



Date June 9, 2014

COMMUNICATION FROM THE PLAN AND ZONING COMMISSION
REGARDING A REQUEST FROM 505 EAST GRAND, LLC,
REPRESENTED BY JAKE CHRISTENSEN, FOR THE VACATION OF AIR
RIGHTS OVER PORTIONS OF E. 5TH STREET AND E. GRAND AVENUE
ADJOINING THE PROPERTY AT 505 EAST GRAND AVENUE TO
ALLOW FOR BUILDING EXTENSIONS OVER THE RIGHTS-OF-WAY

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 15, 2014, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from 505 East Grand, LLC, represented by Jake Christensen, for the vacation of air rights over portions of E. 5th Street and E. Grand Avenue adjoining the property at 505 E. Grand Avenue, and more specifically described as follows:

The East 7 feet of the E. 5th Street right-of-way lying West of and adjoining the North 65 feet of Lot 5; and the South 5 feet of the E. Grand Avenue right-of-way lying North of and adjoining the East 20 feet of Lot 4, in East Fort Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

to allow for projections of a proposed two-story building to over the public sidewalks in East 5th Street and East Grand Avenue at a height above 10 feet above grade, subject to the following conditions:

1. Any overhang elements shall generally be in accordance with the submitted building elevations and site sketch
2. Compliance with comments by the Urban Design Review Board for any portions of the proposed project that will affect the adjoining rights-of-way.
3. Compliance with street tree planting specifications approved by the Permit and Development Center through a revised landscaping plan. Tatarian Maple trees shall be placed in planter beds at the approved locations.

MOVED by _____ to receive and file and refer to the Engineering Department, Real Estate Division.



Roll Call Number

Agenda Item Number

24

Date June 9, 2014

-2-

FORM APPROVED:

Roger K Brown
Roger K. Brown
Assistant City Attorney

(11-2014-1.03)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
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.

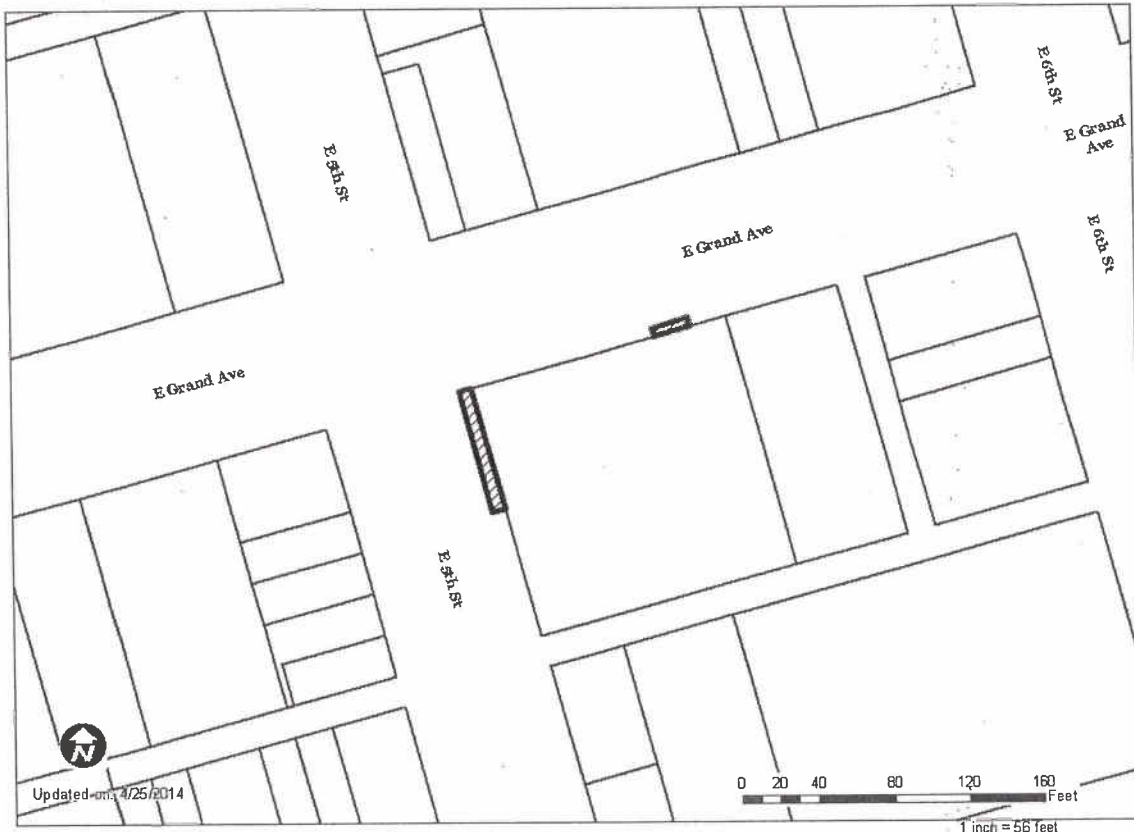
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

