



Roll Call Number

Agenda Item Number

62C

Date August 14, 2017

**RECEIVE AND FILE COMMUNICATION FROM THE
PLAN AND ZONING COMMISSION REGARDING REQUEST FROM
TWG DEVELOPMENT, LLC FOR VACATION OF RIGHT-OF-WAY ADJOINING
201 SOUTHEAST 6TH STREET**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 20, 2017, its members voted 10-0 to recommend **APPROVAL** of a request from TWG Development, LLC (developer), represented by J.B. Curry (officer), for vacation of the subsurface of the east 2 feet of Southeast 6th Street and vacation of the west 5 feet of Southeast 7th Street adjoining 201 Southeast 6th Street between vacated Market Street and vacated Elm Street, subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.

MOVED by _____ to receive and file the attached communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division.

FORM APPROVED:



Glenna K. Frank
Assistant City Attorney

(11-2017-1.08)

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

MOTION CARRIED

APPROVED

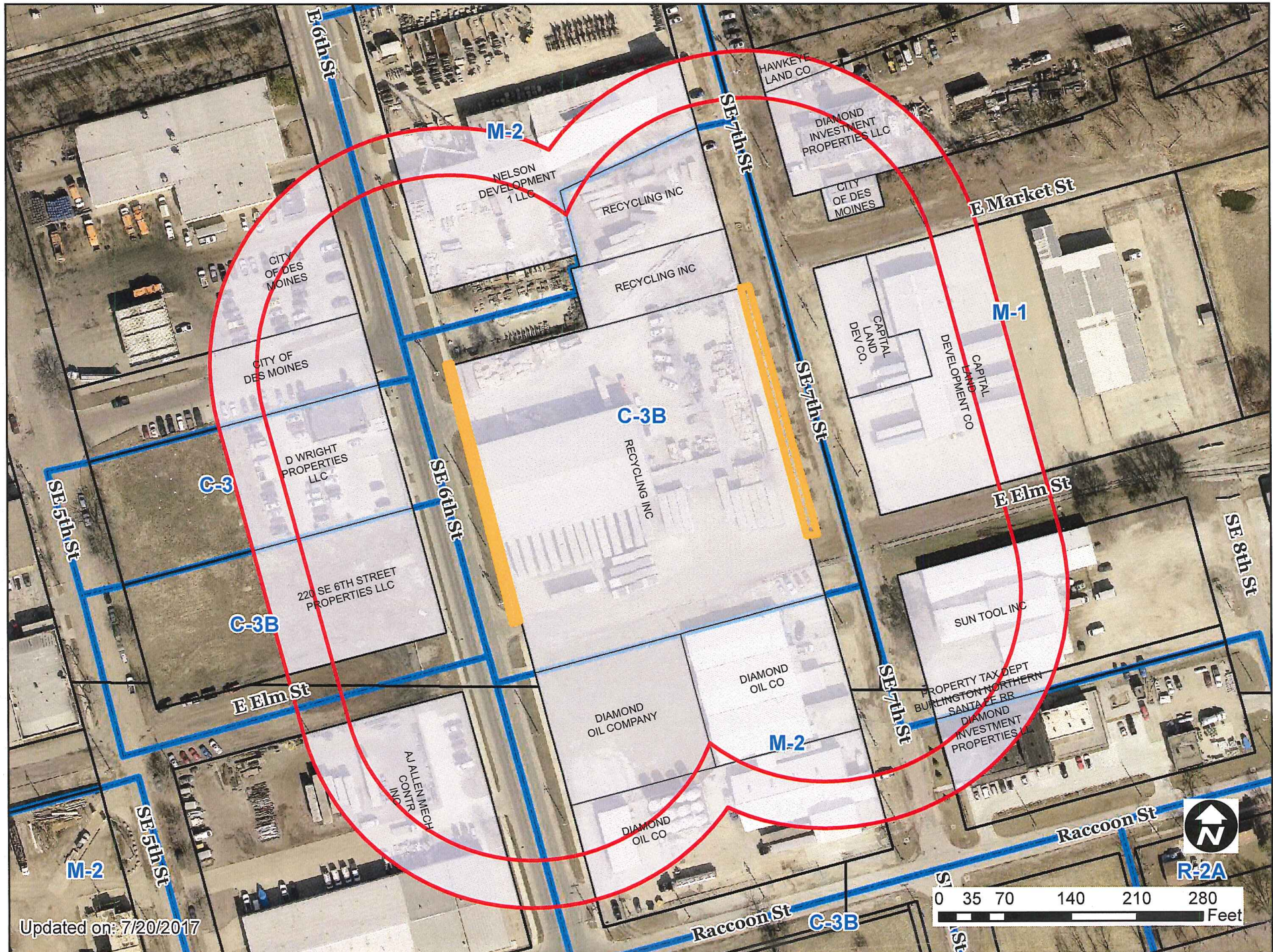
Mayor

CERTIFICATE

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

