

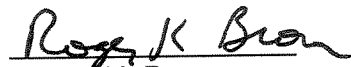
Date March 20, 2006

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 Rumely, L.L.C. (developer) represented by Dick Sontgerath (officer) for the following actions regarding the property located at 104 Southwest 4th Street (subject property is owned by Security File Warehouse, L.P.):

- Vacate and convey air rights over the north/south alley located west of the property at 104 Southwest 4th Street, and over the northern portion of Market Street located south of the property at 104 Southwest 4th Street, to allow for balconies on the second through sixth floors to overhang the alley and sidewalk;
- Vacate and convey the southern portion of Vine Street adjoining the property at 104 Southwest 4th Street extending north to line 15' south of the centerline of the existing railroad track. This recommendation is subject to reservation of easements for all public utilities and railroad facilities now in place.

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
 Assistant City Attorney

(11-2006-1.02)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
KIERNAN				
HENSLEY				
MAHAFFEY				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	

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.

_____ Mayor

_____ City Clerk

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Request from Rumely, L.L.C. (developer) represented by Dick Sontgerath (officer) for the following actions regarding the property located at 104 Southwest 4 th Street (subject property is owned by Security File Warehouse, L.P.)				File # 11-2006-1.02	
Description of Action	Vacation and conveyance of air rights over the north/south alley adjoining to the west of the subject property at 104 Southwest 4 th Street, to allow balconies on the second through sixth floors to overhang over the alley. and Vacation and conveyance of the air rights over the northern portion of Market Street adjoining to the south the subject property at 104 Southwest 4 th Street, to allow for balconies on the second through sixth floors to overhang the sidewalk. and Vacation and conveyance of a segment of Vine Street right-of-way adjoining to the north of the subject property at 104 Southwest 4 th Street and south of the active railroad line, to allow for first floor patios and open space landscaping.				
2020 Community Character Plan	Downtown: Support Commercial				
Horizon 2025 Transportation Plan	No Planned Improvements				
Current Zoning District	"C3-R" Central Business District Commercial Mixed-Residential				
Proposed Zoning District	N/A				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area			0	N/A	
Outside Area	1	1	0	N/A	
Plan and Zoning Commission Action	Approval	13-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Dick Sontgerath, Rumely, LLC - 104 SW 4th Street

11-2006-1.02



March 20, 2006

28

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 Rumely, L.L.C. (developer) represented by Dick Sontgerath (officer) for the following actions regarding the property located at 104 Southwest 4th Street (subject property is owned by Security File Warehouse, L.P.):
(11-2006-1.02)

- Vacate and convey air rights over the north/south alley located west of the property at 104 Southwest 4th Street, and over the northern portion of Market Street located south of the property at 104 Southwest 4th Street, to allow for balconies on the second through sixth floors to overhang the alley and sidewalk;
- Vacate and convey the south portion of Vine Street adjoining the property at 104 Southwest 4th Street extending north to line 15' south of the centerline of the existing railroad track. This recommendation is subject to reservation of easements for all public utilities and railroad facilities now in place.

Written Responses

- 1 In Favor
- 1 In Opposition

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

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Parts A & B) Staff recommends approval of the requested vacation and conveyance of air rights as proposed for balconies to overhang the public right-of-way on the west and south sides of the building in accordance with an approved site plan.

Part C) Staff recommends vacation and conveyance of the south portion of Vine Street adjoining the subject property to point no closer than 15' from the centerline of the existing railroad track to the north. This recommendation is subject to reservation of easements for all public and railroad utilities in place.

Part D) Staff recommends approval of the submitted site plan under design guidelines for multiple-family dwellings subject to the following:

1. Compliance with all comments contained in the attached letter from the Permit and Development Administrator.
2. Vacation and conveyance of all necessary air rights over adjoining public rights-of-way to allow for balcony overhangs.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to renovate the historic Rumely Building from an existing office and records storage use to 71 loft units ranging between 700 square feet and 2,200 square feet each. The renovation is being sought to be implemented with sensitivity to the building historic character and so that it can be determined eligible for historic tax credits.

