Roll Call Number	Agenda Item Number
	22
Date February 19, 2024	Page 1

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF AIR, SURFACE AND SUBSURFACE RIGHTS WITHIN A PORTIONS OF ALLEY, UNIVERSITY AVENUE AND 22ND STREET RIGHT-OF-WAY ADJOINING 2211 UNIVERSITY AVENUE AND CONVEYANCE OF A PERMANENT EASEMENT FOR AIR SPACE ABOVE CITY-OWNED PROPERTY, A PERMANENT EASEMENT FOR SUBSURFACE BUILDING ENCROACHMENT ON CITY-OWNED PROPERTY, AND A PERMANENT EASEMENT FOR BUILDING ENCROACHMENT TO NEIGHBORHOOD DEVELOPMENT CORPORATION FOR \$2,710

WHEREAS, on January 8, 2024, by Roll Call No. 24-0042, the City Council of the City of Des Moines, Iowa, voted to receive and file a recommendation from the City Plan and Zoning Commission to approve a request from Neighborhood Development Corporation for the following regarding property located at 2211 University Avenue: A) Vacation of approximately 40 square feet of air right-of-way on University Avenue to allow the encroachment of a proposed building awning, B) Vacation of approximately 24 square feet of surface right-of-way on 22nd Street to allow the encroachment of a proposed building door swing, C) Vacation of approximately 90 square feet of surface right-of-way on the western north/south alleyway adjoining the subject property to allow the encroachment of proposed trash enclosure gates, and D) Vacation of approximately 1,761 square feet of subsurface right-of-way on 22nd Street, University Avenue, and the adjoining western north/south alleyway to allow the encroachment of proposed building footings, subject to the reservation of easements for all existing utilities in place until such time as they are abandoned or relocated; and

WHEREAS, Neighborhood Development Corporation, the owner of 2211 University Avenue, has offered to the City of Des Moines, Iowa ("City") the purchase price of \$2,710.00 for the purchase of a Permanent Easement for Building Encroachment, a Permanent Easement for Building Encroachment-Door Swing, a Permanent Easement for Subsurface Building Encroachment on City-Owned Property, and a Permanent Easement for Air Space Above City-Owned Property ("Easements") over through and across portions of vacated University Avenue, 22nd Street, and alley right-of-way adjoining 2211 University Avenue (hereinafter "Easement Area"), for the purpose of constructing and maintaining building, building footing and awning encroachments into the University Avenue, 22nd Street, and alley right-of-way; which price reflects the fair market value of the Easements as determined by the City's Real Estate Division; and

WHEREAS, there is no known current or future public need for the street right-of-way proposed to be vacated, and the City will not be inconvenienced by the vacation of said street right-of-way and the conveyance of the Easements in said vacated right-of-way.

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

Roll Call Number	Agenda Item Number
Date February 19, 2024	Page 3

WAY LINE TO A POINT; THENCE S89°48'46"W, 4.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 24 SQUARE FEET MORE OR LESS.

AND,

SURFACE RIGHTS - ALLEY

A VACATION OF PART OF THE PUBLIC ALLEY RIGHT-OF-WAY LYING DIRECTLY ADJACENT TO THE WEST LINE OF LOT 365, UNIVERSITY LAND COMPANY'S SECOND ADDITION TO UNIVERSITY PLACE, AN OFFICIAL PLAT RECORDED IN BOOK 'C', PAGE 48 AT THE POLK COUNTY RECORDER'S OFFICE, CITY OF DES MOINES, POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE NW CORNER OF SAID LOT 365; THENCE \$00°07'57"E, 6.00 FEET ALONG THE WEST LINE OF SAID LOT 365 TO THE POINT OF BEGINNING; THENCE CONTINUING \$00°07'57"E, 18.00 FEET ALONG SAID WEST LINE TO A POINT; THENCE \$89°52'03"W, 5.00 FEET TO A POINT THAT IS 5.00 FEET WEST OF THE WEST LINE OF SAID LOT 365; THENCE \$N00°07'57"W, 18.00 FEET ALONG A LINE THAT IS 5.00 FEET WEST OF AND PARALLEL WITH THE WEST LINE OF SAID LOT 365 TO A POINT; THENCE \$N89°52'03"E, 5.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 90 SQUARE FEET MORE OR LESS.