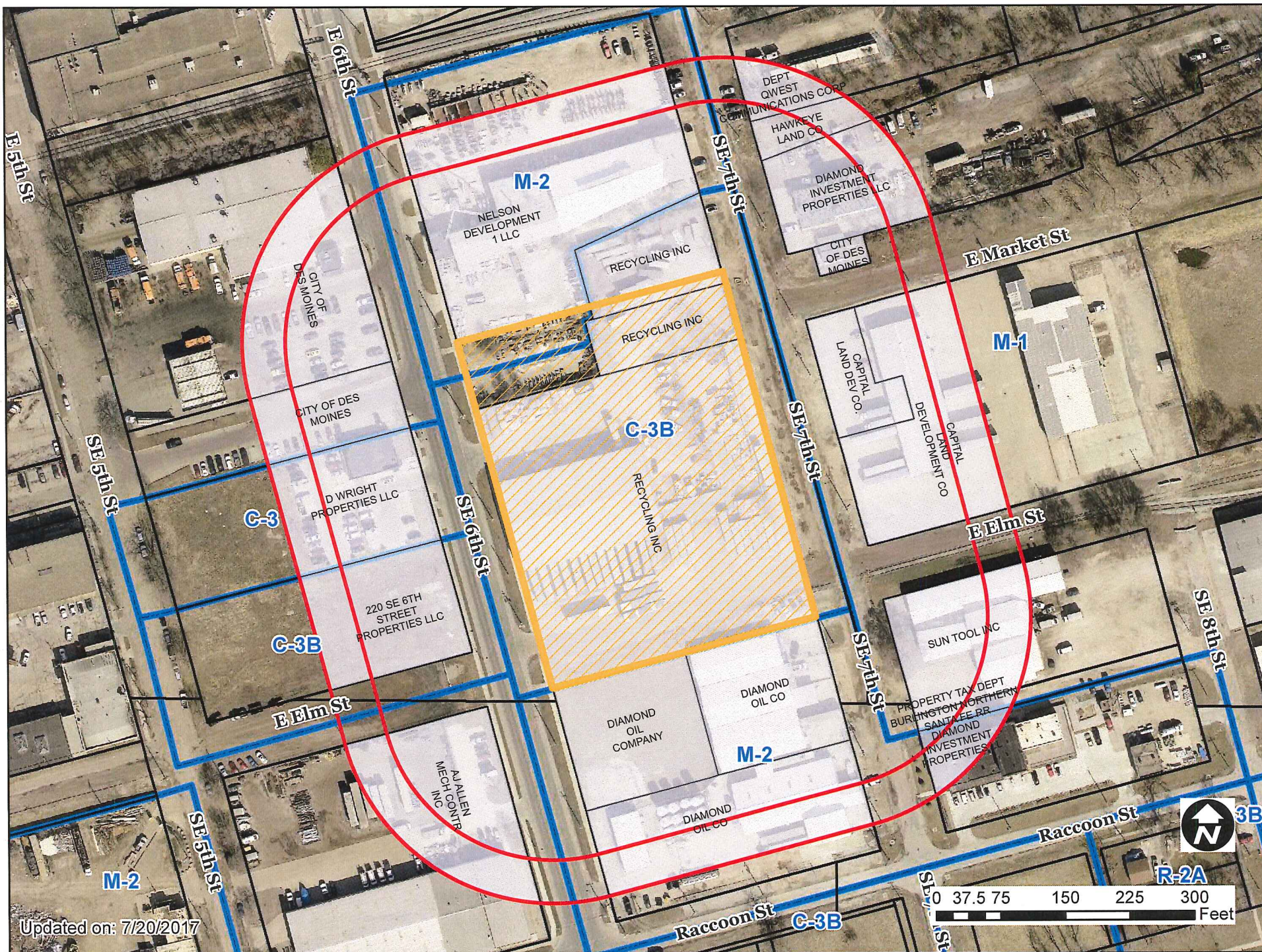
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

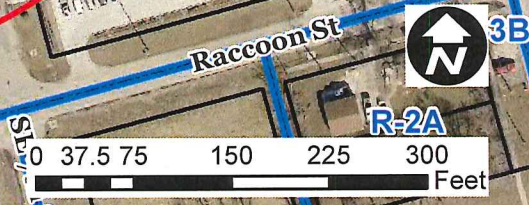


Updated on: 7/20/2017

622



Updated on: 7/20/2017



June 24, 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 July 20, 2017, a request from TWG Development, LLC (developer) represented by J.B. Curry (officer) for vacation of the subsurface of the east 2 feet of Southeast 6th Street and vacation of the west 5 feet of Southeast 7th Street adjoining the subject property between vacated Market Street and vacated Elm Street and review and approval of a Site Plan "District at 6th" under design guidelines in "C-3B" Districts and under design guidelines for multiple-family dwellings on property located at 201 Southeast 6th Street, to allow redevelopment of the property with two, four-story mixed-use buildings with subsurface parking containing a total of 213 residential apartment units with associated common area and amenity space, 2,639 square feet of retail, and 930 square feet of leasing office. The subject property is owned by Hamm's Des Moines, Inc.

