

Date October 21, 2013

CONTINUED HEARING FOR VACATION AND CONVEYANCE OF EASEMENT FOR USE OF AIR SPACE OVER THE NORTH FOUR FEET OF EAST LOCUST STREET ADJOINING 350 EAST LOCUST STREET TO EAST VILLAGE GROWTH PARTNERS, LLC FOR \$1,000

WHEREAS, on September 23, 2013, by Roll Call No. 13-1474, the City Council received a recommendation from the City Plan and Zoning Commission that a portion of the air rights over the north four feet of East Locust Street adjoining 350 East Locust Street, hereinafter more fully described, be vacated to allow for private balconies connected to the building being constructed at 350 East Locust Street, subject to the requirements that any balcony constructed and/or reconstructed shall be in accordance with the submitted building elevations and site sketch, and that any balcony constructed and/or reconstructed shall have a rounded top railing and/or no ledge; and

WHEREAS, East Village Growth Partners, LLC is the owner of the real property locally known as 350 East Locust Street, the purchase of which closed on September 25, 2013, which property abuts said City-owned air space, and East Village Growth Partners, LLC has offered to the City of Des Moines the purchase price of \$1,000 for the vacation and purchase of an easement interest in such air space for construction and maintenance of the proposed private balconies, which purchase price reflects the fair market value of the easement as currently estimated by the City's Real Estate Division; and

WHEREAS, there is no known current or future public need or benefit for the air space proposed to be vacated and conveyed by easement, and the City will not be inconvenienced by the vacation and conveyance of said property interest; and

WHEREAS, on September 23, 2013, by Roll Call No. 13-1473, it was duly resolved by the City Council that the proposed vacation and conveyance of such easement be set down for hearing on October 7, 2013, at 5:00 p.m., in the City Council Chamber; and

WHEREAS, due notice of said proposal to vacate and convey the easement for use of air space was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, on October 7, 2013, by Roll Call No. 13-1587, the hearing on said proposal was continued to October 21, 2013; and

WHEREAS, in accordance with City Council direction, those interested in said proposed vacation and conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to said proposed vacation and conveyance of the easement for use of air space as described below are hereby overruled, and the hearing is closed.

Date October 21, 2013

2. There is no public need or benefit for the right-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation of a portion of air space over the north four feet of East Locust Street adjoining 350 East Locust Street, more specifically described as follows, and said vacation is hereby approved:

ALL OF THE AIR SPACE WHICH IS LOCATED ABOVE THE NORTH 4.0 FEET OF EAST LOCUST STREET RIGHT-OF-WAY LYING SOUTH OF AND ADJACENT TO PARCEL "B" OF THE PLAT OF SURVEY RECORDED IN BOOK 10868, PAGES 275-276 IN THE POLK COUNTY RECORDER'S OFFICE, POLK COUNTY, IOWA; LOCATED BELOW A PLANE WITH AN ELEVATION OF 67.40 FEET (CITY OF DES MOINES DATUM) AND ABOVE A PLANE WITH AN ELEVATION OF 56.40 FEET, ALL INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

3. That the sale and conveyance of an easement in such vacated air space, as described below, to East Village Growth Partners, LLC for \$1,000, together with payment by said grantee of the estimated publication and recording costs for this transaction, be and is hereby approved, subject to the conditions set forth in the Plan and Zoning Commission recommendation and set forth in the Offer to Purchase between the City and grantee:

AIR SPACE EASEMENT

ALL OF THE VACATED AIR SPACE WHICH IS LOCATED ABOVE THE NORTH 4.0 FEET OF EAST LOCUST STREET RIGHT-OF-WAY LYING SOUTH OF AND ADJACENT TO PARCEL "B" OF THE PLAT OF SURVEY RECORDED IN BOOK 10868, PAGES 275-276 IN THE POLK COUNTY RECORDER'S OFFICE, POLK COUNTY, IOWA; LOCATED BELOW A PLANE WITH AN ELEVATION OF 67.40 FEET (CITY OF DES MOINES DATUM) AND ABOVE A PLANE WITH AN ELEVATION OF 56.40 FEET, ALL INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

4. The Mayor is authorized and directed to sign the Offer to Purchase and the Easement for the conveyance identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

5. Upon final passage of an ordinance vacating said air space portion of right-of-way, and upon proof of payment of the consideration plus \$113.00 for publication and recording costs, the City Clerk is authorized and directed to forward the original of the Easement, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded following closing.

6. In accordance with the terms set forth in the Offer to Purchase, the Real Estate Division Manager is authorized and directed to close on the sale and forward the original of the Easement, together with a certified copy of this resolution and of the affidavit of publication of notice of this hearing, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.

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Date October 21, 2013

- 7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Easement and copies of the other documents to the grantee.
- 8. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

(Council Communication No. 13- 514)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank, Assistant City Attorney

psu

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
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

Date 48 October 7, 2013

Agenda Item 42

Roll Call # 13-1587

September 20, 2013

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 September 19, 2013, the following action was taken regarding a request from East Village Growth Partners, LLC (purchaser) represented by Tim Rypma (officer) for reconsideration of a Site Plan under design guidelines in "C-3B" Districts and for multiple-family dwellings on property located at 350 East Locust Street. The subject property is owned by the City of Des Moines.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles	X			
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley				X
Tim Fitzgerald	X			
Dann Flaherty	X			
Jann Freed	X			
John "Jack" Hilmes	X			
Ted Irvine				X
Greg Jones	X			
William Page				X
Christine Pardée				X
CJ Stephens	X			
Vicki Stogdill				X
Greg Wattier	X			

APPROVAL of the requested vacation and conveyance of air rights over the northern portion of the East Locust Street right-of-way subject to the following: (11-2013-1.15)

1. Any balcony constructed is shall generally be in accordance with the submitted building elevations and site sketch.
2. Any balcony constructed shall have a rounded top railing and/or no ledge.

AND



CITY PLAN AND ZONING COMMISSION
ARMORY BUILDING
602 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309 -1881
(515) 283-4182

ALL-AMERICA CITY
1949, 1976, 1981
2003

APPROVAL of the revisions to the Site Plan subject to the following conditions:

(10-2013-7.80)

1. Compliance with all administrative review comments of the City's Permit and Development Center.
2. The architecture of the building and building materials palette shall comply with any revisions required by any future review by the City's Urban Design Review Board.
3. The refuse collection container enclosure shall be constructed with steel gates and have a pedestrian access door on its east side.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends approval of the requested vacation and conveyance of air rights over the northern portion of the East Locust Street right-of-way, subject to the following:

1. Any balcony constructed is shall generally be in accordance with the submitted building elevations and site sketch.
2. Any balcony constructed shall have a rounded top railing and/or no ledge.

Part B) Staff recommends approval of revisions to the Site Plan, subject to the following conditions:

1. Compliance with all administrative review comments of the City's Permit and Development Center.
2. The architecture of the building and building materials palette shall comply with any revisions required by any future review by the City's Urban Design Review Board.
3. The refuse collection container enclosure shall be constructed with steel gates and have a pedestrian access door on its east side.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** On March 7, 2013, the Plan & Zoning Commission approved a Site Plan under design guidelines in a "C-3B" District and for multiple-family dwellings, to allow development of a five-story mixed-use building with up to 21 dwelling units and with commercial use on floors 1 and 5. The developer has since modified the design for this proposed building, which necessitates reconsideration by the Commission. The modifications include adding balconies to the 4th floor and reconfiguring the mezzanine level atop the 5th floor.

The proposed Site Plan revisions allow a balcony for each of the six (6) residential units on the 4th floor. This requires vacation of air rights for the north 4 feet of East Locust Street right-of-way adjoining the building. The proposed elevations indicate the balconies would be constructed of metal frames with glass in-fill. In order to minimize the chance of items falling from the balconies onto the public sidewalk below, the

balconies should have a rounded top railing and/or no ledge to set items on.

The proposed Site Plan revisions also modify the design for the 5th floor of the building, which includes a mezzanine level. The 5th floor of the building would generally be setback 8 feet from the 4th floor of the building. However, the revisions add a mezzanine level above the western portion of the 5th floor that would cantilever over the south edge of the 5th floor. The mezzanine level would be setback approximately 8 inches from the edge of the 4th floor.

The developer is still finalizing the material palette as they work through their project budget. The proposed elevations demonstrate that the facades of the building would include a mix of brick, glass, and metal panel materials. The elevations indicate that the full dimension brick on the south, east, and west facades may be replaced with "terra cotta panels" and the steel panels on the north façade maybe replaced with "Ipe wood panels" or hardi cement board. On August 20, 2013 the City's Urban Design Review Board (UDRB) reviewed and approved the design of the proposed design, which includes these alternative materials. Staff recommends that any future modifications of building materials other than the current alternatives should be subject to future review by the City's Urban Design Review Board.