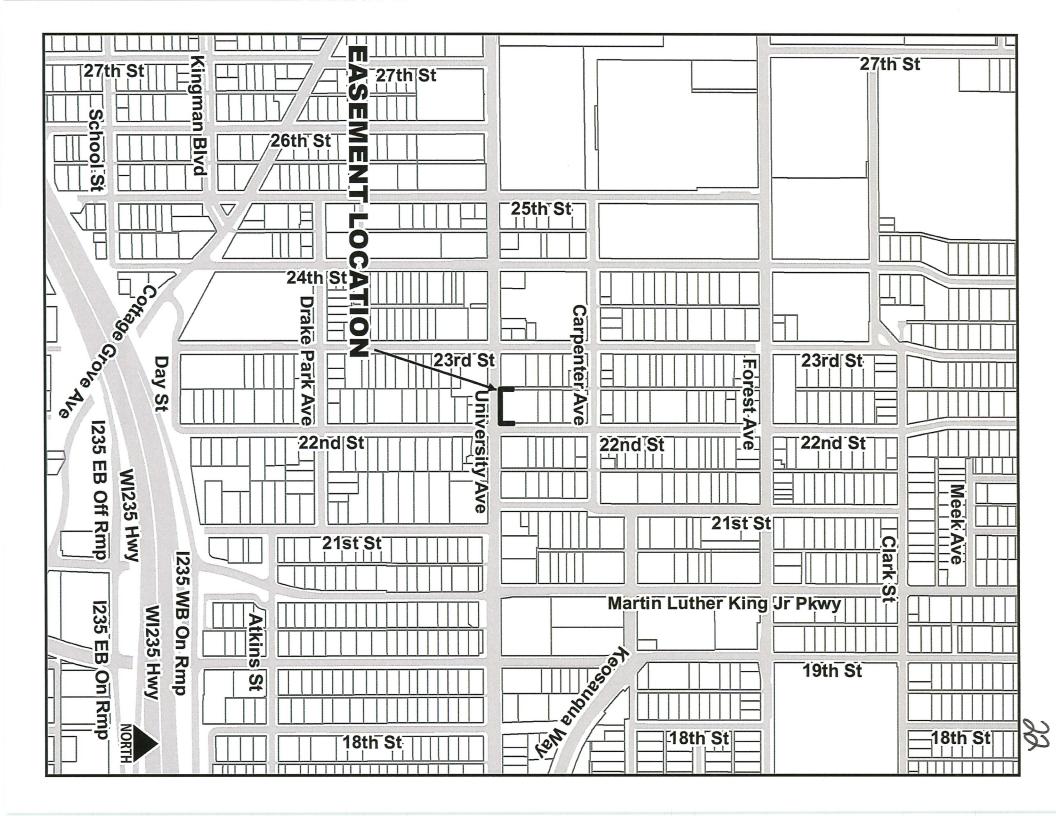
SUBSURFACE RIGHTS

A VACATION OF PART OF THE 22ND STREET PUBLIC RIGHT-OF-WAY, A PART OF THE UNIVERSITY AVENUE PUBLIC RIGHT-OF-WAY, AND A PART OF THE PUBLIC ALLEY RIGHT-OF-WAY LYING DIRECTLY ADJACENT TO LOTS 363 AND 364, UNIVERSITY LAND COMPANY'S SECOND ADDITION TO UNIVERSITY PLACE, AN OFFICIAL PLAT RECORDED IN BOOK 'C', PAGE 48 AT THE POLK COUNTY RECORDER'S OFFICE, CITY OF DES MOINES, POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SE CORNER OF SAID LOT 363; THENCE N00°11'14"W, 60.26 FEET ALONG THE EAST LINE OF LOTS 363 AND 364 IN SAID UNIVERSITY LAND COMPANY'S SECOND ADDITION TO UNIVERSITY PLACE, SAID EAST LINE COINCIDES WITH THE WEST RIGHT-OF-WAY LINE OF 22ND STREET AS IT IS PRESENTLY ESTABLISHED, TO A POINT: THENCE N89°48'46"E, 6.00 FEET TO A POINT THAT IS 6.00 FEET EAST OF SAID WEST RIGHT-OF-WAY; THENCE S00°11'14"E, 66.31 FEET ALONG A LINE THAT IS 6.00 FEET EAST OF AND PARALLEL WITH SAID WEST RIGHT-OF-WAY LINE TO A POINT THAT IS 6.00 FEET SOUTH OF THE NORTH RIGHT-OF-WAY LINE OF UNIVERSITY AVENUE AS IT IS PRESENTLY ESTABLISHED; THENCE N89°41'10"W, 173.34 FEET ALONG A LINE THAT IS 6.00 FEET SOUTH OF AND PARALLEL TO SAID NORTH RIGHT-OF-WAY LINE OF UNIVERSITY AVENUE TO A POINT THAT IS 6.00 FEET WEST OF THE WEST LINE OF SAID LOT 363: THENCE N00°07'57"W, 63.95 FEET ALONG A LINE THAT IS 6.00 FEET WEST OF THE WEST LINE OF SAID LOT 363 TO A POINT; THENCE N89°52'03"E, 6.00 FEET TO A POINT ON THE WEST LINE OF SAID LOT 363; THENCE S00°07'57"E, 58.00 FEET ALONG SAID WEST LINE TO THE SW CORNER OF SAID LOT 363; S89°41'10"E, 161.34 FEET ALONG THE SOUTH LINE OF SAID LOT 363 TO THE POINT OF BEGINNING CONTAINING 1,750 SQUARE FEET MORE OR LESS.

