

Date June 8, 2009

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 21, 2009, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Ryan Galloway (purchaser) to amend the Des Moines' 2020 Community Character Plan land use designation from Low-Density Residential District to Mixed-Use and Density and to approve the proposed rezoning from "R-3" Multiple-Family Residential District to a Limited "NPC" Neighborhood Pedestrian Commercial District for property in the vicinity of 1032 and 1036 18th Street to allow for future pedestrian oriented multiple-family residential development, subject to the following conditions:

1. Use of the property is restricted to residential.
2. Provision of a minimum of one (1) off-street parking stall per dwelling unit.

The subject property is more specifically described as follows:

The South 10.0 feet of Lot 5, all Lots 6 and 7, and the South 20 feet of Lot 42, and all of the 14 foot North/South alley right-of-way lying East of and adjoining Lots 36, 37, 38, 39, 40, and 41, and lying East of and adjoining the South 20.0 feet of Lot 42, all in Butler's Addition, an Official Plat all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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

1. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on June 22, 2009, at which time the City Council will hear both those who oppose and those who favor the proposal.

(Continued)

★ **Roll Call Number**

Agenda Item Number

27

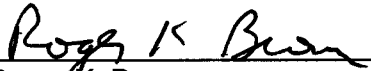
Date June 8, 2009

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2. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED by _____ to adopt.

FORM APPROVED:


 Roger K. Brown
 Assistant City Attorney

(ZON2009-00060)

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

MOTION CARRIED

APPROVED

.....
Mayor

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.

