neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on October 28, 2016. Additionally, separate notifications of the hearing for this specific item were mailed on November 7, 2016 (10 days prior to the hearing) to the Downtown Des Moines Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda was mailed to the neighborhood association on November 10, 2016.

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. **Relevant Zoning History:** None.
9. **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."
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.

The Plan and Zoning Commission reviews and approves site plans for multiple family dwellings, boarding houses or rooming-houses in accordance with the design standards in section 82-213 of the City Code, which are in consideration of the criteria set forth in Chapter 18B of the Iowa Code.

II. ADDITIONAL APPLICABLE INFORMATION

1. Multiple-Family Design Guidelines:

- 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 building would have minimal setbacks along all four adjoining segments of right-of-way. The submitted renderings demonstrate that the building's exterior would be clad with brick veneer, metal panel siding, cementitious panels, and a fiberglass window system. Portions of the north and east facades of the street level would have aluminum storefront windows along the proposed retail/office space at the northeast corner of the building. Prefinished aluminum balconies would project from the east, south, and west facades of the building.

The site is located within an area to the south of Western Gateway Park that is characterized primarily by a mix of brick-clad buildings ranging in height from 1 story to 5 stories. The proposed 5-story building generally complements the architectural character of the surrounding area as reflected in the design and massing of the building, comparable building height, and use of material and finishes. However, Staff recommends the following modifications:

- Any brick veneer on the structure shall be full-dimensional brick and provide appropriate architectural detailing around windows and doors, to the satisfaction of the Planning Administrator.*
 - Additional architectural detailing shall be provided around the windows for the residential units on the street level of the north façade, to the satisfaction of the Planning Administrator.*
 - At least 33% percent of the surface area on the east and west façades of the structure shall be clad with full dimensional brick.*
 - The portions of the east, south, and west facades of the structure clad with cementitious panels shall provide additional articulation and/or detailing to the satisfaction of the Planning Administrator.*
- 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 5-story building (generally 57 feet of height along Walnut Street) would be comparable to other buildings in the immediate vicinity, including the 5-story Crane Artist Lofts building at 1440 Walnut Street. The massing of the proposed building would be articulated through the aluminum storefront, the fiberglass window system on the upper levels, and the use of metal panel siding as an accent.

- 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 be primarily oriented toward Walnut Street, as this north facade includes a primary entrance for the 90 dwelling units and a storefront window system for 2,450 square feet of first floor retail/office space.

- 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.

The proposed underground parking would be accessed by two overhead garage doors on the south façade fronting Falcon Drive (public alley right-of-way).

- 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.

The roof of the structure includes a rooftop patio accessed by a small 6th story penthouse level around the elevator bulkhead and stairwell.

- 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.

All stairways and means of egress would be internal to the building.

- 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.

All proposed off-street parking would be provided internal to the lower level of the building.

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 "What's Next Downtown Plan" envisions a dense and pedestrian friendly downtown. Walnut Street is a designated pedestrian corridor. Staff believes the proposed development is of an appropriate density for the downtown core and meets the intent of the "What's next Downtown Plan". The proposed building frames Walnut Street to the north, 14th Street to the east, and the public alley known as Falcon Drive to the south. The building would have direct pedestrian access to the public sidewalk along Walnut Street, with bike parking provided in close proximity to the primary entrances.

In addition, as further detailed in Subsection 3 of this report, it is necessary to maintain the brick surface on the adjoining segment of 14th Street in order to demonstrate "an understanding of the fabric of the area", as required by this guideline.

- 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 Site Plan proposes to utilize rooftop stormwater management.

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

The development would enhance the public system along Walnut Street. Vehicular access would be directly from the east/west alley known as Falcon Drive along the south property line.

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

The site plan provides five (5) planter pits for street trees along Walnut Street and additional aluminum planters along the north façade of the structure.

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

The site plan provides private outdoor gathering space within a courtyard area at the center of the building, around an outdoor swimming pool at the southeast corner of the building, and within a rooftop patio area.

