



Roll Call Number

Agenda Item Number

19

Date December 18, 2017

**RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION
REGARDING REQUEST FROM OPTIMAE LIFE SERVICES FOR VACATION OF THE
SOUTH 6 FEET OF DES MOINES STREET ADJOINING 621 DES MOINES STREET**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on December 7, 2017, its members voted 10-0 to recommend **APPROVAL** of a request from Optima Life Services (owner), represented by William Dodds, for vacation of the south 6 feet of Des Moines Street right-of-way adjoining 621 Des Moines Street, to allow for outdoor patio use for the adjoining building, subject to the 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
Glenna K. Frank, Assistant City Attorney

(11-2017-1.17)

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

MOTION CARRIED APPROVED

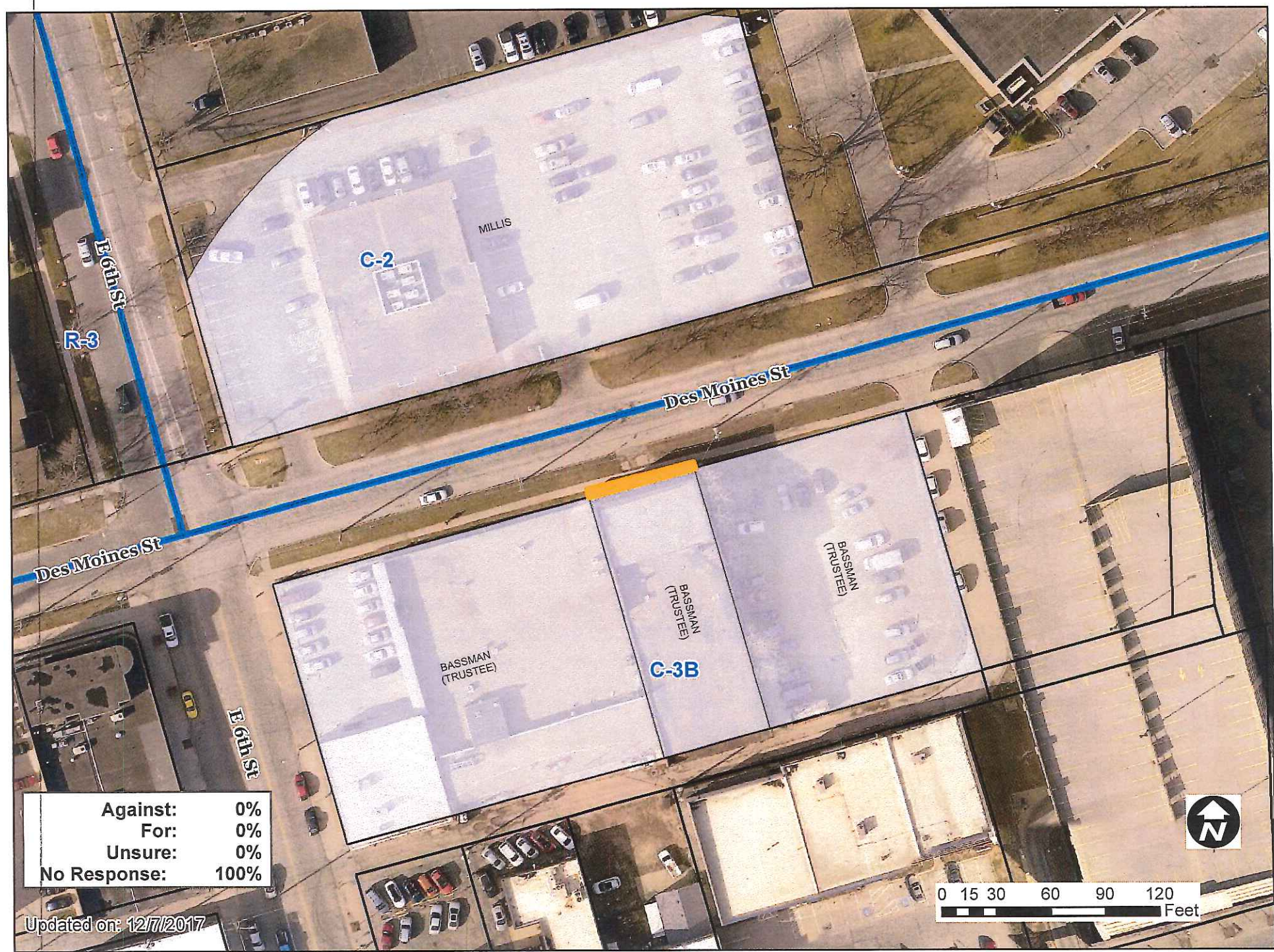
Mayor

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



Against:	0%
For:	0%
Unsure:	0%
No Response:	100%

Updated on: 12/7/2017

December 11, 2017

Honorable Mayor and City Council
 City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their December 7, 2017 meeting, the following action was taken regarding a request from Optima Life Services (owner) represented by William Dodds for the vacation of a segment of the south 6 feet of Des Moines Street adjoining the subject property, to allow for permanent encroachment of a deck addition, two entrances, and planter area.

