



Date January 13, 2014

COMMUNICATION from the City Plan and Zoning Commission advising that at a public hearing held December 19, 2013, the members voted 14-0 in support of a motion to APPROVE the request from Hubbell Realty Company (owner) represented by Steve Niebuhr (officer) for approval of a Preliminary Plat named "Brownstones on 5th Street Plat 1", to allow subdivision of the property into 28 parcels for row dwelling units contained within a common outlot parcel subject to the following conditions:

- 1. Compliance with all administrative review comments of the City's Permit and Development Center.
2. All side facades that front the street or drive shall be sided primarily with brick. Cement board lap siding or other materials of equal quality may be used as an accent material as approved by the Planning Administrator.
3. Provision of black KIM Lighting Archetype Street Light Fixtures.
4. Provision of sidewalks between the Southwest 5th Street buildings that connect the public sidewalk to the parking area. Any fencing and gates shall be wrought iron in style.
5. All site lighting shall be directed downward and shielded from adjoining properties. Any pole mounted lighting along private walkways shall not exceed 15 feet in height and any pole mounted lighting in the parking area shall not exceed 20 feet in height. Private light poles and pole mounted light fixtures are to be similar in style to a black KIM Archetype light fixture.
6. All utility meters, transformers, ground-mounted equipment, and other utilities shall be placed along facades that are internal to the site and set as close to the rear wall as possible if located on a side facade.
7. All rooftop mechanical equipment shall be screened with material that is architecturally compatible with the building.
8. Submission of elevation drawings for all buildings to the satisfaction of the Planning Administrator.

MOVED by _____ to receive and file.

FORM APPROVED:

Roger K. Brown
Assistant City Attorney

NOTE: The final subdivision plat will be submitted for City Council approval at a later date.

(13-2014-1.13)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRAY, HENSLEY, MAHAFFEY, MOORE, VOSS, and 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 January 13, 2014

Agenda Item 23

Roll Call # _____

January 7, 2014

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 December 19, 2013, the following action was taken regarding a request from Hubbell Realty Company (owner) represented by Steve Niebuhr (officer) for a Preliminary Plat "Brownstones on 5th Street Plat 1", to allow subdivision of the property into 28 parcels for row dwelling units contained within a common outlot parcel.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 14-0 as follows:

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
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 Pardee	X			
CJ Stephens	X			
Vicki Stogdill	X			
Greg Wattier	X			

APPROVAL of the proposed Preliminary Plat subject to the following conditions: 13-2014-1.13

1. Compliance with all administrative review comments of the City's Permit and Development Center.
2. All side facades the front a street or drive shall be sided primarily with brick. Cement board lap siding or other materials of equal quality may be used as an accent material as approved by the Planning Administrator.



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

- ~~3. All overhead utility lines and poles shall be removed and replaced with underground lines, including ground-mounted switch gear boxes if necessary.~~
4. Provision of black KIM Lighting Archetype Street Light Fixtures.
5. Provision of sidewalks between the Southwest 5th Street buildings that connect the public sidewalk to the parking area. Any fencing and gates shall be wrought iron in style.
6. All site lighting shall be directed downward and shielded from adjoining properties. Any pole mounted lighting along private walkways shall not exceed 15 feet in height and any pole mounted lighting in the parking area shall not exceed 20 feet in height. Private light poles and pole mounted light fixtures are to be similar in style to a black KIM Archetype light fixture.
7. All utility meters, transformers, ground-mounted equipment, and other utilities shall be placed along facades that are internal to the site and set as close to the rear wall as possible if located on a side façade.
8. All rooftop mechanical equipment shall be screened with material that is architecturally compatible with the building.
9. Submission of elevation drawings for all buildings to the satisfaction of the Planning Administrator.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the request subject to the following conditions:

1. Compliance with all administrative review comments of the City's Permit and Development Center.
2. All side facades the front a street or drive shall be sided primarily with brick. Cement board lap siding or other materials of equal quality may be used as an accent material as approved by the Planning Administrator.
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STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing a 28-unit row house development. The units would be two-stories tall and include an attached garage accessed from the rear of the unit.
2. **Size of Site:** The site measures 1.8 acres (78,398 square feet).
3. **Existing Zoning (site):** "C-3A" Central Business Support Commercial District, Downtown Overlay District, and "GGP" Gambling Games Prohibition Overlay District.
4. **Existing Land Use (site):** Vacant lot.

