

Date June 22, 2009

WHEREAS, on June 8, 2009, by Roll Call No. 09- 980 , it was duly resolved by the City Council that the application of Ryan Galloway to rezone certain property he owns that is located south of Atkins Street between 18th and 19th Streets, more fully described below, be set down for hearing on June 22, 2009, 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 June 11, 2009, 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:

The South 10.0 feet of Lot 5; all Lots 6 and 7; the vacated South 10 feet of Lot 42; all of the vacated North/South alley right-of-way lying East of and adjoining Lots 36, 37 and 38; and, the West 1/2 of the vacated North/South alley right-of-way lying East of and adjoining Lots 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 (hereinafter referred to as the "Property").

from the "R-3" Multiple-Family Residential 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:

- A. The use of the Property shall be restricted to single-family, two-family or multiple-family residential uses and accessory uses customarily incidental and subordinate to such principal uses.
- B. A minimum of one (1) off-street parking space shall be provided for each dwelling unit upon the property.

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

Date June 22, 2009

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, as amended on this date.

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

FORM APPROVED:

*Roger K. Brown*  
 Roger K. Brown  
 Assistant City Attorney  
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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VCLASSIS				
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

Date \_\_\_\_\_

Agenda Item 27

Roll Call # 09-980

SSB

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 15<sup>th</sup> 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 19<sup>th</sup> 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 19<sup>th</sup> 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 18<sup>th</sup> 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 13<sup>th</sup> 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.*

09-280  
SSB

**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 09-980

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

*[Handwritten mark]*

**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  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_