The Site Plan does not include any off-street parking, as such is not required in the "C-3B" District. The applicant has indicated they intend to secure a parking arrangement with the owner of an existing parking lot to the northwest of the site.

The 5th floor of the building could potentially be converted from commercial space to a dwelling unit. The proposed Site Plan includes the future dwelling unit on floor 5 so that any future conversion of the commercial space would not require a Site Plan amendment.

2. **Size of Site:** 16,974 square feet (0.39 acre). The undeveloped parcel has 200 feet of frontage along East Locust Street and 78 feet of frontage along East 4th Street.
3. **Existing Zoning (site):** "C-3B" Central Business Mixed Use District, "CDO" Capitol Dominance Overlay District, Downtown Overlay District, and "GGP" Gambling Games Prohibition Overlay District.
4. **Existing Land Use (site):** Undeveloped parcel, with a B-Cycle bicycle rental kiosk along East 4th Street.
5. **Adjacent Land Use and Zoning:**
 - North** – "C-3B"; Use is a 5-story multiple-family residential building.
 - South** – "C-3B"; Uses include a 1-story restaurant and a church.
 - East** – "C-3B"; Use is a 3-story mixed-use (commercial and residential) building with a 5-story feature at its southwest corner.
 - West** – "C-3B"; Use is a 3-story commercial building.
6. **General Neighborhood/Area Land Uses:** The site is located in an area that contains a mix of residential and commercial uses that is known as the East Village.

- 7. Applicable Recognized Neighborhood(s):** The subject property is located in the Historic East Village Neighborhood. This neighborhood association was notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhood associations on August 30, 2013. Separate notifications of the hearing on the Site Plan were mailed on September 9, 2013 (10 days prior to the hearing) to the Historic East Village Moines Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. Additionally, notifications of the hearing on the vacation of air rights were mailed on September 9, 2013 (10 days prior to the hearing) to the Historic East Village Moines Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property adjacent to or directly across East Locust Street from the requested right-of-way. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on September, 2013.

All agendas and notices are mailed to the primary contact person designated to the City of Des Moines Neighborhood Development Division by the recognized neighborhood association. The Historic East Village Neighborhood notices were mailed to Josh Garrett, PO Box 1782, Des Moines, IA 50305.

- 8. Relevant Zoning History:** On March 7, 2013, the Plan & Zoning Commission approved a Site Plan under design guidelines in a "C-3B" District and for multiple-family dwellings, to allow development of a five-story mixed-use building with 21 units of residential apartment dwellings, 5,750-square feet of ground floor retail/office space, and 4,725-square feet of fifth floor commercial office space. The developer has since substantially modified the design for this proposed building, which necessitates reconsideration by the Commission.

On February 27, 2013, the Zoning Board of Adjustment granted an Exception of 13 feet over the maximum 55-foot height allowed for a mixed use (commercial and residential) structure within the Capitol Dominance Overlay District "B", subject to the following conditions:

- a) The portion of the building that is over 55 feet in height shall have a footprint that is setback from the fourth floor of the building.
- b) Any building shall be constructed in general compliance with all applicable building codes with issuance of all necessary permits by the Permit and Development Center.
- c) Any building shall be constructed in accordance with a Site Plan as approved by the Plan and Zoning Commission. This Site Plan must satisfy the design guidelines applicable for multiple-family residential, for the "C-3B" Central Business Mixed Use District, and for the "D-O" Downtown Overlay District.

- 9. 2020 Community Character Land Use Plan Designation:** Downtown Retail/Office Core/Core Fringe.

- 10. Applicable Regulations:** In acting upon any Site Plan application for multiple-family dwellings, boarding houses or rooming-houses, the Plan and Zoning Commission shall apply the design guidelines City Code Section 82-213. 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 design standards.

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. 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 "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.

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 in City Code Section 82-213, except as to those site plan applications for development of property located in the "R1-60" and "R-HD" zoning districts within the downtown overlay district. 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.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Multiple-Family Residential Design Guidelines:** The following design guidelines apply to any Site Plan for multiple-family residential:

- a) 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 proposed building is an appropriate architectural type for the East Village area. The developer is still finalizing the material palette as they work through their project budget. The proposed elevations demonstrate that the facades of the building would include a mix of brick, glass, and metal panel materials. The elevations indicate that the full dimension brick on the south, east, and west facades may be replaced with "terra cotta panels" and the steel panels on the north façade maybe replaced with "Ipe wood panels" or hardi cement board. On August 20, 2013 the City's Urban Design Review Board (UDRB) reviewed and approved the design of the proposed design, which includes these alternative materials. Staff recommends that any

future modifications of building materials other than the current alternatives should be subject to future review by the City's Urban Design Review Board.

- b) 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 building is of an appropriate height and mass. The building would be five stories tall, which complies with the minimum height requirement of the "C-3B" District. The elevations demonstrate that measures would be taken to ensure the mass of the building would be compatible with the surrounding properties, such as stepping back the footprints of floors 4 and 5 from the west and south property lines. Additionally, the mezzanine level of the 5th floor would be stepped by slightly from the 4th floor.

The proposed 68-foot height is compatible with the surrounding buildings. The property adjacent to the west (300 East Locust Street) contains a 3-story commercial building that is 43.33 feet tall. The property adjacent to the north (333 East Grand Avenue) contains a 6-story mixed use (commercial and residential) building that is 75 feet tall. The property directly across East 4th Street to the east (400 East Locust Street) contains a 3-story mixed use (commercial and residential) building that is predominantly 52 feet tall, with a 5-story tower at its corner that is 75 feet tall.

- c) 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 building would be constructed with minimal setbacks from the front property lines adjoining East Locust Street and East 4th Street. The primary entrances to the ground level commercial space would be facing East Locust Street while the primary entrance to the residential units would be on the east façade facing East 4th Street.

- d) 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.

Garages are not proposed.

- e) 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.

The proposed elevations meet this guideline. All stairs and emergency egress would be internal to the building.

- f) 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.

The proposed elevations meet this guideline.

- g) 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.

Off-street parking is not proposed.

2. "C-3B" District Design Guidelines: These additional design guidelines are applicable to any development within the "C-3B" District.

- 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 68-foot height (5 stories) satisfies 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 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.

N/A.

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

All exterior lighting would be low-glare cut-off 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 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.*

The Site Plan satisfies these guidelines. The 166 feet of building frontage along East Locust Street represents 83% of the lot frontage and the 58.4 feet of building frontage along East 4th Street represents 75% of the lot frontage. The primary entrance to the residential uses would be along East 4th Street.

- 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 right-of-way 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 satisfies these guidelines, as the commercial spaces are all oriented toward East Locust Street and the building is located within 1 foot of the front property lines. The 166 feet of building frontage along East Locust Street represents 83% of the lot frontage and the 58.4 feet of building frontage along East 4th Street represents 75% of the lot frontage. The primary entrance to the residential uses would be along East 4th Street.

- 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 indicates a refuse collection container enclosure at the north end of the site that would be constructed with masonry walls to match the building and cedar gates with a metal frame. The gate must be revised to be a steel gate. Staff also recommends that this enclosure be revised to include a pedestrian access door on its east side.

- 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)

The undeveloped area to the west of the building would be native prairie grass and the area to the north of the building would be "lawn mixture seeding". The Site Plan also proposed some shrubs along the west and north sides of the 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.

- 3. Downtown Overlay District Design Guidelines Analysis:** 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. 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 "What's Next Downtown Plan" envisions a dense and pedestrian friendly downtown. The proposed mixed-use development is particularly suitable for the area known as East Village.

Staff believes that the proposed massing is appropriate and compatible with the surrounding area. The western portion of the building has a height of only 4 stories in order to be compatible with the building adjacent to the west. Also, the fifth floor of the building would have a footprint that is generally setback from the fourth floor of the building. The mezzanine level would protrude from the 5th floor but would not extend to the footprint of the 4th floor.

- 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.

Stormwater would be directed to a shallow basin along the north side of the property and native prairie grasses would be planted within the open space along the west side of the site.

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

The site has direct access to the existing sidewalk along East Locust Street and East 4th Street. The Site Plan proposes a pedestrian connection along the west side

of the site to provide access to the dumpster enclosure and the parking lot to the north.

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

The development includes an open space along the west site boundary that would be planted with native grasses.

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

The Site Plan indicates space for small outdoor patio for outdoor seating along the south and east sides of the building.

