

Date..... January 22, 2007

WHEREAS, on January 8, 2007, by Roll Call No. 07- 040, it was duly resolved by the City Council that the application of Stockbridge Development, L.L.C., represented by Robert Mickle, President, to rezone certain property it owns in the vicinity of 1815 High Street, more fully described below, be set down for hearing on January 22, 2007, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on January 11, 2007, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and,

WHEREAS, in accordance with said notice those interested in said proposed rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and,

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the following described property:

Lots 12, 13, 14 and the West 1/2 of Lot 15, Block A, J.C. Savery's Addition to the City of Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa (hereinafter referred to as the "Property").

from the "C-2" General Retail and Highway Oriented Commercial District to a Limited "NPC" Neighborhood Pedestrian Commercial District classification, subject to the following conditions which are agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by all owners of said property and is binding upon the owners and their successors, heirs and assigns as follows:

The following uses of structures and land shall not be permitted upon the Property:

- 1) Billard parlor/game room.
- 2) Taverns and night clubs.
- 3) Communications towers or antenna. (This shall not be interpreted to prohibit an antenna mounted on an existing structure and screened from view, or mounted on the side of an existing structure and painted to match the adjoining surface of the structure.)

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

( continued )

Date..... January 22, 2007

-2-

1. Upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the Property to a Limited "NPC" Neighborhood Pedestrian Commercial District are hereby overruled, and the hearing is closed.

2. The proposed rezoning is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan.

MOVED by \_\_\_\_\_ to adopt and approve the rezoning, subject to final passage of the rezoning ordinance.

FORM APPROVED:



Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

# 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.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

January 8, 2007

44

Honorable Mayor and City Council  
City of Des Moines, Iowa

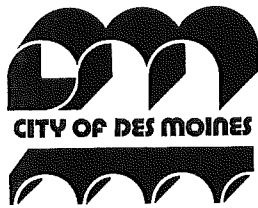
Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held December 21, 2006, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 9-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
David Cupp	X			
Shirley Daniels	X			
Dann Flaherty	X			
Bruce Heilman				X
Jeffrey Johannsen	X			
Greg Jones				X
Frances Koontz				X
Kaye Lozier	X			
Brian Meyer		X		
Brian Millard	X			
Brook Rosenberg				X
Mike Simonson	X			
Kent Sovern				X
Tim Urban	X			
Marc Wallace	X			



CITY PLAN AND ZONING COMMISSION  
ARMORY BUILDING  
602 ROBERT D. RAY DRIVE  
DES MOINES, IOWA 50309 -1881  
(515) 283-4182

ALL-AMERICA CITY  
1949, 1976, 1981  
2003

**APPROVAL** of a request from Stockbridge, L.P. (owner) represented by Robert Mickle (President) to rezone property located at 1815 High Street from "C-2" General Retail and Highway Oriented Commercial District to Limited "NPC" Neighborhood Pedestrian Commercial District, to allow for development of a pedestrian scale three-story 42 unit multiple-family residential apartment building with a shallow front yard setback from High Street subject to the owner agreeing to prohibit the use of the property for the following: (ZON2006-00180)

1. Billiard parlor/game room.
2. Taverns and night clubs.
3. Communication Tower/Antenna (would therefore only be allowed by a Special Permit).
4. Gas Stations/convenience stores.
5. Package goods liquor store.

Written Responses

4 In Favor

1 In Opposition

*This item would not require a 6/7 vote at City Council.*

## STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Part A) Staff recommends that the requested rezoning with conditions be found in conformance with the Des Moines' 2020 Community Character Plan future land use as amended by the *Sherman Hill Action Plan*.

Part B) Staff recommends approval of the requested rezoning subject to the owner agreeing to prohibit the use of the property for the following:

1. Billiard parlor/game room.
2. Taverns and night clubs.
3. Communication Tower/Antenna (would therefore only be allowed by a Special Permit).
4. Gas Stations/convenience stores.
5. Package goods liquor store.

## STAFF REPORT

### I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to rezone the subject property to provide for a pedestrian oriented multiple-family residential development.
2. **Size of Site:** 30,492 square feet (0.7 acres)
3. **Existing Zoning (site):** "C-2" General Retail and Highway Oriented Commercial District. "GGP" Gambling Games Overlay Prohibition District. The subject property adjoins but is not contained within the Sherman Hill Local Historic District. Therefore, the Historic Preservation Commission will not review any proposed development.