_____ City Clerk

Christensen Development (developer) 505 East Grand Avenue represented by Jake Christensen		File # 11-2014-1.03		
Description of Action	Vacation of air rights over the east seven (7) feet of East 5th Street adjoining the subject property for a length 65 feet south of East Grand Avenue and over the south five (5) feet of East Grand Avenue 20 feet in length beginning 100 feet east of East 5th Street, to allow for projections of a proposed two-story building to extend over the public sidewalks in East 5th Street and East Grand Avenue at a height above 10 feet.			
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	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area				
Plan and Zoning Commission Action	Approval		Required 6/7 Vote of the City Council	Yes
	Denial			No

Christenson Development, 505 East Grand Avenue

11-2014-1.03



CITY OF DES MOINES PLAN & ZONING COMMISSION
STAFF REPORT AND RECOMMENDATION
Thursday, May 15, 2014

AGENDA ITEM #1

11-2014-1.03

Applicant: Christenson Development (developer) represented by Jake Christenson (officer). The subject property is owned by City of Des Moines.

Location: 505 East Grand Avenue.

Requested Action: Vacation of air rights over the east seven (7) feet of East 5th Street adjoining the subject property for a length 65 feet south of East Grand Avenue and over the south five (5) feet of East Grand Avenue 20 feet in length beginning 100 feet east of East 5th Street. This would allow for projections of a proposed two-story building to extend over the public sidewalks in East 5th Street and East Grand Avenue at a height above 10 feet. This project is proposed as part of a two-story, 10,568-square foot, mixed-use office/retail building at the adjoining subject site.

I. GENERAL INFORMATION

- 1. Purpose of Request:** The applicant is requesting vacation of air rights to accommodate the overhang elements on a mixed-use building project on 505 East Grand Avenue. The applicant intends to develop a 10,568 square foot two-story, mixed-use building project with retail on the first floor and commercial space on the second floor. The project includes two overhang elements, 10'-0" over the public sidewalk, one on East 5th Street and the other on East Grand Avenue. The overhang elements shall provide a covered entry for pedestrians and maintain siting of the project tight to the urban edge as required under the C-3B District and Downtown Overlay District Design guidelines.
- 2. Size of Site:** Area A along East 5th Street measures 65 feet by 7 feet (455 square feet) and 4550 cubic feet of air space. Area B along East Grand Avenue measures 20 feet by 5 feet (100 square feet) and 1000 cubic feet of air space.
- 3. Existing Zoning (site):** "C-3B", Central Business Mixed-Use District; "CDO", Capitol Dominance Overlay District; "GGP", Gambling Games Prohibition District; "PSO", Pedestrian Oriented Sign Overlay District and "D-O", Downtown Overlay District.
- 4. Existing Land Use (site):** Air space above East Grand Avenue and East 5th Street sidewalk.
- 5. Adjacent Land Use and Zoning:**
 - North** – "C-3B", Central Business Mixed-Use District. Uses are Grand Avenue right-of-way and mixed-use commercial and office: Eden, American Plumbing Supply, Quinton's tavern, Miyabi 9 restaurant and Olympic Flame restaurant.
 - South** – "C-3B", Central Business Mixed-Use District. Uses are mixed-use commercial and office within Teachout and Hohberger Buildings.

