



**Roll Call Number**

**Agenda Item Number**

20

**Date** June 3, 2019

**RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM JARCOR, LLC FOR VACATION OF PORTIONS OF 18<sup>TH</sup> STREET AND GRAND AVENUE RIGHT-OF-WAY ADJOINING 1723 GRAND AVENUE**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on May 16, 2019, its members voted 9-0 to recommend **APPROVAL** of a request from Jarcor, LLC (owner), represented by Joseph Cordaro (officer), to vacate the east four feet of 18<sup>th</sup> Street and the north four feet of Grand Avenue, adjoining 1723 Grand Avenue, to accommodate door stoop footings for the redevelopment of the Argonne Building, subject to the following conditions:

- (1) Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated at the applicant's expense; and
- (2) Any development that incorporates the subject right-of-way shall comply with all Site Plan requirements.

**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

(11-2019-1.10)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
<b>TOTAL</b>				

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



05/07/2019



05/07/2019 20



Date June 3, 2019  
 Agenda Item 20  
 Roll Call # \_\_\_\_\_

May 28, 2019

Honorable Mayor and City Council  
 City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their May 16, 2019 meeting, the following action was taken regarding a request from Jarcor, LLC (owner) represented by Joseph Cordaro (officer) for vacation of the surface and subsurface of the east 4 feet of 18<sup>th</sup> Street and the north 4 feet of Grand Avenue adjoining the subject property 1723 Grand Avenue to accommodate door stoop footings.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 9-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles				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			
Emily Webb	X			

**RECOMMEND APPROVAL** of the requested vacation of Right-of-Way, subject to the following conditions:

1. Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated at the applicant's expense.
2. Any development that incorporates the subject Right-of-Way shall comply with all Site Plan requirements (11-2019-1.10)

## Written Responses

0 in Favor

0 in opposition

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

Staff recommends approval of the requested vacation of Right-of-Way, subject to the following conditions:

1. Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated at the applicant's expense.
2. Any development that incorporates the subject Right-of-Way shall comply with all Site Plan requirements

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

### **I. GENERAL INFORMATION**

1. **Purpose of Request:** The applicant is proposing to renovate the building known as the "Argonne Building". The renovations would increase the number of dwelling units within the building from 39 dwelling units to 45 dwelling units. The main level of the building would continue to have commercial space along Grand Avenue and five (5) indoor parking spaces within its northeast corner. The proposed renovations require vacation of surface and subsurface rights within the east 4 feet of 18<sup>th</sup> Street and the north 4 feet of Grand Avenue adjoining the subject property to accommodate footings for door stoops.
2. **Size of Site:** 17,756 square feet (0.407 acre).
3. **Existing Zoning (site):** "C-3A" Central Business District Support Commercial, "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 4-story historic building known as the "Argonne Building", which covers the entire parcel.
5. **Adjacent Land Use and Zoning:**
  - North** – "C-3A"; Use is multiple-family residential (Gateway Lofts).
  - South** – "C-3A"; Uses are Grand Avenue (westbound) and private open space (Meredith).
  - East** – "C-3A"; Use is multiple-family residential (Gateway Lofts).
  - West** – "C-2"; Uses include 18<sup>th</sup> Street (northbound) and commercial (WHO-TV studio).
6. **General Neighborhood/Area Land Uses:** The property is located in the western portion of downtown. The surrounding area includes a mix of commercial, residential, and educational 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 April 26, 2019 and a Final Agenda on May 10, 2019, 2018. Additionally, separate notifications of the hearing for this specific item were mailed on May 6, 2019 (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.

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 Austin Lewis, 915 Mulberry Street, Unit 504, Des Moines, IA 50309.

- 8. Relevant Zoning History:** None.

- 9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** "Downtown Mixed Use". The Plan describes this category as an "area that allows mixed-use, high-density residential uses, and compact combinations of pedestrian-oriented retail, office, residential, and parking in downtown. Should include active uses (e.g. retail) on ground floor, particularly at key intersections."

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

The Plan and Zoning Commission, considering the criteria set forth in Chapter 18B of the Iowa Code, 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.