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 vacation of a segment of the south 6 feet of Des Moines Street adjoining the subject property, to allow for permanent encroachment of a deck addition, two entrances, and planter area. (11-2017-1.17)

Written Responses

0 in Favor
 0 in opposition

RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the vacation of a segment of the south 6 feet of Des Moines Street adjoining the subject property, subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed vacation would allow the subject segment of right-of-way to be used as an outdoor patio for a restaurant in the adjoining building. Any future use of the right-of-way must be in accordance with all Site Plan policies.
2. **Size of Site:** 60 feet by 156 feet (9,373 square feet).
3. **Existing Zoning (site):** "C-3B" Central Business Mixed Use District, "GGP" Gambling Games Prohibition Overlay District, "D-O" Downtown Overlay District, "PSO" Pedestrian Oriented Sign Overlay, and "FSO" Freestanding Sign Overlay District.
4. **Existing Land Use (site):** The subject property contains a two-story commercial building with basement. The building was built in 1920 and historically served as the Northland Dairy building.
5. **Adjacent Land Use and Zoning:**
 - North** – "C-3B"; Uses are the Des Moines Street Right-of-Way, American College of Hairstyling, and Securitas Security Services USA, Inc.
 - South** – "C-3B"; Uses are an east/west alley and the Iowa Genealogical Society.
 - East** – "C-3B"; Use is a surface gravel parking lot owned by the subject property owner.
 - West** – "C-3B"; Use is the Optimae Life Services building.
6. **General Neighborhood/Area Land Uses:** The subject property is located in the Historic East Village neighborhood, which contains of a mix of commercial, retail, and residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Historic East Village Neighborhood. All recognized neighborhoods were notified of the meeting by mailing of the Preliminary Agenda on November 17, 2017. Additionally, separate notifications of the hearing for this specific item were mailed on November 27, 2017 (10 days prior to the scheduled hearing) to the Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on December 1, 2017.

All agendas and notices are mailed to the primary contact 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: None.

9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation: The subject property is within an area designated as Downtown Mixed Use on the Plan DSM future land use map. The plan defines this category as “mixed-use, high density residential uses, and compact combinations of pedestrian-oriented retail, office, residential, and parking in downtown.”

10. Applicable Regulations: The Commission, considering the criteria set forth in Chapter 18B of the Iowa Code, reviews all proposals to vacate land dedicated for a specific public purpose, such as for streets and parks, to determine whether the land is still needed for such purpose or may be released (vacated) for other use. The recommendation of the Commission is forwarded to the City Council.

In acting upon any site plan application for 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 existing building was built in 1920 and is two stories with a walkout basement. As the project is a renovation of an existing historic building, staff supports the reduced height of the building.

- 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.

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.
- 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.
- 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.

N/A.

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.

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

- 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.

N/A.

- 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.

The Site Plan includes a note that a dumpster will not be provided on site. Site photos indicate that unenclosed trash and grease dumpsters that appear to be used by the subject property are located on the southeast corner of the adjoining lot. The adjoining property is owned by the subject property owner. Any dumpster used to support the subject property must be located within a compliant enclosure. If the adjoining property would be disposed, the subject property owner would be required to provide a dumpster on the subject property and proper documentation of its location to the City.

- e) Restaurants may operate outdoor cafes on public sidewalks while maintaining pedestrian circulation subject to obtaining an areaway permit.

The Site Plan indicates the building would have approximately 1,300 square feet of restaurant in the northwest corner of the building along the Des Moines Street façade. The primary entrance to the restaurant would be accessed through the center building entrance. The requested vacation would allow the construction of an outdoor eating area in front of the restaurant area that is intended to resemble the original loading dock. Any outdoor restaurant area providing alcohol must be enclosed.

- 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.

The Site Plan includes a note that a dumpster will not be provided on site. Site photos indicate that unenclosed trash and grease dumpsters that appear to be used by the subject property are located on the southeast corner of the adjoining lot. The adjoining property is owned by the subject property owner. Any dumpster used to support the subject property must be located within a compliant enclosure. If the adjoining property would be disposed, the subject property owner would be required to provide a dumpster on the subject property and proper documentation of its location to the City.

- 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 open space in front of the building would be landscaped sufficiently.

- 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.

N/A.

- 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 existing building is two stories tall. Appropriate articulation is achieved through restoration of original door and window patterning.

- 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.

- 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.

N/A.

- 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.

