

★ **Roll Call Number**

Agenda Item Number

27

.....
Date March 20, 2006

WHEREAS, the City Plan and Zoning Commission has advised in the attached letter that at a public hearing held March 2, 2006, the members recommended by a vote of 13-0 for **APPROVAL** of a request from ST Investments (owner) represented by Steve Howard (officer) for the following actions regarding the property located at 301 East Court Avenue:

- Vacate and convey air rights over the southern portion of the East Court Avenue right-of-way and the eastern portion of the East 3rd Street right-of-way, all adjoining the property at 301 East Court Avenue to allow for second floor balconies to overhang the public right-of-way, subject to the following:
 1. Approval of the rezoning of 301 East Court Avenue to "C-3" Central Business District Commercial by the City Council; and
 2. Retention of easements for any affected utilities.
- Vacate and convey a 16' x 66' segment of north/south alley lying east of the property at 301 East Court Avenue, in the block bounded by East Court Avenue, East 3rd Street and East 4th Street.

MOVED by _____ to receive and file, and to refer to the City Manager for further processing in accordance with standard City property disposition procedures.

FORM APPROVED:

Roger K. Brown
 Roger K. Brown
 Assistant City Attorney

(11-2006-1.01)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
KIERNAN				
HENSLEY				
MAHAFFEY				
VLASSIS				
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

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Request from ST Investments (owner) represented by Steve Howard (officer) for the following actions regarding the property located at 301 East Court Avenue.		File # 11-2006-1.01		
Description of Action	Vacation and conveyance of air rights over the southern portion of the East Court Avenue right-of-way adjoining the subject property at 301 East Court Avenue Street to allow for second floor balcony to overhang the sidewalk. and Vacation and conveyance of a 16' x 66' segment of north/south alley adjoining the subject property at 301 East Court Avenue on east in the block bounded by East Court Avenue, East 3 rd Street and East 4 th Street.			
2020 Community Character Plan	Downtown: Support Commercial			
Horizon 2025 Transportation Plan	No Planned Improvements			
Current Zoning District	"C-3" Central Business District Commercial District			
Proposed Zoning District	N/A			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area	0	0	0	N/A
Plan and Zoning Commission Action	Approval	13-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

ST Investments - 301 E Court Avenue

11-2006-1.01



March 20, 2006

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 March 2, 2006 the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 13-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
David Cupp	X			
Shirley Daniels	X			
Dann Flaherty	X			
Bruce Heilman	X			
Jeffrey Johannsen	X			
Greg Jones	X			
Frances Koontz				X
Kaye Lozier	X			
Brian Meyer	X			
Brian Millard	X			
Brook Rosenberg	X			
Mike Simonson				X
Kent Sovern	X			
Tim Urban	X			
Marc Wallace	X			



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 a request from ST Investments (owner) represented by Steve Howard (officer) for the following actions regarding the property located at 301 East Court Avenue: (11-2006-1.01)

- Vacate and convey air rights over the southern portion of the East Court Avenue right-of-way and the eastern portion of the East 3rd Street right-of-way, all adjoining the subject property at 301 East Court Avenue Street to allow for second floor balconies to overhang the public right-of-way, subject to the following:
 1. Approval of the rezoning of 301 East Court Avenue to "C-3" Central Business District Commercial by the City Council; and
 2. Retention of easements for any affected utilities.
- Vacate and convey a 16' x 66' segment of north/south alley lying east of the property at 301 East Court Avenue in the block bounded by East Court Avenue, East 3rd Street and East 4th Street.

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Part A) Staff recommends approval of the requested vacation and conveyance of air rights over the southern portion of the East Court Avenue right-of-way and the eastern portion of the East 3rd Street right-of-way, all adjoining the subject property at 301 East Court Avenue Street subject to the following:

1. Approval of the rezoning of 301 East Court Avenue to "C-3" Central Business District Commercial by the City Council; and
2. Retention of easements for any affected utilities.

Part B) Staff recommends approval of the requested vacation and conveyance of a 16' x 66' segment of the north/south alley adjoining the subject property at 301 East Court Avenue subject to the approval of the rezoning of 301 East Court Avenue to "C-3" Central Business District Commercial by the City Council.

Part C) Staff recommends approval of the submitted site plan subject to the following conditions:

1. Approval of the rezoning of the subject site to "C-3" Central Business District Commercial by the City Council;
2. Execution of the vacation and conveyance of the requested air rights over East Court Avenue and East 3rd Street;
3. Execution of the vacation and conveyance of the requested segment of alley;
4. Provision of a Class A sidewalks that span the full width of the parkway along East Court Avenue and East 3rd Street with planters that meet the City's Landscaping Standards for the "C-3" Central Business District Commercial;
5. Provision of overstory street trees along East Court Avenue as approved by the Municipal Arborist; and
6. Compliance with all provisions outlined in the attached letter from the Permit and Development administrator.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to renovate a vacant 2-story warehouse building on the subject site into a mixed-use commercial and residential development. The proposal includes balconies that protrude into the air space of East Court Avenue and East 3rd Street. The applicant is requesting the vacation and conveyance of air rights to allow these balconies. The applicant is also requesting the vacation and conveyance of a portion of the north/south alley adjoining the site to facilitate the development of the parking lot at the rear of the site. This project includes both indoor and surface parking facilities.
2. **Size of Site:** Generally 148' x 214' or 30,616 square feet.
3. **Existing Zoning (site):** "M-1" Light Industrial District, Capitol Dominance Overlay, Pedestrian Oriented Sign Overlay and Gambling Games Prohibition Overlay District.