- 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 Site Plan proposes bike racks near the entrances. The applicant has also indicated they may incorporate the B-Cycle bike rental kiosk into their site.

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

The Site Plan satisfies this guideline. The proposed building would be five stories, with a maximum height of 68 feet.

- 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 Site Plan satisfies this guideline. The proposed building would contain ground level retail/office space facing East Locust Street. The entrance for the upper floors of the building would face East 4th Street.

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

The Site Plan satisfies this guideline. The 166 feet of frontage along East Locust Street represents 83% of the frontage and the 58.4 feet of frontage along East 4th Street represents 75% of the frontage. The primary entrance to the residential uses would be along East 4th 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 satisfies these guidelines, as the commercial spaces are all oriented toward East Locust Street and the building is located within 1 foot of the

front property lines. The 166 feet of frontage along East Locust Street represents 83% of the frontage and the 58.4 feet of frontage along East 4th Street represents 75% of the frontage. The primary entrance to the residential uses would be along East 4th Street.

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 Site Plan satisfies this guideline. The entrance for the upper floors of the building would face East 4th Street.

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 Site Plan satisfies this guideline. The building would be within 1 foot of the front property lines along East Locust Street and East 4th Street.

- 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 Site Plan indicates a refuse collection container enclosure at the north end of the site that would be constructed with masonry walls to match the building and cedar gates with a metal frame. The gate must be revised to be a steel gate. Staff also recommends that this enclosure be revised to include a pedestrian access door on its east side.

- 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 complies with the Des Moines Landscape Standards for "C-3" districts, which requires provision of parkway plantings. The Site Plan proposes to maintain the existing East Locust Streetscape and add three street trees along East 4th Street.

- 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 Site Plan does not propose any curb cuts along East Locust Street or East 4th Street.

- 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.

- 4. Parking:** The Site Plan does not include any off-street parking since it is not required in the "C-3B" District. The applicant has indicated they intend to secure a parking arrangement with the owner of an existing parking lot to the northwest of the site.

- 5. Additional Information:** The Site Plan includes a "Bike Station Pad" at the southwest corner of the site that may be used for the B-Cycle kiosk that is being displaced by this project.

SUMMARY OF DISCUSSION

There was no discussion.

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one to speak in favor or in opposition of the applicant's request.

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48

COMMISSION ACTION:

Dory Briles moved staff recommendation to approve the requested vacation and conveyance of air rights over the northern portion of the East Locust Street right-of-way, subject to the following:

1. Any balcony constructed is shall generally be in accordance with the submitted building elevations and site sketch.
2. Any balcony constructed shall have a rounded top railing and/or no ledge.

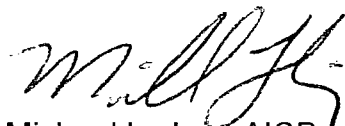
AND

Approval of revisions to the Site Plan, subject to the following conditions:

1. Compliance with all administrative review comments of the City's Permit and Development Center.
2. The architecture of the building and building materials palette shall comply with any revisions required by any future review by the City's Urban Design Review Board.
3. The refuse collection container enclosure shall be constructed with steel gates and have a pedestrian access door on its east side.

Motion passed 10-0.

Respectfully submitted,


Michael Ludwig, AICP
Planning Administrator

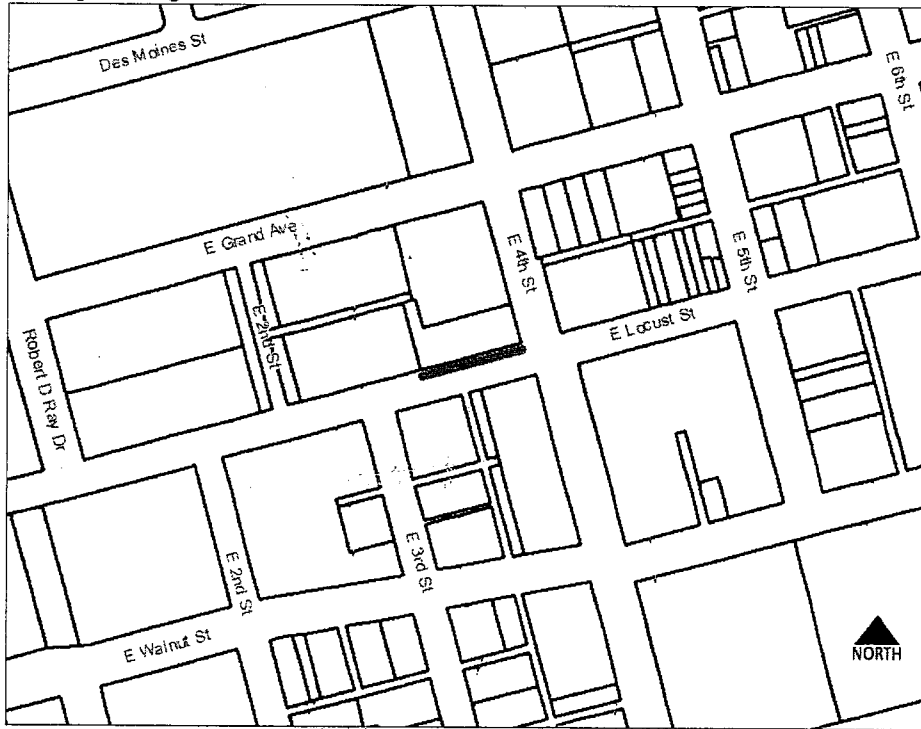
MGL:clw

Attachment

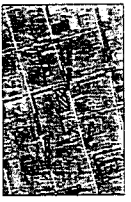
13-1587
~~42~~
 48

Request from East Village Growth Partners, LLC (purchaser) represented by Tim Rypma (officer) for vacation of air rights over north four (4) feet of East Locust Street adjoining and to the south of property located at 350 East Locust Street. The subject property is owned by the City of Des Moines.		File # 11-2013-1.15		
Description of Action	Approval for vacation of air rights over north four (4) feet of East Locust Street adjoining and to the south of property located at 350 East Locust Street subject to conditions.			
2020 Community Character Plan	Downtown: Retail/Office Core/Core Fringe (current & no change proposed)			
Horizon 2035 Transportation Plan	No Planned Improvements			
Current Zoning District	"C-3B" Central Business Mixed Use District			
Proposed Zoning District	"C-3B" Central Business Mixed Use District			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area				
Plan and Zoning Commission Action	Approval	10-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

East Village Growth Partners LLC -
 Air Rights along the north side of East Locust St west of E 4th St 11-2013-1.15



SITE PLAN 350 E. LOCUST DES MOINES, IA

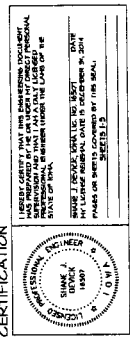


VICINITY SKETCH
NORTH
NO SCALE

PROPERTY OWNER
APPLICANT
DESIGNER

NOTES

1. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED.
2. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.
3. THE PROPOSED BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF DES MOINES, IOWA ZONING ORDINANCE, CHAPTER 21.1, AND THE IOWA BUILDING CODE, CHAPTER 903.
4. THE PROPOSED BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF DES MOINES, IOWA ZONING ORDINANCE, CHAPTER 21.1, AND THE IOWA BUILDING CODE, CHAPTER 903.
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CERTIFICATION

I, THE UNDERSIGNED, A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF IOWA, HAVE EXAMINED THE ABOVE TITLED PROJECT AND THE ACCOMPANYING PLANS AND SPECIFICATIONS AND CERTIFY THAT THEY COMPLY WITH THE CITY OF DES MOINES, IOWA ZONING ORDINANCE, CHAPTER 21.1, AND THE IOWA BUILDING CODE, CHAPTER 903.