East – “C-3B”, Central Business Mixed-Use District. Use is retail: New Oriental Food Store).

West – “C-3B”, Central Business Mixed-Use District. Uses are East 5th Street right-of-way, Lime Lounge night club, Buddy’s Corral and Blazing Saddle taverns, East Village Realtor Bar.

6. General Neighborhood/Area Land Uses: The subject property is located at the intersection of East Grand Avenue and East 5th Street and is surrounded by a mix of commercial and residential uses.

7. Applicable Recognized Neighborhood(s): The subject property is located in the Historic East Village Neighborhood. The neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on April 25, 2014 and by mailing of the Final Agenda on May 9, 2014. Additionally, separate notifications of the hearing for this specific item were mailed on May 5, 2014 (10 days prior to the hearing) to the neighborhood association contact and to the primary titleholder on file with the Polk County Assessor for each property adjoining the right-of-way with areas requested for vacation of air rights.

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 Historic East Village Neighborhood Association notices were mailed to Josh Garrett, PO Box 1782, Des Moines, IA 50305.

8. Relevant Zoning History: The City Council rezoned the subject property on September 27, 2010 when most of the East Village Neighborhood Area was rezoned to the “C-3B” District making it subject to the design guidelines in “C-3B” Districts.

On April 17, 2014, the Plan and Zoning Commission approved a Site Plan under design guidelines in a “C-3B” District and “D-O” District for a mixed-use building project on 505 East Grand Avenue. The approved Site Plan indicates that the building shall have 100% street frontage on East 5th Street and 81% street frontage along East Grand Avenue. On both streets the building shall be set to the property line along the entire building frontage. Upper story portions would cantilever over the East 5th Street and East Grand Avenue rights-of-way, necessitating vacation of air rights requested in the current application.

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

10. Applicable Regulations: The Commission reviews all proposals to vacate land or air rights dedicated for a specific public purpose, such as for streets and parks, to determine whether the land or air rights are still needed for such purpose or may be released (vacated) for other use. The recommendation of the Commission is forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Utilities:** The requested vacation of air space would not impact any public utilities.
2. **Street System:** The requested vacation would not adversely impact the surrounding street network. The applicant is requesting vacation of two areas of air rights along East Grand Avenue and East 5th Street, starting 10' above the grade of the sidewalk. The proposed design gives adequate clearance over both areas for pedestrian movement. On April 17, 2014 the Plan and Zoning Commission discussed alternatives for street tree plantings on the site as part of its Site Plan approval process, reverting the specification of a utility-compatible, low-growing tree species specification to the City staff for review and administrative approval. Based on Staff recommendation, the applicant shall use the 'Tatarian Maple' for street plantings, which shall be indicated on a revised Landscaping plan. The proposed location of the street trees will not create visual obstructions for traffic along the corridor.
3. **Urban Design:** The request would allow construction of overhang elements in compliance with the C-3B District and Downtown Overlay District Design guidelines. The architectural elevations indicate that the proposed canopy at the north edge of the building along East Grand Avenue shall consist of prefinished metal trim while the overhang on the west side of the building along East 5th Street shall be constructed as a modular masonry unit.

III. STAFF RECOMMENDATION

Staff recommends approval of the requested vacation of air rights subject to the following conditions:

1. Any overhang elements shall generally be in accordance with the submitted building elevations and site sketch
2. Compliance with comments by the Urban Design Review Board for any portions of the proposed project that will affect the adjoining rights-of-way.
3. Compliance with street tree planting specifications approved by the Permit and Development Center through a revised landscaping plan. Tatarian Maple trees shall be placed in planter beds at the approved locations.



May 22, 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 May 15, 2014, the following action was taken regarding a request from Christensen Development (developer) 505 East Grand Avenue represented by Jake Christensen for vacation of air rights over the east seven (7) feet of East 5th Street adjoining the subject property for a length 65 feet south of East Grand Avenue and over the south five (5) feet of East Grand Avenue 20 feet in length beginning 100 feet east of East 5th Street, to allow for projections of a proposed two-story building to extend over the public sidewalks in East 5th Street and East Grand Avenue at a height above 10 feet.