- 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 provided both along Walnut Street and within the internal parking area within the lower level of the building.

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

The proposed 57-foot height (5 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).

N/A.

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

The building would be primarily oriented toward Walnut Street, as this north facade includes a primary pedestrian entrance for the 90 dwelling units and a storefront window system for 2,450 square feet of street level retail/office space.

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

The proposed building satisfies this guideline, as it would occupy 100% of all four property lines.

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

The proposed building satisfies this guideline.

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 proposed building satisfies this guideline, as the primary entrance would be oriented toward Walnut 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 proposed building satisfies this guideline.

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

No outdoor storage of materials or 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 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.

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

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

Two (2) overhead garage doors would be located on the south (rear) façade of the building to provide access to the below grade parking garage.

- 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 existing curb cut along Walnut Street would be eliminated. The only access drive for the site would be located along the alley (known as Falcon Drive) to the south of the property.

- 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 0.46 acres in area so this requirement is not applicable.

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

N/A.

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

N/A.

3. **Brick Surface on 14th Street:** Construction of the building would require temporary disturbance of the brick surface on the adjoining segment of 14th Street. The developer is proposing to then resurface the brick street with Portland Cement. On May 16, 1994, by Roll Call 1872, the City Council adopted the "Des Moines Community Preservation Plan." Goal E within Chapter 3 (page 22) states, "When city brick streets, alleys, or

sidewalks require repair of brick streets, alleys, or sidewalks, repair the existing brickwork instead of replacing with concrete or asphalt." Staff believes it is imperative to retain the brick surface in order to comply with this plan. Staff also believes it is necessary to retain the brick surface given the historical character of the surrounding area, which includes multiple buildings listed on the National Register of Historical Places.

4. **Drainage/Grading:** All grading is subject to an approved grading permit and soil erosion control plan. 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. The Site Plan proposes providing stormwater management within rooftop basins in order to satisfy this requirement.
5. **Additional Information:** The Site Plan demonstrates that a transformer and a generator would be located within a recessed area at the rear of the structure that would be screened by gates. Staff recommends that a note be added to state that these gates would be solid steel that is painted to complement the structure.

The Site Plan also states that transformers, junction boxes, air conditioners over 3 feet in height, or other such items shall not be located within the required setback areas, and that all meters, utility equipment, and ground equipment shall be internal to the site.

The Site Plan states that all rooftop mechanical equipment shall be screened by an architecturally integrated parapet as approved by the Planning Administrator.

The Site Plan states that all gas, electric, and water meters would be located internal to the building and not visible from any public street view.

The Site Plan states that all refuse collection would occur within the enclosed parking area.

Signage is not being reviewed at this time. Any signage must be in accordance with the sign regulations applicable to the "C-3A" District.

SUMMARY OF DISCUSSION

Erik Lundy presented the staff report and staff recommendation.

Greg Wattier asked if this project would go through Urban Design Review.

Erik Lundy did not believe they were getting any TIF assistance on the project.

Greg Wattier suggested that it would be nice to see the building articulate the current auto row scale of the area staying with elevation of two story buildings.

Jeff Koch of Roers Investments, gave overview of the Walnut Street project including 90 market-rate apartments along with 2600 square feet of retail space. They believe this site will be a great improvement to this area. The new building front exterior façade will primarily be done in brick to continue with the warehouse feel of the area. Jeff further referenced the seven points of staff recommendation and was in agreement with all of them with the exception of #4 and #6. He first asked for an amendment to #4 stating that they would work with the staff to add some variation of material to achieve a result to the satisfaction of

the Planning Administrator. He believes they can find a compromise without the commitment of 33% brick in the design. Recommendation #6 called for maintaining the brick surface to the adjoining segment of 14th Street. As they will have to take out this area in their shoring process, he gave the following reasons why they wish to pave the street in concrete and not use the existing brick: 1) Bricks are a safety issue and are prone to accidents when not maintained smoothly. 2) Cost perspective is substantially higher to replace with existing brick. 3) Concrete is longer lasting and more durable. It will be also easier for the city to maintain in the future. 4) The look and feel of the area does not have a historical reference as all the streets around in the area are concrete. He contends that this portion is an alley and he believed the code requiring the replacement of brick only pertained to streets. Overall, he was asking for approval on the site plan with the recommendations #4 and #6 to be tabled for a further discussion at another time. They wish to get this project moving as soon as possible.

