

Date March 20, 2017

**HOLD HEARING FOR VACATION OF A PORTION OF MULBERRY STREET AND  
12<sup>TH</sup> STREET RIGHTS-OF-WAY ADJOINING 121 12<sup>TH</sup> STREET AND CONVEYANCE  
OF A PERMANENT EASEMENT FOR BUILDING ENCROACHMENT TO 12<sup>TH</sup>  
STREET LOFTS, LLC FOR \$2,000.00**

**WHEREAS**, on February 20, 2017, by Roll Call No. 17-0265, the City Council of the City of Des Moines, Iowa, received and filed a communication from the City Plan and Zoning Commission recommending approval of a request from 12<sup>th</sup> Street Lofts, LLC for the vacation of a 5-foot by 5-foot segment of Mulberry Street and a 5-foot by 5-foot segment of 12<sup>th</sup> Street rights-of-way adjoining 121 12<sup>th</sup> Street (hereinafter collectively "City Right-of-Way") to allow for two permanent building entrance door swings into the City Right-of-Way, subject to planters being placed on each side of the door for the protection of pedestrian traffic when the door is opened.

**WHEREAS**, 12<sup>th</sup> Street Lofts, LLC, owner of the adjoining property, 121 12<sup>th</sup> Street, has offered to the City the purchase price of \$2,000.00 for the purchase of a Permanent Easement For Building Encroachment in said City Right-of-Way, hereinafter more fully described, to allow for encroachment into the City Right-of-Way for two permanent building entrance door swings, which price reflects the fair market value of the City Right-of-Way as determined by the City's Real Estate Division; and

**WHEREAS**, there is no public need or benefit for the right-of-way proposed to be vacated and sold, and the public would not be inconvenienced by reason of the vacation and sale of said City Right-of-Way; and

**WHEREAS**, on March 6, 2017, by Roll Call No. 17-0366, it was duly resolved by the City Council of the City of Des Moines, Iowa, that said proposed vacation and conveyance be set down for hearing on March 20, 2017, at 5:00 p.m., in the Council Chamber; and

**WHEREAS**, due notice of the proposal to vacate a portion of said City Right-of-Way and convey a Permanent Easement For Building Encroachment was given as provided by law, setting forth the time and place for hearing on said proposal; and

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

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

1. Upon due consideration of the facts and statements of interested persons, any and all objections to said proposed vacation and conveyance of the Permanent Easement For Building Encroachment 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 a portion of Mulberry Street and 12<sup>th</sup> Street rights-of-way adjoining 121 12<sup>th</sup> Street, more specifically described as follows:

Date March 20, 2017

**12<sup>th</sup> Street**

Commencing at the Northwest corner of said Block 23 of KEENE & POINDEXTER'S ADDITION TO FORT DES MOINES; thence South 15°26'05" East, 67.17 feet along the East right-of-way line of said 12<sup>th</sup> Street, also being West line of said Block 23, to the Point of Beginning; thence continuing South 15°26'05" East, 5.00 feet along the East right-of-way line of said 12<sup>th</sup> Street; thence South 74°33'55" West, 5.00 feet; thence North 15°26'05" West, 5.00 feet; thence North 74°33'55" East, 5.00 feet to the point of beginning.

Containing 25.00 square feet.

**Mulberry Street**

Commencing at the Northwest corner of said Block 23 of KEENE & POINDEXTER'S ADDITION TO FORT DES MOINES; thence North 74°14'27" East, 43.48 feet along the South right-of-way line of said Mulberry Street, also being North line of said Block 23, to the Point of Beginning; thence North 15°45'33"W, 5.00 feet; thence North 74°14'27 East, 5.00 feet; thence South 15°45'33" East, 5.00 feet to the South right-of-way line of said Mulberry Street; thence South 74°14'27" West, 5.00 feet along the South right-of-way line of said Mulberry Street to the point of beginning.

Containing 25.00 square feet.