This property is in the process of being rezoned from “M-1” to “C-3” Central Business District Commercial as described on the next page in the “Zoning History” section.

4. **Existing Land Use (site):** Vacant 2-story warehouse building with two outbuildings and surface parking lot.
5. **Adjacent Land Use and Zoning:**
 - North** – “C-3”, Uses are warehousing.
 - South** – “M-1”, Uses are railroad line and auto body shop.
 - East** – “C-3” & “M-1”, Uses are warehousing and light industrial.
 - West** – “C-3” & “M-1”, Use is the Salvation Army.
6. **General Neighborhood/Area Land Uses:** The subject property is located in the east side of the downtown in a mixed-use area known as East Village.
7. **Applicable Recognized Neighborhood(s):** East Village Neighborhood Association/ Historic East Village Association.
8. **Relevant Zoning History:** On January 19, 2006 the Plan and Zoning Commission approved rezoning the subject property from “M-1” to “C-3” to allow the renovation of the existing 2-story structure for mixed-use residential and commercial use, subject to the submission of a site plan and elevation for the proposed mixed-use development. On February 20, 2006 the City Council approved the first reading of the requested rezoning. The second reading is set for the March 6, 2006 City Council meeting. Staff recommends that approval of the submitted site plan, and requested vacations and conveyances of right-of-way be subject to the approval of the rezoning by the City Council.
9. **2020 Community Character Land Use Plan Designation:** Downtown Support Commercial.
10. **Applicable Regulations:** The Commission 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 also 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. The decision to approve, approve subject to conditions, or disapprove a proposed site plan shall be based upon the conformance of the site plan with the following design standards.

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

The applicant is proposing to utilize the brick exterior of the existing building. The proposed changes to the building respect the existing window pattern and building massing, and relates well to the character of the East Village area.

- 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 maintain the height and mass of the existing structure.

- 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 applicant is proposing to maintain the building's primary orientation to East Court Avenue.

- 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 proposed development includes indoor parking that is accessed through existing loading docks at the east side and rear of the building. Vehicles will enter the parking from East Court Avenue and exit through the parking lot on the southern portion of the site. The entrance does face East Court Avenue but is set back 60' from the front of the building. Staff believes that utilization of an existing recessed loading dock is appropriate in this neighborhood and meets this guideline.

- 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 sidewalks of the existing building.

The applicant is not proposing any additions.

- 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.

The proposed development includes an open staircase along the east façade of the building approximately 14' above grade at its highest point. These stairs do not meet the height threshold for this guideline. It should also be noted that these stairs set back approximately 22' from the front of the building and include a galvanized metal siding that is identical to the materials used for the proposed balconies.

- 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.

The proposed development includes 7 indoor parking stalls and 17 surfaced stalls including 1 handicap stall. This site is zoned "C-3" and must meet the City's Landscape Standards for the "C-3" District.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Utilities:** The MidAmerican Energy Company has indicated that existing cables and poles may be affected by the vacation of air-rights and has requested that easements be reserved to allow for the continued operation and maintenance of these facilities. Staff recommends that approval of the vacation and conveyance of the requested air-rights be subject to the retention of easements for any effected utilities.
2. **Landscaping - Parkway Planting:** The City's Landscape Standards for the "C-3" Central Business Commercial District require the provision of 1 street tree in the parkway for every 30 lineal feet of frontage. This standard also requires that when the parkway is 12' wide or greater that street trees must be planted in a parkway planters using a continuous structural soil system that are at least 4' wide, do not exceed 20' in length and are interrupted by a minimum 3' wide sidewalk. The parkways along East Court Avenue and East 3rd Street exceed 12' in width.

The standard requires that 4 street trees be planted along East Court Avenue and 5 street trees along East 3rd Street. The submitted site plan shows 5 understory street trees and 70 bushes in two 20' planters and one 40' planter along East Court Avenue. It also shows 4 understory street trees in open sod areas between a 6' wide Class A sidewalk and the building along East 3rd Street. Staff believes that it is appropriate for the applicant to provide 4 street trees along East 3rd Street instead of the required 5 because of the spacing conflict that it would create with the proposed trees in the parking lot perimeter planting area at the south of the site.