DATE: AUG. 26, 2013
BY: [Signature]

LEGEND

EXTRAPROPOSED

- PLAT BOUNDARY
- WALLE
- HYDRANT
- UTILITY
- SAN-CUT TELL DEPTH
- DOWNSPOUT LOCATION
- PARKING STALLS
- RAMP

PLAT BOUNDARY

- WALLE
- HYDRANT
- UTILITY
- SAN-CUT TELL DEPTH
- DOWNSPOUT LOCATION
- PARKING STALLS
- RAMP

350 E. LOCUST	
DIMENSION PLAN	
DATE: AUG. 26, 2013	SHEET 1 OF 5
REVISIONS:	

IAC
Landscape Architecture Consultants, Inc.
1000 Main Street, Suite 101, Des Moines, IA 50319
515.281.1111

CEC
Civil Engineering Consultants, Inc.
1000 Main Street, Suite 101, Des Moines, IA 50319
515.281.1111

LAND USE
RETAIL SERVICE CORNER

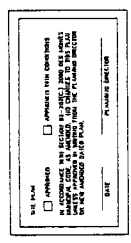
ZONING
C-36 CENTRAL BUSINESS DISTRICT (C36)

UTILITIES
WATER, SEWER, GAS, TELEPHONE, CABLE, FIBER OPTIC

LEGAL DESCRIPTION
SECTION 16, T42N, R10W, S2E, IOWA PLAT 12345

SITE AREAS
TOTAL IMPROVEMENT SERVICE
PARKING

IMPERVIOUS AREA
TOTAL IMPROVEMENT SERVICE
PARKING



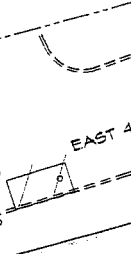
THIS PLAN IS APPROVED BY THE CITY OF DES MOINES, IOWA, ON SEPTEMBER 10, 2013, AND IS VALID FOR CONSTRUCTION THROUGH SEPTEMBER 10, 2014.

CONSTRUCTION TIME SCHEDULE
FOR THE CONSTRUCTION PERIOD 2013

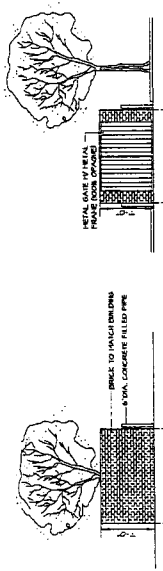
LEGAL DESCRIPTION
SECTION 16, T42N, R10W, S2E, IOWA PLAT 12345

SITE AREAS
TOTAL IMPROVEMENT SERVICE
PARKING

IMPERVIOUS AREA
TOTAL IMPROVEMENT SERVICE
PARKING

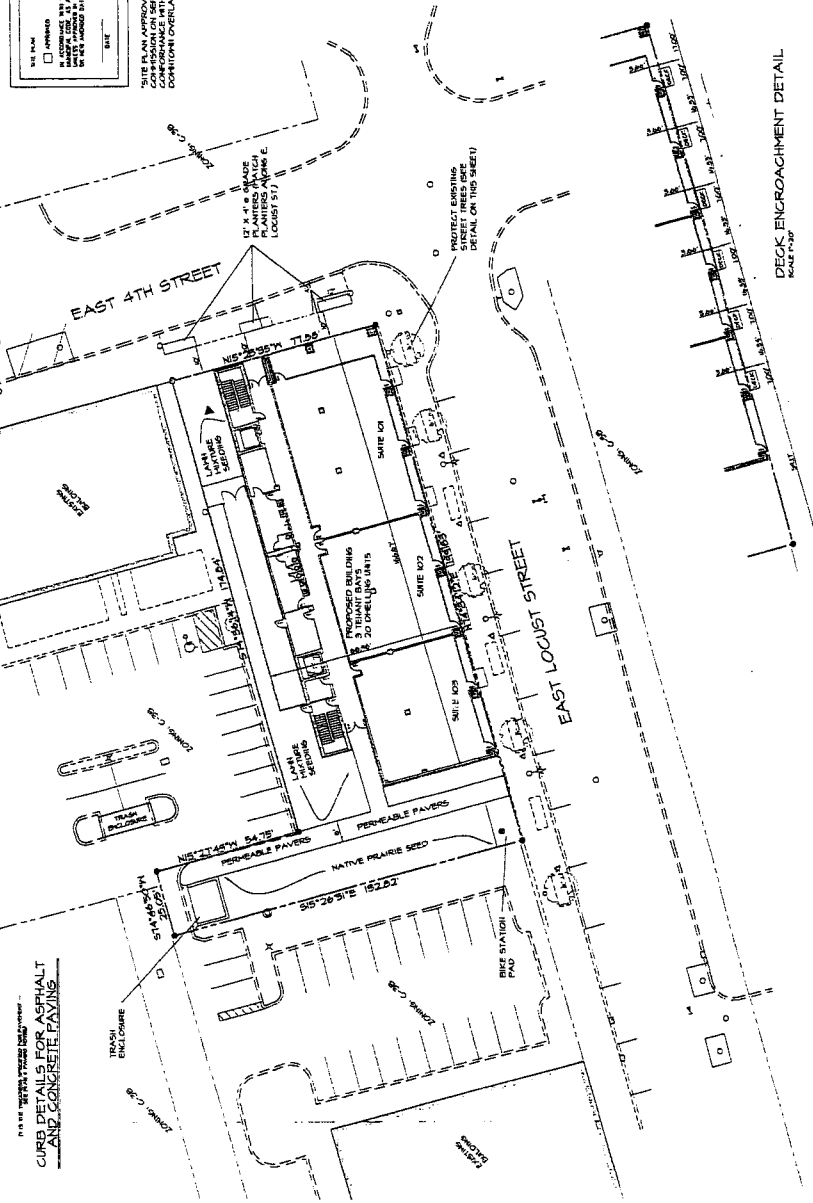


THIS PLAN IS APPROVED BY THE CITY OF DES MOINES, IOWA, ON SEPTEMBER 10, 2013, AND IS VALID FOR CONSTRUCTION THROUGH SEPTEMBER 10, 2014.



TRASH ENCLOSURE
FRONT ELEVATION
SIDE ELEVATION

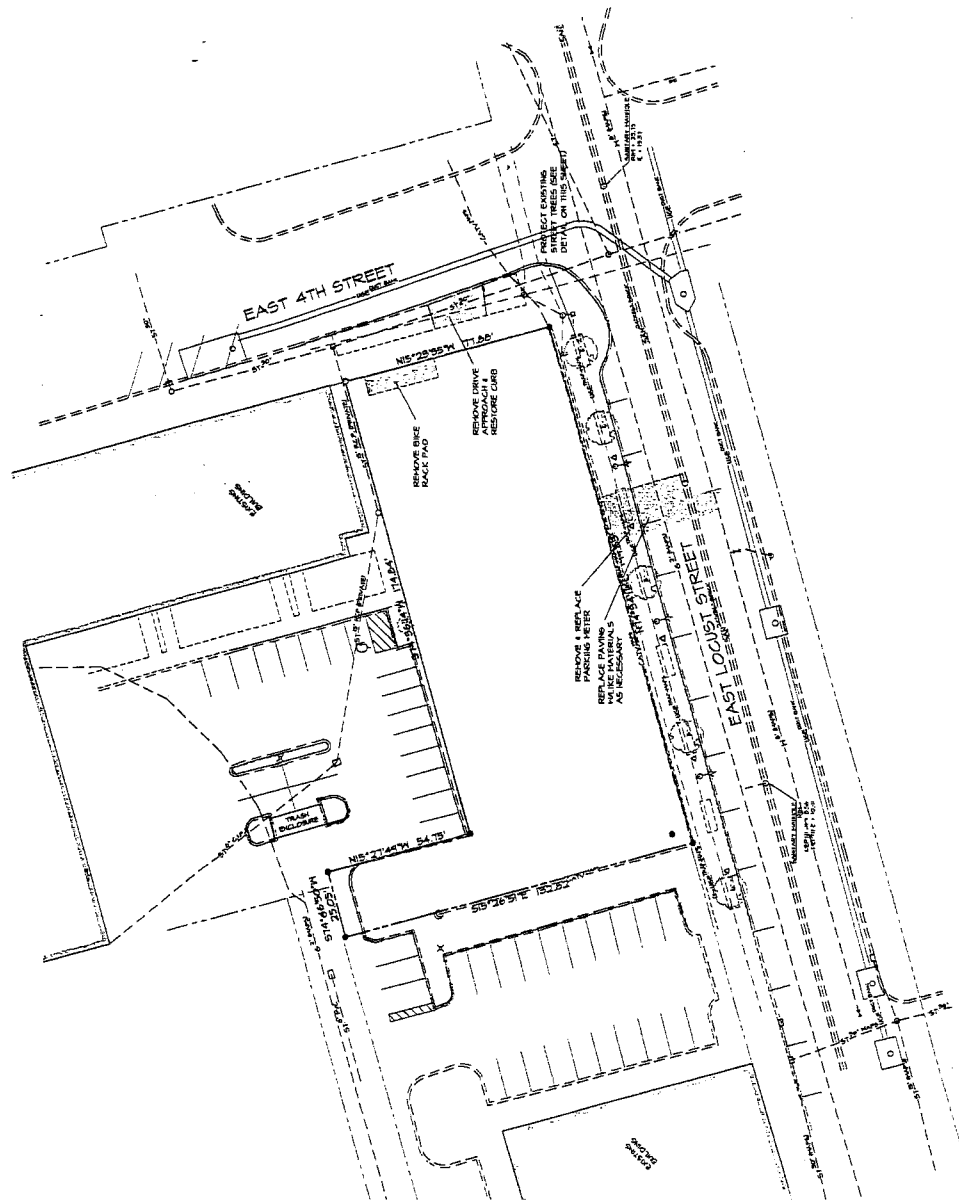
CURB DETAILS FOR ASPHALT AND CONCRETE PAVING



DECK ENCROACHMENT DETAIL
SCALE 1/4"=1'-0"