Roll Call Number					Agenda Item Number
Date February 19, 20	024				Page 4
Easement for Buildi a Permanent Easement Permanent Easement	ing Enci ment fo nt for A elopmen	oachmor Subs Air Spa	ent, a P urface ce Abo	ermanent Building ove City-	nes, Iowa, further proposes to convey a Permaner Easement for Building Encroachment-Door Swing Encroachment on City-Owned Property, and Owned Property in such vacated right-of-way, to 0.00, subject to any and all easements, restriction
conveyance of such 5:00 p.m., in the Cit time the City Counc	Easeme y Counc il will c earing.	ents is to eil Chan eonsider	be connber, Control	nsidered s ity Hall, ² ove-descr	ich the adoption of said ordinance and the sale ar shall be on March 4, 2024, said meeting to be held 100 Robert D. Ray Drive, Des Moines, Iowa. At the ibed proposal and any other(s) submitted prior to be proposal will be given the opportunity to express
4. That the Cit form hereto attached	•		•		nd directed to publish notice of said proposal in the Iowa Code.
5. Non-project Org – EG064090.	related	land sa	le proc	eeds are	used to support general operating budget expense
Moved by				to	adopt. Second by
APPROVED AS TO) FORM	1:			
/s/ Mackenzie L. Mo Mackenzie L. More		stant C	ity Atto	orney	
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT	CERTIFICATE
BOESEN					
					I, Laura Baumgartner, City Clerk of said City hereby certify that at a meeting of
VOSS	ļ	_			the City Council of said City of Des
COLEMAN	-	-	-		Moines, held on the above date, among other proceedings the above was
WESTERGAARD	-	-	-		adopted.
MANDELBAUM	-	-	-	2	-
CATTO	ı	ı	1	1	IN MUTNICC MUIEDEOE I have
GATTO TOTAL		-			IN WITNESS WHEREOF, I have hereunto set my hand and affixed my

Mayor

Laura Baumgartner, City Clerk





December 22, 2023

Communication from the City Plan and Zoning Commission advising that at their December 21, 2023 meeting, the following action was taken regarding a request from Neighborhood Development Corporation (owner), represented by Abbey Gilroy (officer), for review and approval of the following regarding property located at 2211 University Avenue:

- A) Vacation of approximately 40 square feet of air right-of-way on University Avenue to allow the encroachment of a proposed building awning.
- B) Vacation of approximately 24 square feet of surface right-of-way on 22nd Street to allow the encroachment of a proposed building door swing.
- C) Vacation of approximately 90 square feet of surface right-of-way on the western north/south alleyway adjoining the subject property to allow the encroachment of proposed trash enclosure gates.
- D) Vacation of approximately 1,761 square feet of subsurface right-of-way on 22nd Street, University Avenue, and the adjoining western north/south alleyway to allow the encroachment of proposed building footings.

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus					X
Leah Rudolphi	X				
Abby Chungath	X				
Kayla Berkson					X
Chris Draper					X
Laura Kessel	X				
Todd Garner	X				
Johnny Alcivar	X				
Justyn Lewis	X				
Carolyn Jenison	X				
William Page					X
Andrew Lorentzen	X				
Emily Webb	X				
Katie Gillette	X				
Rick Trower					Χ

APPROVAL of the requested vacations.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacations.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

- 1. Purpose of Request: The applicant is proposing to construct a 3-story, mixed-use building. The proposed vacation of air rights is being requested to allow a canopy to project from the building. The proposed vacations of surface rights within the 22nd Street and north/south alley right-of-way adjoining the subject property are being requested to allow a building door to swing into the 22nd Street right-of-way and trash enclosures gates to swing into the alley. The proposed vacation of subsurface rights within the University Avenue, 22nd Street, and north/south alley right-of-way is being requested to allow the encroachment of building footings.
- 2. Size of Site: The requested segment of air rights is approximately 40 square feet of area. The requested segments of surface rights are approximately 24 square feet and 90 square feet. The requested segments of subsurface rights are approximately 1,761 square feet.
- 3. Existing Zoning (site): "MX2" Mixed-Use District.
- **4. Existing Land Use (site):** The subject areas to be vacated consist of University Avenue, 22nd Street, and alley right-of-way. The adjoining site is an undeveloped parcel that was previously home to a Kum and Go gas station and convenience store.

- 5. Adjacent Land Use and Zoning:
 - North "NX1"; Use is a one-household dwelling unit.
 - **South** "RX2" and "N5"; Uses are University Avenue and one- and multiple-household dwelling units.
 - **East** "RX2" and "NX1"; Uses are 22nd Street, a commercial strip center, and one-household dwelling units.
 - West "MX2" and "NX1"; Uses are an alley and multiple-household dwelling units.
- **6. General Neighborhood/Area Land Uses:** The subject property is situated on the north side of University Avenue, between 22nd and 23rd Streets. The area is within the commercial and mixed-use corridor located east of Drake University.
- 7. Applicable Recognized Neighborhood(s): The subject property is in the Drake Neighborhood. The neighborhood associations were notified of the public hearing by emailing of the Preliminary Agenda on December 1, 2023 and the Final Agenda on December 15, 2023. Additionally, separate notifications of the hearing for this specific item were mailed on December 11, 2023 (10 days prior to the public hearing) to the primary titleholder on file with the Polk County Assessor for each property adjacent to the request right-of-way.
 All agendas are mailed to the primary contact person designated to the City of Des
 - All agendas are mailed to the primary contact person designated to the City of Des Moines Neighborhood Services Department by the recognized neighborhood association. The Drake Neighborhood Association mailings were sent to Lori Calhoun, 2808 Cottage Grove Avenue, Des Moines, IA 50311.
- **8.** Relevant Zoning History: On January 9, 2023, the City Council, by ordinance No. 16,124, rezoned the property from "RX2" Neighborhood Mixed Use District to 'MX2" Mixed Use District classification. This rezoning request was before the Commission on December 1, 2022. The Commission recommended approval by a vote of 13-0.
 - A site plan for the new building and related site improvements is currently under review.
- 9. PlanDSM: Creating Our Tomorrow Land Use Plan Designation: Neighborhood Mixed Use.
- 10. Applicable Regulations: Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, 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.