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			
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 vacation of the subsurface of the east 2 feet of Southeast 6th Street and the west 5 feet of Southeast 7th Street adjoining the subject to reservation of any necessary easements for all existing utilities in place until such time that

they are abandoned or are relocated and approval of Part B) the submitted Site Plan subject to the following: (11-2017-1.08 & 10-2017-1.31)

1. Compliance with all administrative review comments of the City's Permit and Development Center.
2. The Site Plan shall provide building elevations for the building facades that face internally to the site, subject to the review and approval by the City's Planning Administrator. The portions of the facades that would be most readily visible from Elm Street and from the Market Street pedestrian plaza shall include a significant amount of brick.
3. The configuration of the pedestrian plaza may be revised in order to accommodate the Des Moines Water Works' concerns. However, any reconfiguration shall be subject to review and approval by the City's Planning Administrator. If the Planning Administrator does not approve the proposed redesign, the Site Plan must return to the Plan & Zoning Commission for further review.
4. In accordance with Ordinance 15,581, the Site Plan shall underground all of the existing overhead utilities to the maximum extent feasible.
5. All on-street parking shall comply with the City Code as administered by the City Traffic Engineer.
6. The Site Plan shall be in compliance with the City's Fire Protection requirements to the satisfaction of the City's Permit and Development Center. The Site Plan shall be required to return to the Plan & Zoning Commission for further review if a major modification to the layout of the site is necessary.
7. The Site Plan shall be in compliance with the City's Stormwater Management requirements to the satisfaction of the City's Permit and Development Center.
8. The Site Plan shall demonstrate foundation plantings within the planting areas around the perimeter of the buildings, to the satisfaction of the City's Planning Administrator.
9. The planter beds along East Elm Street that are closest to the sidewalk bumpouts at the intersections may be lengthened to reduce the amount of paving in these areas, to the satisfaction of the City's Planning Administrator.
10. All street lighting shall be on poles and/or fixtures as approved by the City's Permit and Development Center.
11. Any private light poles or pole-mounted light fixtures shall be similar in style to a black KIM archetype light fixture, Autobahn LED Series ATBO light fixture, or of equal aesthetic quality.
12. All utility meters shall be placed within the underground parking structure or facades that are internal to the site.

RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends approval of the vacation of the subsurface of the east 2 feet of Southeast 6th Street and the west 5 feet of Southeast 7th Street adjoining the subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.

Part B) Staff recommends approval of the submitted Site Plan subject to the following:

1. Compliance with all administrative review comments of the City's Permit and Development Center.
2. The Site Plan shall provide building elevations for the building facades that face internally to the site, subject to the review and approval by the City's Planning Administrator. The portions of the facades that would be most readily visible from Elm Street and from the Market Street pedestrian plaza shall include a significant amount of brick.
3. The configuration of the pedestrian plaza may be revised in order to accommodate the Des Moines Water Works' concerns. However, any reconfiguration shall be subject to review and approval by the City's Planning Administrator. If the Planning Administrator does not approve the proposed redesign, the Site Plan must return to the Plan & Zoning Commission for further review.
4. In accordance with Ordinance 15,581, the Site Plan shall underground all of the existing overhead utilities to the maximum extent feasible.
5. ~~In accordance with Ordinance 15,581, the developer shall be responsible for improving the adjoining segments of East Elm Street and Southeast 7th Street to an urban cross section.~~
6. All on-street parking shall comply with the City Code as administered by the City Traffic Engineer.
7. The Site Plan shall be in compliance with the City's Fire Protection requirements to the satisfaction of the City's Permit and Development Center. The Site Plan shall be required to return to the Plan & Zoning Commission for further review if a major modification to the layout of the site is necessary.
8. The Site Plan shall be in compliance with the City's Stormwater Management requirements to the satisfaction of the City's Permit and Development Center.
9. The Site Plan shall demonstrate foundation plantings within the planting areas around the perimeter of the buildings, to the satisfaction of the City's Planning Administrator.
10. The planter beds along East Elm Street that are closest to the sidewalk bumpouts at the intersections may be lengthened to reduce the amount of paving in these areas, to the satisfaction of the City's Planning Administrator.

11. All street lighting shall be on poles and/or fixtures as approved by the City's Permit and Development Center.
12. Any private light poles or pole-mounted light fixtures shall be similar in style to a black KIM archetype light fixture, Autobahn LED Series ATBO light fixture, or of equal aesthetic quality.
13. All utility meters shall be placed within the underground parking structure or facades that are internal to the site.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed Site Plan would allow redevelopment of the property with two, four-story mixed-use buildings that would be built atop an underground parking structure. The development would contain a total of 213 residential apartment units, 2,639 square feet of retail space at the northwest corner of the site, and 930 square feet of leasing office space. Many of the ground floor dwelling units would have walk-up entrances from the adjoining sidewalks. The two buildings would form a private courtyard around a swimming pool and an outdoor seating area. The entrance to the underground parking structure would be along the East Elm Street (south) frontage.

The Site Plan demonstrates that East Elm Street would be reestablished and dedicated to the City as public Right-of-Way (ROW). It also demonstrates that the former Market Street ROW would be developed as a pedestrian plaza that would be privately constructed and operated by the developer, but be open to the public through an access easement.

The developer has requested vacation of the subsurface rights for the eastern 2 feet of Southeast 6th Street right of way to accommodate the foundations for the walk up stairs and vacation of the subsurface and surface rights for the western 5 feet of Southeast 7th Street right of way to accommodate the stairs, railings and foundation for the walk up stairs. The foundations would also extend into the East Elm Street ROW but a vacation of these subsurface rights is not necessary since the East Elm Street ROW has not yet been dedicated.