NOTES

1. THE LOCATION AND DIMENSIONS SHOWN ON THE PLANS FOR EXISTING FACILITIES ARE IN ACCORDANCE WITH THE RECORD DRAWINGS AND FIELD SURVEY DATA. THE ENGINEER DOES NOT GUARANTEE THE ACCURACY OF THIS INFORMATION OR THAT ALL UTILITIES HAVE BEEN LOCATED. THE CONTRACTOR SHALL VERIFY THE LOCATION AND EXACT LOCATION OF THEIR FACILITIES BEFORE CONSTRUCTION ON THIS SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES LOCATED ON THIS SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES LOCATED ON THIS SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES LOCATED ON THIS SITE.
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LEGEND

EXISTING/PROPOSED

- PLAT BOUNDARY
- MANHOLE
- IRRIDANT
- UTILITY BOX/TELEPHONE RISER
- SAW CUT FULL DEPTH
- CONCRETE LOCATION
- PARKING STALLS
- RAMP

NORTH
Scale: 1" = 20'

3550 E. LOUIST

DEMOLITION & RESTORATION PLAN

DATE: 08-26-2015

PROJECT: 15-0000

SHEET: 2

OF: 4

DRP-0

LAC
Landscape Architecture Consultants, Inc.

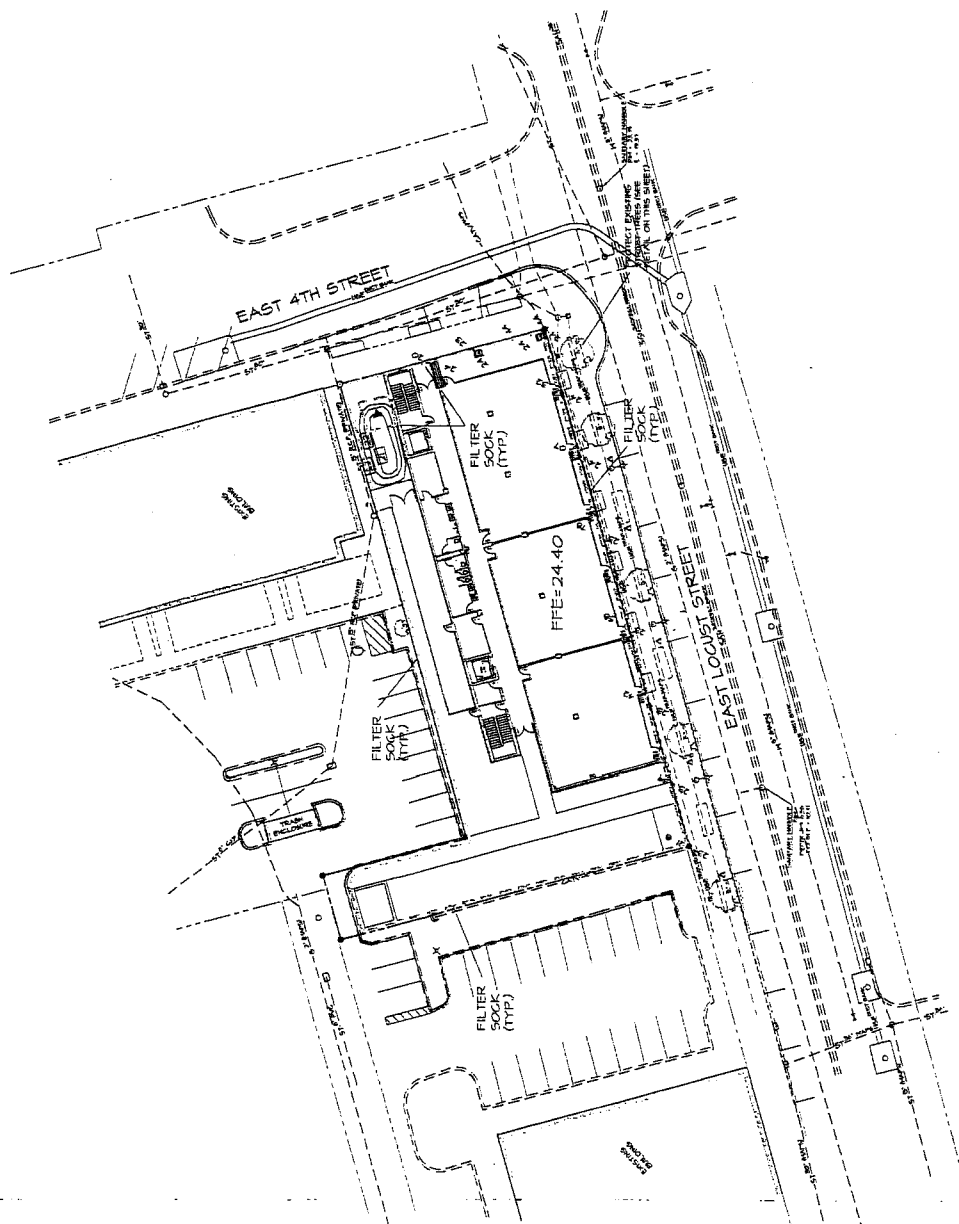
CEC
Civil Engineering Consultants, Inc.

1000 West 11th Street, Suite 100
Anchorage, Alaska 99501

13-1587
48

GRADING NOTES

1. STRIP A MINIMUM OF 6" OF TOPSOIL FROM ALL AREAS WHICH ARE TO BE FILLED OR GRADDED. ALL AREAS TO BE GRADDED SHALL BE GRADDED TO THE FINISH GRADE AND SOFT SPOTS SHALL BE REMOVED AND REPLACED WITH COMPACTED FILL TO THE FINISH GRADE.
2. ALL AREAS TO BE GRADDED SHALL HAVE THE TOP SURFACE FINISHED TO A MINIMUM OF 1/4" TOLERANCE TO THE FINISH GRADE.
3. ALL AREAS TO BE GRADDED SHALL HAVE THE TOP SURFACE FINISHED TO A MINIMUM OF 1/4" TOLERANCE TO THE FINISH GRADE.
4. ANY LOCALIZED AREAS WHICH CANNOT BE SATISFACTORILY GRADDED SHALL BE REWORKED AND REGRADDED WITH ON-SITE FILL MATERIAL. THIS SHALL BE DONE TO THE FINISH GRADE AND TO THE FINISH GRADE.
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BENCHMARK - CITY OF THE TOWNSHIP
 1. ELEVATION - 24.40
 2. LOCATION - SEE PLAN
 3. DATE - 10/10/10

WE HAVE RECORDED IN THE COMMONS MAP AT THE CORNER OF E LOCUST STREET & E 4TH STREET.

REVISIONS - 11/09
 REVISIONS - 12/09
 REVISIONS - 03/10

- LEGEND**
- PLAT BOUNDARY
 - MANHOLE
 - HYDRANT
 - POWER POLE LIGHT POLE
 - MANHOLE LOCATOR
 - DOWNPOUT LOCATOR
 - PARKING STALLS
 - RAMP

NORTH
 Section 1"=20'

350 E. LOCUST

GRADING PLAN

DATE: AUG. 26, 2010
 SHEET 3 OF 5

LAC
 Landscape Architectural Consultants, Inc.

CEC
 Civil Engineering Consultants, Inc.

1125 W. 10th Street, Suite 100
 Lincoln, NE 68502
 (402) 441-1111

TRAFFIC CONTROL

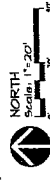
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UTILITY NOTES

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2. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL EXISTING UTILITIES AND SERVICES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF ALL UTILITIES AND SERVICES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF ALL UTILITIES AND SERVICES PRIOR TO CONSTRUCTION.
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BENCHMARK SET ON THE CORNER OF EAST 4TH STREET AND LOCUST STREET. THE BENCHMARK SHALL BE CONSTRUCTED ACCORDING TO THE MAINTENANCE TRAFFIC CONTROL MANUAL. THE BENCHMARK SHALL BE CONSTRUCTED ACCORDING TO THE MAINTENANCE TRAFFIC CONTROL MANUAL. THE BENCHMARK SHALL BE CONSTRUCTED ACCORDING TO THE MAINTENANCE TRAFFIC CONTROL MANUAL.