The renovation includes balconies on the north, west, and south sides of the building with the south and west balconies overhanging the public right-of-way. Roof top patio space is proposed along with conversion of the existing loading dock on the north to patios. The renovation also includes modifications to help bring the property into compliance with accessibility requirements.

2. **Size of Site:** 17,424 square feet (0.4 acres).
3. **Existing Zoning (site):** "C-3R" Central Business District Mixed-Residential District
4. **Existing Land Use (site):** The subject building has most recently been used for professional offices and records storage.
5. **Adjacent Land Use and Zoning:**

North - "C-3R", Use is the former Rock Island Depot occupied by the Cityview publications.

South - "PUD", Use is the Science Center of Iowa.

East - "C-3R", Use is a public parking structure.

West - "C-3R", Uses are a warehouse and undeveloped surface off-street parking lot.

6. **General Neighborhood/Area Land Uses:** The subject property is located in the southern portion of the Central Business District between the Court Avenue entertainment district and the south loop of West MLK Jr. Parkway. The area is characterized by mixed uses of industrial, warehousing, loft residential, Science Center of Iowa and Principal Park baseball stadium.

7. **Applicable Recognized Neighborhood(s):** Downtown Des Moines Neighborhood Association.
8. **Relevant Zoning History:** The subject property was rezoned to "C-3R" on November 20, 2000 to restrict expansion of industrial use and encourage more downtown housing, office and entertainment/retail uses.
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 information submitted by the applicant indicates that the existing brick building materials will be repaired and maintained. The exterior stone and brick will be cleaned and re-pointed. The original sloped parge (ornamental limestone plaster projection) at the top of the first floor corbels (ornamental weight bearing brackets) will be replaced. The original window openings will be preserved and replaced with new windows and sashes that are historically compatible on the east facade. New window openings will be provided on the south façade the same size as the adjacent existing window openings. On the west façade, new door openings will be provided for units with balconies. On the north and south facades, existing window openings will be extended for balcony doors. New front doors along with transom and side lights will be placed within the original opening. Balconies and patio railings will be metal with a finish that is historically compatible to the building.

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 only alteration affecting the building height and mass is the presence of new elevator bulkhead penthouses on the rooftop housed in metal cladding that will be historically compatible to the building and compliment the balcony material. The elevators are necessary for accessibility to new residential units. The penthouses have been minimized to reduce their

effect on view corridors and building height/mass. By the Zoning Ordinance, these are exempt from the building height maximums.

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 building will continue to have a primary entrance to SW 4th Street.

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.

N/A

5) Rooftop/second story additions. A rooftop or second floor addition, including but not limited to stairs and emergency egress, should not overhang the front or sidewalls of the existing building.

N/A

6) Emergency egress. All stairs and means of emergency egress extending more than 15 feet above grade and visible from the adjoining street should be completely enclosed with materials compatible in color and texture with the balance of the building.

All proposed emergency egresses are proposed within the building or are at the first level.

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.

No parking is proposed as part of the site.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Drainage/Grading:** There are no new impervious surfaces proposed, therefore no storm water management measures are required.
2. **Utilities:** There is an existing 6" water main located in the Vine Street right-of-way north of the building that only provides service to the subject property. Des Moines Waterworks requests as part of any vacation of the right-of-way, that the applicant either take ownership of the main to SW 4th Street or agree to the abandonment of the main and provide new water service for the building from a main located in SW 4th Street. Any vacation of Vine Street should be subject to easements for all public utilities in place.

The Union Pacific and Iowa Interstate Railroads have electrical services for control, metering, and activation of the railroad crossing at SW 4th within the Vine Street right-of-way. Any vacation of Vine Street should be subject to access and maintenance easements for any necessary railroad utilities in place.

3. **Landscaping & Buffering:** The applicant is proposing parkway plantings landscaping in accordance with the Des Moines Landscaping standards. In addition, a landscape buffer and decorative steel fence is proposed surrounding the patios on the north side of the building. This is currently shown within area of Vine Street requested for vacation and its placement will be subject to the amount of right-of-way that can be conveyed. All landscaping is also subject to certification by an Architect, Landscape Architect, or Certified Nurseryman.