2. **Size of Site:** 107,593 square feet (2.47 acres).
3. **Existing Zoning (site):** "C-3B" Central Business Mixed Use District, "CDO" Capitol Dominance Overlay District, "D-O" Downtown Overlay District, "FSO" Freestanding Sign Overlay District, and "GGP" Gambling Games Prohibition District.
4. **Existing Land Use (site):** The site is currently occupied by Recycling, Inc., which uses the site for the storage, sorting, and processing of waste materials.

5. Adjacent Land Use and Zoning:

North – “M-2”; Use is the Rowat Cut Stone business with outdoor storage.

South – “M-2”; Use is the Diamond Oil business with an office and warehouse.

East – “M-1”; Uses is a warehouse.

West – “C-3B” & “C-3”; Uses are a 3-story office building under construction for PDM Precast and a vehicle display lot for Enterprise Rent-A-Car.

6. General Neighborhood/Area Land Uses: The subject property is located in an area known as the Market District, which is an area transitioning from industrial uses to a mix of residential and commercial uses.

7. Applicable Recognized Neighborhood(s): The subject property is within the Historic East Village Neighborhood. All recognized neighborhoods were notified of the meeting by mailing of the Preliminary Agenda on June 30, 2017. Additionally, separate notifications of the hearing for this specific item were mailed on July 10, 2017 (10 days prior to the scheduled hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on July 14, 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 Historic East Village Neighborhood Association notices were mailed to Chris LoRang, PO Box 93904, Des Moines, IA 50393.

8. Relevant Zoning History: On May 8, 2017, the City Council adopted Ordinance 15,581, which rezoned the property from “M-2” Heavy Industrial District to “C-3B” Central Business Mixed Use District, subject to the following limitations:

- (1) The following uses shall be prohibited on the Property:
 - a. Assembly and packaging of small components from previously prepared materials within a fully enclosed building.
 - b. Auction businesses.
 - c. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
 - d. Lumberyards, retail and wholesale.
 - e. Machine shops.
 - f. Freestanding package goods stores for the sale of alcoholic beverages.
 - g. Pawnshops.
 - h. Printing, publishing houses and lithographing shops.
 - i. Plumbing and heating shops.
 - j. Miniwarehouse uses.
 - k. Freestanding taverns and night clubs.
 - l. Warehousing.
- (2) Any development on the Property shall be subject to the undergrounding of all overhead utilities to the maximum extent possible.
- (3) Any development on the Property shall re-establish East Elm Street ROW and improve it with a public street constructed with an urban cross section.

- (4) Any development on the Property shall improve Southeast 7th Street with an urban cross section.
- (5) Any development on the Property shall re-establish Market Street ROW and improve it with either a public pedestrian plaza or a public street constructed with an urban cross section.
- (6) Any development or site modifications on the Property shall be in accordance with a Site Plan that satisfies any applicable design guidelines, such as those for the "C-3B" District, the "D-O" Downtown Overlay District, and/or Multiple-Family Residential.

9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation: The site is designated as Downtown Mixed Use, which is defined as follows: "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 reviews all proposals to vacate land dedicated for a specific public purpose, such as for streets and parks, to determine whether the land is still needed for such purpose or may be released (vacated) for other use. The recommendation of the Commission is forwarded to the City Council.

In acting upon any site plan application for property located within the D-R downtown riverfront district or C-3B central business mixed-use district, the plan and zoning commission shall apply the design regulations in section 82-213 of this article and the design guidelines in Section 82-214.7, 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 an existing building is expanded by more than 50 percent of its gross floor area as of the time it became part of the D-R downtown riverfront district or C-3B central business mixed-use district. If a building is expanded by less than 50 percent of its gross floor area as of the time it became part of the D-R downtown riverfront district or C-3B central business mixed-use district, then these guidelines shall apply only to the expansion of the building.

- 1) *Building Heights.* Minimum height for all uses that are not built integral to the levee as part of the riverwalk redevelopment, should be the lesser of 36-feet or 3-stories.

The proposed buildings would be four stories and approximately 50 feet tall, which complies with this guideline.

- 2) *Riverfront setbacks:* Riverfront setbacks for all new construction (that is not built integral to the levee and as part of a riverfront park) should be a minimum of 100 (horizontal) feet from the high water mark of the river. Redevelopment adjacent to a riverfront park (not part of the levee reconstruction) should front a continuous public ROW. This could be either a road built to an urban standard, or an alternative profile of a minimum 20' width that clearly delineates a public ROW between new private development and the riverfront park.

N/A.

- 3) *Lighting:* All new exterior lighting upon private property should be pedestrian in scale. The use of private overhead floodlighting is discouraged.

The site plan indicates that all on-site exterior lighting shall be low glare cut-off type fixtures. Staff recommends that any private light poles and pole mounted light fixtures should be similar in style to a black KIM archetype light fixture, Autobahn LED Series ATBO light fixture, or of equal aesthetic quality.

- 4) *Residential building standards:* New residential buildings should also comply with the following guidelines:

- a. Building front entrances should face public rights-of-ways. Those buildings with river frontage should be oriented towards the riverfront (except when located above street level retail).
- b. At least one building entrance for the residential uses should directly access the street when located above street-level retail.

The western building would have a primary entrance facing Southeast 6th Street and the eastern building would have a primary entrance facing East Elm Street. In addition, many ground floor units in both buildings would have walk-up exterior entrances accessed by stoops along the public sidewalks.

