

 <div style="display: inline-block; vertical-align: middle; text-align: center;"> <h1 style="margin: 0;">Council</h1> <h1 style="margin: 0;">Communication</h1> <p style="margin: 0;">Office of the City Manager</p> </div>	Date	January 28, 2008
	Agenda Item No. 58 Roll Call No. <u>08-</u> Communication No. <u>08-036</u> Submitted by: Richard A. Clark, City Manager	

AGENDA HEADING:

Communication regarding the Land Use Plans for the Sherman Hill Neighborhood in the vicinity of the Kingsway Cathedral.

SYNOPSIS:

On December 17, 2007, the City Council set a public hearing for March 24, 2008, regarding appeals of the denial of Certificates of Appropriateness for demolition of the Kingsway Cathedral at 901 19th Street and a two-story brick building at 900 18th Street. The City Council also requested a report regarding future land use plans in the area.

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

- The existing 2020 Community Character Plan Land Use Map and zoning designations are currently appropriate for the area as they are consistent with the existing Sherman Hill Neighborhood Plan.
- The Sherman Hill Neighborhood Association is currently preparing an update to their neighborhood plan. Any future changes to the Land Use Map or Zoning for the subject area must be evaluated in context of the updated Sherman Hill Neighborhood Plan and should include a clearly defined development proposal.
- The existing Sherman Hill National and Local Historic District Boundaries are consistent with the existing Sherman Hill Neighborhood plan and should not be amended unless such amendments are found in conformance with the updated Sherman Hill Neighborhood Plan.
- The area north of Crocker Street, east of the two-way pair of M.L. King Jr. Parkway, and west of 19th Street is currently owned by the City of Des Moines and has limited ability for vehicular access from the south. 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 and the updated Sherman Hill Neighborhood Plan. Furthermore, this property should not be disposed of by the City nor should the adjoining segment of 19th Street be conveyed to a private party without a fully defined redevelopment plan that is consistent with the applicable Sherman Hill Neighborhood Plan.
- Any exterior alteration or demolition and redevelopment of the Kingsway Cathedral at 901 19th Street and a two-story brick building at 900 18th Street is currently subject to approval of a Certificate of Appropriateness by the Historic Preservation Commission (or City Council on appeal) and a Neighborhood Pedestrian Commercial District Site Plan review by the Plan and

Zoning Commission. The Historic Preservation Commission has repeatedly requested that representatives of the owner of the Kingsway Cathedral and the two-story brick building provide a redevelopment plan and/or salvage plan for public review during any consideration of a certificate of appropriateness to demolish the structures. The owner's representatives have declined to provide such a plan. The City Manager shall formally request that the applicant provide evidence of redevelopment and salvage plans for the subject properties no later than March 3, 2008, for the Council's review at the public hearing on March 24, 2008.

- All uses permitted in the "NPC," Neighborhood Pedestrian Commercial District, including gas stations designed to permit 6 or fewer vehicles to be fueled at one time and any multi-family residential, boarding house, or rooming house proposed in a "R-3" Multiple-Family Residential District are subject to a Site Plan review by the Plan and Zoning Commission. Staff recommendations to the Plan and Zoning Commission regarding any proposed re-use or redevelopment of properties within the subject area will contain specific documentation of the project's compliance or non-compliance with Section 82-213 (Site Plan Design Standards), Section 82-214 (Design Guidelines for NPC Districts), and/or Section 82-214.05 (Design Guidelines for multiple-family residential, boardinghouses and roominghouses) of the City Code. Further, all staff recommendations to the Historic Preservation Commission regarding a proposed reuse or redevelopment of properties in the area will contain specific documentation of the project's compliance or non-compliance with the *Architectural Guidelines for Building Rehabilitation or New Construction in Des Moines' Historic Districts*.
- 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. The access is severely limited to perhaps a drive centered on the north from Cottage Grove due to the limitations placed by the interchange. 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 un-programmed 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 Parks 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, irrespective of the option selected for the area within M.L. King Jr. Parkway two-way pair.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

The area evaluated by staff is generally 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 Jr. Parkway on the west.

2020 Community Character Plan

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 19th 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, 19th 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.

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 19th Street is identified as a “pivotal” structure in the historic inventory for the district. Any exterior alteration, demolition or new construction of a structure in the Sherman Hill Local District is subject to approval of a Certificate of Appropriateness. Alterations and new construction are subject to the *Architectural Guidelines for Building Rehabilitation or New Construction in Des Moines' Historic Districts*.

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. 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.

