



**Council  
Communication**  
Office of the City Manager

**Date**

January 22, 2007

**Agenda Item No.** 23I

**Roll Call No.** 07-

**Communication No.** 07-035

**Submitted by:** Richard A. Clark, City Manager

**AGENDA HEADING:**

Communication from the City Manager regarding the land use plans for the area bounded by Interstate 235 on the north, Crocker Street on the south, 18th Street on the east and the two-way pair of M.L. King Parkway on the west, and directing the City Manager to proceed with the implementation of a process for consideration of future development in the area.

**SYNOPSIS:**

On December 4, 2006, the City Council received and filed a request to vacate and convey a segment of 19<sup>th</sup> Street between Crocker Street/Cottage Grove Avenue and Olive Avenue in the vicinity of 901 19<sup>th</sup> Street (Kingsway Cathedral). The Council also requested a report from the City Manager regarding a Plan for the immediate surrounding area. This Council Communication serves as the staff report regarding future land use plans in the area bounded by Interstate 235 on the north, Crocker Street on the south, 18<sup>th</sup> Street on the east and the two-way pair of M.L. King, Jr. Parkway on the west.

This action approves the report and directs the City Manager to proceed with implementation of the recommended actions outlined below:

- The 2020 Community Character Plan Land Use Map and zoning designations are currently appropriate for the area. Any future changes to the Land Use Map or Zoning for the subject area must be evaluated in the context of the Sherman Hill Neighborhood Plan and should include a clearly defined development proposal.
- There should be multiple opportunities for public review and comment on any development proposals for parcels that are privately held. Fortunately, these opportunities are already afforded by existing zoning designations through the Neighborhood Pedestrian Commercial and multi-family residential site plan review processes by the Plan and Zoning Commission and/or the issuance of a Certificate of Appropriateness by the Historic District Commission.
- The area north of Cottage Grove and east of the two-way pair of M.L. King, Jr. Parkway has limited ability for vehicular access from the south and vehicular access is prohibited from the west due to the interchange restrictions. While in all likelihood this parcel is not large enough to develop effectively as a park, this Land Use Map designation should not be changed without a consideration of a specific redevelopment proposal. Furthermore, this property should not be disposed of nor should the adjoining segment of 19<sup>th</sup> Street be conveyed to a private party without

a fully defined redevelopment plan, to include all or a significant portion of the City block to the east. Any such redevelopment shall conform to appropriate uses and design guidelines established through a request for proposals (RFP) process based on the character of the surrounding commercial district and the Sherman Hill Local Historic District.

- Although vehicular access is prohibited on the north, east and west frontages of the area north of Cottage Grove, south of Interstate 235 and between the two-way pair of M.L. King, Jr. Parkway, staff believes that the size and configuration of this property may be suitable for future redevelopment. Subject to any state or federal disposition regulations, staff believes that any future disposition of this property should be subject to a RFP process in accordance with specific design standards and use limitations that reflect the “NPC” character of the adjoining business district and historic neighborhood.
- The remaining area south of Cottage Grove between the two-way pair of M.L. King Jr. Parkway and west of the M.L. King Jr. Parkway is currently identified as Public Park and Open Space. Due to the limitations placed by the interchange, the access is severely limited to perhaps a drive centered on the north from Cottage Grove. Staff believes that the configuration of this property is not very suitable for commercial or residential redevelopment, but rather is appropriate to serve as an unprogrammed open space amenity with the possibility for a signature landscape design, gateway feature, public art piece, etc. This area could either be planned in conjunction with a redevelopment proposal for the area immediately to the north or could be independently designed and developed by the Park and Recreation Department in accordance with a master plan developed in consultation with the Sherman Hill Association and Woodland Heights Organization. Consideration for the area west of M.L. King, Jr. Parkway should follow a master planning process with Parks and Recreation Department and the Woodland Heights Organization, regardless of the option selected for the area within M.L. King Jr. Parkway two-way pair.

## **FISCAL IMPACT: NONE**

## **ADDITIONAL INFORMATION:**

On December 4, 2006, the City Council requested a report from the City Manager regarding a Plan for the area generally bounded by Interstate 235 on the north, Crocker Street on the south, 18<sup>th</sup> Street on the east, and the two-way pair of M.L. King Jr. Parkway on the west. The staff report is based on the following analysis:

### 2020 Community Character Plan

Pursuant to Exhibit “A,” the Des Moines 2020 Community Character Plan Land Use Map designates the area as follows:

*Mixed-Use and Density Residential:* Areas developed with a mix of densities and some limited retail and office. Encourages mix of single-family, duplex, small multi-family as well as developments over 17 units per net acre.

*Public Park/Open Space*

### Sherman Hill Neighborhood Plan

The Mixed Use and Density Residential future land use designation is clarified in the Sherman Hill Neighborhood Action Plan adopted by the City Council, and defines it as a classification for those neighborhoods and residential corridors that combine a variety of residential densities with limited retail and office uses.

The Sherman Hill Neighborhood Action Plan identified the following primary future land use policies applicable to this area:

“After completion of improvements to Martin Luther King Jr. Parkway and Interstate 235, redevelopment efforts in the Cottage Grove Business District should reflect and retain the massing and scale of the existing structures.” (p. 40).

“After the improvement projects on Martin Luther King Jr. Parkway and Interstate 235 have been completed, Sherman Hill and the City should evaluate the need and, if warranted, determine the location(s) for park facilities to replace Chamberlain Park.” (p. 42).