II. ADDITIONAL APPLICABLE INFORMATION

- 1. **Utilities:** While no utilities have been identified within the requested right-of-way, easements must be reserved for any existing utilities until such time that they are abandoned or relocated at the applicant's expense.
- **2. Traffic/Access:** The requested vacation would not negatively impact access to private properties or traffic patterns.

Trash enclosure gates would swing no more than 5 feet into the alley, and only when a garage truck is present. The existing alley is approximately 16 feet wide. City Real Estate would work with the applicant to ensure that any future easements for door swings shall note that enclosure doors are to remain closed except during trash pickup.

SUMMARY OF DISCUSSION

Abby Chungath asked if any member of the public or commission desired to speak on the item. No one requested to speak.

COMMISSION ACTION:

Carolyn Jenison made a motion for approval of the requested vacations.

THE VOTE: 10-0

Respectfully submitted,

Jula Com

Jason Van Essen, AICP

Planning & Urban Design Administrator

JMV:tjh



Neighborhood Development Corporation, 2211 University Avenue

ROWV-2023-000013



UNIVERSITY AVENUE STATION

2211 UNIVERSITY AVE., DES MOINES, IA 50211

PROJECT MANAGER:

SHARE DEVICK
CIVIL ENGINEERING CONSULTANTS
2400 BOTH STREET, #12
DES MOINES, IONA 50822
SIS-210-4004
DEVICK@CECLAG.COM

BUILDING TYPE RX2 STOREFRONT

BUILDING SUMMARY

RESIDENTIAL IZ UNITS EACH (94 TOTAL)

LEGAL DESCRIPTION

LOTS 363, LOT 364, AND 365 IN UNIVERSITY LAND COMPANY'S SECOND ADDITION TO UNIVERSITY PLACE, NOW INCLUDING IN AND FORMING A PART OF THE CITY OF



VICINITY MAP NO SCALE



SHEET LIST TABLE
SHEET # SHEET TITLE
1 COVER
2 DEVOLUTION FLAN
4 COVER FLAN
5 GRADING PLAN
6 GRADING PLAN
6 INTUITY PLAN
D LANDSCAPE PLAN
6 PETALS

PROPERTY OWNER:

PROJECT ARCHITECT:

TOTAL LAND AREA

IMPERVIOUS AREA EXISTING = 15,518 SF (47%) PROPOSED = 26,325 SF (40%)

DISTURBED AREA

SETBACKS

PRIMARY FRONTAGE BUILD-TO-ZONE (SOUTH PROPERTY LINE), 0-5'
NON-PRIMARY FRONTAGE BUILD-TO-ZONE (BAST PROPERTY LINE), 0-10'
MINIMM INTERIOR SIDE YASD SETBACK (NEWST PROPERTY LINE), 0'
MINIMM REAR YARD SETBACK (NORTH PROPERTY LINE), 5' OR 0' AT ALLEY

GENERAL NOTE

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Civil Engineering Consultants, 2400 86th Street. Unit 12 . Des Moines, Iown 515,276,4884 . mail@ceelac.com

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- SAM" - SANITARY SEMER NITH 5
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...926... PUBLIC UTILITY EASEMENT

BIKE PARKING REQUIREMENTS

PARKING CALCULATIONS REGUREDI RESIDENTIAL USESI I SPACE PER UNIT

PROVIDED: 6 SPACES PROVIDED

PROVIDED: 46 SPACES PROVIDED



CERTIFICATIONS



ASES OR SHEETS COVERED BY THIS SEAL



☐ APPROVED ☐ APPROVED WITH CONDITIONS – SEE EXHIBIT "A"

