



Roll Call Number

Agenda Item Number

22

Date August 5, 2019

**RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING  
COMMISSION REGARDING REQUEST FROM DES MOINES HERITAGE TRUST FOR  
VACATION OF A SEGMENT OF EAST 5TH STREET RIGHT-OF-WAY  
ADJOINING 120 EAST 5<sup>TH</sup> STREET**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on July 18, 2019, its members voted 13-0 to recommend **APPROVAL** of a request from Des Moines Heritage Trust (owner), represented by Timothy Waddell (officer), to vacate a 15.7-foot by 19-foot segment of the west side of East 5<sup>th</sup> Street, adjoining 120 East 5<sup>th</sup> Street, to allow for reconstruction of an original porte-cochere addition extending from the front façade of the adjoining historic railroad depot building.

**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

(11-2019-1.16)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
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: 7/18/2019

0 15 30 60 90 120 Feet



1 inch = 71 feet

22



Date 8/5/19  
Agenda Item 22  
Roll Call # \_\_\_\_\_

July 30, 2019

Honorable Mayor and City Council  
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their July 18, 2019 meeting, the following action was taken regarding a request from Des Moines Heritage Trust (owner) represented by Timothy Waddell (officer) for vacation of a 15.7-foot by 19-foot segment of the west side of East 5<sup>th</sup> Street to allow for restoration of the existing historic depot building with a porte-cochere addition that would extend approximately 15 feet into the existing Right-Of-Way. Subject Property located at 120 East 5<sup>th</sup> Street.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 13-0 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, subject to the following site plan conditions:

1. Compliance with all administrative review comments of the City's Permit and Development Center.
2. Provision of black street light fixtures and metal poles.

3. All site lighting shall be directed downward and shielded from adjoining properties. Any pole mounted lighting shall not exceed 20 feet in height.
  4. All services lines to buildings shall be located underground.
  5. Provision of bike racks to the satisfaction of the Planning Administrator.
  6. All sides of any rooftop mechanical equipment shall be screened with material that is architecturally compatible with the building to the satisfaction of the Planning Administrator.
  7. Review and approval of the finalized trash enclosure design, placement and building materials by the Planning Administrator.
  8. Review and approval of the finalized building elevations and materials by the Planning Administrator.
  9. Review and approval of the finalized landscaping plan by the Planning Administrator.
- (11-2019-1.16)

#### Written Responses

0 in Favor

0 in opposition

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

Staff recommends approval of the requested vacation, subject to the following site plan conditions:

1. Compliance with all administrative review comments of the City's Permit and Development Center.
2. Provision of black street light fixtures and metal poles.
3. All site lighting shall be directed downward and shielded from adjoining properties. Any pole mounted lighting shall not exceed 20 feet in height.
4. All services lines to buildings shall be located underground.
5. Provision of bike racks to the satisfaction of the Planning Administrator.
6. All sides of any rooftop mechanical equipment shall be screened with material that is architecturally compatible with the building to the satisfaction of the Planning Administrator.
7. Review and approval of the finalized trash enclosure design, placement and building materials by the Planning Administrator.
8. Review and approval of the finalized building elevations and materials by the Planning Administrator.
9. Review and approval of the finalized landscaping plan by the Planning Administrator.

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

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

1. **Purpose of Request:** The proposed Site Plan would allow the site to be redeveloped and occupied by a museum and event space use. The development would consist of



the renovation of the existing historic railroad depot building and the construction of a 1-story building to the west of the depot. Renovation plans include the reconstruction of the original porte-cochere that would extend from the front façade of the building. The building is setback 6 feet from the property line. Therefore, the porte-cochere would extend into the East 5<sup>th</sup> Street right-of-way.

**2. Size of Site:** 0.42 acre.

**3. Existing Zoning (site):** Limited “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 contains a 2,000-square foot building that was historically used as a train depot.