4. **Existing Land Use (site):** Vacant land.

#### 5. **Adjacent Land Use and Zoning:**

**North** – "R-HD" Residential Historic District, Uses are multiple-family and single-family residential structures.

**South** – "C-2" & "C-3A", Uses are distribution and shipping for G&L Clothing, Stivers pre-owned vehicle storage lot, and offices for Willis & Moore and Central Insurance Associates.

**East** – "C-2", Use is Cape Cod Apartments.

**West** – "C-2", Uses are single-family residential structures.

6. **General Neighborhood/Area Land Uses:** The subject property is immediately adjoining the south edge of the Sherman Hill Local Historic District. The land use is a transition area of residential to support commercial use between Woodland Avenue and Ingersoll Avenue.
7. **Applicable Recognized Neighborhood(s):** Sherman Hill Association.
8. **Relevant Zoning History:** N/A.
9. **2020 Community Character Land Use Plan Designation:** Support Commercial in a "limited form" as defined in the *Sherman Hill Action Plan* amendment to the Des Moines' 2020 Community Character Plan.

10. **Applicable Regulations:** The Commission reviews all proposals to amend zoning regulations or zoning district boundaries within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in §414.3 of the Iowa Code. The Commission may recommend that certain conditions be applied to the subject property if the property owner agrees in writing, prior to the City Council Hearing. The recommendation of the Commission will be forwarded to the City Council.

## II. ADDITIONAL APPLICABLE INFORMATION

1. **Natural Site Features:** The subject property currently has fairly dense volunteer timber growth along the northern and western edges. The northern portion of the property slopes steeply downward from the adjoining east/west alley to the north. As part of the Site Plan review, the developer will need to identify species and locate all trees over 6" in diameter. A tree mitigation/protection plan is expected to be submitted as part of a future Site Plan to define plantings to replace any trees to be removed by development and to identify measures to be taken to protect trees to be preserved during development.
2. **Drainage/Grading:** Future development of the subject property will require a storm water management plan and a soil erosion protection and grading plan as part of the Site Plan review submittal. Within the NPC Districts, the allowable storm water run-off rate is equal to that of a 5-year return frequency storm on the site considering existing development. Temporary storm water storage must be provided for the difference between the allowable run-off and the run-off from a 100-year frequency storm on the site after the proposed development takes place. Future developers are advised to consider use of alternative or low impact design methods for storm water management.
3. **Utilities:** All necessary utilities are currently available or within a reasonable distance to the subject property. The closest public storm sewer appears to be an intake located at the northeast corner of 19<sup>th</sup> Street and High Street. The developer will be responsible for cost associated for an extension to connect to a public storm sewer intake.
4. **Landscaping & Buffering:** As part of the Site Plan review under the "NPC" design guidelines, off-street parking areas will be required to provide "R" District protection measures and staff will encourage conformance with the Des Moines Landscape Standards as they are typically applied to commercially zoned districts.
5. **Access or Parking:** "NPC" requirements provide that required numbers of off-street parking spaces are only to be 60% of the normal requirement with credit given for available on-street parking stalls on the street side adjoining the subject property. The off-street parking standards are a design guideline referenced as part of the Site Plan review process.

The proposed rezoning application indicates intent to develop 42 units, which would require provision of 38 parking spaces after applying the 60% calculation. The site concept submitted with the rezoning indicates provision of 28 spaces on the subject property with 14 spaces accessed from the east/west alley and 14 spaces accessing from within the site into parking bays underneath the alley spaces. The concept also shows 10 spaces on High Street adjacent to the subject property for a total of 38 spaces.

6. **2020 Community Character Plan:** The language contained in policy number 2, which is one of five future land use policies in the *Sherman Hill Action Plan* amendment to the 2020 Plan, indicates future uses should have a positive influence on both the Historic District and the existing commercial areas. The Action Plan goes on to support a mixture of residential and commercial uses in this transition area. It further states "Flexibility of the front yard setback and other bulk regulations is encouraged in the transition area as part of any future rezoning,

to allow buildings to frame the street and make it more inviting to pedestrians and neighborhood residents.”