- LEGEND**
- EXISTING/PROPOSED
 - 6" VALVE
 - 18" DIAMETER RISER
 - UTILITY BOX/VALVE/RISE
 - 6" VALVE
 - 18" DIAMETER RISER
 - UTILITY BOX/VALVE/RISE
 - 6" VALVE
 - 18" DIAMETER RISER
 - UTILITY BOX/VALVE/RISE
 - 6" VALVE
 - 18" DIAMETER RISER
 - UTILITY BOX/VALVE/RISE
 - 6" VALVE
 - 18" DIAMETER RISER
 - UTILITY BOX/VALVE/RISE

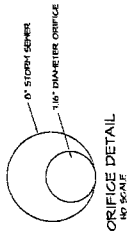
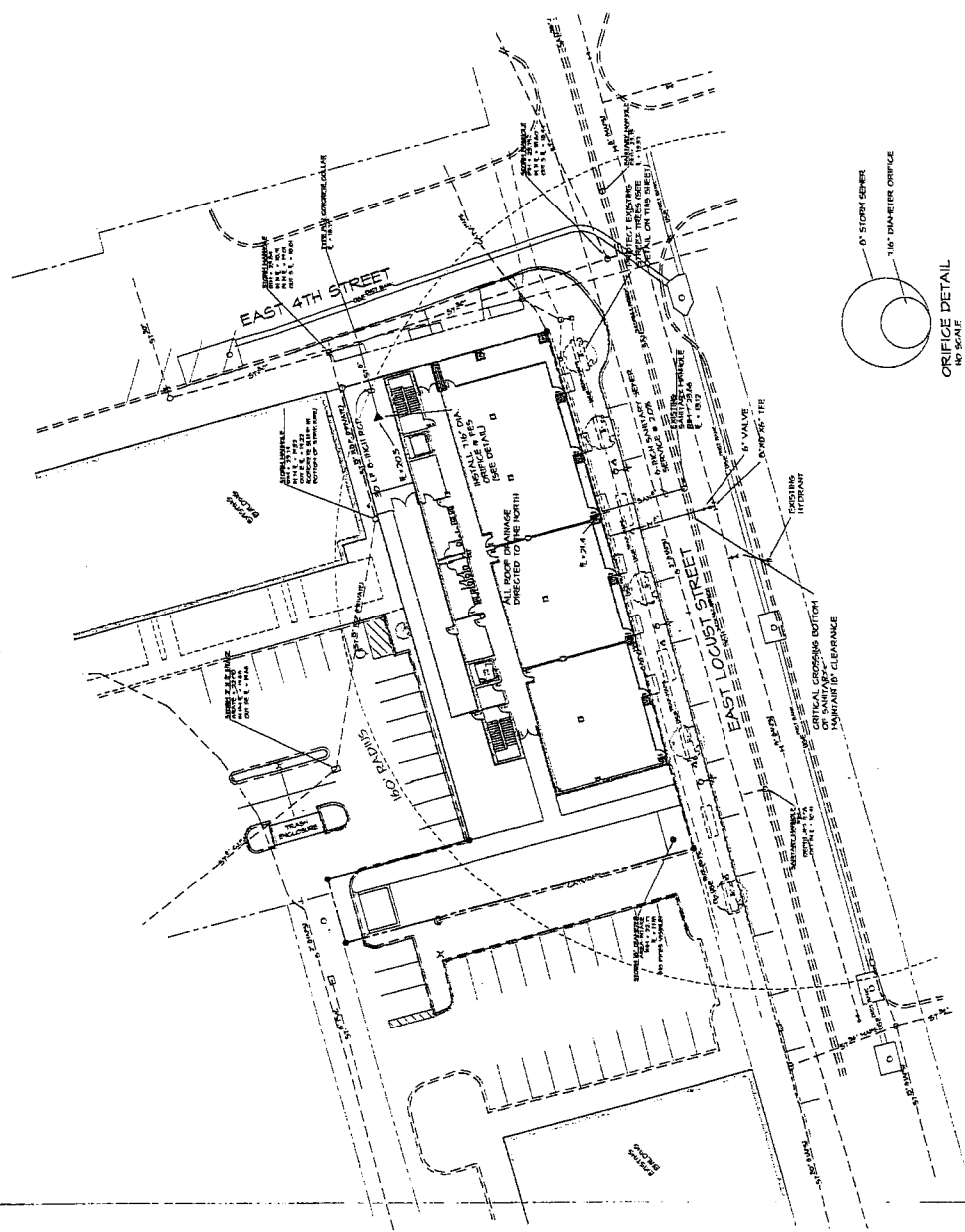


350 E. LOCUST	
UTILITY PLAN	
DATE: JAN. 26, 2013	SHEET 4
REVISIONS:	OF 5

LAC
Landscape Architecture Consultants, Inc.

CEC
Civil Engineering Consultants, Inc.

CH2M Engineering Consultants, Inc.
11000 E. 15th Avenue, Suite 1000
Denver, CO 80202
Phone: 303.751.1100
Fax: 303.751.1101
www.ch2m.com



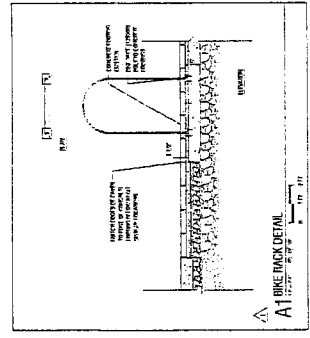
13-1587
48

PLANTING NOTES

- 1. ALL TREE SPECIES, INCLUDING AND LANDSCAPE SHALL BE THE RESPONSIBILITY OF THE PLANTER AND CONTRACTOR. THE CONTRACTOR SHALL VERIFY THE PLANTING SCHEDULE FOR THE PLANTER AND CONTRACTOR AND SHALL BE RESPONSIBLE FOR THE PLANTING SCHEDULE FOR THE PLANTER AND CONTRACTOR.
- 2. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE "AMERICAN STANDARD FOR TREE SHEDS AND PLANTERS" (ANSI Z60.1-2008) AND THE "AMERICAN STANDARD FOR TREE SHEDS AND PLANTERS" (ANSI Z60.1-2008).
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- 10. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE "AMERICAN STANDARD FOR TREE SHEDS AND PLANTERS" (ANSI Z60.1-2008) AND THE "AMERICAN STANDARD FOR TREE SHEDS AND PLANTERS" (ANSI Z60.1-2008).
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- 12. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE "AMERICAN STANDARD FOR TREE SHEDS AND PLANTERS" (ANSI Z60.1-2008) AND THE "AMERICAN STANDARD FOR TREE SHEDS AND PLANTERS" (ANSI Z60.1-2008).
- 13. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE "AMERICAN STANDARD FOR TREE SHEDS AND PLANTERS" (ANSI Z60.1-2008) AND THE "AMERICAN STANDARD FOR TREE SHEDS AND PLANTERS" (ANSI Z60.1-2008).
- 14. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE "AMERICAN STANDARD FOR TREE SHEDS AND PLANTERS" (ANSI Z60.1-2008) AND THE "AMERICAN STANDARD FOR TREE SHEDS AND PLANTERS" (ANSI Z60.1-2008).
- 15. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE "AMERICAN STANDARD FOR TREE SHEDS AND PLANTERS" (ANSI Z60.1-2008) AND THE "AMERICAN STANDARD FOR TREE SHEDS AND PLANTERS" (ANSI Z60.1-2008).
- 16. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE "AMERICAN STANDARD FOR TREE SHEDS AND PLANTERS" (ANSI Z60.1-2008) AND THE "AMERICAN STANDARD FOR TREE SHEDS AND PLANTERS" (ANSI Z60.1-2008).
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- 18. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE "AMERICAN STANDARD FOR TREE SHEDS AND PLANTERS" (ANSI Z60.1-2008) AND THE "AMERICAN STANDARD FOR TREE SHEDS AND PLANTERS" (ANSI Z60.1-2008).
- 19. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE "AMERICAN STANDARD FOR TREE SHEDS AND PLANTERS" (ANSI Z60.1-2008) AND THE "AMERICAN STANDARD FOR TREE SHEDS AND PLANTERS" (ANSI Z60.1-2008).
- 20. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE "AMERICAN STANDARD FOR TREE SHEDS AND PLANTERS" (ANSI Z60.1-2008) AND THE "AMERICAN STANDARD FOR TREE SHEDS AND PLANTERS" (ANSI Z60.1-2008).