**5. Adjacent Land Use and Zoning:**

**North** – “C-3B”; Uses are the Des Moines Police Officer’s Credit Union and AJ’s on Court (tavern).

**South** – “M-1”; Uses include an inactive east/west railroad and a parking lot.

**East** – “M-1”; Uses include Southeast 5<sup>th</sup> Street and a warehouse.

**West** – “M-1”; Use is an undeveloped lot.

**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 commercial and residential uses.

**7. Applicable Recognized Neighborhood(s):** The subject property is located in the Historic East Village Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on June 28, 2019 and by mailing of the Final Agenda on July 12, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on July 8, 2019 (10 days prior to initial public hearing) to the Historic East Village 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 on the date of the mailing. The Historic East Village Neighborhood Association notices were mailed to Taylor Frame, PO Box 93904, Des Moines, IA 50393.

**8. Relevant Zoning History:** On May 6, 2019, by Ordinance Number 15,774, the City Council rezoned the subject property from “M-1” Light Industrial District to a Limited “C-3B” District subject to the prohibition of the following uses:

- 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.

**9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** The site is designated as Downtown Mixed Use, which allows "mixed-use, high density residential uses, and compact combinations of pedestrian-oriented retail, office, residential, and parking in downtown. Development "should include active uses (e.g. retail) on ground floor, particularly at key intersections."

**10. Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, in acting upon any Site Plan application for property located within the "C-3B" Central Business Mixed-Use District, the Plan and Zoning Commission shall apply the design regulations in City Code Section 82-213, which are applicable to all Site Plans and the design guidelines in City Code Section 82-214.7. 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. 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 railroad depot building is 1-story tall. No modifications are proposed to its height. The new building would be 1-story tall. The proposal is appropriate given the height of the existing building and unique nature of the proposed museum and associated event space use.*

- 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 right-of-way. 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 right-of-way between new private development and the riverfront park.

*Not applicable.*

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

*Staff recommends that any approval be subject to the conditions listed in Section III of this report.*



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 right-of-way.
- 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 right-of-way adjacent to the river.

*Not applicable.*

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 existing depot building is setback 6 feet from the front property line and occupies 23.5% (21 feet) of the 89 feet of frontage along SE 5<sup>th</sup> Street. The new building would be located to the rear of the building so that it does not interfere with the historic configuration of the depot building. The proposal is appropriate given the need to protect the historic character of the existing building and unique nature of the proposed museum and associated event space use.*

- 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.

*Not applicable.*

- 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 right-of-way adjacent to the river.

*The proposed trash enclosure would be located at the rear of the property and serviced from an alley.*

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

*Not applicable.*

- 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.

*All storage would take place within a building. The proposed trash enclosure would be located at the rear of the property and serviced from an alley. The site would include a paved plaza area and plantings.*

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

*Street trees and planter beds are proposed along East 5<sup>th</sup> Street. Planter beds would be provided around the perimeter of the depot building. Two rain garden planters would be provided along the northern perimeter of the proposed plaza space. A prairie area would be installed to the south of the new building.*

- 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.

*No warehouse use or loading docks are proposed.*

## **II. ADDITIONAL APPLICABLE INFORMATION**

1. **Downtown Overlay District Design Guidelines:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, 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.

- 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 proposed development would allow the renovation of a railroad depot building that is a valuable historic resource in the downtown. This is a place-based design solution that is consistent with the vision of the "What's Next Downtown Plan."*



*The new building would be located in the rear portion of the lot and separated from the depot building by a plaza. It would utilize a contemporary design with a mix of brick, metal and glass exterior materials. The proposed design and materials are complimentary to the historic building. The development is being reviewed by the Urban Design Review Board (UDRB). Therefore, staff recommends that the finalized building elevations and landscape design be approved by the Planning Administrator to allow for any alterations that may be required by the UDRB.*

*Underground utilities and black street light fixtures and poles are the desired development pattern in the downtown. In general, development is expected to underground overhead lines and to upgrade street lights in adjoining rights-of-way. The applicant demonstrated to the satisfaction of the Plan and Zoning Commission during the rezoning process that undergrounding the utilities in the adjoining East 5<sup>th</sup> Street right-of-way is not feasible for this project due to unique circumstance. Therefore, the staff recommendation in Section III of this report only addresses providing upgraded street lighting.*

- 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 applicant is proposing to conserve an existing building, which is consistent with sustainability goals.*

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

*The development would include a class "A" sidewalk along East 5<sup>th</sup> Street providing connectivity for pedestrian circulation.*

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

*Plantings would be provided throughout the site.*

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

*The development would include a plaza space that can be used for outdoor gatherings.*

- 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.