5. **Adjacent Land Use and Zoning:**
 - North* – "C-3R"; Use is multiple-family residential.
 - South* – "C-3A"; Use is warehousing.
 - East* – "C-3A"; Use is flex commercial/warehousing development.
 - West* – "C-3A"; Use is warehousing.
6. **General Neighborhood/Area Land Uses:** The subject site is located south of the West Martin Luther King, Jr. Parkway corridor in the downtown. This area contains a mix of commercial, light industrial and multiple-family residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Downtown Des Moines Neighborhood. The neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on December 2, 2013. A Final Agenda was mailed to the neighborhood association on December 13, 2013. Additionally, separate notifications of the hearing for the site plan were mailed on December 9, 2013 (10 days prior to the hearing) to the Downtown Des Moines Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood

Development Division. The Downtown Des Moines Neighborhood Association notices were mailed to Larry Bradshaw, 418 6th Avenue, Suite 902, Des Moines, IA 50309.

8. Relevant Zoning History: None.

9. 2020 Community Character Land Use Plan Designation: Downtown Support Commercial.

10. Applicable Regulations: 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 section 82-213 of this article and the design guidelines in this section 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.

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 proposed row house development is an appropriate architectural type for the downtown. The buildings would be sided with a mix of brick and cement board siding. Staff believes that all side facades that front a street or drive should consist primarily of brick siding, given their visibility and lack of architectural detail.

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 proposed buildings would be 36 feet tall. The "C-3A" District has no minimum height requirement. The Downtown Overlay District requires a minimum height of the lesser of 36 feet or three stories.

- 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 front of each building would be oriented toward an adjoining 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.

Each unit would have its own garage that is accessed from within the site.

- 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.

The proposed development meets this guideline.

- 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 guideline is not applicable, as the site would only include six (6) off-street parking spaces.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Downtown Overlay District Design Guidelines:** These additional design guidelines are applicable to any development within the Downtown Overlay District.
 - 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 row house development is an appropriate downtown housing type in furthering this goal. The buildings would be sided with a mix of brick and cement board siding. Staff believes that all side facades that front a street or drive should consist primarily of brick siding given their visibility and lack of architectural detail. Staff recommends all overhead utility lines and poles located in the adjoining right-of-way be removed. Underground utilities are a standard design solution expected in the downtown.

- B) Low Impact development techniques should be utilized which implement site water quality control solutions, using materials which are locally available and creating projects which minimize energy consumption.

The site would include a storm water detention basin.

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

The site encompasses the eastern half of a city block. The western half of the block contains an existing warehouse. The internal drives of the proposed development are laid out in a manner that they could be extended to connect with the western half of the block when it redevelops. Staff believes that sidewalks should be provided between the SW 5th Street buildings that connects the public sidewalk to the parking area. Any fencing and gates in this space should be wrought iron in style.

- D) The incorporation of 'soft (green) spaces' on site is encouraged.
- E) Where feasible, projects should provide outdoor spaces for people gathering.

A quality public sidewalk experience is the backbone of public space in the downtown. Class "A" sidewalks and street trees are proposed in addition to an integral green space.

- 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 shows a 6-foot by 10-foot bike parking pad within the site.

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

The proposed buildings are 36 feet tall.

- H) Bulk standards, building setbacks, orientation, frontage and residential access:

1. All buildings with river frontage should orient towards the river and have building entrances that are oriented to the river and primary street(s).
2. All buildings without river frontage should have entrances oriented toward primary street(s).

N/A.

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

The proposed row house buildings would represent 82% of the Tuttle Street frontage, 76% of the SW 5th Street frontage and 72% of the Murphy Street frontage.

4. For commercial and mixed-use buildings, at least 70 percent of the building frontage should be within one foot of the property line.

N/A.

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.

N/A.

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.).