In order to meet the City's "C-3" Parkway Planting Standards the applicant needs to provide Class A sidewalks that span the full width of the parkway along East Court Avenue and East 3rd Street with planters that are a minimum 4' wide, a maximum 20' long and with a minimum 3' wide sidewalk between each planter.

The Municipal Arborist has also requested that overstory street trees be provided along East Court Avenue. Overhead streetlight cables do exist along East Court Avenue. However, these facilities do not prohibit the use of overstory street trees. Understory street trees along East 3rd Street are required due to the existing overhead cables.

3. **Landscaping – Parking Lot Perimeter Plantings:** The City's Landscape Standards for the "C-3" Central Business Commercial District require the provision of a 5' perimeter landscape area consisting of 2' car overhang and 3' landscape area with 1 tree and 10 shrubs and for ever 40 lineal feet of frontage along public right-of-ways. Groundcover or live plantings are required in the car overhang area.

The applicant's proposal for 2 understory trees and 20 shrubs in the parking lot perimeter planting area along East 3rd Street meets and exceeds this requirement through the use of the Landscape Standard's plant material substitution ratios.

4. **Traffic:** The existing street system can accommodate the proposed development.
5. **Street System:** The requested vacation and conveyance of air-rights above East Court Avenue and East 3rd Street will not impact the City's street system. The requested segment of alley currently provides access to the applicant's property and the adjoining property. The applicant and the adjoining property owner have both agreed to purchase portions of the alley to allow them to meet their access and development needs.

6. **Access or Parking:** Off-street parking is not required in the “C-3” district. The applicant is proposing 7 indoor parking stalls and 17 surfaced stalls including 1 handicap accessible stall. The indoor parking will be entered from East Court Avenue and will exit into the parking lot at the rear of the building. Access to the parking lot is from East 3rd Street.
7. **Urban Design:** The subject site is located in the “PSO” Pedestrian Oriented Sign Overlay District and the “CDO” Capitol Dominance Overlay District. The “PSO” District limits the type of signs that can be used to those that are of a size and orientation that reflects the pedestrian character of the eastern downtown area as described in Section 134-1276 (p)(3). The submitted information does not include signage. Signage for this development will be reviewed through the City’s normal sign permitting process.

The “CDO” District limits the maximum height of buildings. A building on the subject site can not exceed 55’ in height unless the upper floors are residential units. If the upper floors are residential units then the building can be a maximum of 75’ in height. The proposed renovations do not include any changes to the height of the existing building.

Written Responses

0 In Favor

0 In Opposition

This item would not require a 6/7 vote by City Council.

SUMMARY OF DISCUSSION

There was no discussion on this item.

Kent Sovern moved to approve staff recommendation; motion passed 13-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment

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February 24, 2006

Dan Hunt
GE Wattier Architecture
325 East 5th Street
Des Moines, IA 50309

RE: East Village Court, 301 E. Court Avenue
10-06-7.66

Dear Dan:

We have reviewed the second (2nd) submittal of the site plan for the East Village Court development located at 301 E. Court Avenue and have determined that the following conditions must be satisfied before final site plan approval can be granted.

Engineering

1. I still need separate sidewalk sections shown through the drive approaches (cannot be HMA).
2. I believe the smallest diameter RCP manufactured is 12-inch.
3. The proposed storm intake appears very shallow. An invert elevation of 20.00 seems more reasonable.
4. Provide engineered storm sewer design calculations.

Planning

5. Provide a detailed diagram of the fencing proposed for the parking lot, including the identification of materials used.
6. Ensure that the operation of any recessed doors does not encroach into the public right-of-way.
7. The Municipal Arborist is requiring that the over story trees placed along Court Avenue be of a larger species listed in the City of Des Moines Landscape Policies handbook. The Municipal Arborist is aware that there are utility lines above, but the lines are only connecting the adjacent street lights to the power grid. The species of shrub planted below the over story trees may need to be reconsidered due to the amount of shade provided under the canopy of a larger over story tree.



PERMIT AND
DEVELOPMENT CENTER
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8. The middle sidewalk planter placed along the East Court Avenue right-of-way exceeds the required allowed length of such planters. Per the City of Des Moines Landscape Policies handbook, the planters shall be no more than 20 ft. in length.
9. An \$80 site plan resubmittal fee is due before final approval can be granted.

Please submit two (2) copies of the revised plan satisfying the above listed items. Failure to resubmit such amended plan within 90 days from the date of this letter shall cause the application to lapse, and will require the payment of a new application fee to resume the application process.

If you have any questions contact Ryan Moffatt @ 283-4975 or email him @ rlmoffatt@dmgov.org.

Sincerely,

A handwritten signature in black ink, enclosed in a hand-drawn oval. The signature is cursive and appears to read "Phillip Delafield". To the right of the signature, the initials "R.L.M." are written in a smaller, simpler font.

Phillip Delafield
Permit and Development Administrator