3. That the sale and conveyance of a Permanent Easement For Building Encroachment within said vacated Mulberry Street and 12<sup>th</sup> Street right-of-way, as described below, to 12<sup>th</sup> Street Lofts, LLC, for \$2,000.00, together with payment by such grantee of the estimated publication and recording costs for this transaction, subject to planters being placed on each side of the door for the protection of pedestrian traffic when the door is opened be and is hereby approved:

**12<sup>th</sup> Street**

Commencing at the Northwest corner of said Block 23 of KEENE & POINDEXTER'S ADDITION TO FORT DES MOINES; thence South 15°26'05" East, 67.17 feet along the East right-of-way line of said 12<sup>th</sup> Street, also being West line of said Block 23, to the Point of Beginning; thence continuing South 15°26'05" East, 5.00 feet along the East right-of-way line of said 12<sup>th</sup> Street; thence South 74°33'55" West, 5.00 feet; thence North 15°26'05" West, 5.00 feet; thence North 74°33'55" East, 5.00 feet to the point of beginning.

Containing 25.00 square feet.

**Mulberry Street**

Commencing at the Northwest corner of said Block 23 of KEENE & POINDEXTER'S ADDITION TO FORT DES MOINES; thence North 74°14'27" East, 43.48 feet along the South right-of-way line of said Mulberry Street, also being North line of said Block 23, to the Point of Beginning; thence North 15°45'33"W, 5.00 feet; thence North 74°14'27 East, 5.00 feet; thence South 15°45'33" East, 5.00 feet to the South right-of-way line of said Mulberry

**Date** March 20, 2017

Street; thence South 74°14'27" West, 5.00 feet along the South right-of-way line of said Mulberry Street to the point of beginning.

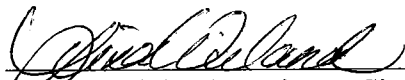
Containing 25.00 square feet.

4. The Mayor is authorized and directed to sign the Offer to Purchase and the Permanent Easement for Building Encroachment for the conveyance identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. Upon final passage of an ordinance vacating said 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 Permanent Easement for Building Encroachment, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded.
6. The Real Estate Division Manager is authorized and directed to forward the original of the Permanent Easement for Building Encroachment, together with a certified copy of this resolution and of the affidavit of publication of notice of this hearing, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.
7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Permanent Easement for Building Encroachment and copies of the other documents to the grantee.
8. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

(Council Communication No. 17-305)

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:



Lisa A. Wieland, Assistant City Attorney

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.

