

Date December 18, 2017

RESOLUTION APPROVING CONCEPTUAL DEVELOPMENT PLAN FOR THE  
FIFTH, A MIXED USE PROJECT BY 5TH AND WALNUT PARKING LLC AT 422  
WALNUT STREET

WHEREAS, on April 3, 2017, by Roll Call No. 17-0631, and on July 17, 2017, by Roll Call No. 17-1202, and on this date by the preceding resolution and roll call, the City Council approved a *Urban Renewal Agreement for Sale of Land for Private Redevelopment*, and a First and Second Amendment thereto (collectively the "Amended Agreement"), with 5th and Walnut Parking LLC (the "Developer"), represented by Justin Mandelbaum, whereby the Developer has undertaken to purchase the Fifth and Walnut Parking Garage (the "Property") and to redevelop that Property by the construction of the following "Improvements" in conformance with an approved Conceptual Development Plan:

- The construction of a parking garage fronting on 5th Street in the middle of the Property with approximately 690 parking spaces;
- The construction of a movie theater fronting on Court Avenue with up to 3 floors of office space on top; and,
- The construction of a building fronting on Walnut Street and having at least 200 residential dwellings and a hotel with at least 84 guest rooms; and,

WHEREAS, the preliminary Conceptual Development Plan submitted by the Developer provides for a larger hotel containing approximately 126 hotel rooms; and,

WHEREAS, on September 26, 2017, the Urban Design Review Board reviewed the preliminary Conceptual Development Plan for the Improvements and offered the following comments:

- 1) Looks great. Appreciate how the design team has worked with staff and the Board. Feel it responds to key issues.
- 2) Feel it is important that the alley entry/exit of the parking structure be available for the public use during high demand, such as after movies, etc.
- 3) Strongly feel that the curblines should be straight and the island in the middle of 5th and Court should disappear.
- 4) Great work. Appreciate how a complex set of massing uses have been woven into a holistic piece.
- 5) Appreciate how the corner of 5th and Court was resolved with the use of masonry and glass. The space has been activated but remains sympathetic and responsive to the Court Avenue district and existing neighboring buildings.
- 6) Feel the respect for Court Avenue is important. Appreciate how the design meshes together the historic and modern aspects.
- 7) Encourage thought be given to plans to help reduce bird fatalities due to the reflectiveness of the glass façade.

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- 8) Feel the amount of bike parking is somewhat small. Encourage additional spaces if possible.
- 9) Consider pedestrian crossing at the exit/entry of the parking structure.
- 10) The black brick looks good, but feel it may be too much of a contrast to the historic fabric of the area.
- 11) Support the brick color, there is a range of color on Court Avenue. Feel it is better to respond with a solution that is of the contemporary spirit of the City with scale and proportion instead of forcing it to be faux historic.
- 12) Appreciate the diagrams showing the property lines and the relationship. Support bringing the building closer to the plane of the Randolph building. Feel it is a good urban study.
- 13) Like the diagram of the streetscape along 5th Avenue. Looking forward to a streetscape that has an equal level of excitement and design thought to it as the building.
- 14) Would be in favor of removing the 75% minimum brick standard as long as the design progresses and as long as the architects continue to take care to keep the lower proportion of the building at a pedestrian scale in accordance of the feel of the other buildings on Court Avenue. *(This comment further addressed in the accompanying council communication.)*
- 15) Concerned about the abruptness of the transition from office space to parking structure.
- 16) Would like to see more activation into the alleyway on the southeast elevation.
- 17) Feel that a screen wall along 5th Street is important and that it unites the lower sections of the building; Needed to screen the parking and tie the south building and parking garage together.

WHEREAS, after offering the foregoing comments the members of the Urban Design Review Board voted 8-0 in support of a motion to recommend approval of the preliminary design subject to the Developer considering such comments in its preparation of the final Conceptual Development Plan; and,

WHEREAS, the Developer has requested that the preliminary Conceptual Development Plan, which is now on file and available for inspection in the office of the City Clerk, be approved without further change; and,

WHEREAS, the Economic Development Director recommends that the preliminary Conceptual Development Plan be approved as the Conceptual Development Plan for the project, subject to the Developer amending the preliminary Plan to incorporate the following changes:

- a) Consideration of additional bike parking if feasible and aesthetically appropriate.
- b) Clearly warn drivers and pedestrians of those locations where the driveways cross the public sidewalks and pedestrian pathways, by the use of signage, pavement colors and textures, or other means.
- c) Further consideration of the transitions from office space to parking structure.

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- d) The final design must conform with the fire separation requirements under the applicable Building and Fire Codes.
- e) The Skywalk Corridor and Vertical Access Facilities within the residential building and the parking garage must conform with the minimum design requirements under the Skywalk Ordinance.
- f) Appropriate easements must be acquired from the City for all building encroachments into the adjoining public rights-of-way.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, that the proposed Conceptual Development Plan for The Fifth at 420 Walnut Street is hereby approved, subject to the conditions identified in the motion below.

( Council Communication No. 17- 842 )

MOVED by \_\_\_\_\_ to adopt and approve the proposed Conceptual Development Plan, subject to the Plan being first amended to incorporate the amendments recommended by the Economic Development Director and identified in paragraphs a, b, c, d, e and f; and, to the Economic Development Director reasonably determining that such amendments have been properly incorporated into the amended Plan.

FORM APPROVED:

Roger K Brown  
 Roger K. Brown, Assistant City Attorney

*NOTE: The amendments recommended by the Economic Development Director in paragraphs a, b, and c, above, are discretionary and the City Council may chose to strike a, b and/or c from the motion. The amendments recommended in paragraphs d, e and f are based on legal requirements the buildings must satisfy to qualify for issuance of a building permit.*

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