Jan Freed stated she was agreeable to amend item #4 to work it out with staff. On item #6 she wanted to stand by keeping the brick as they are of historical significance. The fact that they are still there, shows they are durable and long lasting.

Will Page also brought up concerns with the brick replacement plan as well. He stated that in fact, the City Council does have a plan requiring existing brick streets and alleys to be maintained with brick. He notes that the city itself has to repair a brick street with brick. The city is not asking the developer to do something that the city doesn't do itself. This is a unique area in downtown and is special to the context of this area.

Greg Jones stated that the commission cannot set aside items of the recommendation, rather they would have to continue until next month for a vote if the applicant was not in agreement. He asked Jeff which he preferred at this time.

Jeff Koch stated he had been advised prior to the meeting what his options might be going forward and that he understood the appeals process. He asked that item #4 be amended as discussed in the recommendation and then leave item #6 as it is currently written.

Greg Jones asked if there was more of the building project drawings he wanted to show.

Jeff Koch gave further displays of the exterior and interior of the building.

Will Page asked when they planned to be renting.

Jeff Koch stated they hoped for February or March of 2018 after 16 months of construction.

Mike Ludwig noted for the group that he did include the chapter and page number of Preservation Plan in the staff report that calls for preservation of existing brick.

CHAIRPERSON OPENED THE PUBLIC HEARING

Russell Vannorsdel of 1321 Walnut Street, representing R.L. Fridley Theaters, Inc. They own property directly across Walnut Street and also own a building two buildings to the west. Their main concern is the lack of parking for this project. His understanding of only 49 off street parking spaces for 90 units, along with the retail space, gives to great concern of where these residents will park. Street parking in this area is already challenging. His other concern had been explained with the underground entrances to the apartment

parking on the Falcon Street side of the building. He has concerns with the traffic flow in this area as the streets are basically alleys and not made to handle so much traffic. He questioned the parking requirements for dwellings in the City of Des Moines.

Mike Ludwig stated in downtown, there are no parking minimums, rather it is a market decision. He also added surveys are showing a number of residents in this corridor are choosing to park at their employers free parking ramps nearby. Also given the downtown setting, it's possible many will not own a car.

Russell Vannorsdel still believes that only 49 parking units will underserve this area and sees it as being problematic in the future.

Bruce Myers of 1430 Walnut stated that he has just acquired this property west of the Fridley Theater building and will be developing a couple townhomes in this area. He shares the same concern that there is not enough parking for this area. At night time especially, the streets are already full and he does not feel that this project is providing enough options for parking with only 49 spaces. Also has concerns about traffic in the area and particularly Falcon Drive. That alley is already very beat up and he is wondering what the city will do to repair or maintain this section. He would like to see the city repave it. He also questioned if power lines will be underground.

Charles Sereg of 1403 Walnut owns car repair business also across the street on Walnut. He is very concerned about the parking in the area as it is crowded now even during the day. He noted that he loves looking at the bricks on 14th Street and has been in the area for over 40 years. He stated that even Mid-American Energy had taken the bricks up to run lines and restored them to their original form. Please save the bricks.

Rebuttal

Jeff Koch addressed the concerns as to where the power lines will come in from and he states that Mid-American Energy will run the underground lines down Walnut. To address the parking concern, he stated that he has worked with Councilwoman Christine Hensley, who is currently encouraging developers to decrease onsite parking as the downtown area is already over-served with parking garages. He seconded the point that Mike Ludwig mentioned earlier about younger generation downtown workers parking their cars in employee parking lots. Companies such as Blue Cross, Kum-n-Go Headquarters and Nationwide, offer free parking in their ramps and employees will just walk to their apartment. He points out that they did include 49 parking spots that they did not have to do according to code. They also feel the retail spot will draw people that will walk to the location.