The *Sherman Hill Action Plan* defines the future land use designation of Support Commercial in a “limited form” which precludes zoning allowing the following uses that would otherwise be permitted in the “NPC” District from being found in conformance with the future land use plan:

*Billiard parlor/game room*

*Communication Tower/Antenna (would therefore only be allowed by a Special Permit)*

*Gas Stations/convenience stores*

*Package goods liquor store*

Staff believes that the proposed rezoning to “NPC” is consistent with these policies and the Support Commercial designation in its “limited form” subject to the owner agreeing to prohibit those uses.

The application indicated the intent to develop 42 units at a density of 726 square feet per unit, exceeding the maximum Site Plan design guideline density of 2,000 square feet per unit. The “NPC” Design Guideline for land area per unit is the same standard as the current “C-2” District requires. The requested rezoning of the property to “NPC” **does not** assure the density of the development that is conceptually proposed. The unit density will be evaluated by the Commission as part of a future Site Plan review under the design guidelines for development in “NPC” Districts.

7. **Urban Design:** The applicant has submitted a concept of the front architectural elevation proposed to face High Street. The elevation depicts a three-story, flat, molded cornice roof design with walk-up stoop entrances and second floor balconies. In its general form, this elevation does not appear to contradict any of the required design guidelines. However, any proposed building is subject to review for conformance with the design guidelines within “NPC” District as a part of a formal Site Plan review by the Commission. In addition, any multiple-family dwelling developed will require Site Plan consideration under design guidelines for multiple-family dwellings. Although not in the Local Historic District, staff will use the *Architectural Guidelines for New Construction in Des Moines’ Historic Districts* as a reference to review submitted Site Plans in order to observe the land use policies of the *Sherman Hill Neighborhood Action Plan*.

## SUMMARY OF DISCUSSION

Erik Lundy: Presented staff report and recommendation. Noted the adverse responses were received from the commercial areas in the area; favorable responses from the residential. There are a lot of opportunities for parking on High Street.

Tim Urban: Asked about reduced parking under “NPC” regulations for other projects.

Erik Lundy: Noted staff has not received any adverse responses.

Bob Mickle, 1711 Woodland Avenue: Explained the request and noted the neighborhood is urban in many respects. In the area surrounding the subject site, 70% of the parking on the street occurs by residents. Emphasized the neighborhood has absorbed development utilizing on street parking fairly well. The NPC zoning helps the neighborhood because they receive credit and get to count certain spaces on the street. Much of the Ingersoll corridor is NPC zoning, which works well in the neighborhood. Noted they are subjecting themselves to the Historic standards regarding the exterior treatment. The rear of the property is much higher than the front of the property toward High Street. By having a 2-level parking, a structural wall will be placed that will support the elevation difference. They are in support of staff recommendations.

Martha Green, Walker Architects, 3600 Ingersoll Avenue: Available to respond to questions.

Mike Simonson: Expressed concern for two-car families and where they will park; also expressed concern for the property to the south that will be redeveloped in the future as well. Asked about having angled parking on High Street instead of parallel parking.

Martha Green: Noted currently it is an empty street; commercial properties are not a problem in the evenings and over the weekends. The majority of the units will be single bedrooms and likely will only have one occupant.

Mike Simonson: Asked staff about considering if the same NPC standards were to be applied to other developments, if parking can be done on the street; if there was enough street parking.

Larry Hulse: Noted there have not been any problems or concerns as yet, but as the area becomes developed it will need to be considered.

Tim Urban: Asked how it will be determined who gets one parking stall on site.

Bob Mickle: Explained those that have any kind of handicap or lack physical ability will have first opportunity at onsite parking. That is generally an encouragement for the project to rent up. Those that rent up have the ability to get a parking space, but noted they will always make sure there is available space and many opt for street parking.

Tim Urban: Asked if stalls are assigned to individual apartments.

Bob Mickle: Noted the ones that come in first will generally use the off-street parking, but there are a number that will use the on street. Noted the Woodland Avenue Brickstones put together an association and meet on a monthly basis. They work together and agree on issues.

Mike Ludwig: Noted the NPC district encourages mixed-use development. The project just to the south on MLKing is a mixed use and utilizes shared parking with residential and commercial. During off-peak hours they will be using the parking the commercial uses would be using.