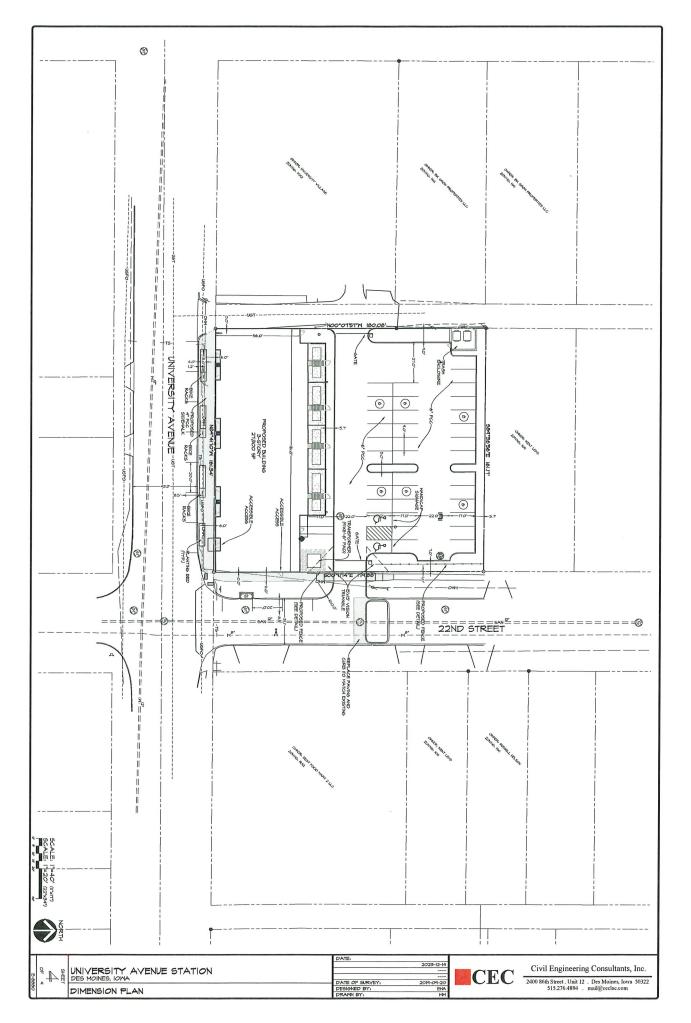
IN ACCORDANCE WITH SECTION 135-9, 2019 DES MOINES MUNICIPAL CODE, AS AMENDED.

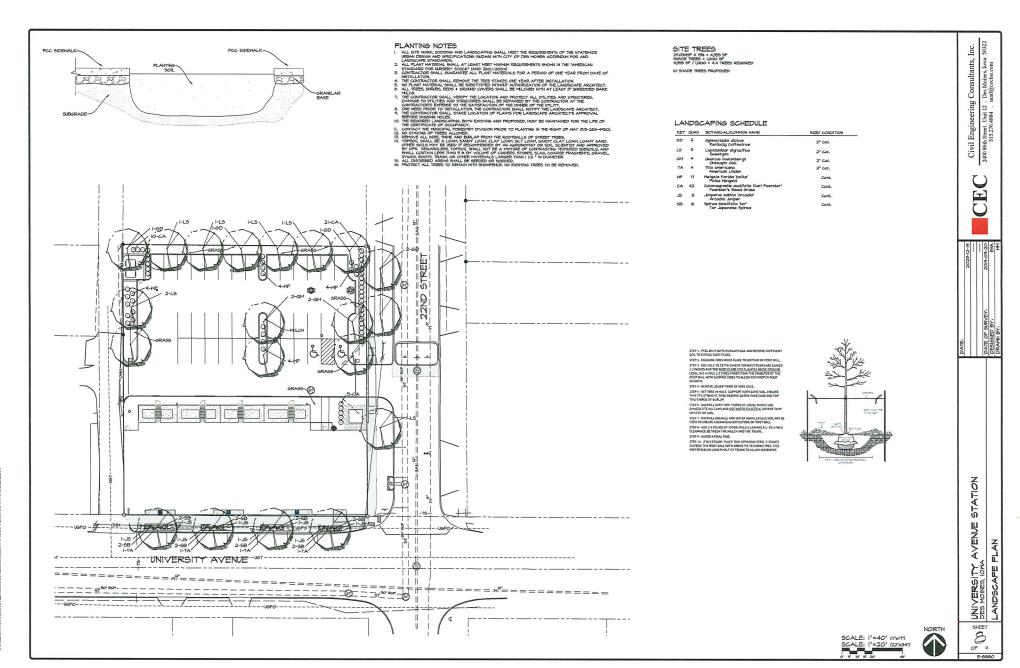
NO CHANGES TO THIS PLAN UNLESS APPROVED IN WRITING FROM THE DEVELOPMENT SERVICES DIRECTOR

DEVELOPMENT SERVICES DIRECTOR:

SITE PLAN APPROVAL:

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GENERAL NOTE:

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MORTAR COLOR KEY:

MC-1 - BRK-2 W/ COLOR MATCHING MORTAR MC-2 - BRK-2 W/ WHITE MORTAR



CONTECT OF RECU

Neumann Monson Archit 221 East College Greet | 5 Iowa Chy, Iowa 52240 319.330.7878

11 East Grand Avenue | Suite les Moines, Iowa 50300 15,330,7800

CIVE Engineering Consultants, CML 1400 Bith Street, Unit 12

Des Moines, IA 50322 515,276,4094 Raker Rhodes Engineering, LL STRUCTURAL 4717 Grand Ave Des Moines, IA 50312 515,277,0275 **NEUMANN MONSON ARCHITECTS**