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles	X			
JoAnne Corigliano	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 requested vacation of air rights subject to the following conditions:
(11-2014-1.03)

1. Any overhang elements shall generally be in accordance with the submitted building elevations and site sketch
2. Compliance with comments by the Urban Design Review Board for any portions of the proposed project that will affect the adjoining rights-of-way.
3. Compliance with street tree planting specifications approved by the Permit and Development Center through a revised landscaping plan. Tatarian Maple trees shall be placed in planter beds at the approved locations.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation of air rights subject to the following conditions:

1. Any overhang elements shall generally be in accordance with the submitted building elevations and site sketch
2. Compliance with comments by the Urban Design Review Board for any portions of the proposed project that will affect the adjoining rights-of-way.
3. Compliance with street tree planting specifications approved by the Permit and Development Center through a revised landscaping plan. Tatarian Maple trees shall be placed in planter beds at the approved locations.

Written Responses

2 In Favor
0 In Opposition

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is requesting vacation of air rights to accommodate the overhang elements on a mixed-use building project on 505 East Grand Avenue. The applicant intends to develop a 10,568 square foot two-story, mixed-use building project with retail on the first floor and commercial space on the second floor. The project includes two overhang elements, 10'-0" over the public sidewalk, one on East 5th Street and the other on East Grand Avenue. The overhang elements shall provide a covered entry for pedestrians and maintain siting of the project tight to the urban edge as required under the C-3B District and Downtown Overlay District Design guidelines.
2. **Size of Site:** Area A along East 5th Street measures 65 feet by 7 feet (455 square feet) and 4550 cubic feet of air space. Area B along East Grand Avenue measures 20 feet by 5 feet (100 square feet) and 1000 cubic feet of air space.

3. **Existing Zoning (site):** “C-3B”, Central Business Mixed-Use District; “CDO”, Capitol Dominance Overlay District; “GGP”, Gambling Games Prohibition District; “PSO”, Pedestrian Oriented Sign Overlay District and “D-O”, Downtown Overlay District.
4. **Existing Land Use (site):** Air space above East Grand Avenue and East 5th Street sidewalk.
5. **Adjacent Land Use and Zoning:**
 - North** – “C-3B”, Central Business Mixed-Use District. Uses are Grand Avenue right-of-way and mixed-use commercial and office: Eden, American Plumbing Supply, Quinton’s tavern, Miyabi 9 restaurant and Olympic Flame restaurant.
 - South** – “C-3B”, Central Business Mixed-Use District. Uses are mixed-use commercial and office within Teachout and Hohberger Buildings.
 - East** – “C-3B”, Central Business Mixed-Use District. Use is retail: New Oriental Food Store).
 - West** – “C-3B”, Central Business Mixed-Use District. Uses are East 5th Street right-of-way, Lime Lounge night club, Buddy’s Corral and Blazing Saddle taverns, East Village Realtor Bar.

6. **General Neighborhood/Area Land Uses:** The subject property is located at the intersection of East Grand Avenue and East 5th Street and is surrounded by a mix of commercial and residential uses.

7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Historic East Village Neighborhood. The neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on April 25, 2014 and by mailing of the Final Agenda on May 9, 2014. Additionally, separate notifications of the hearing for this specific item were mailed on May 5, 2014 (10 days prior to the hearing) to the neighborhood association contact and to the primary titleholder on file with the Polk County Assessor for each property adjoining the right-of-way with areas requested for vacation of air rights.

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 Historic East Village Neighborhood Association notices were mailed to Josh Garrett, PO Box 1782, Des Moines, IA 50305.

8. **Relevant Zoning History:** The City Council rezoned the subject property on September 27, 2010 when most of the East Village Neighborhood Area was rezoned to the “C-3B” District making it subject to the design guidelines in “C-3B” Districts.

