



Agenda Item:

75

COUNCIL COMMUNICATION City Manager's Office

GENERAL INFORMATION

Agenda Date: 9/12/05
Agenda Item Type: Receive/File

Communication No.: 05-519
Roll Call No.:

Submitted by: Larry D. Hulse, Community Development Director

SUBJECT—

Appeal of the Historic Preservation Commission's denial of a Certificate of Appropriateness for the property at 425 28th Street located in Owl's Head Local Historic District.

SYNOPSIS—

On Thursday, September 1, 2005 the Historic Preservation Commission held a special meeting to consider a request from Mr. Les Beer for a Certificate of Appropriateness for the construction of a single-family dwelling at 425 28th Street located in the Owl's Head Local Historic District. Mr. Beer was issued a building permit in error and commenced construction. The foundation has been poured and framing for the walkout portion of the basement is complete. The Historic Preservation Commission felt the proposed dwelling varied too far from the City's *Architectural Guidelines for New Construction in Des Moines' Historic Districts* for them to approve the request.

FISCAL IMPACT—

None.

RECOMMENDATION—

After the public hearing staff recommends that the City Council reverse the Commission's decision and approve a Certificate of Appropriateness with the following conditions.

1. The house is built in substantial conformance with the submitted drawings and brochures as revised by the front elevation submitted on September 1, 2005.
2. Asphalt shingles are utilized that are the next shade lighter within the same brand and series as proposed to further reduce the mass of the roof.

3. The garage doors are painted the same color as the main house color to reduce the visual impact of the garage.
4. Evergreen shrubs or other landscape materials are planted along the north edge of the curved portion of the driveway that are a minimum of 4' in height at maturity to soften the appearance of the garage doors without attempting to completely screen it. Said plantings are to be reviewed and approved by the Community Development Director and installed by the property owner prior to issuance of a Certificate of Occupancy.

BACKGROUND—

On July 20, 2005 Mr. Les Beer (builder and future occupant) was issued a building permit by the Permit and Development Center in error for the construction of a single-family dwelling at 425 28th Street. The property located at 425 28th Street is located in the Owl's Head Local Historic District. As such the Historic Preservation Commission (HPC) should have reviewed a request of a Certificate of Appropriateness before a building permit was issued. On Tuesday, August 30, 2005 staff was made aware of the situation and met with Mr. Beer. At this point the foundation was in place and framing for the "walkout" portion of the basement was under construction. Mr. Beer was informed that he could complete work that was necessary to structurally secure what was in place, but that he would need to obtain a Certificate of Appropriateness before completing additional work on the site. Mr. Beer was officially issued a stop work order on September 1, 2005.

On Thursday, September 1, 2005 the HPC held a special meeting to consider Mr. Beer's request for a Certificate of Appropriateness. The Historic Preservation Commission felt the proposed dwelling varied too much from the City's *Architectural Guidelines for New Construction in Des Moines' Historic Districts* for them to approve the request (see attached discussion and findings). The Commission denied Mr. Beer's request and advised him of his right to appeal their decision to the City Council. On September 2, 2005 Mr. Beer submitted a letter to staff requesting an appeal.

Staff recommended approval of the requested Certificate of Appropriateness to the HPC on the condition that some minor changes be made to the structure to bring it further in to conformance with the Architectural Guidelines for New Construction and that additional strategically located landscaping be added to obscure elements that are not in conformance with the design guidelines. Staff did not recommend major changes to the dwelling because of the financial burden it would place on Mr. Beer give that the foundation is in place and that much of the building materials have already been ordered.

Included in the September 12th City Council meeting packet is a copy of staff's report and recommendations. Staff's report is based on drawings that were submitted by Mr. Beer on August 30, 2005. Mr. Beer presented revised drawings at the September 1st HPC meeting. Staff also met with Mr. Beer on September 6th to discuss the appeal. Staff recommends that the City Council reverse the Commission's decision and approve a Certificate of Appropriateness with the following conditions.

1. The house is built in substantial conformance with the submitted drawings and brochures as revised by the front elevation submitted on September 1, 2005.
2. Asphalt shingles are utilized that are the next shade lighter within the same brand and series as proposed to further reduce the mass of the roof.
3. The garage doors are painted the same color as the main house color to reduce the visual impact of the garage.
4. Evergreen shrubs or other landscape materials are planted along the north edge of the curved portion of the driveway that are a minimum of 4' in height at maturity to soften the appearance of the garage doors without attempting to completely screen it. Said plantings are to be reviewed

and approved by the Community Development Director and installed by the property owner prior to issuance of a Certificate of Occupancy.

The Permit and Development Center (PDC) has taken several steps to insure that staff is aware of the requirements of both the Owl's Head and Sherman Hill Local Historic Districts so that a permit is not issued in error again. These steps include the following.

- The PDC's zoning review checklist has been revised to include review for historic districts and specifically mentions both local historic districts.
- Parcels located in the Owl's Head district have been flagged in the City's Tidemark system. The Tidemark system is a computerized database that is utilized for a variety of functions including the issuing and tracking of building permits. Currently, the process of flagging parcels is done manually. The PDC is exploring the means of flagging parcels in the Sherman Hill area as well. Sherman Hill contains a significantly greater number of parcels and will require a greater amount of time than Owl's Head. The City is working towards integrating Tidemark with its GIS system. Once this has been completed the process of flagging parcels in a particular area will be much easier.
- Notes were added to reference maps in the PDC that further clarify both the Owl's Head and Sherman Hill Local Historic Districts.
- Review of standards and training for the development zoning staff responsible for the enforcement of this standard has been completed.
- The PDC is working with the IT Department and the Polk County Assessor's Office to update the zoning map to include the Owl's Head Local Historic District on the assessors web site. Sherman Hill is easily identified on the Polk County Assessor's web site because it has a unique zoning classification that is specific to Sherman Hill. This classification is the Residential Historic District (RHD). The Owl's Head district is zone R1-80, which is a single-family residential classification that is used in a variety of locations around the City.