COMMISSION ACTION:

Will Page moved staff recommendation for approval of Parts A, B, C, & D) 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 E) 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. Any brick veneer on the structure shall be full-dimensional brick and provide appropriate architectural detailing around windows and doors, to the satisfaction of the Planning Administrator.
3. Additional architectural detailing shall be provided around the windows for the residential units on the street level of the north façade, to the satisfaction of the Planning Administrator.
4. The developer shall work with staff to come up with an acceptable design for the surface area on the east and west façades of the structure to the satisfaction of the Planning Administrator.
5. The portions of the east, south, and west facades of the structure clad with cementitious panels shall provide additional articulation and/or detailing to the satisfaction of the Planning Administrator.
6. The developer shall be required to maintain the brick surface on the adjoining segment of 14th Street.
7. The gates screening the transformer and generator shall be solid steel that is painted to complement the structure.

Motion passed 10-0.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Ludwig', with a stylized flourish at the end.

Michael Ludwig, AICP
Planning Administrator

MGL:clw
Attachment



November 16, 2016

**Monte Applegate
Snyder & Associates
2727 SW Snyder Blvd.
Ankeny, IA 50023**

RE: Walnut Apartments – 1400 Walnut Street

10-17-7.39

Dear Monte:

We have reviewed the second (2nd) submittal of the site plan for the Walnut Apartments project, located at 1400 Walnut Street in Des Moines, and have determined that the following conditions must be satisfied before plan approval can be granted.

Engineering

1. A formal review of the public improvement plans will be conducted once a determination is made on the material to be used for 14th Street (brick vs. concrete).
2. It appears that the southwest roof drain is located near a door and should be relocated.
3. Roof drain sizing should be indicated on the plans. In addition, it should be noted how roof drains will be routed to their outlet points (interior or exterior?). If exterior, a detail should be provided.
4. The stormwater management plan and roof detention concept appears acceptable as shown. Please indicate how roof drains were sized for each quadrant. We will coordinate with our building plans examiner to make sure this gets incorporated and that all parties are aware that this will be required.
5. 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

Traffic

6. The new locations for the parking meters should be shown at approximately 20 feet east of the alley radius for the first double meter, with an additional 50 feet for each meter post location further east. (This provides a 20 foot parking space on the end and 25 foot spaces in between.) There must be at least 2 feet of clearance around each meter post. Planters should be adjusted to accommodate these positions and clearance. Apply for a special parking permit in advance of the work to schedule meter removals. Contact City

Traffic and Transportation (283-4973) to coordinate the work necessary to reinstall the meters.

7. The property owner is responsible for coordinating any street lighting removal/replacement necessary with MidAmerican Energy. MidAmerican standard LED fixtures are required. Black streetlight poles with black LED fixtures are required in downtown and defined streetscape areas. The property owner is responsible for the cost to "buy down" the pole/fixture to the wood pole/overhead rate. Any relocation of street lighting will require the property owner to prepare a plan showing the proposed lighting layout and analysis of the lighting levels for review by the City. Show existing and proposed locations for all street lighting on both sides of the adjacent streets. Minimum street lighting levels must be maintained at all times.
8. A gated/restricted entrance to on-site parking should allow space for vehicles to stop without blocking pedestrians or vehicles in the public right-of-way or be configured such that entering vehicles will not have to stop.
9. Contact City Traffic and Transportation (283-4973) before demolition begins and coordinate the removal and replacement schedule for any traffic signs.
10. Before demolition/construction begins a proposed schedule and closure layout, including fencing and traffic control with any street right-of-way obstructions, should be described and presented for review. Impacts to and accommodations for pedestrians must be considered.