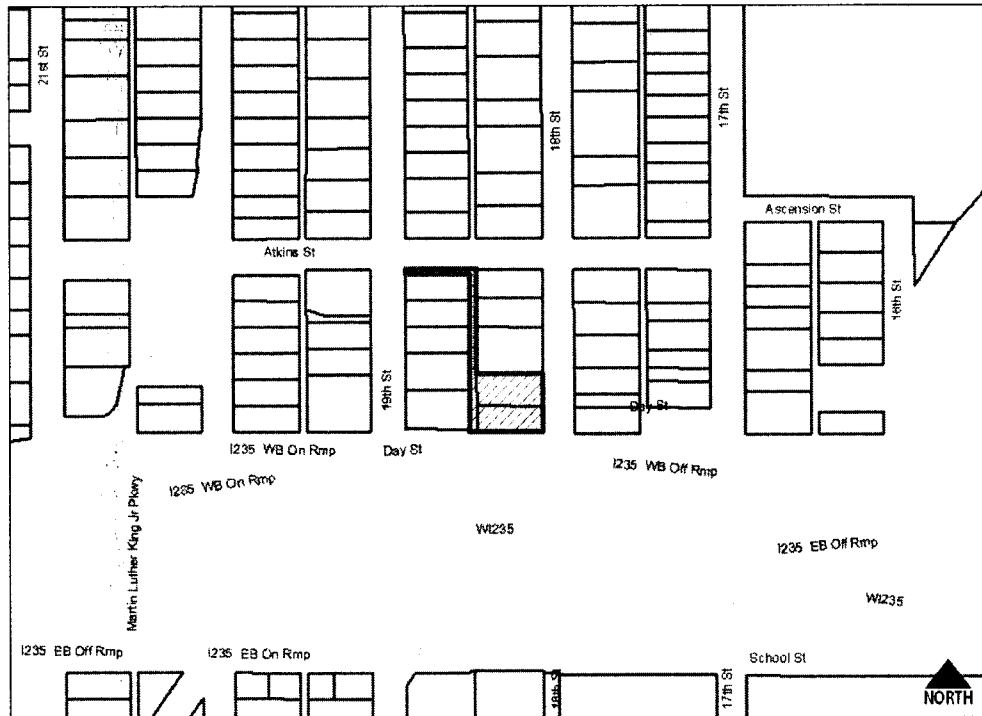
_____ City Clerk

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Request from Ryan Galloway (purchaser) to rezone property located at 1032 and 1036 18 th Street. The subject property is owned by the City of Des Moines.				File #	
				ZON2009-00060	
Description of Action		Rezone property from "R-3" Multiple-Family Residential District to a Limited "NPC" Neighborhood Pedestrian Commercial District to allow for future pedestrian oriented multiple-family residential development.			
2020 Community Character Plan		Low-Density Residential			
Horizon 2025 Transportation Plan		No Planned Improvements.			
Current Zoning District		"R-3" Multiple-Family Residential District & "NPC" Neighborhood Pedestrian Commercial District			
Proposed Zoning District		Limited "NPC" Neighborhood Pedestrian Commercial District			
Consent Card Responses		In Favor	Not In Favor	Undetermined	% Opposition
Inside Area		1	0		N/A
Outside Area					
Plan and Zoning Commission Action		Approval	10-0	Required 6/7 Vote of the City Council	
		Denial		Yes	N/A
				No	N/A

Ryan Galloway - 1032 18th Street

ZON2009-00060



May 29, 2009

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 May 21, 2009, the following action was taken:

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	X			
JoAnne Corigliano				X
Shirley Daniels				X
Jacqueline Easley	X			
Dann Flaherty	X			
Ted Irvine	X			
Jeffrey Johannsen	X			
Greg Jones	X			
Frances Koontz				X
Jim Martin	X			
Brian Millard	X			
Mike Simonson	X			
Kent Sovern	X			

APPROVAL of staff recommendation to Part A) That the requested rezoning be found **not** in conformance with the approved Des Moines' 2020 Community Character Plan; Part B) To approve the requested amendment to the Des Moines' 2020 Community Character Plan future land use designation from Low Density Residential to Mixed-Use and Density Residential and Part C) To approve the requested rezoning subject to the following conditions: **ZON2009-00060**

1. Use of the property is restricted to residential.
2. Provision of a minimum of one (1) off-street parking stall per dwelling unit.

Written Responses

1 In Favor
0 In Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested rezoning be found not in conformance with the approved Des Moines' 2020 Community Character Plan.



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

Part B) Staff recommends approval of the requested amendment to the Des Moines' 2020 Community Character Plan future land use designation from Low Density Residential to Mixed-Use and Density Residential.

Part C) Staff recommends approval of the requested rezoning subject to the following conditions:

1. Use of the property is restricted to residential.
2. Provision of a minimum of one (1) off-street parking stall per dwelling unit.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The requested rezoning is the second stage of rezoning for a site proposed for a pedestrian-oriented multiple-family residential development. The excess parcels owned by the City and the State of Iowa and are remnants from the Interstate 235 and Martin Luther King Jr. Parkway projects. A previous request to vacate the subject property was considered by the Plan and Zoning Commission on May 7.

The applicant intends to seek low-income tax credits from the Iowa Finance Authority and construct a development similar in style to the Woodland Avenue Brickstone Apartments. The Brickstone Apartments were constructed in the Sherman Hill Neighborhood on the South side of Woodland Avenue West of 15th Street.

The applicant's current concept involves an 18-unit initial phase for the south part of the subject property to be followed by a 38-unit second phase on the northern part of the block along 19th Street. Both proposed phases involve property previously zoned to limited "NPC". The requested zoning will not establish the number of units permitted. The unit density would be reviewed by the Commission with any Site Plan under multiple-family guidelines and "NPC" district guidelines, which have standards for density.

2. **Size of Site:** 21,153 square feet.
3. **Existing Zoning (site):** "R-3" Multiple Family Residential District and "GGP" Gambling Games Prohibition Overlay District.
4. **Existing Land Use (site):** Vacant land, developed alley, and street right-of-way.
5. **Adjacent Land Use and Zoning:**
 - North** – "R-3", Uses are single-family dwellings.
 - South** – "R-3", Use is Interstate 235.
 - East** – "R-3", Uses are multiple-family and single-family dwellings.
 - West** – "NPC", Use is vacant land and a single-family dwelling.
6. **General Neighborhood/Area Land Uses:** The subject property is located north of the Interstate 235 and Martin Luther King Jr. Parkway interchange. This area generally consists of single-family and multiple-family residential uses.
7. **Applicable Recognized Neighborhood(s):** None.

8. Relevant Zoning History: Property adjoining to the west is also owned by the applicant, and was rezoned to a Limited "NPC" by the City Council on October 27, 2008 with the following conditions:

- a) Use of the property is restricted to residential.
- b) Provision of a minimum of 1 off-street parking stall per dwelling unit. The Commission shall have the right to require additional parking during site plan review

9. 2020 Community Character Land Use Plan Designation: Low Density Residential.