## **II. ADDITIONAL APPLICABLE INFORMATION**

### **1. Multiple-Family Design Guidelines:**

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

The applicant is proposing to renovate the existing 4-story building and to maintain its historic architectural character. Renovations include a new storefront system on the main level, new windows on the upper floors, and masonry repair on the exterior as needed. The

developer is seeking Federal and State Historic Tax Credits to assist with the cost of renovations.

- 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 applicant is proposing to renovate the existing 4-story building and to maintain its existing height and massing.*

- 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 existing building is located on the northeast corner of the Grand Avenue and 18<sup>th</sup> Street intersection. The proposed renovations include a glass storefront design with building entrances along both adjoining streets.

- 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 proposes indoor parking for approximately five (5) vehicles within the northeastern portion of the building. The Site Plan demonstrates that these spaces would be accessed by an overhead door on the north (rear) façade of the building. The Site Plan must demonstrate the applicant has an access easement on the adjoining property that guarantees access to any overhead garage door on the north façade of the building. Also, any parking space provided within the building must comply with the standards for off-street parking as contained in City Code Section 134-1377, unless the Zoning Board of Adjustment grants an appeal of such.*

- 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.

No rooftop addition is proposed.

- 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.

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

- A) Projects should demonstrate understanding of the micro and macro context for the project by offering place specific solutions for materiality, massing, uses, fabric and climate that are consistent with the vision of the "What's Next Downtown Plan". In most cases, corporate prototype architecture may not be an acceptable design.

*The renovation of the "Argonne Building" achieves the goals of the "What's Next Downtown Plan."*

- 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 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.*

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

*The property is bound by Grand Avenue to the south and 18<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.*



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

*The proposed parkway plantings are the only green space areas provided on the Site Plan.*

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

*The Site Plan does not provide any outdoor spaces for public gathering.*

F) If feasible, connections to adjoining bike paths or on-street bike facilities and on-site bike racks should be provided in close proximity to building entrances.

*Bike racks are shown on the Site Plan along Grand Avenue.*

G) 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 4-story building, which exceeds this minimum requirement.*

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 primary entrance to the building would continue to be located on the south façade of the building oriented toward Grand Avenue.*

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 both Grand Avenue and 18<sup>th</sup> Street.*

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 Site Plan complies with this requirement.*

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 residential units would be accessible from the main entrance along Grand Avenue.*

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.*

- 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 a door on the north (rear) façade of the building. The Site Plan must demonstrate an access easement on the adjoining property that guarantees access to any overhead garage door on the north façade of the building.*

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

*The Site Plan must be in compliance with the City's landscaping standards for parkway plantings to the satisfaction of the City's Planning Administrator. Given the existing placement of the building and the existing widths of the adjoining Right-of-Way, there is limited space for additional parkway plantings. The Site Plan demonstrates three (3) planter beds along Grand Avenue and zero (0) along 18<sup>th</sup> Street. All required landscaping shall be maintained for the life of the Certificate of Occupancy.*

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

*The proposed access door for the indoor parking is located on the north (rear) façade of the structure.*

- 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 and has no curb cuts.*

- 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. Utilities:** While Staff is not aware of any existing utilities within the requested Right-of-Way, easements must be reserved for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.

All utilities shall be undergrounded to the maximum extent possible, to the satisfaction of the City's Planning Administrator.

- 4. Urban Design:** Since the subject project involves a development agreement with the City, the City's Urban Design Review Board reviewed and approved the building elevations at its meeting on May 7, 2019. Therefore, Staff recommends that approval of the Site Plan be subject to the final design of the building as approved the City's Urban Design Review Board and the City's Planning Administrator.

All new and existing rooftop mechanical equipment must be screened on all sides to a height equal to the tallest rooftop mechanical equipment, with materials that are architecturally compatible with the existing structure.

## **SUMMARY OF DISCUSSION**

Jann Freed noted that the applicant for item #8 has agreed to the staff recommendations. She asked if any members of the audience or the Commission requested to speak regarding moving the item to the consent agenda. None were present or requested to speak.

David Courard-Hauri made a motion to move item #8 to the consent agenda. Motion passed 9-0.

Jann Freed asked if any members of the audience or the Commission requested to speak regarding consent agenda item #8. None were present or requested to speak.