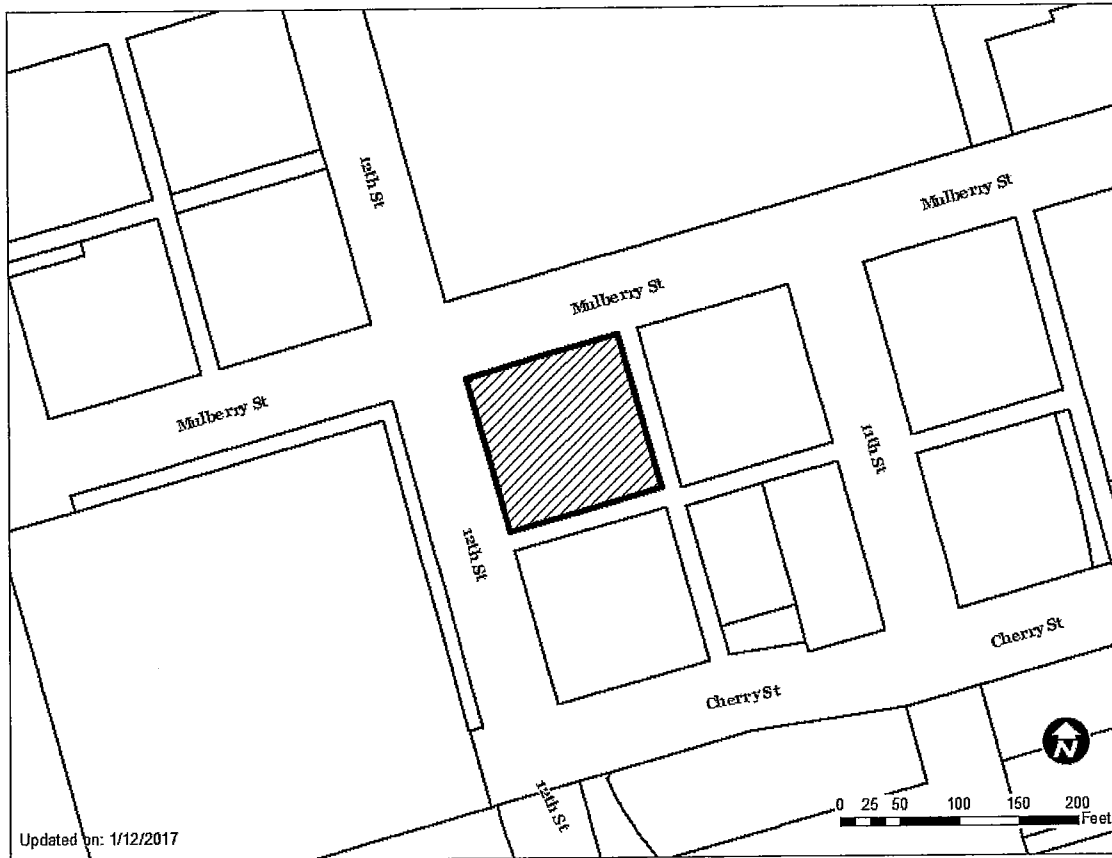
\_\_\_\_\_  
City Clerk



Request from 12th Street Lofts, LLC (owner) represented by Kris Saddoris (officer) on property located at 121 12th Street.				File # 10-2017-7.73	
Description of Action		Approval of a Site Plan "Station 121" under design guidelines for multiple-family dwellings, to allow renovation of the existing two-story warehouse and office building into 26 dwelling units subject to conditions.			
Plan/DSM 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 Commercial District, "GGP" Gambling Games Prohibition 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	14-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