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 is relatively flat and is a vacant grass covered area except for portions developed as an alley or alley egress.
- 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. Developers are advised to consider use of alternative or low impact design methods for storm water management.
- 3. Landscaping & Buffering:** Development of the property will require site landscaping and buffering for the adjoining properties. The "NPC" District Design Guidelines state that 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. The "NPC" District is not specifically addressed in the City's Landscaping Standards. However, it is generally recommended that landscaping similar to "C-2" District standards be considered as a starting point with regard to parking lot areas.
- 4. Parking:** The "NPC" District allows for the number of off-street parking spaces to be reduced to 60% of the normal requirement and gives credit for available on-street parking stalls on the street side adjoining the subject property. In this instance, the condition on "NPC" zoned property to the west dictates a minimum of one space per unit.

On-street parking is not allowed on 19th Street to the west or on the I-235 exit ramp (Day Street) to the south. There also appears to be limited opportunity for shared parking with any neighboring uses. Staff believes that the reduced parking standard in the "NPC" design guidelines is not appropriate at this location and recommends that if the property is rezoned it should carry a condition that there be at least one space per unit.

- 5. 2020 Community Character Plan:** In order to find the requested rezoning in conformance with the comprehensive plan, the future land use designation must be amended from Low Density Residential to Mixed-Use and Density Residential. The area to the south and west are

designated as Mixed-Use and Density Residential. The 2020 Community Character Plan defines this designation as “areas that are developed with a mix of densities and some limited retail and office. A mix of single-family, duplex, small multiple-family as well as developments over 17 units per net acre is encouraged.”

The area surrounding the subject property contains a mix of single-family and small scale multiple-family dwellings. The proposed amendment to the land use designation is appropriate given the existing mix of housing and the site’s proximity to the Interstate 235 and Martin Luther King Jr. Parkway corridors.

The “NPC” District allows for both commercial and residential uses. The “NPC” Design Guidelines generally limit the height of multiple-family dwellings to four-stories. Staff believes commercial uses would not be appropriate at this location and recommends that if the property is rezoned it should be on the condition that use of the land is limited to residential development. Again this is the same as the condition on existing “NPC” zoned area adjoining to the west.

- 6. Urban Design:** The applicant submitted a conceptual site sketch showing two building phases. The first phase building is setback eight feet from the south property line and 15 feet from the west property line. Parking is shown behind the building with drive approaches from Atkins Street to the north and 18th Street to the east. The application indicates that the development would consist of three-story buildings modeled after the recently constructed Woodland Avenue Brownstone apartments in the Sherman Hill Neighborhood to the south. If the property is rezoned, any development will require site plan and building elevation approval by the Commission in accordance with the “NPC” Design Guidelines and the City’s multiple-family dwelling design guidelines.

SUMMARY OF DISCUSSION

Erik Lundy presented staff report and recommendation.

Ryan Galloway 1039 13th Street stated they will do this project in phases. They will do the southern phase first with 18 units.

Jacqueline Easley suggested that the applicant continue to communicate with neighbors.

Ryan Galloway stated that he has communicated with the neighbors. There were 67 units initially and now they are proposing 56 units.

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one to speak for or in opposition.

CHAIRPERSON CLOSED THE PUBLIC HEARING

There was no discussion.

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COMMISSION ACTION

Greg Jones moved staff recommendation Part A) That the requested rezoning be found not in conformance with the approved Des Moines' 2020 Community Character Plan; Part B) To approve the requested amendment to the Des Moines' 2020 Community Character Plan future land use designation from Low Density Residential to Mixed-Use and Density Residential and Part C) To approve the requested rezoning subject to the following conditions:

1. Use of the property is restricted to residential.
2. Provision of a minimum of one (1) off-street parking stall per dwelling unit.

Motion passed 10-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment

Item 2009 00060

Date May 12

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

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RECEIVED
(Circle One)
COMMUNITY DEVELOPMENT Print Name _____

MAY 20 2009

Signature _____

DEPARTMENT

Address _____

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

Good for neighborhood

