

Date July 26, 2010

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 15, 2010, its members voted 10-1 in support of a motion to recommend **APPROVAL** of a City Council initiated request to rezone property located within the area recognized as the Historic East Village, which is generally bounded by Des Moines Street on the North, East 7<sup>th</sup> Street on the East, properties fronting the south side of East Court Avenue on the South, and Robert D. Ray Drive and East 2<sup>nd</sup> Street on the West, from "C-3" Central business district commercial district and "M-1" Light Industrial District to "C-3B" Central Business District Mixed Use in accordance with the attached map; and for staff to continue to work with the property owners to address issues before the City Council hearing.

The subject property is more specifically described as follows:

Beginning at the intersection of the Centerline of Des Moines Street and the Centerline of East Fourth Street, thence easterly along said Centerline of Des Moines Street to its intersection with the Centerline of Pennsylvania Avenue, thence south along said Centerline of Pennsylvania Avenue to its intersection with the Centerline of East Locust Street, thence easterly along said Centerline of East Locust Street and Vacated East Locust Street to its intersection with the north extension of the Centerline of the North/South alley Right-of-Way lying west of and adjacent to Lot 9, Block H, Griffiths Addition to East Des Moines, an Official Plat, thence southerly along said Centerline of the North/South alley Right-of-Way and continuing along the Centerline of the vacated North/South alley Right-of-Way lying west of and adjacent to Lot 9 and Lot 7, Block H, Griffiths Addition to East Des Moines and Lot 9 and Lot 7, Block G, Griffiths Addition to East Des Moines and its south extension to its intersection with the Centerline of East Court Avenue, thence westerly along said Centerline of East Court Avenue to its intersection with a point on said Centerline of East Court Avenue said point being 26.59 feet west of the northerly extension of the east lot line of Lot 2, Block 13, Town of De Moine, an Official Plat, thence south from said point on the Centerline of East Court Avenue along a line 26.59 west of and parallel to the northerly extension of said east line of Lot 2, Block 13, Town of De Moine to its intersection with the north lot line of said Lot 2, Block 13, Town of De Moine, thence southeasterly along a line 13 feet east of and parallel to the Centerline of the abandoned Des Moines Western Railroad Tracks running through Lots 2, 3, 4, 5, Block 13, Town of De Moine and the vacated East/West alley Right-of-Way lying south of and adjacent to said Lot 5, Block 13, Town of De Moine to its intersection with the Centerline of the vacated East/West alley Right-of-Way lying south of and adjacent to Lot 5, Block 13, Town of De Moine, thence westerly along said Centerline of the vacated East/West alley Right-of-Way lying south of and adjacent to Lots 1, 2, 3, 4, 5, Block 13, Town of De Moine, thence continuing westerly along the Centerline of the vacated East/West alley lying south of and adjacent to Lots 1 thru 6,

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Block 14, Town of De Moine, thence continuing westerly along the Centerline of the existing East/West alley Right-of-Way south of and adjacent to Lots 1 thru 6, Block 15, Town of De Moine, and Lots 1 thru 6, Block 16, Town of De Moine, thence continuing westerly along the Centerline of the vacated East/West alley Right-of-Way south of and adjacent to Lot 10, Lot 9 and Lot 8, Block 3, Scott & Deans Addition, an Official Plat to its intersection with the southerly extension of the west lot line of said Lot 8, Block 3, Scott & Deans Addition, thence continuing southerly along said extension of the west lot line of Lot 8, Block 3, Scott & Deans Addition to the northwest corner of Lot 11, Block 3, Scott & Deans Addition, thence south from the northwest corner of said Lot 11, Block 3, Scott & Deans Addition to the southeast corner of Lot 4, Block 3, Scott & Deans Addition, thence westerly from the southeast corner of Lot 4, Block 3, Scott & Deans Addition along the south Lot Line of Lot 4, Block 3, Scott & Deans Addition and its westerly extension to the Centerline of East Third Street, thence northerly along said Centerline of East Third Street to its intersection with the easterly extension of the Centerline of the existing and vacated East/West alley Right-of-Way lying south of and adjacent to Lots 5 thru 10, Block 1, Scott & Deans Addition, thence westerly along the Centerline of the existing and vacated East/West alley Right-of-Way lying south of and adjacent to Lots 5 thru 10, Block 1, Scott & Deans Addition and its westerly extension to the Centerline of East Second Street, thence northerly along said Centerline of East Second Street to its intersection with the Centerline of East Locust Street, thence easterly along the Centerline of said East Locust Street to its intersection with the Centerline of East Second Street lying between East Locust Street and East Grand Avenue, thence northerly along the Centerline of said East Second Street lying between East Locust Street and East Grand Avenue to its intersection with the Centerline of East Grand Avenue, thence easterly along the Centerline of said East Grand Avenue to its intersection with the Centerline of East Fourth Street, thence northerly along the Centerline of said East Fourth Street to the Point of Beginning.

AND, beginning at the intersection of the northerly extension of the west lot line of Lot 11, Block 3, Scott & Deans Addition, an Official Plat and the Centerline of the East/West alley lying north of and adjacent to Lot 11, Block 3, Scott & Deans Addition, thence easterly along said Centerline of the East/West alley lying north of and adjacent to Lot 11, Block 3, Scott and Deans Addition and its easterly extension to its intersection with the Centerline of East Fourth Street, thence southerly along the said Centerline of East Fourth Street to its intersection with the easterly extension of the south lot line of Lot 11, Block 3, Scott & Deans Addition, thence westerly along the easterly extension of the south lot line of Lot 11, Block 3, Scott & Deans Addition, thence continuing westerly along the south lot line of Lot 11, Block 3, Scott & Deans Addition and its westerly extension to the southeast corner of Lot 4, Block 3, Scott & Deans Addition, thence north from the southeast corner of Lot 4, Block 3, Scott & Deans Addition to the northwest

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corner of Lot 11, Block 3, Scott & Deans Addition, thence northerly from the northwest corner of Lot 11, Block 3, Scott & Deans Addition to the Point of Beginning.