- c. Buildings should have a building frontage on the principal street of not less than 70 percent of the lot frontage on the principal street.
- d. Buildings should have a maximum setback of 15 feet from the public ROW.

The Site Plan complies with these guidelines, as the buildings would be built up to the property lines on all four sides.

- e. Service entrances, waste disposal areas and other similar uses should be located adjacent to service lanes and away from major streets and the public ROW adjacent to the river.

The Site Plan satisfies this guideline, as waste disposal containers would be kept within the underground parking area.

- 5) *Commercial building standards:* New commercial buildings should also comply with the following guidelines:

- a. Buildings should have a building frontage on the principal street of not less than 70 percent of the lot frontage on the principal street.
- b. A minimum of 70 percent of the building frontage should be set within one foot of the front lot line.
- c. Building entrances on new development sites that have river frontage (and are not integral to the levy), should be oriented both towards the riverfront and the primary street.

- d. Service entrances, waste disposal areas and other similar uses should be located adjacent to service lanes and away from major streets and the public ROW adjacent to the river.
- e. Restaurants may operate outdoor cafes on public sidewalks while maintaining pedestrian circulation subject to obtaining an areaway permit.

The Site Plan demonstrates that the development would have 2,639 square feet of street level retail at the northwest corner of the site with a primary entrance facing Southeast 6th Street. It also provides an adjacent outdoor terrace within the Market Street pedestrian plaza.

- 6) Storage of any and all materials and equipment should take place within completely enclosed buildings. All open areas should be paved or landscaped, properly maintained and kept free from refuse and debris. All refuse collection containers and dumpsters should be enclosed on all sides by the use of a permanent wall of wood, brick, or masonry. The enclosure, including any gates for pedestrian and/or disposal truck access, should be constructed to provide at least a 75% opaque screen of the receptacle from any street.

N/A.

- 7) All open areas not used for off-street loading or parking should be landscaped in accordance with the Des Moines Landscape Standards.

The Site Plan demonstrates that the pedestrian plaza within Market Street ROW and the courtyard in between the buildings would both be landscaped significantly.

- 8) Access doors for any warehouse use and any loading docks should not front on any public street. That portion of a building fronting on a public street should be used in an office or other commercial use.

N/A.

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. The decision to approve, approve subject to conditions, or disapprove a proposed site plan shall be based upon the conformance of the site plan with the following design standards.

- 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.

Staff believes the proposed materials and design are appropriate for the urban industrial nature of the area. The exterior of the buildings would primarily consist of brick and fiber cement panels. The proposed elevations also demonstrate a significant amount of windows on all facades, as well as prefinished metal railings around the balconies recessed in the upper story units.

The Site Plan does not provide elevations for the building facades that face interior to the site. Staff recommends that Site Plan include these elevations and that they be subject to the review and approval by the City's Planning Administrator. Staff recommends that, a minimum, the facades that would be most readily visible from East Elm Street and from the Market Street should include a significant amount of brick.

- 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 buildings would be four stories and 50 feet tall, which is appropriate for the area and complies with the minimum requirements of the "D-R" Design Guidelines and "D-O" Downtown Overlay District Design Guidelines.

- 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 Site Plan satisfies this design guideline. The westernmost most building would have a primary entrance facing Southeast 6th Street and the easternmost building would have a primary entrance facing East Elm Street.

- 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 Site Plan satisfies this guideline. The entrance to the underground parking would be located along East Elm Street and in between the two buildings.

- 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.

N/A.

- 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.

N/A.

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.

Staff believes the proposed materials and design are appropriate for the urban industrial nature of the area. The exterior of the buildings would primarily consist of brick and fiber cement panels. The elevations also demonstrate a significant amount of windows, as well as prefinished metal railings around the balconies recessed in the upper story units.

- B) Low impact development techniques should be utilized which implement site water quality control solutions, using materials which are locally available and creating projects which minimize energy consumption.

The proposed stormwater management improvements include underground stormwater detention beneath the plaza in Market Street.

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

The Site Plan satisfies this guideline. In addition to public sidewalks along Southeast 6th Street, Southeast 7th Street, and East Elm Street, there would be a pedestrian plaza along the north side of the building that would function as pedestrian connection for future redevelopment of the parcel to the north.

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

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

The proposed Site Plan complies with this guideline, as it demonstrates that the former Market Street ROW would be developed as a public pedestrian plaza that would privately constructed and operated by the developer, but open to the public through an access easement. The Site Plan also includes a private courtyard between the two buildings that would contain a patio, a swimming pool, and other amenities for residents.

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.

The proposed Site Plan complies with this guideline, as multiple bike racks would be located throughout the site.

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

The proposed Site Plan complies with this guideline, as the buildings would be four stories and 50 feet tall, which complies 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 proposed Site Plan complies with this guideline. The western building would have a primary entrance facing Southeast 6th Street and the eastern building would have a primary entrance facing East Elm Street. In addition, ground floor units in both buildings would have exterior entrances accessed by stoops along the public sidewalks.

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

The proposed Site Plan complies with this guideline, as the buildings would be built up to the property lines on all four sides.

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

N/A.

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

The proposed Site Plan complies with this guideline, as the western building would have a primary entrance along Southeast 6th Street and the eastern building would have a primary entrance along East Elm Street.