PLANTING SCHEDULE

PLANT	QUANTITY	PLANT TYPE	PLANT SIZE	PLANT SPECIES
1	5	Small Tree	8' x 10'	Red Maple
2	5	Small Tree	8' x 10'	White Birch
3	5	Small Tree	8' x 10'	Green Ash
4	5	Small Tree	8' x 10'	Black Walnut
5	5	Small Tree	8' x 10'	White Oak
6	5	Small Tree	8' x 10'	Red Oak
7	5	Small Tree	8' x 10'	Yellow Birch
8	5	Small Tree	8' x 10'	Black Cherry
9	5	Small Tree	8' x 10'	White Birch
10	5	Small Tree	8' x 10'	Green Ash
11	5	Small Tree	8' x 10'	Black Walnut
12	5	Small Tree	8' x 10'	White Oak
13	5	Small Tree	8' x 10'	Red Oak
14	5	Small Tree	8' x 10'	Yellow Birch
15	5	Small Tree	8' x 10'	Black Cherry
16	5	Small Tree	8' x 10'	White Birch
17	5	Small Tree	8' x 10'	Green Ash
18	5	Small Tree	8' x 10'	Black Walnut
19	5	Small Tree	8' x 10'	White Oak
20	5	Small Tree	8' x 10'	Red Oak



CERTIFICATION

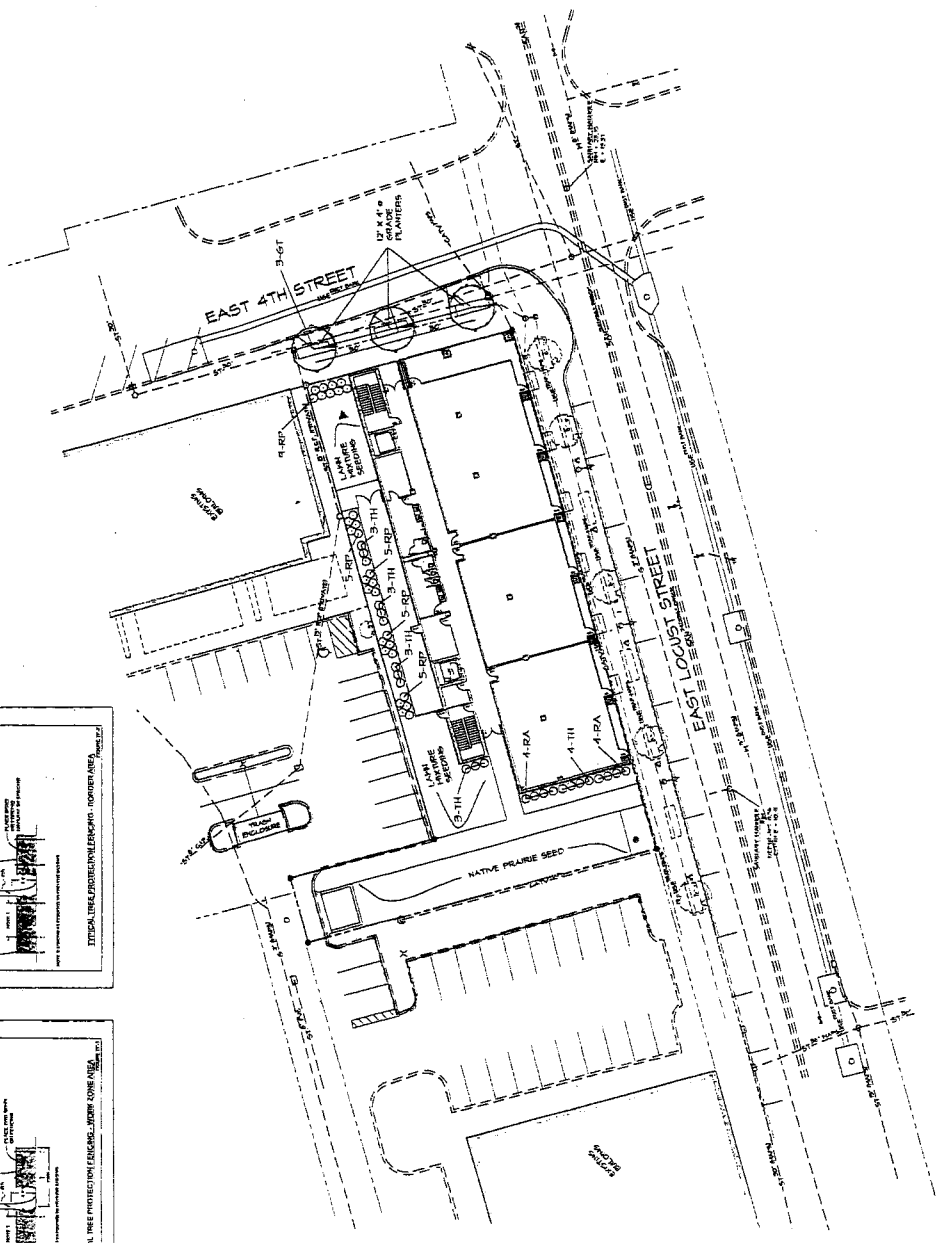
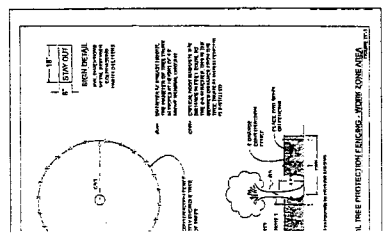
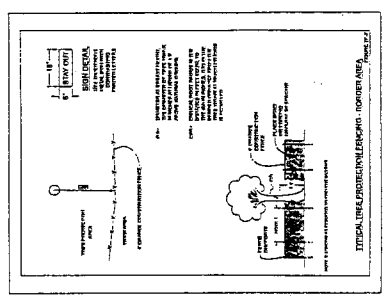
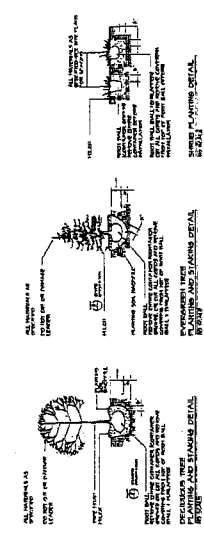
Professional seal and certification information, including the name of the engineer and the project details.

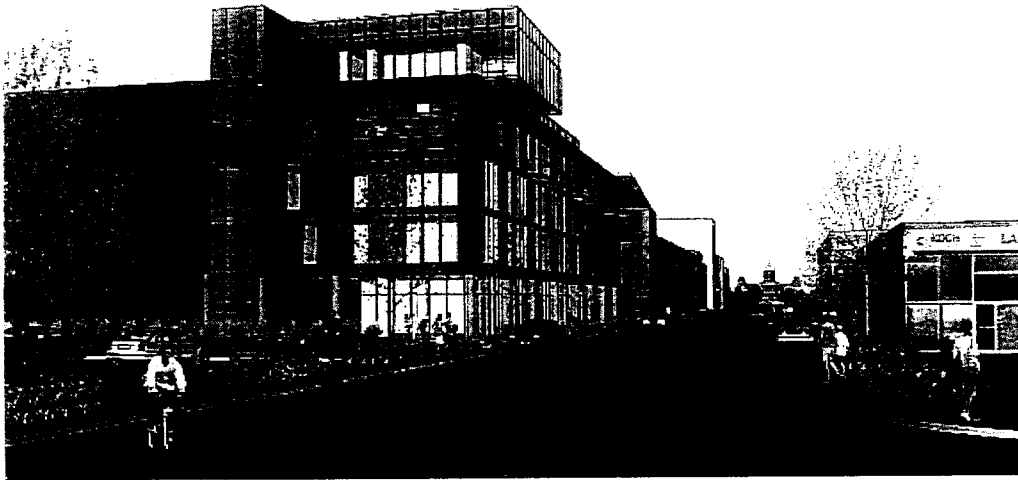
LEGEND

Legend for symbols used in the plan, including icons for trees, planters, and other landscape features.

Project information: 350 E. LOCUST, LANDSCAPE PLAN, DATE: AUG. 29, 2018, SHEET 5 OF 5.