PROJECTNAME
UNIVERSITY
AVENUE STATION

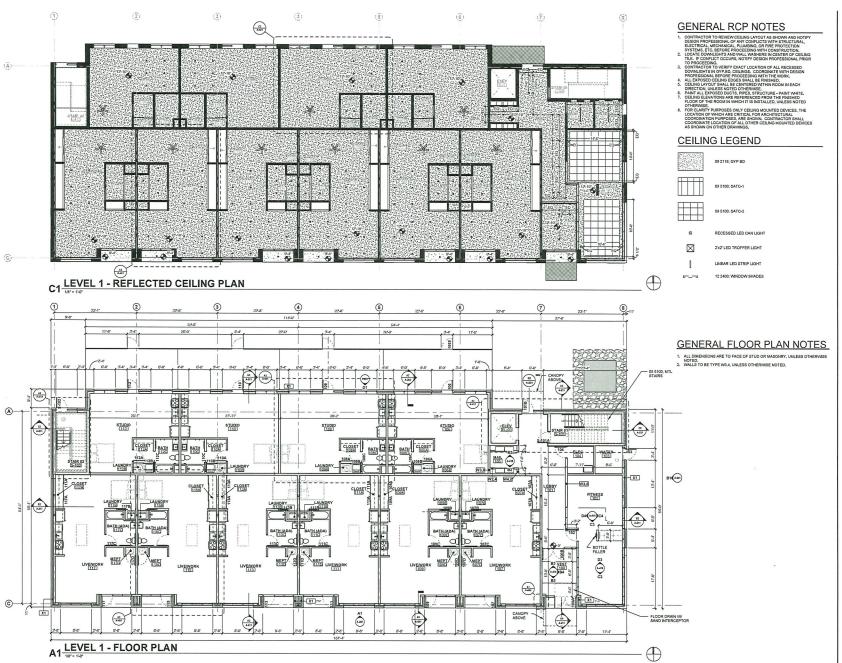
OWNER
Neighborhood Development Corporation
2331 University Ave., Suite 202:
Des Maines, Iowes 50311
618,720,1004

PROJECT NO. 22,048

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EXTERIOR ELEVATIONS

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NEUMANN MONSON ARCHITECT UNIVERSITY AVENUE STATION

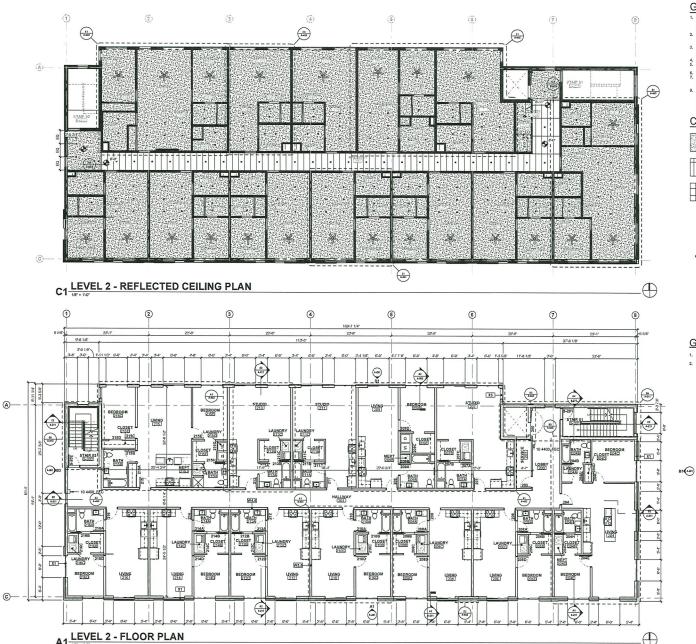
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2331 University Ares, Salis 202
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615,720,1004

DATE DESCRIPTION

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FLOOR PLAN & REFLECTED **CEILING PLAN**

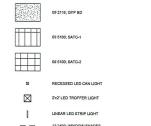


GENERAL RCP NOTES

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GENERAL FLOOR PLAN NOTES

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ARCHITE

NEUMANN MONSON

221 East College Street | Sut love City, love 52240 319,338,7979

CIVE Engineering Co

PROJECT NAME UNIVERSITY **AVENUE STATION**

Neighborhood Development Corporation 2331 Linkwarty Avs., Sulla 302 Des Maines, Does 60011 515,729,1004

PROJECT NO. 22.048

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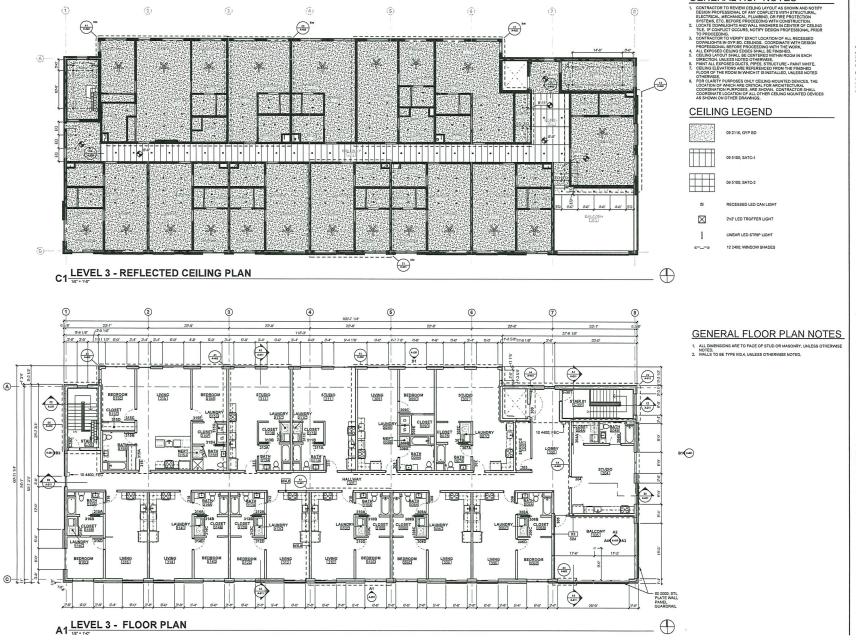
FLOOR PLAN & REFLECTED **CEILING PLAN**