4. **Traffic/Street System:** According to the City Property Records Clerk, there is 17' of Vine Street remaining in public right-of-way. This is not developed but has a gravel surface that is used for limited east/west access to parking to the west and the north/south alley. Consent from the property owner to the northwest of the subject property has been received with the application in support of vacation of Vine Street adjoining the north lot line of the subject property.

City Engineering staff has indicated that 15' south from the centerline of the existing railroad track to the north of the subject property must be maintained for access and maintenance by the railroad. This would allow for some of the southern portion of Vine Street to be conveyed to the applicant. Staff would recommend that a survey be supplied by the applicant that identifies where this recommended 15' clearance is actually located. This will help determine the amount of actual right-of-way conveyance that can be made.

The proposed air rights vacations for the balconies do not have any impact on the necessary height clearances and traveled way or pedestrian way on the south and west sides of the building.

5. **Urban Design:** Because the proposed project is pursuing funding assistance in the form of historic tax credits and some City assistance there will likely be an additional level of scrutiny on the Architectural character of the building. State Historic Preservation Office review is required for the historic tax credits and any City assistance would require review by the Urban Design Review Board. Staff believes that the proposed site plan meets the design guidelines for multiple-family residential as long as the metal materials and finish proposed for the housing of the elevator bulkheads and the balconies are compatible with the historic character of the building.

SUMMARY OF DISCUSSION

Mike Ludwig: Presented staff report and recommendation. Indicated staff was aware of some objection to the vacation of Vine Street by one adjoining property owner. From staff perspective, the vacation would not deny access to the adjoining property. Indicated there are no requirements to underground the utilities, but easements must be maintained for existing utilities.

Gary Lozano, RDG Planning and Design: Introduced Keith James, BJ Knapp, Kim McGee and Scott Allen who were present to respond to questions. Indicated they are excited about putting the building back into use. Explained they are applying for historic tax credits and are in the midst of working with the State's Historic Preservation office. Indicated the project will be going before the Urban Design Review Board later. Noted the Science Center parking garage has reserved parking for the tenants of the subject building. Explained the applicant would like to have balconies for the first floor units. Primary access to the adjoining building is from the 5th Street side. Presented drawings of the elevation and landscaping. Indicated the site plan has been revised in accordance with the Permit and Development administrator. There will be balconies along the north elevation above the dock; where the existing fire escape is located and the dock would be utilized as patios for the first floor units.

Greg Jones: Explained the building is on the historic registry and felt the east façade should be preserved as much as possible.

Scott Allen, 2802 38th Street: Presented elevations and explained there were no plans for balconies at the east elevation. The north elevation would only include balconies where the existing fire escape was. Balconies would be approximately 5' out from the building.

Gary Lozano: Explained the north/south alley is not being closed or vacated; access will remain for the north/south alley. Request for air rights is for balconies to hang over the alley. Explained

there is a possibility that at some point in the future the property to the west will be redeveloped and the alley will be reviewed more at that time. Indicated there is an equal width of Vine Street from the east to the west ends. Vehicles utilizing the north/south alley could exit to 5th Street. Mr. Coppola, the owner of the property northwest of the subject property has agreed to the vacation of the east/west portion of the alley; he felt he had adequate access into the existing parking area.

CHAIRPERSON OPENED THE PUBLIC HEARING

Michael Brown, 4244 Harwood Drive, Des Moines: Owner of the adjacent property to the west; it is a redevelopment site and he voiced support of the Rumley project. He did not oppose the vacation of the air rights and felt it was necessary for the project. He did express concern of the vacation of Vine Street and contended there was a public need for the street. Without the access it dead-ends the alley, which is a 16 ½' alley that is used. There is a rear passage door on the east façade of his building and previous occupants have used the access. Mixed use is the intent for his building with retail on the first level, neighborhood support in the nature of a dry cleaner, which would need access for drop off. The alley would allow for that, but without Vine Street going through certain redevelopment aspects would not be possible. It would be a wonderful improvement to have all the landscaping, but he needed a Plan B, which may be to maintain Vine Street to improve it from the alleyway going west from SW 5th Street. Unfortunately, there are automobiles parked on Vine Street and there are signs. His request was for enforcement of current zoning and parking requirements on Vine Street. He was supportive of the project, but attempting to keep his own options open for the redevelopment of his site. Opposed the Vine Street portion for the record. Having the parking of the vehicles enforced would help his problems and help to alleviate his objection.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Bruce Heilman: Moved staff recommendations.