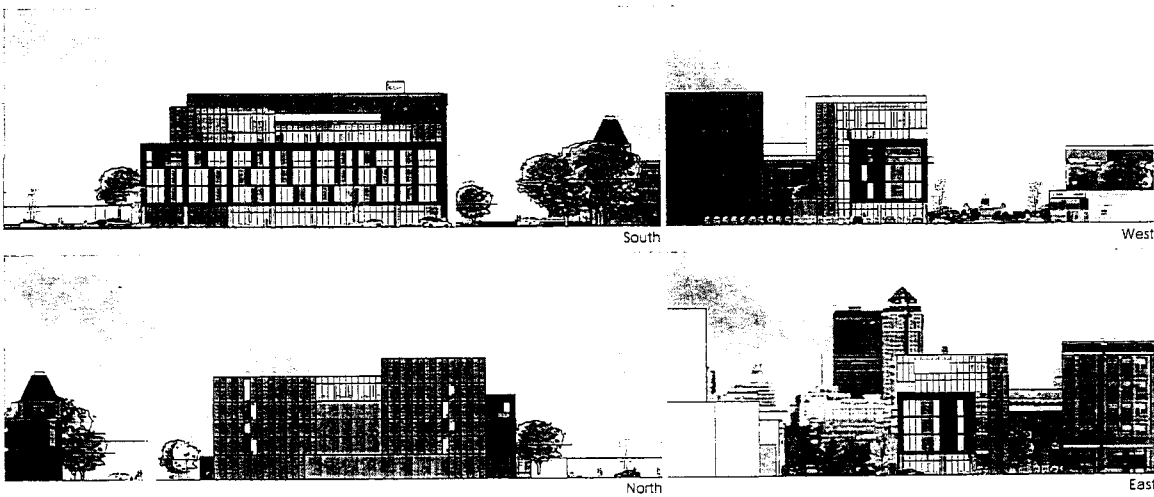
Logos for LAC (Landscape Architectural Consultants, Inc.) and CBC (Civil Engineering Consultants, Inc.).



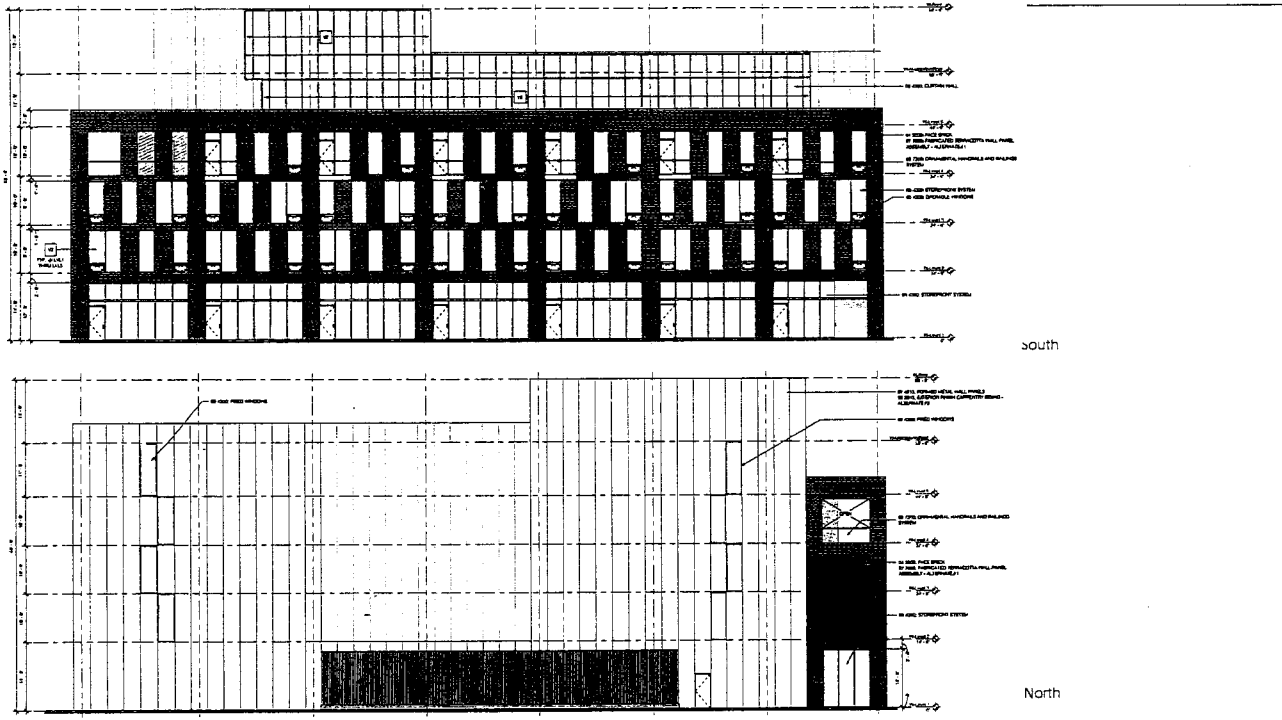


- _Site Photographs
- _Site Plan
- _Proposed Site Plan
- _Programmatic Plan
- _Plans
- _Elevations
- _Elevations in Context
- _Renderings

Elevations in Context

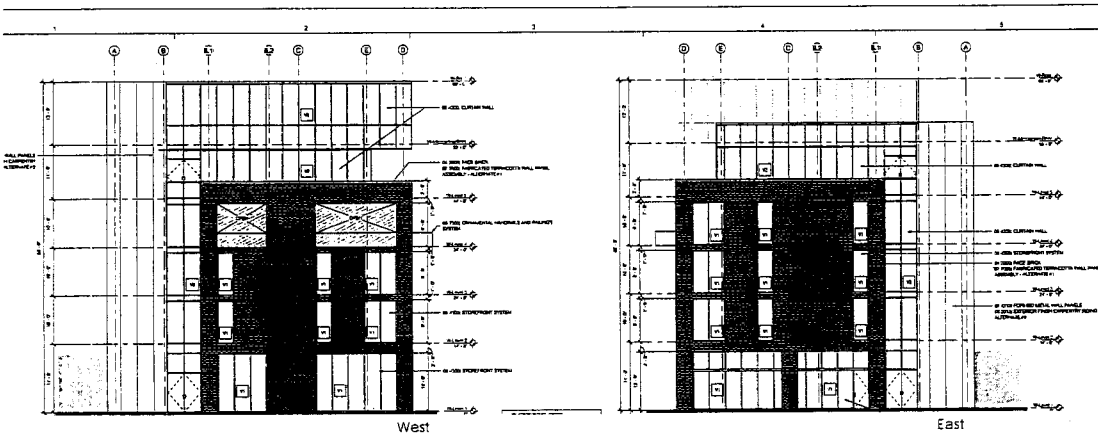


Elevations_South + North



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Elevations_West + East



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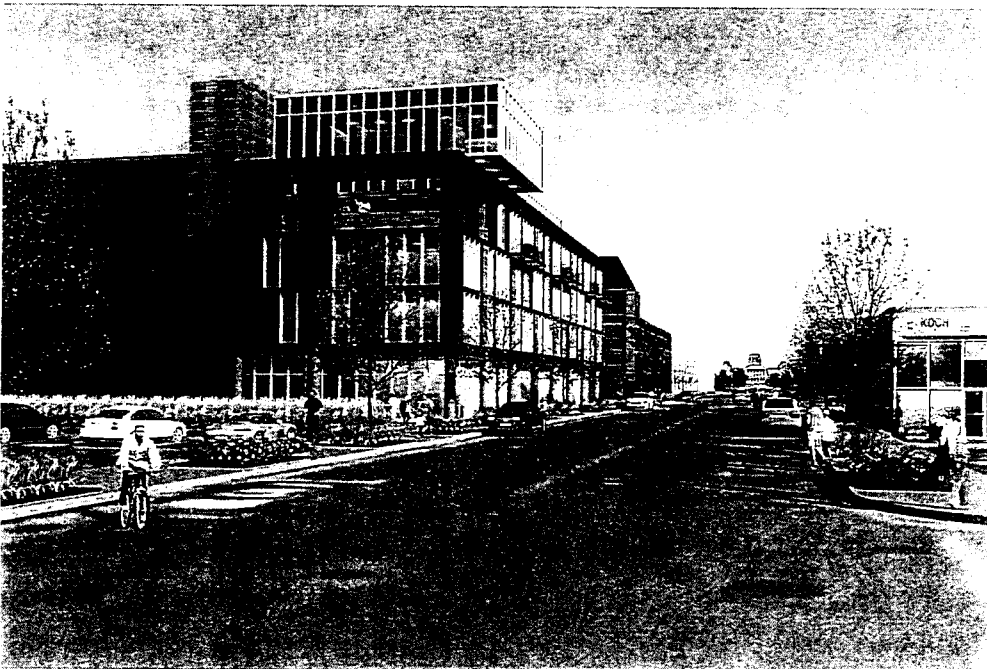
13-1587
42
48

Renderings



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Renderings



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