12th Street Lofts, LLC, 121 12th Street

10-2017-7.73

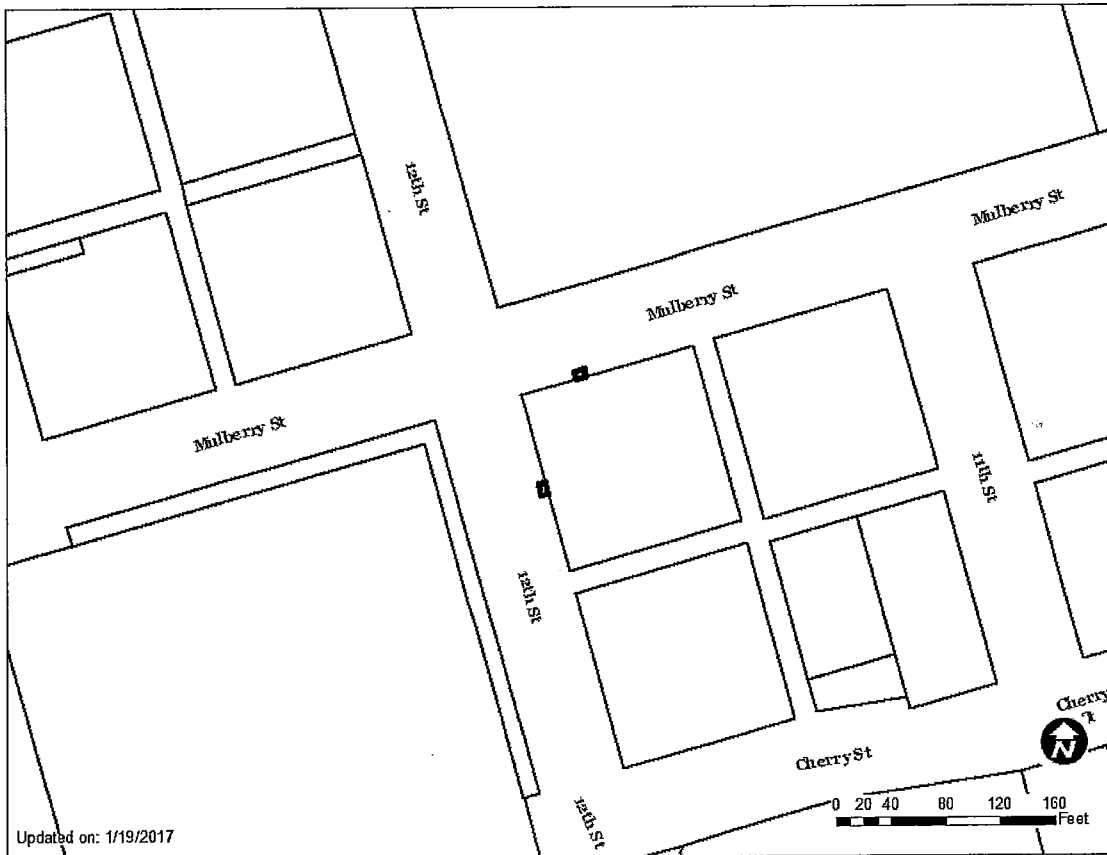


1 inch = 94 feet

Request from 12th Street Lofts, LLC (owner) represented by Kris Saddoris (officer) on property located at 121 12th Street.				File #	
				11-2017-1.01	
Description of Action	Approval of the requested surface rights vacation of a 5-foot by 5-foot segment of surface rights in 12th Street and a 5-foot by 5-foot segment of surface rights in Mulberry Street, both adjoining the subject property, to allow for entrance door swings.				
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 Commercial District, "GGP" Gambling Games Prohibition 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	14-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

12th Street Loft, LLC, 121 12th Street

11-2017-1.01



1 inch = 83 feet

February 10, 2017

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 February 2, 2017, the following action was taken regarding a request from 12th Street Lofts, LLC (owner) represented by Kris Sadoris (officer) for the following items on property located at 121 12th Street.

- A) Vacation of 5-foot by 5-foot segments of surface rights in 12<sup>th</sup> Street and a 5-foot by 5-foot segment of surface right in Mulberry Street, both adjoining the subject property, to allow for entrance door swings.
- B) Review and approval of a Site Plan "Station 121" under design guidelines for multiple-family dwellings, to allow renovation of the existing two-story warehouse and office building into 26 dwelling units.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 14-0 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			
Lisa Howard	X			
Carolyn Jenison				X
Greg Jones	X			
William Page	X			
Mike Simonson	X			
Rocky Sposato	X			
Steve Wallace	X			
Greg Wattier	X			

**APPROVAL** of Part A) the requested surface rights vacations and approval of Part B) the proposed Site Plan subject to the following conditions: (11-2017-1.01 & 10-2017-7.73)

1. Compliance with all administrative review comments of the City's Permit and Development Center.
2. Provision of a note on the Site Plan that states "all service lines to the building and all utility lines in the adjoining rights-of-way shall be located underground."
3. Replacement of all existing street lights that adjoin the property with black Autobahn LED Series ATBO street light fixtures and poles.
4. Provision of bike racks to the satisfaction of the Planning Administrator.
5. Provision of a metal louver gate system for the transformer area on the east façade of the building or other gate design that provides similar levels of screening and durability to the satisfaction of the Planning Administrator.

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

Part A) Staff recommends approval of the requested surface rights vacations.

Part B) 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. Provision of a note on the Site Plan that states "all service lines to the building and all utility lines in the adjoining rights-of-way shall be located underground."
3. Replacement of all existing street lights that adjoin the property with black Autobahn LED Series ATBO street light fixtures and poles.
4. Provision of bike racks to the satisfaction of the Planning Administrator.
5. Provision of a metal louver gate system for the transformer area on the east façade of the building or other gate design that provides similar levels of screening and durability to the satisfaction of the Planning Administrator.

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

#### **I. GENERAL INFORMATION**

1. **Purpose of Request:** The applicant is proposing to renovate the existing building into 26 dwelling units. The developer is seeking Federal and State Historic Tax Credits for the project. The State Historic Preservation Office of Iowa is currently reviewing the proposed design. As part of this review the applicant is required to maintain the historic door configuration. Two of the exterior doors swing outward into the right-of-way. The proposed vacation of right-of-way is necessary for this door configuration to be



maintained.