## **CHAIRPERSON OPENED THE PUBLIC HEARING**

*The following individual spoke in favor of the request:*

Debra Peak, 1808 Woodland Avenue: Has lived in Sherman Hill since early '80s and is building a garage off the alley for rear loading. Noted the request will have significant impact to the neighborhood. Peak indicated the architect working on her garage is also the architect on the subject site. Noted she is doing an underground garage with a utility shed on the roof and her immediate yard, view and south exposure and access will not be immediately impacted by the nature of the request. She likes the idea of the double deck parking and hardly endorses the subject request and the manner in which they are doing it. Noted the alley is partly paved but the center is gravel. The bulk of her slope is on the back and she has to put the trash in her car and drive it around to set it out. She works closely with the Public Works department and the brush trees in the alley get trimmed once or twice per year and the alley gets regarded as needed. There will not be an alley vacation in Sherman Hill because alleys are part of the nature of the historic district.

Tim Urban: Would like to see the Commission convey a request to the City Council to place a higher priority on maintaining the alleyways for projects utilizing alleys as an integral part of the project.

Debra Peak: Noted the priority already exists and is part of what was developed with rolling trash barrels with that particular stretch of Woodland to have the pick up in the alley since many residents would not have access to the front of the lots with the trash barrels.

*Brook Rosenberg left the meeting at 8:23 p.m.*

Tim Urban: Reiterated his concern with approving projects on public alleyways that are not paved and suggested there should be a strict standard that the site plan in such cases not be approved unless there is paved access. Concerned it should be communicated to City Council that by approving a site plan utilizing an alley for parking, they must commit themselves to upgrading the alley with a paved surface or the City is being inconsistent with how the private sector applicant is being dealt with versus an applicant that uses public property.

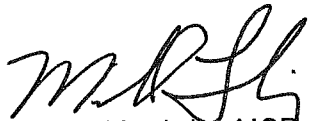
Mike Ludwig: Noted part of the motion on the rezoning could be the issue of the alley be addressed when the site plan returns to the Commission; forward to City Council as part of the zoning to support the development that has been conceptually proposed, the Commission believes there should be some discussion about paving of the alley whether it is by the developer or the City.

#### **CHAIRPERSON CLOSED THE PUBLIC HEARING**

Jeffrey Johannsen: Moved staff recommendation with consideration of comments and concerns regarding the alley forwarded to City Council.

Motion passed 9-1 (Brian Meyer was in opposition).

Respectfully submitted,

  
Michael Ludwig, AICP  
Planning Administrator

MGL:dfa

Attachment



Item 2006 00180 Date 12-11-06 44

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

RECEIVED

DEC 12 2006

COMMUNITY DEVELOPMENT  
DEPARTMENT

Print Name

W M R. JENSEN

Signature

*W M R. Jensen*

Address

1821 INGERSOLL

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

*The shortage of parking in the area due to  
2 hour limits for one reason. 42 units with  
not enough space for 42 units to be parked  
on the existing ground area let alone any  
visitors parking.*

Item 2006 00180

Date 12-11-06

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

(Circle One)

**RECEIVED**

DEC 18 2006

**COMMUNITY DEVELOPMENT  
DEPARTMENT**

Print Name Jack Hatel

Signature [Signature]

Address \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
SUBJECT PROPERTY  
\_\_\_\_\_

Item 2006 00180

Date Dec 11, 2006

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

(Circle One)

RECEIVED

DEC 12 2006

COMMUNITY DEVELOPMENT  
DEPARTMENT

Print Name

Ruth Hardin

Signature

Ruth Hardin

Address

1717 Woodland Ave  
Des Moines 50329

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

I support the rezoning  
Ruth Hardin, Executive Director  
Beacon of Hope

Item 2006 00180

Date 12-12

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

(Circle One)

RECEIVED

DEC 15 2006

COMMUNITY DEVELOPMENT  
DEPARTMENT

Print Name

Nate Barber, President

Signature

[Signature]

Address

1901 and 1903 High

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

Zoning request is reasonable  
and development of this section  
of High Street should be  
encouraged. The developer has  
past record of successful, well-  
designed projects.

Item 8000 00180

Date 12-18-06

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

(Circle One)

**RECEIVED**

DEC 27 2006

**COMMUNITY DEVELOPMENT  
DEPARTMENT**

Print Name Tyler Walters

Signature Tyler Walters

Address 1907 High St.

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

Interested in cleaning up the area  
and making improvements on High St.

Item 8000 00180

Date 12/11/06

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

**RECEIVED**

DEC 12 2006

**COMMUNITY DEVELOPMENT  
DEPARTMENT**

Print Name DEBRA PEEK

Signature Debra Peek

Address 1808 Woodland Avenue

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