6. For residential buildings, a maximum setback of 15 feet from the public ROW 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 Site Plan complies with this guideline, as the buildings would be built up to the property lines on all four sides.

- 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.

Refuse collection would occur internal to the building within the underground parking.

- 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.

N/A.

- 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 proposed Site Plan complies with this guideline, as the only curb cut for the development would be along East Elm Street for the two-way access driveway for the underground parking.

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

N/A.

- 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.

II. ADDITIONAL APPLICABLE INFORMATION

- 1. Market District of East Village Urban Design Study:** The proposed Site Plan generally complies with the Market District of East Village Urban Design Study. In May 2010, the City Council received and filed this study as a guide for future development and redevelopment within the area bounded by East/Southeast 7th Street on the east, Scott Avenue on the south, the Des Moines River on the west, and East Walnut Street on the north. The study calls for creating a vibrant pedestrian-oriented mixed-use area by preserving the existing structures and building new residential and commercial structures. The study designates both Southeast 6th Street and Market Street as "primary development corridors". It also designates the subject property as being redeveloped primarily for multiple-family residential use, with street level commercial space along Southeast 6th Street.
- 2. Utilities:** All necessary public utilities are available within the surrounding public street network that would be required by the development.

There is an existing water main within the vacated Market Street ROW. The Des Moines Water Works has expressed concerns with the current design of the proposed

pedestrian plaza that would be located above this water main. In order to address these concerns, the pedestrian plaza may be altered. Staff recommends that any pedestrian plaza be required to be in general conformance with the submitted layout or a revised design as approved by the City's Planning Administrator. If the Planning Administrator does not approve the proposed redesign, the Site Plan must return to the Plan & Zoning Commission for further review.

There are existing overhead utility lines within Southeast 6th Street ROW. In accordance with Ordinance 15,581, the Site Plan would underground all of the existing overhead utilities to the maximum extent possible.

3. **Traffic & Transportation:** In accordance with Ordinance 15,581, the developer would be responsible for improving the adjoining segments of East Elm Street and Southeast 7th Street to an urban cross section. The Site Plan demonstrates that East Elm Street would be reestablished and dedicated to the City as public-of-way. It also demonstrates that Southeast 7th Street would be improved to an urban cross section.
4. **Parking:** While no minimum number of off-street parking spaces would be required for any use in the "C-3B" District, any off-street parking that is provided within the underground parking garage must comply with City Code Section 134-1377.

The Site Plan demonstrates that on-street parallel parking would be provided along the west side of Southeast 6th Street and along both sides of East Elm Street. It also demonstrates that back-in angled parking would be provided along west side of Southeast 7th Street and parallel parking would be provided along the east side of Southeast 7th Street. All on-street parking would be subject to final approval by the City's Traffic and Transportation Division. On-street parking would be available to the general public and not reserved for occupants of the site.

5. **Fire Protection:** The Site Plan must be in compliance with the City's Fire Protection requirements to the satisfaction of the City's Permit and Development Center. The current version of the submitted Site Plan does not satisfy the City's fire protection regulations. However, the developer has indicated that they will be modifying the Site Plan, including provision of key boxes at the courtyard gate and locating a standpipe/hose connection inside the interior courtyard, so that all faces of the buildings are within the maximum distances required from a hydrant or fire apparatus road. While the City's Fire Protection has not completed the review of this concept, it is likely that it will meet the City's requirements. However, if any major modification to the layout of the site is ultimately necessary, the Site Plan may be required to return to the Plan & Zoning Commission for further review.
6. **Natural Features:** Development of the site must be in compliance with the City's Tree Removal and Mitigation Ordinance (Section 42-550 of the City Code).
7. **Grading/Drainage:** All grading is subject to an approved grading permit and soil erosion control plan, as well as a Stormwater Pollution Protection Plan (SWPPP) approved by the Iowa DNR.

The Site Plan must be compliance with the City's Stormwater Management requirements to the satisfaction of the City's Permit and Development Center. The

developer has submitted a stormwater management plan that includes underground stormwater retention beneath the proposed pedestrian plaza. While the City Engineer has not completed the review of this plan, they do believe that it will meet the City's requirements.

- 8. Landscaping:** The submitted Site Plan demonstrates that the pedestrian plaza within former Market Street ROW would be landscaped significantly and that street within planter beds would be provided along Southeast 6th Street, Southeast 7th Street, and East Elm Street. While some sheets of the submitted Site Plan demonstrate street trees along the south side of East Elm Street, Staff notes that these trees would be required at such time that the property to the south is developed in accordance with a future Site Plan for that property.

The Site Plan provides planting areas around the perimeter of the buildings but does not indicate species of plant material. Staff recommends that these include foundation plantings to the satisfaction of the City's Planning Administrator.

The Site Plan demonstrates sidewalk bumpouts at the intersections in order to accommodate inset on-street parking. Staff recommends that the planter beds within East Elm Street that are closest to the bumpouts be extended to reduce the amount of paving in these areas.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

John "Jack" Hilmes moved staff recommendation for approval of Part A) the vacation of the subsurface of the east 2 feet of Southeast 6th Street and the west 5 feet of Southeast 7th Street adjoining the subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated and approval of Part B) the submitted Site Plan subject to the following:

1. Compliance with all administrative review comments of the City's Permit and Development Center.
2. The Site Plan shall provide building elevations for the building facades that face internally to the site, subject to the review and approval by the City's Planning Administrator. The portions of the facades that would be most readily visible from Elm Street and from the Market Street pedestrian plaza shall include a significant amount of brick.
3. The configuration of the pedestrian plaza may be revised in order to accommodate the Des Moines Water Works' concerns. However, any reconfiguration shall be subject to review and approval by the City's Planning Administrator. If the Planning Administrator does not approve the proposed redesign, the Site Plan must return to the Plan & Zoning Commission for further review.