Planning

11. An \$80 resubmittal fee is required with the 3rd submittal.
12. This site plan will be reviewed by the Plan and Zoning Commission. Further conditions of approval may be required that are not included in these administrative comments. Provide the meeting date and all applicable conditions of approval on the site plan.
13. Note on the underground parking plan where the recycling collection area will be located.
14. Add a note on the plan that underground parking will be used for long-term parking (more than four hours).
15. Rather than the application form, please submit the Tax Abatement Acknowledgement and Intent Form per the link below:

<http://www.dmgov.org/Departments/CommunityDevelopment/PDF/Commercial%20Tax%20Abatement%20Acknowledgment%20Form.pdf>

A new application form should be submitted once the project is completed.

16. In addition, the following Tax Abatement notes and relative site plan adjustments should be provided on the site plan. ***(It wasn't clear where these notes were located on the plan.)***
 - Any ground-mounted or wall-mounted utilities and meters shall be screened and not visible from a public street.

- Any wall-mounted utilities shall be screened on all sides and finished to match building.
- All utilities shall be underground unless otherwise allowed per site plan.

17. Identify which four (4) sustainability criteria the applicant intends to meet for tax abatement purposes.

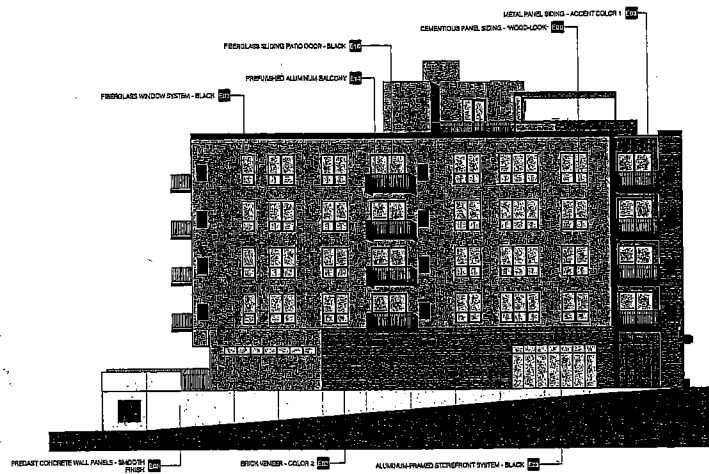
Please submit **three (3) review copies** of the revised plan satisfying the above listed items. Failure to resubmit such amended plan within 90 days from the date of this letter shall cause the application to lapse, and will require the payment of a new application fee to resume the application process.

If you have any questions contact me by phone @ **283-4581** or by email @ **jlsommer@dmgov.org**.

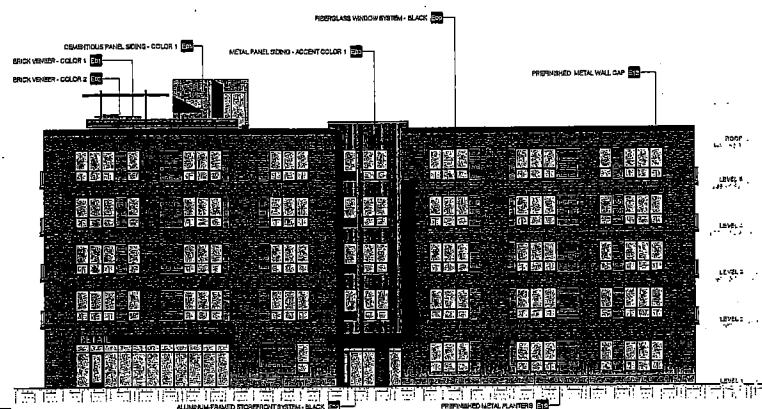
Sincerely,

A handwritten signature in black ink that reads "Jillian Sommer". The signature is written in a cursive, flowing style.