No off-street parking is required in the C-3B district. The existing building is built up to the property lines on all four sides. The Site Plan does not provide any parking on site. The adjoining lot to the east is owned by the same titleholder as the subject property and

appears to provide parking for the building. It contains an unimproved surface parking lot. If this lot provides parking for the subject property, a shared parking agreement must be provided to the City. Shared parking between the two parcels would require the adjoining lot to be brought into conformance with the City's Site Plan and landscaping guidelines conformance with the City's Site Plan and landscaping guidelines which includes paving and landscaping.

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 nature of the area. The exterior of the buildings would primarily consist of brick.

- 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.

N/A.

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

The Site Plan identifies an existing 4-foot paved sidewalk in front of the building along Des Moines Street. Staff believes this should be improved to a 5-foot sidewalk.

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

N/A.

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

The proposed Site Plan complies with this guideline as it indicates an outdoor eating area for the restaurant. It also shows that the historic drive approach to the front façade of the property will be restored with brick.

- 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 a bike rack would be located adjacent to the front façade.

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

The existing building was built in 1920 and is two stories with a walkout basement. As the project is a renovation of an existing historic building, staff supports the reduced height of the building.

- 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 main building entrance would be located on Des Moines Street.

- 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 building is 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.

The proposed Site Plan complies with this guideline as the building is built up to the property lines on all four sides.

- 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 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.).

N/A.

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

No outdoor storage of materials or equipment is proposed.

- J) All refuse collection containers and dumpsters should be enclosed on all sides by the use of a permanent wall of wood, brick or masonry and steel gates which are compatible in design with the principal structure.

The Site Plan includes a note that a dumpster will not be provided on site. Site photos indicate that unenclosed trash and grease dumpsters that appear to be used by the subject property are located on the southeast corner of the adjoining lot. The adjoining property is owned by the subject property owner. Any dumpster used to support the subject property must be located within a compliant enclosure. If the adjoining property would be disposed, the subject property owner would be required to provide a dumpster on the subject property and proper documentation of its location to the City.

- K) All open areas not used for off-street loading or parking should be landscaped in accordance with the Des Moines Landscape Standards for C-3 districts.

The Site Plan demonstrates that the open space in front of the building would be landscaped sufficiently.

- 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 Des Moines Street as ADA access for on-street parking. It would be located in the restored hardscape indicating the historic drive approach.

- 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. Utilities: All necessary public utilities are available within the surrounding public street network that would be required by the development.

There are no identified water or electrical facilities within the right-of-way at this time. There is a trunk sewer line extending through the length of the subject property at this time that must be maintained. Easements must be reserved for any existing utilities until such time that they are abandoned or relocated.

2. Street System/Access: The requested right-of-way vacation is not needed for a public purpose. Staff believes the existing 4-foot sidewalk should be improved to a 5-foot sidewalk.

3. Parking: No minimum number of off-street parking spaces would be required for any use in the "C-3B" District. On-street parking along the south side of Des Moines Street would be available to the general public and not reserved for occupants of the site. If this lot provides parking for the subject property, a shared parking agreement must be provided to the City. Shared parking between the two parcels would require the adjoining lot to be brought into conformance with the City's Site Plan and landscaping guidelines which includes paving and landscaping.

4. 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.

5. 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).

6. 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.

7. Landscaping: The submitted Site Plan indicates species and location of new plantings in the front of the building.

The Site Plan includes a note that a dumpster will not be provided on site. Site photos indicate that unenclosed trash and grease dumpsters that appear to be used by the subject property are located on the southeast corner of the adjoining lot. The adjoining property is owned by the subject property owner. Any dumpster used to support the subject property must be located within a compliant enclosure. If the adjoining property would be disposed,

the subject property owner would be required to provide a dumpster on the subject property and proper documentation of its location to the City.

The applicant has not indicated if the outdoor patio would be used for consumption of alcohol as part of the restaurant. Staff notes that any outdoor restaurant area must be fenced in accordance with the City's liquor license requirements.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

Dory Briles moved staff recommendation for approval of the vacation of a segment of the south 6 feet of Des Moines Street adjoining the subject property, subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.

Motion passed: 10-0

Respectfully submitted,

Jason Van Essen, AICP
Senior City Planner

MGL:tjh
Attachments

Optimae Life Services (owner) represented by William Dodds for the property located at 621 Des Moines Street.				File #	
				11-2017-1.17	
Description of Action	Vacation of a segment of the south 6 feet of Des Moines Street adjoining the subject property, to allow for permanent encroachment of a deck addition, two entrances, and planter area.				
PlanDSM Future Land Use	Current: Downtown Mixed Use. Proposed: N/A.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"C-3B" Central Business Mixed Use District and "FSO" Freestanding Signs Overlay District.				
Proposed Zoning District	N/A.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Subject Property	0	0			
Outside Area (200 feet)					
Plan and Zoning Commission Action	Approval	10-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Optimae Life Services, 621 Des Moines Street

11-2017-1.17



1 inch = 70 feet