The Sherman Hill Neighborhood Action Plan also identified four rezonings that would be consistent with the implementation of the future land use plan for the Sherman Hill Neighborhood applicable to this area:

1. The Cottage Grove Business District from C-2 to NPC upon completion of Martin Luther King Jr. Parkway Interchange.

*This rezoning has been completed.*

2. The areas along Crocker Street (East of 19<sup>th</sup> Street) from C-2 to R-HD.

*The C-2 area was rezoned to NPC and R-HD.*

3. The areas generally North of Crocker Street that are currently R-3 and R-4 to R-HD.

*There are no remaining R-4 zoning districts in this area, but there are two small areas of R-3 zoning existing north of Crocker Street (including property immediately adjoining the Kingsway Cathedral). However, in the time since the adoption of the Sherman Hill Neighborhood Plan, the City also implemented a multi-family site plan review process. Any new multi-family development in these R-3 areas would be subject to P&Z review. Part of the design review would be a comparison of the project to the Architectural Guidelines for Des Moines' Historic Districts.*

4. The areas generally bounded by Crocker Street, 19<sup>th</sup> Street, Center Street, and Martin Luther King Jr. Parkway from R-3 to R-HD.

*There is one remaining R-3 zoned area. However, in the time since the adoption of the Sherman Hill Neighborhood Plan, the City also implemented a multi-family site plan review process. Any new multi-family development in these R-3 areas would be subject to P&Z review. Part of the design review would be a comparison of the project to the Architectural Guidelines for Des Moines' Historic Districts.*

#### Historic District Designation

Of additional significance to this area is the fact that the eastern edge of the subject area is within the Sherman Hill Local Historic District. Specifically, the Kingsway Cathedral property located at 901 19<sup>th</sup> Street is identified as a “pivotal” structure in the historic inventory for the district.

On December 20, 2006, the City of Des Moines Historic Preservation Commission voted 7-0 to deny a request for a Certificate of Appropriateness for the demolition of the church building. The Commission’s motion also included forwarding a communication to the City Council requesting they direct the City Manager to implement applicable provisions of Section 58-31 of the City Code with regard to “Pivotal Structures.” The City Council is scheduled to receive and file the Historic Preservation Commission’s communication under separate action on the January 22, 2007, Council agenda (Item 17A). The City Council is also scheduled, under separate action, to set a date of public hearing for February 12, 2007, regarding an appeal of the Historic Preservation Commission’s decision (Item 17).

### Zoning

The area is primarily zoned “NPC” Neighborhood Pedestrian Commercial District with portions of the Kingsway Cathedral property zoned “R-3” Multiple-Family Residential District (see attached Exhibit “B”). Any development within an NPC zoned area would be subject to NPC site plan review and approval by the Plan and Zoning Commission. Any new multi-family development in these R-3 areas would be subject to a multi-family site plan review and approval by the Plan and Zoning Commission. Part of the design review would be a comparison of the project to the Architectural Guidelines for Des Moines’ Historic Districts.

### Disposition Policies

The areas of excess right-of-way described above are under City ownership. Due to the federal and state funding that was used to acquire the right-of-way, the City will be required to comply with all federal and state requirements for disposition of any excess M. L. King, Jr. Parkway or I-235 project right-of-way for redevelopment of the land with non-public uses. These requirements include a notice to the original property owner that grants a 60-day option to purchase back excess land if it was acquired by condemnation. Several parcels located between Cottage Grove Avenue and I-235 are subject to this requirement. Staff recommends proceeding with the notice requirements to extinguish all applicable prior owner interests in the excess right-of-way, which will allow the City to determine the exact area available for disposition for non-public purposes.

Federal regulations also require the City to deposit the proceeds from the sale of any excess M. L. King, Jr. Parkway or I-235 right-of-way into the City’s Fed Title 23 account to be used on other federal title 23 eligible projects. In any event, staff does not recommend conveyance of any excess right-of-way or other publicly owned land in this area to a private party without a clearly defined development proposal.

### **PREVIOUS COUNCIL ACTION(S):**

Date: December 4, 2006

Roll Call Number: 06-2368

Action: [Regarding](#) request from Kingsway Cathedral, Inc., 901 - 19<sup>th</sup> Street, for future vacation of 19<sup>th</sup> Street from Olive Avenue to Cottage Grove, subject to conditions. Moved by Hensley to receive and file; refer to the City Manager to provide a report regarding the Plan for the area. Motion Carried 6-0.

**BOARD/COMMISSION ACTION(S):**

Date: November 16, 2006

Roll Call Number: N/A

Action: The Plan and Zoning Commission recommended approval of the vacation of 19<sup>th</sup> Street from Olive Avenue to Cottage Grove with the condition that the vacation shall not occur until a development plan is submitted for the redevelopment of the right-of-way in combination with other adjoining property and an agreement is reached for the sale of the right-of-way.

Date: December 20, 2006

Case Number: 20-2007-5.24

Action: The Historic Preservation Commission denied a request for a Certificate of Appropriateness for the demolition of the church building. The Commission's motion also included forwarding a communication to the City Council requesting they direct the City Manager to implement applicable provisions of Section 58-31 of the City Code with regard to "Pivotal Structures."

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

Hearings on the vacation and conveyance of public right-of-way and a hearing on the appeal of the Historic Preservation Commission decision to deny a Certificate of Appropriateness for demolition of the Kingsway Cathedral.