Section 82-213 of the City Code provides design standards for all site plans as follows:

“The design regulations provided in this section are necessary to ensure the orderly and harmonious development of property in such manner as will safeguard the public's health, safety and general welfare and to ensure that the future development of property in the city will not be foreclosed by such development. 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 regulations

- (1) *The design of the proposed development shall make adequate provisions for surface and subsurface drainage, including submittal of a Stormwater Runoff Control Plan in compliance with section 106-136 of the municipal code, for connections to water and sanitary sewer lines, each so designed as to neither overload nor to substantially decrease the capacity of existing public utility lines in a fashion that will serve to inhibit or preclude the planned future development of other property within the city and so as not to increase the danger of erosion, flooding, landslide, or other endangerment of adjoining or surrounding property. The city's comprehensive plan shall be the principal guide in determining the prospective use and population density of other properties. However, the factors to be considered in arriving at conclusions on standards of design shall include those set forth in subsection 82-206(b)(2) of this article.*
- (2) *The proposed development shall be designed and located within the property in such manner as not to unduly diminish or impair the use and enjoyment of adjoining property and to this end shall minimize the adverse effects on such adjoining properties from automobile headlights, illumination of required perimeter yards, refuse containers, and impairment of light and air. For purposes of this subsection, the term "use and enjoyment of adjoining property" shall mean the use and enjoyment presently being made of such adjoining property, unless such property is vacant. If*

- vacant, the term "use and enjoyment of adjoining property" shall mean those uses permitted under the zoning district in which such adjoining property is located.*
- (3) *The proposed development shall have such entrances and exits upon adjacent streets and such internal traffic circulation patterns as will not unduly increase congestion on adjacent or surrounding public streets and in a manner which will conform to the proposed future circulation of traffic throughout the city and provide for adequate fire protection access.*
 - (4) *To such end as may be necessary and proper to accomplish the standards in subsections (1), (2), and (3) of this section, the proposed development shall provide water, sewer, stormwater, street, erosion control or other improvements.*
 - (5) *All electrical, telephone, and cable television transmission systems shall be placed underground whenever reasonably practicable.*
 - (6) *The proposed development shall conform to all applicable provisions of state law and all applicable sections of this Code.*
 - (7) *If the private property is connected to the existing skywalk system, as shown on the official skywalk map, or the applicant intends to connect to the planned skywalk system, as shown on the skywalk system plan map, the proposed development shall have such connections to the existing and planned skywalk system and such internal skywalk system pattern as will best permit the optimal expansion of the skywalk system to serve the greatest number of properties possible and best provide for the expected skywalk system traffic through the property. If the private property is not connected to the existing skywalk system, as shown on the official skywalk map, and the applicant does not intend to connect to the planned skywalk system, as shown on the skywalk system plan map, this design standard shall not apply to the proposed site plan.*
 - (8) *The proposed development shall provide landscaping, including plantings fences and screening in accordance with the landscape standards in the adopted site plan policies.*
 - (9) *The stormwater runoff control facilities installed in compliance with the Stormwater Runoff Control Plan shall be maintained in compliance with section 106-136 of the municipal code."*

Section 82-214 of the City Code provides design guidelines for development in NPC Districts as follows:

- (a) *In acting upon any site plan application for property located within an NPC neighborhood pedestrian commercial district, the plan and zoning commission shall apply the design regulations in section 82-213 of this article and the design guidelines in this section developed for the purpose of preserving the community character of the commercial corridor within the district. The design guidelines express the predominant character giving features along the commercial corridor. The commission may approve a site plan that does not comply with the design guidelines if it finds the overall development is in harmony with the commercial corridor, that the failure to comply with the design guidelines does not negatively impact the character of surrounding properties, and that the failure to comply with the design guidelines is due to the following:*
 - (1) *An unusual lot shape, size, topography or double frontage. A lot over one acre in size shall always be considered to be of unusual size;*
 - (2) *A need to facilitate a smooth transition between existing developments in the vicinity;*
 - (3) *A need to accommodate existing development;*
 - (4) *A need to preserve an existing building; or*
 - (5) *A use with unique design requirements.*
- (b) *The additional design guidelines applicable to any development within an NPC district are as follows:*
 - (1) *Buildings should frame the street and maintain a minimal setback from the street.*(2) *The front facade of the first floor of the building on the primary commercial street should have a ratio of at least 40 percent window and window display area to total street facade.*
 - (3) *The front entrance should be oriented to the street. On a corner lot, the building should have a well-defined entrance on the primary commercial street.*
 - (4) *Materials should be brick, stone, tile, stucco, or horizontal wood clapboard with a maximum width of six inches. Two-story buildings are encouraged.*
 - (5) *Commercial buildings with over 50 feet of building frontage should have the appearance of being broken into separate bays of between 20 to 35 lineal feet using structural elements, fenestration patterns, protruding or recessed bays, or architectural details.*
 - (6) *Building frontage should occupy at least 50 percent of the primary street frontage.*
 - (7) *Off-street loading and parking spaces should be provided in compliance with sections 134-1376 and 134-1377 of the zoning chapter, subject to the following modifications:*
 - a. *The minimum number of off-street parking spaces is 60 percent of the number of spaces otherwise required by subsection 134-1377(a).*
 - b. *Parking should not exceed the amount otherwise required by section 134-1377 of this Code.*