**COMMISSION ACTION:**

Mike Simonson made a motion for approval of the requested vacation of Right-of-Way, subject to the following conditions:

1. Reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated at the applicant's expense.
2. Any development that incorporates the subject Right-of-Way shall comply with all Site Plan requirements

Motion passed: 9-0

Respectfully submitted,



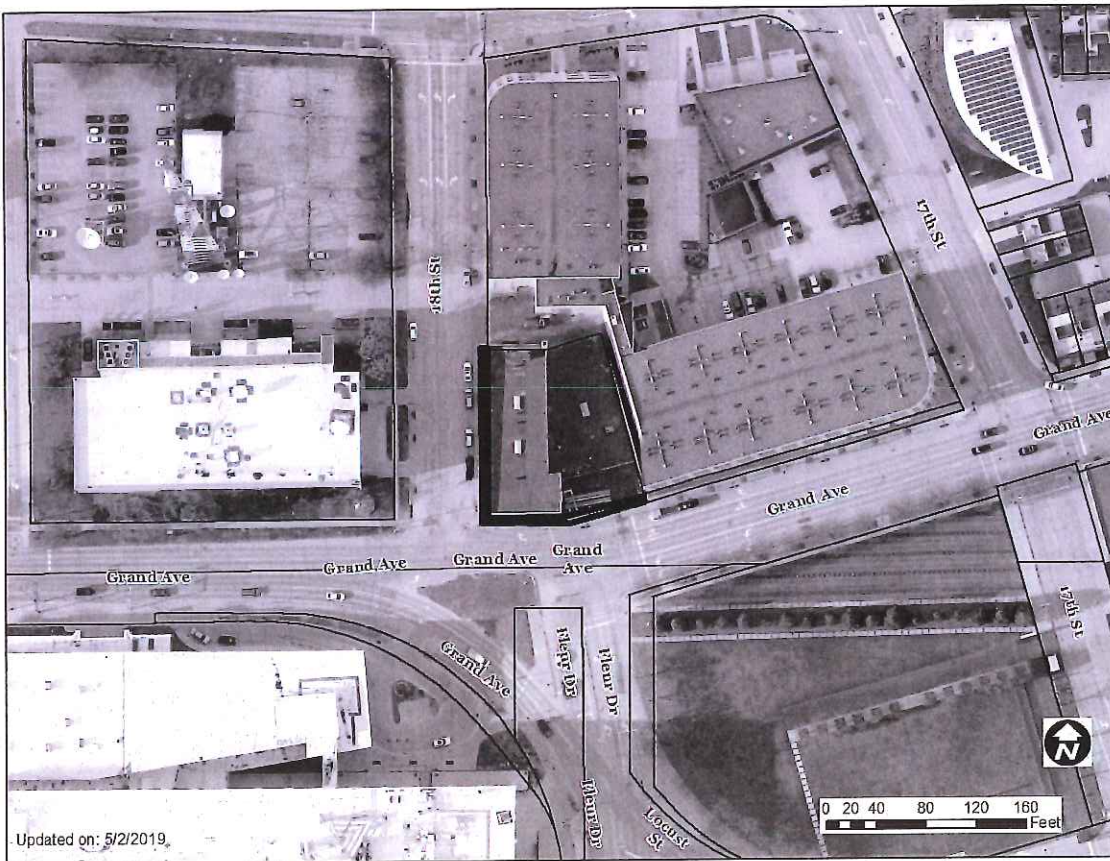
Michael Ludwig, AICP  
Planning Administrator