2. **Size of Site:** 132.69 feet by 133.69 feet (0.41 acres).
3. **Existing Zoning (site):** "C-3" Central Business 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 two-story commercial building.
5. **Adjacent Land Use and Zoning:**
  - North* – "C-3"; Use is a parking garage.
  - South* – "C-3A"; Use is office and warehousing.
  - East* – "C-3"; Use is a multiple-family building.
  - West* – "C-3"; Use is a parking garage.
6. **General Neighborhood/Area Land Uses:** The property is located in an area south of Western Gateway Park that contains a mix of commercial and residential 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 January 13, 2017. Additionally, separate notifications of the hearing for this specific item were mailed on January 23, 2017 (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 January 27, 2017.

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:** On February 26, 2007, by Ordinance Number 14631, the City Council rezoned the subject property from "C-3A" Central Business District Support Commercial District to a Limited "C-3" Central Business District Commercial District classification subject to the following conditions:
  - A. No activity shall be permitted on the Property that emits sound at a volume that when measured at the property line of any nearby residential use, exceeds the maximum permitted sound levels applicable at the receiving property line in a "R1" single-family residential district. The benefit of this limitation is not intended to apply to a residential use on the Property.

B. No portion of the Property shall be used as an Adult Entertainment Business, as that term is now defined in the Zoning Ordinance of the City of Des Moines.

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 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:**

A) *Architectural character.* New developments and alterations to existing development in or adjacent to existing developed areas shall be compatible with the existing architectural character of such areas by using a compatible design. Compatibility may be achieved through techniques such as the repetition of roof lines, the use of similar proportions in building mass and outdoor spaces, similar relationships to the street, similar window and door patterns, and/or the use of building materials that have color shades and textures similar to those existing in the immediate area of the proposed development. Brick and stone masonry shall be considered compatible with wood framing and other materials.

*The historic name of the subject building is the Mack-International Motor Truck Corporation Building. The developer is seeking Federal and State Historic Tax Credits to assist with the cost of renovating the building. The State Historic Preservation Office of Iowa is currently reviewing the proposed design, which proposes to restore the original window and door opening configuration to the extent feasible given the new use of the building.*

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 applicant is proposing to renovate the existing two-story building and to maintain its historic architectural character.*

- 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 existing building is located on the southeast corner of the Mulberry Street and 12<sup>th</sup> Street intersection. The proposed renovations include maintaining entrances oriented towards both streets.*

- 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.

*This guideline is not applicable as no garages or structured parking are proposed. The building design includes elements that reflect two historic openings on the 12<sup>th</sup> Street façade that were originally used for vehicular access. These elements are not functional garage doors.*

- 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.

*This guidelines in not applicable as no additions are proposed.*

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

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

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

*This guideline is not applicable as no off-street parking is proposed.*

- 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.

1. 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 Mack-International Motor Truck Corporation Building is a historically significant building and its renovation achieves the goals of the "What's Next Downtown Plan." The applicant is utilizing State and Federal Historic Tax Credits and is proposing to restore the exterior of the building to the extent possible given the change in use.*

*Underground utilities and black street light fixtures and poles are the desired development pattern in the downtown. Development is expected to underground overhead lines and to upgrade street lights that are located in right-of-way that adjoin the site. Staff recommends approval subject to the undergrounding of all overhead utility lines and the replacement of all street lights with black Autobahn LED Series ATBO light fixture and poles.*

2. 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 reuse of a historic structure is inherently low impact development as the resources necessary to produce, ship and assemble the building materials have already been expended. Demolition sends material to the landfill and new construction requires the use of additional resources and energy.*

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

*The property is bound by Mulberry Street to the north and 12<sup>th</sup> Street to the west. The building has direct access to the public sidewalks along these streets. The building encompasses the entire site and shared vehicular circulation outside of the public right-of-way is not possible.*

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

*The building encompasses the entire site and on-site green spaces are not feasible.*

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

*The project would include common space within the building but no outdoor space beyond the public sidewalks. Given the limitations of renovating a historic building, staff believes that outdoor space on the property is not necessary.*

6. 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.

*The Site Plan does not identify any bike racks. Staff believes that providing bike racks near the primary entrances should be a condition of approval.*

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

*The applicant is proposing to reuse the existing two-story, 28.67-foot tall building and is not obligated to add height to the building in order to comply with this guideline.*

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

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

*N/A.*

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

*The building would have entrances on both street facing facades.*

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

*The building encompasses the entire site and occupies 100% of the frontage along the adjoining streets.*

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 building is set at the property lines along Mulberry Street and 12<sup>th</sup> Street.*

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

*N/A.*

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

*N/A.*

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

*No outdoor storage is proposed. A transformer would be located at the south end of the east façade of the building. It would be located within the building but visible from the adjoining alley as chain-link gates are proposed. Staff believe that gates that provide a greater level of screening and durability should be used, such as a louver system. This approach would still allow airflow.*

- 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.