- c. *Parking should not use the front yard but should be concentrated along the side and in back of the building in the predominant pattern of character defining buildings.*
 - d. *Shared parking among businesses or between business and residential projects will be allowed, provided a shared parking plan is presented at the time of application, signed by the property owners, ensuring nonduplication of parking. The shared parking must be within 300 feet of the business or dwelling.*
 - e. *On-street parking directly adjacent to the occupant frontage shall count toward the minimum off-street parking requirement. Elimination of such on-street parking by the city shall have no effect on an approved site plan.*
 - f. *Tandem parking spaces shall count toward the minimum off-street parking requirement if a parking plan demonstrates that the parking will be for employees and will be occupied for over four hours between changes.*
 - g. *An emphasis of trees, shrubs and other plantings should be placed around the perimeter of any parking area and within large parking lots to create a more attractive area. The landscape plan should generally enhance the visual appearance of the building, parking area and any pedestrian areas.*
- (8) *The following bulk regulations should be observed:*
- a. *Minimum lot area:*
 - 1. *Single-family detached dwelling, 5,000 square feet.*
 - 2. *Single-family semidetached dwelling, 3,000 square feet.*
 - 3. *Two-family dwelling, 6,000 square feet.*
 - 4. *Multiple dwelling, 10,000 square feet.*
 - 5. *Mixed-use project, 10,000 square feet.*
 - 6. *Shelter for the homeless, 8,000 square feet.*
 - 7. *No minimum requirement for permitted nonresidential uses.*
 - b. *Minimum lot area per dwelling unit:*
 - 1. *Row and multiple dwellings, 2,000 square feet.*
 - 2. *Shelter for the homeless, 300 square feet of lot size for each resident.*
 - c. *Front yard: minimum of zero feet.*
 - d. *Side yards: minimum of zero feet.*
 - e. *Rear yard: None required, except when adjoining any R or C-0 district or portion of a PUD designated for residential use, in which case ten feet.*
 - f. *Height: minimum of 15 feet, maximum of 45 feet.*
 - g. *Number of stories:*
 - 1. *Residential uses, a maximum of four stories.*
 - 2. *All other permitted uses, a maximum of two stories.*
- (9) *Signs which are attached or projecting from the building and designed for the character of the building are preferred. Monument signs are allowed.*
- (10) *Any extension of parking into an adjoining residential district shall support the intent of the NPC neighborhood pedestrian commercial district and conform to the guidelines in this section."*

Section 82-214.05 provides design guidelines for multiple-family residential, boardinghouses, and roominghouses as follows:

"In acting upon any site plan application which includes a multiple family dwelling, boardinghouse or roominghouse, the plan and zoning commission shall apply the design regulations in section 82-213 and the additional design guidelines set forth below. 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.

- 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.*
- 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.*
- 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.*
 - 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.*
 - 5) *Rooftop/second story additions. A rooftop or second floor addition, including but not limited to stairs and emergency egress, should not overhand the front or side walls of the existing building.*
 - 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.*
 - 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."*

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 MLK 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 giving them 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 any excess MLK 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 MLK or I-235 project 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 17, 2007.

Roll Call Number: 07-2375 and 07-2376.

Action: On appeals of the denial of a Certificate of Appropriateness for demolition of the following, (3-24-08):

(A) [Kingsway](#) Cathedral, 901 19th Street. Moved by Hensley to defer to the March 24, 2008 Council Meeting. Refer to the City Manager to work with the Sherman Hill Neighborhood Association and others to develop a plan for the area. Motion Carried 6-1.

(B) [Two](#)-story brick building, 900 18th Street. Moved by Hensley to defer to the March 24, 2008 Council Meeting. Refer to the City Manager to work with the Sherman Hill Neighborhood Association and others to develop a plan for the area. Motion Carried 6-1.

Date: January 22, 2007.

Roll Call Number: 07-126.

Action: [Regarding](#) land use plans for 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 recommending a process for consideration of future development in the area. ([Council Communication No. 07-035](#)) Moved by Hensley to refer to the City Manager to incorporate the Visual Park aspect, bring the stake holders together and come back with an amendment for the plan including extending the area to the east to include the Edmonds area. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Date: November 28, 2007.

Case Numbers: 20-2008-5.22 and 20-2008-5.23

Action: The Historic Preservation Commission denied requests for a Certificates of Appropriateness for the demolition of the Kingsway Cathedral building at 901 19th Street and a two-story building at 900 18th Street.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Hearings on the appeals of the decisions of the Historic Preservation Commission.