4. In accordance with Ordinance 15,581, the Site Plan shall underground all of the existing overhead utilities to the maximum extent feasible.
5. All on-street parking shall comply with the City Code as administered by the City Traffic Engineer.
6. The Site Plan shall be in compliance with the City's Fire Protection requirements to the satisfaction of the City's Permit and Development Center. The Site Plan shall be required to return to the Plan & Zoning Commission for further review if a major modification to the layout of the site is necessary.
7. The Site Plan shall be in compliance with the City's Stormwater Management requirements to the satisfaction of the City's Permit and Development Center.
8. The Site Plan shall demonstrate foundation plantings within the planting areas around the perimeter of the buildings, to the satisfaction of the City's Planning Administrator.
9. The planter beds along East Elm Street that are closest to the sidewalk bumpouts at the intersections may be lengthened to reduce the amount of paving in these areas, to the satisfaction of the City's Planning Administrator.
10. All street lighting shall be on poles and/or fixtures as approved by the City's Permit and Development Center.
11. Any private light poles or pole-mounted light fixtures shall be similar in style to a black KIM archetype light fixture, Autobahn LED Series ATBO light fixture, or of equal aesthetic quality.
12. All utility meters shall be placed within the underground parking structure or facades that are internal to the site.

Motion passed 10-0.

Respectfully submitted,


Erik Lundy, AICP
Senior Planner

EML:clw
Attachment



June 26, 2017

Brett Douglas
Genus Landscape Architects
325 E. 5th Street
Des Moines, IA 50309

RE: 201 SE 6th Street, District at 6th

10-17-7.131

Dear Brett:

We have reviewed the first (1st) submittal of the site plan for the District at 6th project, located at 201 SE 6th Street in Des Moines, and have determined that the following conditions must be satisfied before plan approval can be granted.

Engineering

1. **The site plan submittal letter sent by Eric Holt dated June 7th indicates that a majority of the elements necessary for a civil engineering review including a stormwater management plan / report and public improvement plans were not included with this submittal. The following comments disregard these items entirely as a full review will be needed at a later date.**
2. Show bearings and distances of the property lines on at least one of the plan sheets.
3. Provide an approved city datum elevation benchmark as obtained from the city's website: <http://desmoines.maps.arcgis.com/apps/webappviewer/index.html?id=406af1332e5a4349988c1e1f8d4e5ccf>
4. Show / label all roof drain outlet locations.
5. Provide a layout of the underground parking.
6. Provide a table on the plans that indicates the site disturbed area, existing impervious area, and proposed impervious area.
7. Please provide public improvement plans and private construction contract documents for the proposed public improvements. Contact Adam Prilipp apprilipp@dmgov.org for questions regarding the plans and Ron DeGroot rdegroot@dmgov.org for questions regarding the contract documents. More information can be found at the City website here:

[http://www.dmgov.org/Departments/Engineering/PDF/Insurance%20Requirements%20for%20Construction%20Projects%202017%20\(effective%204-3-2017\).pdf](http://www.dmgov.org/Departments/Engineering/PDF/Insurance%20Requirements%20for%20Construction%20Projects%202017%20(effective%204-3-2017).pdf)

8. 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

9. The impacted area of the project exceeds one acre, so the owner/developer must apply for a NPDES General Permit No. 2 through the IDNR. Submit a copy of the completed SWPPP (including certifications) and the NPDES documents for review and acceptance.

10. A Grading Permit will be required prior to commencement of site work. Per City Code Sec. 42-182, a Certificate of Completion will be required to be completed by the applicant's engineer to certify the grading work on site. You may download the application at the city web site:

<https://www.dmgov.org/Departments/CommunityDevelopment/PDF/Grading%20Permit%20Application.pdf>

11. To assure compliance with City Code Sec. 106-136, the site plan shall include the following information (preferably on one sheet):

- A scale drawing of the stormwater management facilities to include all piping and structures directly connected to it.
- A detail of the outlet control structure(s).
- A listing of the Stormwater Management Facilities components (includes piping and associated structures directly connected to the treatment unit).
- List the following: WQv volume; 100-year storm volume, basin bottom elevation, WQv water surface elevation, and the design 100-year storm water surface elevation.
- A listing of long-term maintenance requirements, verbatim, as follows:

**City Code Section 106-136(h) Land Owner/ Manager
Stormwater Facilities Maintenance Requirements**

A. This Stormwater Management Facilities, including pipes, inlets and outlets, shall be annually inspected and maintained in substantial compliance with the approved Stormwater Management Plan.

B. Litter, silt, sediment and debris shall be promptly removed from such facilities.

C. The plantings and vegetation within the Stormwater Management Facilities shall be maintained in conformance with the approved Stormwater Management Plan. If any vegetation dies, it shall be replaced with vegetation in conformance with the Plan as soon as the weather permits.