*Staff recommends that any approval be subject to the provision of bike racks.*

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

*The existing railroad depot building is 1-story tall. No modifications are proposed to its height. The proposed addition would be 1-story tall. The proposal is appropriate*

*given the height or the existing building and unique nature of the proposed museum and associated event space use.*

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).
2. All buildings without river frontage should have entrances oriented toward primary street(s).
3. All buildings should have frontage on principal street(s) of not less than 70 percent of the lot.
4. For commercial and mixed-use buildings, at least 70 percent of the building frontage should be within one foot of the property line.
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.
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.).

*The existing depot building is setback 6 feet from the front property line and occupies 23.5% (21 feet) of the 89 feet of frontage along SE 5<sup>th</sup> Street. The proposed addition would be located to the rear of the building so that it does not interfere with the historic configuration of the depot building. The proposal is appropriate given the need to protect the historic character of the depot building and unique nature of the proposed museum and associated event space use.*

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.

*The proposed trash enclosure would be located at the rear of the property and serviced from an alley. The applicant is proposing to construct the enclosure with metal panels. However, product specifications have not been provided that would allow staff to determine if the material is appropriate for this application. Staff recommends that any approval be subject to the review and approval of the finalized design and materials by the Planning Administrator.*

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.

*Street trees and planter beds are proposed along East 5<sup>th</sup> Street. Planter beds would be provided around the perimeter of the depot building. Two rain garden*



*planter areas would be provided along the northern perimeter of the proposed plaza space. A prairie area would be installed to the south of the new building.*

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

*No overhead doors or warehouse use are proposed.*

- 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.

*Not applicable.*

- 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.

*Not applicable.*

- 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.

*Street curb cuts are not proposed.*

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

*Not applicable.*

- 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.

*Not applicable.*

- 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.

*Not applicable.*

2. **Grading and Stormwater Management:** All grading is subject to an approved grading permit and soil erosion control plan. The applicant is required to demonstrate compliance with the City's Stormwater Management requirements to the satisfaction of the City's Permit and Development Center. The submitted site plan includes underground detention and rain gardens.

## SUMMARY OF DISCUSSION

Jacqueline Easley asked if any member of the audience or the commission desired to speak regarding the item. None were present or requested to speak.

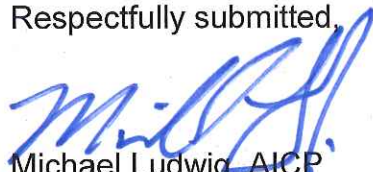
## COMMISSION ACTION:

David Courard-Hauri made a motion for approval of the requested vacation, subject to the following site plan conditions:

1. Compliance with all administrative review comments of the City's Permit and Development Center.
2. Provision of black street light fixtures and metal poles.
3. All site lighting shall be directed downward and shielded from adjoining properties. Any pole mounted lighting shall not exceed 20 feet in height.
4. All services lines to buildings shall be located underground.
5. Provision of bike racks to the satisfaction of the Planning Administrator.
6. All sides of any rooftop mechanical equipment shall be screened with material that is architecturally compatible with the building to the satisfaction of the Planning Administrator.
7. Review and approval of the finalized trash enclosure design, placement and building materials by the Planning Administrator.
8. Review and approval of the finalized building elevations and materials by the Planning Administrator.
9. Review and approval of the finalized landscaping plan by the Planning Administrator.

Motion passed: 13-0

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:tjh  
Attachments



22

Des Moines Heritage Trust (owner) represented by Timothy Waddell (officer) for property located at 120 East 5th Street.				File #	
				11-2019-1.16	
Description of Action	Vacation of a 15.7-foot by 19-foot segment of the west side of East 5th Street to allow for restoration of the existing historic depot building with a porte-cochere addition that would extend approximately 15 feet into the existing Right-Of-Way.				
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, "CDO" Capitol Dominance Overlay 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	
Outside Area (200 feet)	0	0			
Within Subject Property					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Des Moines Heritage Trust, 120 East 5th Street

11-2019-1.16