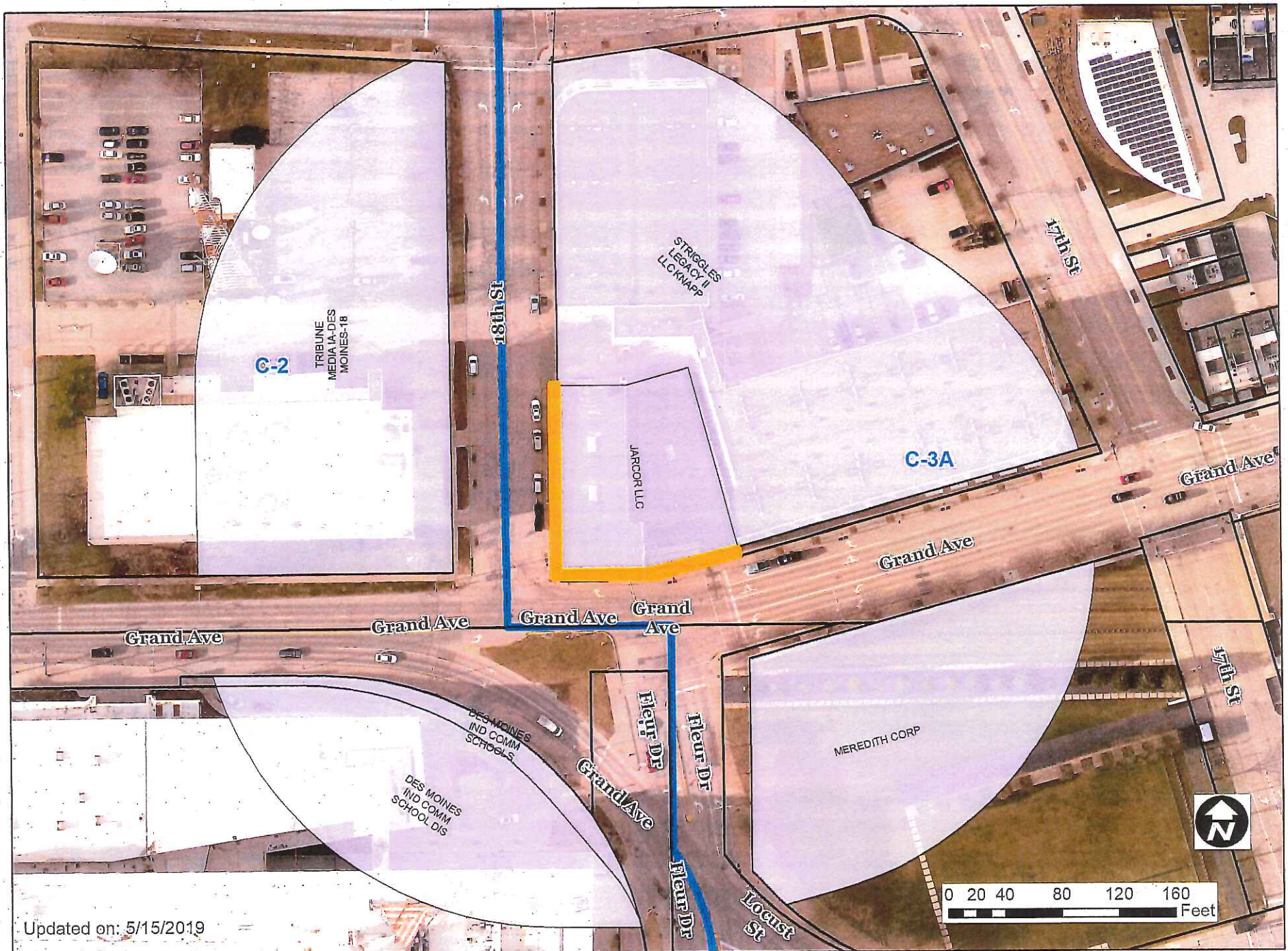
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Attachments

Jarcor, LLC (owner) represented by Joseph Cordaro (officer) for the property at 1723 Grand Avenue.				File #
				11-2019-1.10
Description of Action	Vacation of the surface and subsurface of the east 4 feet of 18th Street and the north 4 feet of Grand Avenue adjoining the subject property to accommodate door stoop footings.			
PlanDSM Future Land Use	Current: Downtown Mixed Use. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"C-3A" Central Business Support Commercial District, GGP" Gambling Games Prohibition Overlay District, "D-O" Downtown Overlay District, and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Subject Property	0	0		
Outside Area (200 feet)				
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	
	Denial		Yes	No
				X

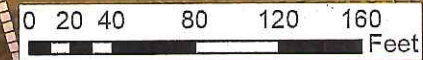
Jarcor, LLC, 1723 Grand Avenue

11-2019-1.10





Updated on: 5/15/2019



1 inch = 90 feet