Most of the row house buildings would setback less than 15 feet from all street frontages. Most of the Murphy Street building would setback more than 15 feet due to the irregular shape of the block. Staff believes the proposed setbacks meet the intent of this guideline.

- 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.

Trash enclosures are not proposed.

- 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 open space landscaping complies with the "C-3" District landscape standards.

- 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 proposed development would have two curb cuts along SW 5th Street. Staff believes the site plan includes the minimum number of curb cuts possible.

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

The subject site is 1.8-acres in size.

- 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.

- 2. Parking:** Off-street parking is not required in the "C-3A" District for residential uses and for commercial uses allowed in the "C-1" District. Each dwelling unit includes an attached garage. The development would include six off-street parking spaces for visitor parking.

SUMMARY OF DISCUSSION

Erik Lundy presented the staff report and recommendation.

Steve Niebuhr Hubbell Realty Company 6900 Westown Parkway, West Des Moines stated there were two items he wanted to discuss with the Commission. Condition #2 and #3. They have worked very hard with staff on the layout. He explained that there are three overhead power poles near the property. The larger pole with the transformer bank on the top is not on their property, it is on the adjoining property next door. The estimated cost to

eliminate the two poles by placing them underground is about \$35,000. He believes that it would not be money well spent. It is not in a district the City designates for underground utilities so this is reaching beyond that zone that is already created. This would not get rid of the poles across the street on SW 5th and there are also some wood poles with overhead lighting that are not on their property that would still be left standing. He believes that removing the two poles will have no impact on the neighborhood and asked that condition #3 not be a condition of approval. For condition #2 he explained they tried to make these units a different look even though the floor plan would be the same and alternate the brick and siding materials between units. He asked if the plan is not acceptable he would like to get a better understanding of what will be acceptable.

Mike Ludwig stated the staff recommendation was trying to mirror Phase 3 of the Grand & 2nd Avenue project making sure the brick continues around the ends of the buildings.

Steve Niebuhr confirmed he understood what was being asked of in Condition #2 and had no problem with it.

Greg Jones asked if at some point in the future that third pole was taken down would the applicant have less of a problem taking their two poles down.

Steve Niebuhr stated he does not believe that anything they do will make it more difficult in the future. He explained that their two poles serve residents and business beyond this site.

Greg Jones stated he agrees if the applicant is not connecting up to them for what he is doing alone then he should not be stuck with the cost of putting the utility underground.

Will Page asked what kind of provision was made for utilities in the master planning.

Mike Ludwig stated this is part of the downtown plan which calls for continuation of office park and potentially additional residential uses as they come forward. There has been no revised master planning for the entire area. Mr. Niebuhr is correct in that this is outside of the current downtown undergrounding district. There has been discussion about expanding those boundaries. This site is currently vacant so there are no power lines or buildings served by those poles out there. He assumes the applicant's power will be coming from those two poles. The biggest focus has been on the urban relationship of these buildings. On a previous project there were some concerns about the buildings being turned and facing interior court yard space and having the ends of the buildings facing the street. Staff tried to make some revisions to the building architecture later in the process. Staff did receive some concerns about that design and it should have been more like this proposal. Staff took those concerns to heart and pushed for all of these buildings to front towards the adjoining public streets and thanked Hubbell for agreeing to do that. This is a good project. He believes that in the long term, should the adjoining property ever become available, it is logical to build the same product and layout running along those adjoining streets. He is not concerned about it being out of character for any planning for the area. He believes it furthers the planning for this area and probably establishes a pattern for the area that is good. It puts parking behind the building rather than parking between the street and the buildings.

CHAIRPERSON OPENED THE PUBLIC HEARING

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

CHAIRPERSON CLOSED THE PUBLIC HEARING

John "Jack" Hilmes asked how many row house units at this price point has Hubbell built in the downtown area in the last several years. The reason he is asking is that the units are starting to look a lot alike and he loves that they are trying to populate the city but seeing the same essential plan and façade is a concern.

Steve Niebuhr stated he does not recall the exact number but thinks that it is 20 plus on 2nd and Grand of the two-story type row home that they have completed on a for sale basis; at 17th & Grand the Artisan Row project same type of floor plan little different elevation those are anticipated to be for sale; and SW 7th & Elm they have 34 rental units and then there is this site which will also probably be for rent. Though they may sell them in the future.