On April 17, 2014, the Plan and Zoning Commission approved a Site Plan under design guidelines in a “C-3B” District and “D-O” District for a mixed-use building project on 505 East Grand Avenue. The approved Site Plan indicates that the building shall have 100% street frontage on East 5th Street and 81% street frontage along East Grand Avenue.

On both streets the building shall be set to the property line along the entire building frontage. Upper story portions would cantilever over the East 5th Street and east Grand Avenue rights-of-way, necessitating vacation of air rights requested in the current application.

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

10. Applicable Regulations: The Commission reviews all proposals to vacate land or air rights dedicated for a specific public purpose, such as for streets and parks, to determine whether the land or air rights are still needed for such purpose or may be released (vacated) for other use. The recommendation of the Commission is forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. Utilities: The requested vacation of air space would not impact any public utilities.

2. Street System: The requested vacation would not adversely impact the surrounding street network. The applicant is requesting vacation of two areas of air rights along East Grand Avenue and East 5th Street, starting 10' above the grade of the sidewalk. The proposed design gives adequate clearance over both areas for pedestrian movement. On April 17, 2014 the Plan and Zoning Commission discussed alternatives for street tree plantings on the site as part of its Site Plan approval process, reverting the specification of a utility-compatible, low-growing tree species specification to the City staff for review and administrative approval. Based on Staff recommendation, the applicant shall use the 'Tatarian Maple' for street plantings, which shall be indicated on a revised Landscaping plan. The proposed location of the street trees will not create visual obstructions for traffic along the corridor.

3. Urban Design: The request would allow construction of overhang elements in compliance with the C-3B District and Downtown Overlay District Design guidelines. The architectural elevations indicate that the proposed canopy at the north edge of the building along East Grand Avenue shall consist of prefinished metal trim while the overhang on the west side of the building along East 5th Street shall be constructed as a modular masonry unit.

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.

COMMISSION ACTION:

Greg Jones moved staff recommendation to approve vacation of air rights over the east seven (7) feet of East 5th Street adjoining the subject property for a length 65 feet south of East Grand Avenue and over the south five (5) feet of East Grand Avenue 20 feet in length beginning 100 feet east of East 5th Street, to allow for projections of a proposed two-story building to extend over the public sidewalks in East 5th Street and East Grand Avenue at a height above 10 feet, subject to the following conditions:

1. Any overhang elements shall generally be in accordance with the submitted building elevations and site sketch
2. Compliance with comments by the Urban Design Review Board for any portions of the proposed project that will affect the adjoining rights-of-way.
3. Compliance with street tree planting specifications approved by the Permit and Development Center through a revised landscaping plan. Tatarian Maple trees shall be placed in planter beds at the approved locations.

Motion passed 10-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment

Christensen Development (developer) 505 East Grand Avenue represented by Jake Christensen		File # 11-2014-1.03		
Description of Action	Approval of vacation of air rights over the east seven (7) feet of East 5th Street adjoining the subject property for a length 65 feet south of East Grand Avenue and over the south five (5) feet of East Grand Avenue 20 feet in length beginning 100 feet east of East 5th Street, to allow for projections of a proposed two-story building to extend over the public sidewalks in East 5th Street and East Grand Avenue at a height above 10 feet 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	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	1			
Outside Area				
Plan and Zoning Commission Action	Approval	10-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

Christenson Development, 505 East Grand Avenue

11-2014-1.03



Updated on 4/25/2014

0 20 40 80 120 160 Feet

1 inch = 55 feet

Item 11-2014-1.03

Date MAY 8 14

I (am) (am not) in favor of the request.

RECEIVED
(Circle One)
COMMUNITY DEVELOPMENT

Print Name Robert J. Eickberry

MAY 12 2014

Signature [Handwritten Signature]

DEPARTMENT

Address 416 E 5th Ave ID

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

JAKE Great Project
my support

Item 11-2014-1.03

Date May 12, 2014

I (am) (am not) in favor of the request.

RECEIVED
(Circle One)
COMMUNITY DEVELOPMENT

Print Name Josh GARIZETT, Historic East Village

DEPARTMENT

Signature [Handwritten Signature]

Address Po. Box 93904, Des Moines, IA

50393

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