D. No grass clippings, leaves or other yard wastes, soil, rocks, concrete, or similar materials, shall be placed within a swale, or retention or detention pond without the prior written consent of the City Engineer.

E. No portion of the Stormwater Management Facilities shall be altered or removed without the prior written consent of the City Engineer.

f. Records of inspection, maintenance and repair must be maintained and kept for at least five years and made available upon request to the City Engineer.

F. Inspect the "Isolator Row(s)" of the system semi-annually the first two (2) years and annually thereafter at a minimum. When sediment is found to be approaching 3 inches in depth, clean the entire Isolator Row with JetVac as per StormTech recommendations.

62C

Traffic

12. The proposed path through the pedestrian plaza terminates in the middle of the intersection. We'll want to make sure pedestrians are discouraged from crossing outside of designated crossings. Terminate both sides at the outside edge of the sidewalk (this is already shown on the western side of the plaza).

13. At the intersection of Elm/6th, alignment of the southeast corner and the northeast corner would be preferred (see attached figure).

14. Ensure that the proposed cross-section of Elm Street east of 6th matches the proposed cross-section to the west of 6th.

Fire

15. In accordance with IFC Section 507.5.1; where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided (Exception: R-3, U & sprinklered buildings shall be 600 ft). *Submitted plans did not clearly indicate conformance with this requirement.*

- a. *This includes the courtyard area. The area is within the 600 feet of the hydrant located in the NE corner, however, the approved route does not include going through doors.*

16. FIRE APPARATUS ACCESS ROADS: **A fire apparatus access road shall extend to within 150 feet of all portions of the first story of the building as measured by an approved route around the exterior of the building. IFC 503.1.1.** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be of a continuous hard surface such as concrete, asphalt, rock, or other continuous hard surface material so as to provide all-weather maintenance and driving capabilities. Grass pavers or similar type products that are not readily distinguishable as a road surface shall not be used. City of Des Moines Fire Prevention Code Section 46 – 68. Fire apparatus access roads shall have a minimum unobstructed width of 20 feet and 26 feet where a hydrant is located on the access road. IFC 503.2.1 A minimum vertical clearance of 13 feet 6 inches shall be provided for the apparatus access roads. IFC 503.2.1 Where dead-end fire apparatus access roads in excess of 150 feet exist a turnaround shall be provided in accordance with IFC 503.2.5

- a. *This includes access to the courtyard area*

17. Limited Access Gates and Locks: All developments, communities, structures, facilities, or property similar in nature that has controlled access points requiring a key, key card, coded key pad, or similar device to limit access shall have a lock box with keys, key cards, codes, or similar device to gain access or shall have a lock box key activated opening device. All lock boxes or lock box key activated devices shall be operable with the existing lock box key used by the Des Moines Fire Department. Contact the Fire Prevention Bureau at (515) 283-4240 for more information. {Exception: Controlled access points that have security present 24 hours a day} City of Des Moines Fire Prevention Code Section 46 – 70

- a. *If included as part of possible access solution would apply*

Des Moines Water Works

18. The site plan looks ok. Any new water service work will need to be reviewed and inspected by DMWW.

19. There cannot be any trees planted, grade changes or structures built within the area of the vacated ROW in which the water main sits.

20. Attached is the packet that will need to be filled out for each new water service.

Planning

21. Add a vicinity map to the site plan.

22. Revise the zoning of this property since rezoning process has been approved.

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

24. Identify the locations of any meters (water, electric) or other mechanical equipment. These should be placed interior to the lot (non-street facing) and screened appropriately

25. Is any rooftop mechanical equipment proposed? If so, provide a roof plan and details for how it will be screened

26. Provide additional planting material around transformers to provide screening from street.

27. Include quantities provided within the planting schedule.

28. Add the following notes relative to the parkway planting illustration:

- Contact the Municipal Forestry Division prior to planting in the public R.O.W. at 283-4950.
- All wire, twine and burlap shall be removed from the rootball of street trees prior to planting.
- No staking of trees is allowed.

29. Public Access Easements along Market Street are required. Please provide easement documentation to Sara Henry, Acquisition and relocation Specialist, at sbhenry@dmgov.org .

30. Power lines along Elm Street are expected to be undergrounded, provide note on the site plan.

31. Provide detail for the proposed bike racks.

32. Provide a PDF copy of the building elevations, noting building materials.

33. Are there any encroachments such as door swings, canopies, building overhangs, subsurface footings, fencing, parking proposed, etc. within City R.O.W.? There are additional processes that may be needed to approve such plans.

34. The property owner is responsible for coordinating street lighting / utility pole removal/replacement necessary with Mid-American Energy. Black LED "Autobahn" series light fixtures with a black pole is required for all street lights associated with the project area, and undergrounding of overhead utilities is required. The property owner is responsible for the cost of this pole/fixture. The relocation of street lighting will require a plan for the new layout and an evaluation of the lighting levels. In addition, a fixture illustration shall be provided on the site plan.

62c

35. 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.

36. 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. In addition, the following Tax Abatement notes and relative site plan adjustments should be provided on the site 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.
- Signage shall be monument or directory but in no case shall be pole signage.

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 @ **283-4746** or by email @ jgalcivar@dmgov.org.

Sincerely,

Johnny Alcivar
Assistant City Planner