John "Jack" Hilmes asked if the applicant ever gets concerned by a "cookie cutter" appearance. The suburbs around us grew up with massive similarities from block to block to block and he wonders if this has been thought about.

Steve Niebuhr stated that this is something they have thought about and some of the things that they have tried to do is vary the roof lines on the penthouse to the roof garden to provide some different architecture. They have tried to vary the brick patterns, the color patterns and the mixture of materials but there is only so much that can be done in a 20 foot frontage of each unit. They are aware and trying to vary it and maybe they need to take a different look at the next set.

COMMISSION ACTION:

Greg Wattier moved staff recommendation for approval of the request subject to the following conditions:

1. Compliance with all administrative review comments of the City's Permit and Development Center.
2. All side facades that front the street or drive shall be sided primarily with brick. Cement board lap siding or other materials of equal quality may be used as an accent material as approved by the Planning Administrator.
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- 8. All rooftop mechanical equipment shall be screened with material that is architecturally compatible with the building.
- 9. Submission of elevation drawings for all buildings to the satisfaction of the Planning Administrator.

Motion passed 14-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment



December 5, 2013

Chuck Bishop
Bishop Engineering, Inc.
3501 104th Street
Urbandale, IA 50322

RE: 440 SW 5th Street, Brownstones on 5th
 14-13-1.13

Dear Chuck:

We have reviewed the first (1st) submittal of the preliminary plat for the Brownstones on 5th Plat 1 project, located at 440 SW 5th Street in Des Moines, and have determined that the following conditions must be satisfied before plan approval can be granted.

Engineering

1. Identify the proposed ownership of Outlot "A" on the preliminary plat.

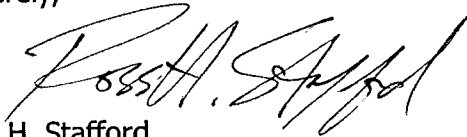
Planning

2. Remove the building address notation "XXX SW 5th Street" from the plat but provide the individual address for each unit on the plat. The general street notation for each building will be dependent upon which street each building fronts. See the excel file regarding the address assignment for each lot attached to the email response.
3. The proposed parkway design is not consistent with the City of Des Moines Landscape Standard Chapter 6 pertaining to parkways. The typical parkway design includes one (1) over story deciduous tree per 30 lineal feet to be located within a 5' by 5' planter bed, 1 foot back of curb with a 6' walk way. This project should have sidewalk which meets this requirement. I bring this up on the plat review because a permanent easement for public way on private property along Murphy Street would be required.
4. Copies of all easements are required for City Legal review and approval. An easement illustration shall be provided.
5. All general notes which are specific to site plan should be removed. Two sheets should have sufficient space for preliminary plat information. Please combine sheet 1 with sheet 2.
6. The certification statements will need to be signed and dated on the final copy of the plat.

Please submit **three (3) copies** of the revised plat satisfying the above listed items. Failure to resubmit such amended plat 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 Frank Dunn-Young @ **283-4743** or email him @ **fadunn-young@dmgov.org**.

Sincerely,



Ross H. Stafford
Permit & Development Administrator

23

Request from Hubbell Realty Company (owner) represented by Steve Niebuhr (officer) regarding the property at 444 Southwest 5th Street.			File #		
			13-2014-1.13		
Description of Action	Approval of the proposed Preliminary Plat "Brownstones on 5th Street Plat 1", to allow subdivision of the property into 28 parcels for row dwelling units contained within a common outlot parcel subject to conditions.				
2020 Community Character Plan	Downtown: Support Commercial.				
Horizon 2035 Transportation Plan	No Planned Improvements.				
Current Zoning District	"C-3A" Central Business Support Commercial District.				
Proposed Zoning District	N/A.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area					
Plan and Zoning Commission Action	Approval	14-0	Required 6/7 Vote of the City Council	Yes	N/A.
	Denial			No	N/A.

Hubbell Realty Company, 444 Southwest 5th Street

13-2014-1.13