*All refuse and recycling would be contained within the building. It would be accessible from the alley to the east of the building through an overhead door.*

- 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.

*On-site landscaping is not possible as the building encompasses the entire site. The City's Landscaping Standards require street trees in the downtown. The Site Plan includes four planter beds along each street. The southern two beds along 12<sup>th</sup> Street would not have trees as they would conceal the location of what were originally large doors for vehicles to enter the building. Leaving these original openings visible is a requirement of the Historic Tax Credit program.*

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

*N/A.*

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

*N/A.*

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

*N/A.*

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

*The building encompasses the entire site. No curb cuts are proposed.*

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

*The site is under 2 acres.*

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

N/A.

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

N/A.

**3. Additional Information:** The Site Plan includes the following notes:

- All signage to conform to City Ordinance.
- Lighting must be low glare cut off type fixtures to reduce the glare of light pollution on surrounding properties.
- All rooftop mechanical equipment shall be screened from street level.
- No mechanical equipment such as junction boxes, transformers, air conditions, trash disposal systems, or other such items over 3 feet high are allowed in required setbacks.
- 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 the building.
- All utilities shall be undergrounded.

**SUMMARY OF DISCUSSION**

Jacqueline Easley asked if anyone was present to speak on this item. None were present or requested to speak.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

No one was present to speak in favor of or in opposition of the applicant's request.

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

**COMMISSION ACTION:**

John "Jack" Hilmes moved staff recommendation for approval of Part A) the requested surface rights vacations and approval of Part B) 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. Provision of a note on the Site Plan that states "all service lines to the building and all utility lines in the adjoining rights-of-way shall be located underground."
3. Replacement of all existing street lights that adjoin the property with black Autobahn LED Series ATBO street light fixtures and poles.
4. Provision of bike racks to the satisfaction of the Planning Administrator.
5. Provision of a metal louver gate system for the transformer area on the east façade of the building or other gate design that provides similar levels of screening and durability to the satisfaction of the Planning Administrator.

Motion passed 14-0.

Respectfully submitted,



Jason Van Essen, AICP  
Senior City Planner

JMV:clw  
Attachment





**January 18, 2017**

**Doug Saltsgaver  
ERG  
2413 Grand Avenue  
Des Moines, IA 50312**

**RE: 121 12<sup>th</sup> Street – Station 121  
10-17-7.73**

**Dear Doug:**

We have reviewed the first (1st) submittal of the site plan for the Station 121 project, located at 121 12<sup>th</sup> Street in Des Moines, and have determined that the following conditions must be satisfied before plan approval can be granted.

**Engineering**

- 1. Submit a Grading Permit Waiver.

**Traffic**

- 2. On-street parking spaces should be 25 feet long with 20 foot long spaces on the ends. Double-meter posts are used whenever possible, so the post spacing is generally 50 feet. There must be at least 2 feet of clearance around each meter post. They should be set back 18-24 inches from the street curb. Maintain the spaces 10 feet away from a crosswalk, 2 feet from the end of an alley or driveway radius and with 5 feet clearance either side of a fire hydrant.
- 3. Advance notice for any proposed parking meter removal requires submittal of an Application for Special Parking Permit.
- 4. Doors should not swing into the street right-of-way. If that is not possible to achieve, pedestrians should be protected by placement at the door swing area of something, such as a planter, while still maintaining clearance along the public sidewalk. This use of the right-of-way requires a license agreement from City Real Estate.
- 5. Driveway approaches that are no longer used are to be removed with the curb and area in the street right-of-way restored.
- 6. The property owner is responsible for coordinating any street lighting removal/replacement necessary with MidAmerican Energy. Black streetlight poles with LED fixtures are required in the

downtown area. The property owner is responsible for the cost to "buy down" this pole/fixture to the wood pole/overhead rate. Any relocation of street lighting will require a plan for the new layout and an evaluation of the lighting levels.