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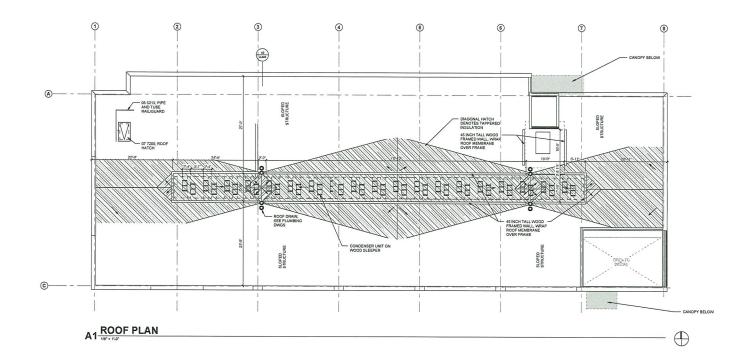
GENERAL RCP NOTES

NEUMANN MONSON ARCHITEC

UNIVERSITY **AVENUE STATION**

PROJECT NO. 22.046

FLOOR PLAN & REFLECTED CEILING PLAN



Neumann Monson Architects 221 East College Street | Suite 3 loves City, Ione 52240 319,338,7878

111 East Grand Averue | 5 Des Moines, Iowa 50309 515,338,7800

CONSULTANTS

Civil Engineering Consultants CML 2400 86th Street, Unit 12 Des Moines, IA 50322 515-276-4034

515-270.4854

Raker Rhodes Engineering, L

STRUCTURAL

4717 Grand Ave

Des Moines, IA 50312

515-277.0275

NEUMANN MONSON ARCHITECTS

PROJECT NAME
UNIVERSITY
AVENUE STATION

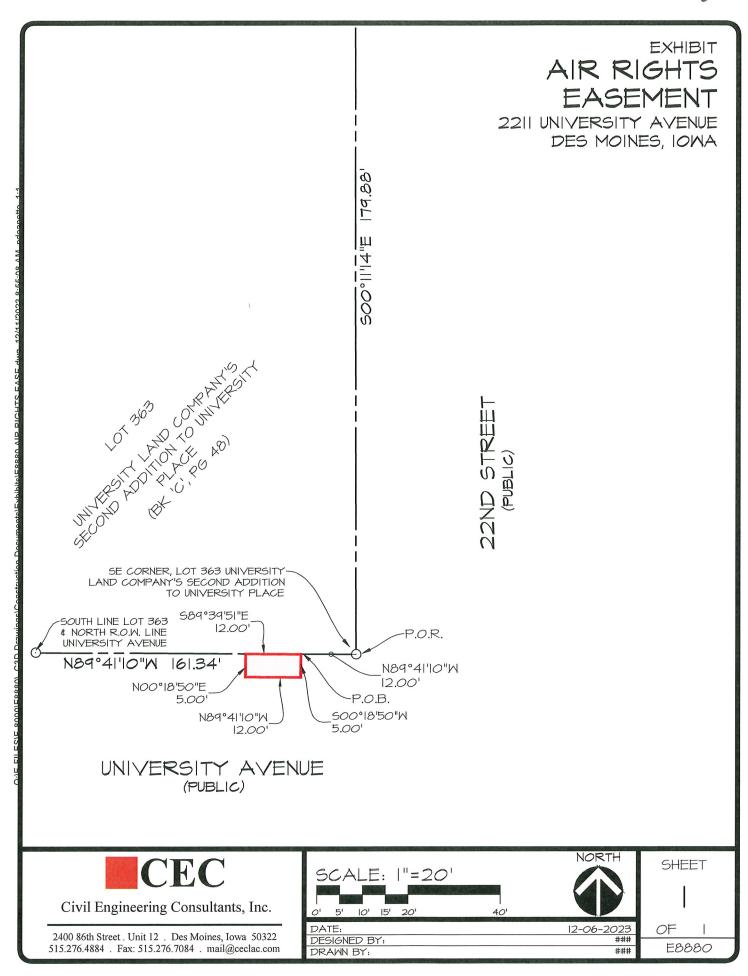
OWNER
Neighborhood Development Corporation
2331 University Ave., Suits 202
Des Möines, 10ve 50311
515,720,1004