Jillian Sommer
Assistant City Planner



2 EAST ELEVATIONS
A301 3/22' x 14'



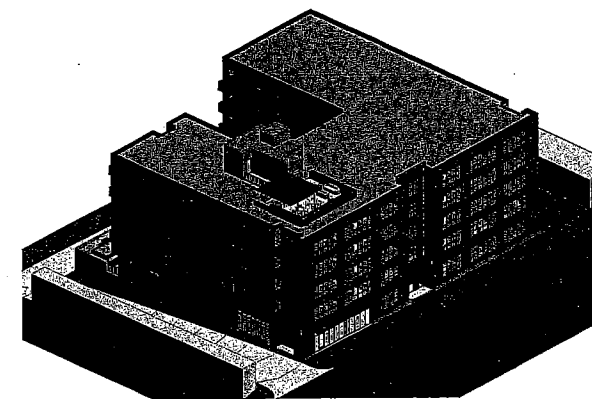
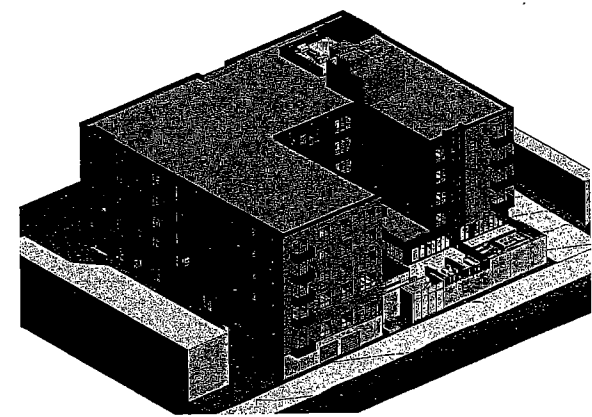
1 NORTH ELEVATION
A301 3/22' x 14'

KEYNOTES:

- 001 BRICK VENEER - COLOR 1
- 002 BRICK VENEER - COLOR 2
- 003 METAL PANEL SIDING - ACCENT COLOR 1
- 004 CEMENTITIOUS PANEL SIDING - COLOR 1
- 005 CEMENTITIOUS PANEL SIDING - WOOD-LOOK
- 006 PRECAST CONCRETE WALL PANELS - SMOOTH FINISH
- 007 FIBERGLASS WINDOW SYSTEM - BLACK
- 008 FIBERGLASS SLIDING PATIO DOOR - BLACK
- 009 PREPARED METAL WALL CAP
- 010 PREPARED ALUMINUM BALCONY
- 011 PREPARED ALUMINUM FENCE PANEL
- 012 PREPARED METAL PLANTERS
- 013 CHAINLINK FENCE WITH BRASS GATE
- 014 CEMENTITIOUS STRENGTH SYSTEM - BLACK
- 015 ALUMINUM-FRAMED STRENGTH SYSTEM - BLACK
- 016 ELECTRICAL TRANSFORMER PAD

GENERAL NOTES:

- 1. REFER TO SPEC EXTERIOR FINISH SCHEDULE FOR MATERIAL DETAILS



Walnut Apartments

1400 WALNUT ST.

Site Plan Application
10.5.2018



801 NORTH THIRD STREET, SUITE 140
MINNEAPOLIS, MN 55401

#16-05-000
CONSULTANT

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed architect under the laws of the State of Minnesota.

009120
DESIGNED DATE 10/26/18
DRAWN BY 10/26/18

REVISIONS
Date Description

DATE 10/26/18
PROJECT # 16-05-000
PHASE SITE PLAN
DRAWN BY JKS
CHECKED BY JKS

BUILDING ELEVATIONS

A301

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Walnut
Apartments
1400 WALNUT ST.

Site Plan
1/8" = 1'-0"



ARCHITECT: URBANWORKS
1400 WALNUT ST.
PHILADELPHIA, PA 19102

CONSULTANT

1. These drawings are prepared for the Walnut Apartments project located at 1400 Walnut Street, Philadelphia, PA. The project is a 10-story residential building with a total of 100 units. The drawings are prepared for the construction of the building.