7. Any modifications/adjustments necessary to the traffic signal system, including boxes in the sidewalk, will be the responsibility of the developer.

8. Before impacting traffic signs or traffic signal equipment, contact City Traffic and Transportation (283-4973).

## Planning

9. For the landscape plan, provide the seal or certification statement of an architect, landscape architect, or certified nurseryman. This will need to be signed and dated prior to approving the site plan.

10. As this site was reviewed by the Plan and Zoning Commission, once ready, provide the meeting date and all applicable conditions of approval on the site plan.

11. Staff acknowledges notation regarding SHPO requirements that restrict the placement of trees within the two southern-most planters on 12<sup>th</sup> Street as well as the requirement to maintain the door swings out into the right-of-way. However, successful vacation and conveyance of right-of-way is required to proceed therefore staff acknowledges submittal of vacation request to Erik Lundy. If you have not already done so, please contact Sara Henry, Real Estate, with the proposed survey area of the right-of-way. She can be contacted at [sbhenry@dmgov.org](mailto:sbhenry@dmgov.org).

Typical parkway planter dimensions of 5' X 15' planter, 1' back of curb, with a 6' walk are required. Trees should be spaced 30' apart and planters should have a minimum of 15' clear space in between. Trees should be no closer than 15' to a street light. In addition, placement of the planters should coordinate spacing so as to not be placed directly in front of an entry way. A quick examination of the planters shows that if you were to start the spacing of trees along 12<sup>th</sup> Street, 15 feet from the alley (tree on center), and 20 feet from the alley on Mulberry Street, this can be achieved. Please note that the 3<sup>rd</sup> planter from the alley along Mulberry may need to be shortened 1 - 2 feet.

Boldly note on the landscape plan that "**Before planting shall occur, the City Arborist shall be contacted at 283-4950 to authorize planting in the right-of-way**". This note should be located within proximity of the parkway planting details as shown on the landscape plan layout.

12. Within the alley along the south perimeter it shows the light post as being removed within the alley but makes no mention of the additional post further east. This post, too, should be removed and the service place underground. Provide clarification on the site and demo plans.

13. See related traffic comment. The property owner will need to coordinate street lighting / utility pole removal/replacement necessary with Mid-American Energy for those which are not black LED "Autobahn" series light fixtures with black poles.

14. Provide an interior layout plan for the building. In addition, provide in note format the total square footage of the building on the cover of the site plan.

15. Existing meters in the right-of-way and utilities in the alley do not show up on the site plan. These items must be identified on the site plan and removed / undergrounded as part of the project.

16. How will this project satisfy multifamily trash and recycling needs? Will this take place inside or is some other arrangement being made?

17. Add bike racks to the project and provide a detail of the racks that are proposed. An inverted "U" bike rack is the acceptable standard for City right-of-way. Bike racks may be used to satisfy 1 of 4 necessary tax abatement sustainability criteria.

18. Will there be any new meters, mechanical equipment, or condensers for this project? If so, these must be identified on the site plan as well as shown on the building plans to determine that they have been screened appropriately.

19. All new exterior signs are reviewed separately and must be approved with Zoning Enforcement (283-4200) before sign permits can be issued. This note is for your information only and requires no formal addressing on the future submittal.

20. The final copy of the landscape plan will need to be signed and dated by an architect, landscape architect, or certified nurseryman.

21. The final copy of the site plan must have the preparer's certification statement signed and dated.

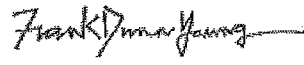
22. If the applicant intends to seek commercial tax abatement, the Acknowledgement and Intent Form will need to be filled out and returned to City Staff upon second submittal of the site plan. No further tax abatement analysis shall take place until such acknowledgement letter has been submitted.

23. A reminder that all new water services 2 inches in diameter or larger require SEPARATE submittals for review by the Des Moines Water Works Engineering Department.

Please submit **four (4) 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 @ **283-4743** or by email @ [fadunnyoung@dmgov.org](mailto:fadunnyoung@dmgov.org).

Sincerely,



Frank Dunn-Young  
Senior City Planner