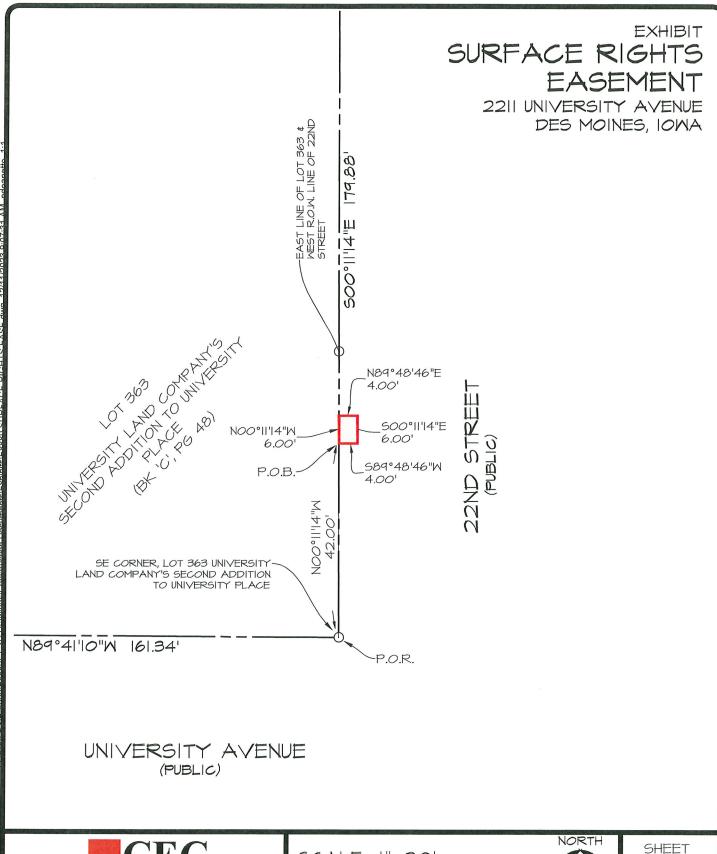
PROJECT NO, 22,046

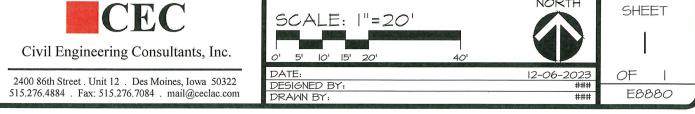
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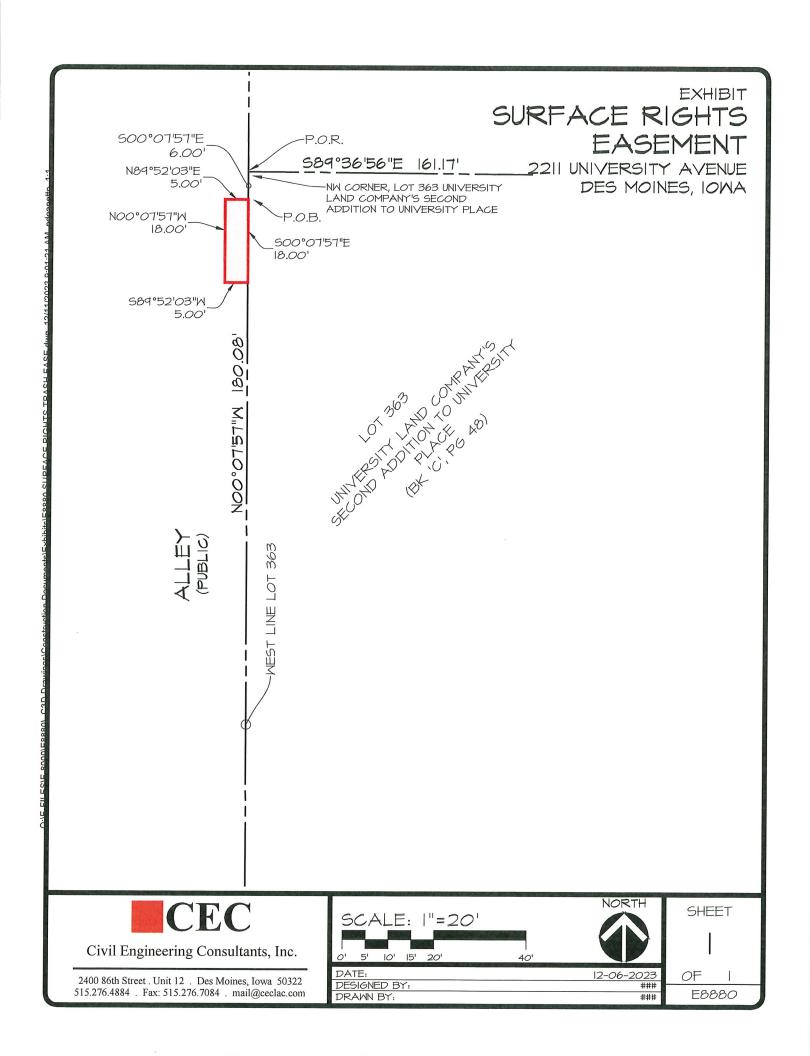
ROOF PLAN

SHEET NUMBE









ROWV-2023-000013



Item: ROWV-2023-000013	Date: 12/21/2023
Please mark one of the following:	Staff Use Only
I support the request	
I am undecided	
I oppose the request	
Titleholder Signature: Maujeet	Aulakh
Name/Business: Best Food A	port #200
Impacted Address: 2/2/ Omiv	ressity Ave
Comments: 100 Closet: the strate to the public mas Zon properties nearby.	reet and unnecessary Numberce