Motion passed 13-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment

February 22nd, 2006

Gary Lozano
RDG Planning & Design
301 Grand Avenue
Des Moines, IA 50309

RE: Rumley Building Conversion, 104 SW 4th Street
10-06-7.72

Dear Gary:

We have reviewed the first (1st) submittal of the site plan for the Rumley Building Conversion development located at 104 SW 4th Street and have determined that the following conditions must be satisfied before final site plan approval can be granted.

Planning

1. Sign and date the Preparer's Certification Box.
2. Add the Planning Director's Site Plan Approval Box to the site plan. An example has been enclosed for your use.
3. Add the zoning of surrounding properties to the site plan.
4. Provide additional detailing or information about the materials, color, and design of the balcony units, as well as the rooftop mechanical screening.
5. According to the City Engineering Department, a 15-foot clear zone from the center of the rail track needs to be maintained, and cannot be vacated and conveyed to the applicant. Staff is recommending that the southern-most 2 feet of requested land be vacated and conveyed, however the full 17 feet requested cannot be granted.
6. All exterior signs are reviewed separately, and must be approved with Zoning Enforcement (283-4225) before permits can be issued. This comment is for your information only, and requires no response or amendment to a resubmitted site plan.
7. The landscape plan needs to be signed and dated by an architect, landscape architect, or certified nurseryman.
8. Show the total amount of impervious area (in sq. ft.) on the site plan.



PERMIT AND
DEVELOPMENT CENTER
ARMORY BUILDING
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9. The required on-site landscaping, both existing and proposed, must be maintained and/or replaced for the life of the Certificate of Occupancy. Add a note to the site plan stating this.
10. Dimensions showing distances between street trees need to be shown. To ensure proper vision clearance, distances from street trees to curb lines on the corner of SW 4th and Market Street need to be shown. Reference Chapter 6 of the City of Des Moines Landscape Policies for further information.
11. Add a planting schedule to the site plan showing quantities of plant material, species and plant/caliper sizes. The maximum planting size for street trees is 2". Tree grates are optional, but maintenance of the tree grates is the responsibility of the adjacent property owner.
12. The Parks and Recreation Department is requesting that three bike racks be placed near the SW 4th Street entrance of the building. Please call Richard Brown with DSM Parks and Recreation for more information about design, cost and location of the bike racks. (248-6356).

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 appears to be "Phillip Delafield" with the initials "PLM" written to the right of the oval.

Phillip Delafield
Permit and Development Administrator

Item 11-2006-1.02 Date 2-27-06 28

(am) (am not) in favor of the request.
(Circle One)

RECEIVED

MAR 03 2006

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name MERLYN F BACH

Signature [Handwritten Signature]

Address 104 SW 4th St

Reason for opposing or approving this request may be listed below:

RECEIVED AFTER MEETING

Item 11-2006-1.02 Date 2-27-06

(am) (am not) in favor of the request.
(Circle One)

RECEIVED

MAR 03 2006

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name M J Bach

Signature [Handwritten Signature]

Address 104 SW 4th St

Reason for opposing or approving this request may be listed below:

RECEIVED AFTER PIZ MEETING

Item 11-2006-1.02

Date 2/21

(am) (am not) in favor of the request.
(Circle One)



Print Name Chris Coppola

Signature [Handwritten Signature]

Address _____

RECEIVED

Reason for opposing or approving this request may be listed below:

MAR 01 2006

COMMUNITY DEVELOPMENT
DEPARTMENT