REVISION	DATE	DESCRIPTION
1	01/15/14	ISSUED FOR PERMIT
2	02/10/14	ISSUED FOR CONSTRUCTION

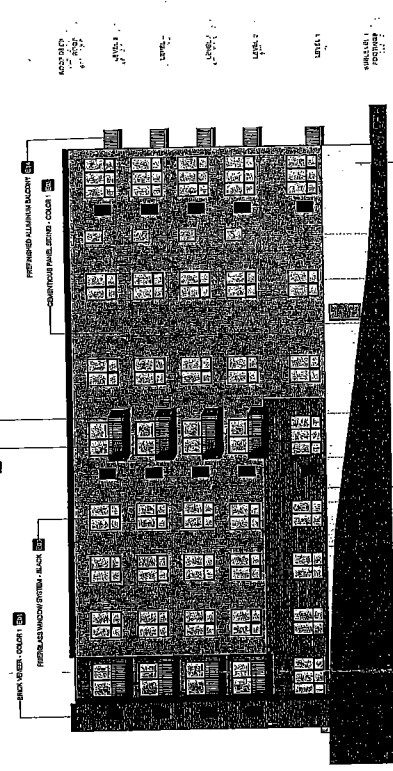
NO.	DATE	BY	CHKD.
1	01/15/14	J. SMITH	J. SMITH
2	02/10/14	J. SMITH	J. SMITH

BUILDING
ELEVATIONS

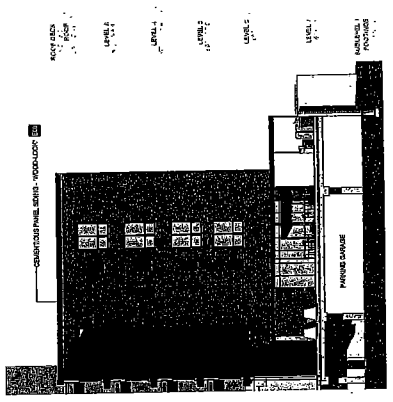
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KEYNOTES:

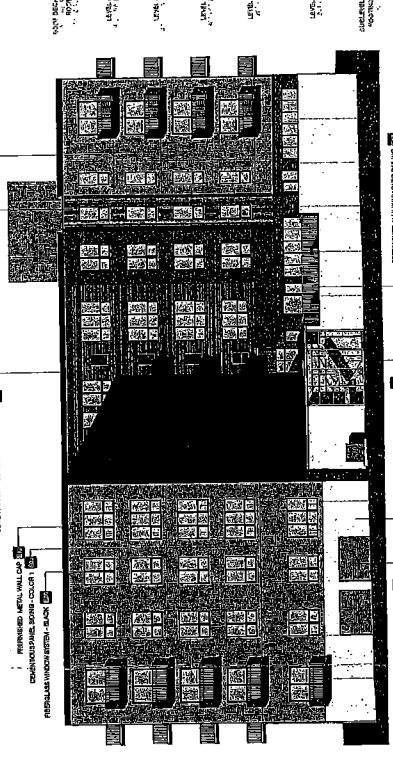
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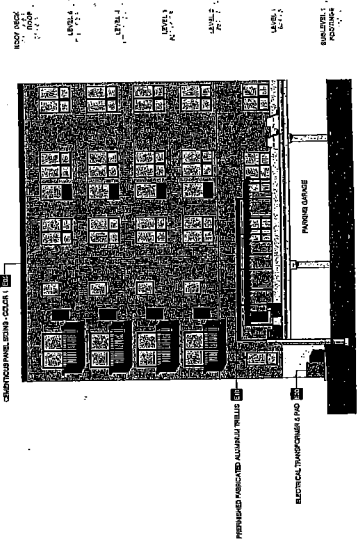
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SCALE: 1/8" = 1'-0"



3 WEST COURTYARD ELEVATION
SCALE: 1/8" = 1'-0"



1 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



4 EAST COURTYARD ELEVATION
SCALE: 1/8" = 1'-0"