AND, beginning at the intersection of the Centerline of East Sixth Street and the westerly extension of the Centerline of the Vacated East/West alley Right-of-Way lying north of and adjacent to Lot 16, Block 14, Town of De Moine, an Official Plat, thence easterly along the westerly extension of the Centerline of the Vacated East/West alley Right-of-Way lying north of and adjacent to Lot 16, Block 14, Town of De Moine and continuing easterly along the Centerline of the Vacated East/West alley Right-of-Way located north of and adjacent to Lots 16 and Lot 7, Block 14, Town of De Moine and Lots 16 and Lot 7, Block 13, Town of De Moine to its intersection with a line 13 east of and parallel to the Centerline of the abandoned Des Moines Western Railroad Tracks, thence southeasterly to a point on said line 13 feet east of and parallel to the Centerline of the abandoned Des Moines Western Railroad Tracks, said point being 96.74 feet west of the east lot line of Lot 7, Block 13, Town of De Moine, thence south from said point on the line 13 feet east of and parallel to the Centerline of the abandoned Des Moines Western Railroad Tracks 61.37 feet to a point 86.96 feet west of the east lot line of Lot 8, Block 13, Town of De Moine on a line extending from a point on the east lot line of Lot 8, Block 13, Town of De Moine said point on said east lot line being 8.6 feet south of the northeast corner of Lot 8, Block 13, Town of De Moine to a point on the west lot line of Lot 7, Block 13, Town of De Moines said point on said west lot line being 45 feet south of the northwest corner of Lot 7, Block 13, Town of De Moine, thence northwesterly along said line extending from a point on the east lot line of Lot 8, Block 13, Town of De Moine said point on said east lot line being 8.6 feet south of the northeast corner of Lot 8, Block 13, Town of De Moine to a point on the west lot line of Lot 7, Block 13, Town of De Moines said point on said west lot line being 45 feet south of the northwest corner of Lot 7, Block 13, Town of De Moine to said point on the west lot line of Lot 7, Block 13, Town of De Moine said point being 45 feet south of the northwest corner of Lot 7, Block 13, Town of De Moine, thence west from said point 45 feet south of the northwest corner of Lot 7, Block 13, Town of De Moine to a point on the east lot line of Lot 16, Block 13, Town of De Moine said point being 45 feet south of the northeast corner of Lot 16, Block 13, Town of De Moine, thence north from said point on the east lot line of Lot 16, Block 13, Town of De Moine to a point 39 feet south of the northeast corner of Lot 16, Block 13, Town of De Moine, thence westerly from said point on the east lot line of Lot 16, Block 13, Town of De Moine along a line 39 feet south of and parallel to the north lot line of Lot 16, Block 13, Town of De Moine and Lots 7, and 16, Block 14, Town of De Moine and the westerly extension of said line to its intersection with the Centerline of East Sixth Street, thence north along said Centerline of East Sixth Street to the Point of Beginning, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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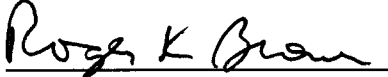
Date July 26, 2010

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 August 9, 2010, at which time the City Council will hear both those who oppose and those who favor the proposal.
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

(ZON2010-00108)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

**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.

MOTION CARRIED APPROVED

\_\_\_\_\_  
Mayor

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

July 21, 2010

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 July 15, 2010, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 10-1 as follows:

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

**APPROVAL** of a City Council request to rezone property within the area recognized as the Historic East Village, which is generally bounded by Des Moines Street on the North, East 7<sup>th</sup> Street on the East, properties fronting the south side of East Court Avenue on the South, and Robert D. Ray Drive or East 2<sup>nd</sup> Street on the West. The proposed rezoning is in conformance with the existing Des Moines' 2020 Community Character Plan; and the properties within the subject area should be rezoned from "C-3" Central business district commercial district and "M-1" Light Industrial District to "C-3B" Central Business District Mixed Use District in accordance with the attached map. The Commission also requested that staff continue to work with the property owners to address issues before the City Council hearing.

ZON2010-00108



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

## **STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Staff recommends the following:

Part A) The proposed rezoning is in conformance with the existing Des Moines' 2020 Community Character Plan.

Part B) The properties within the subject area should be rezoned from "C-3" Central business district commercial district and "M-1" Light Industrial District to "C-3B" Central Business District Mixed Use District in accordance with the attached map.

### Written Responses

8 In Favor

6 In Opposition

## **STAFF REPORT**

### **I. GENERAL INFORMATION**

The "Des Moines: Capitol Gateway East Urban Design Plan" (1997) envisioned revitalization of the East Village such that it became "the thriving diverse, desirable city neighborhood that it once was." Over the past decade, significant redevelopment has taken place in the East Village. Once a trouble eyesore at the foot of the Capitol, the area is now a thriving mixed use district with a variety of businesses, property owners, and dwelling units. An array of owners, public and private, has made significant investments in their businesses, property redevelopment, streetscape, redevelopment incentives, and open space and the district is once again flourishing.

In the spring of 2009, East Village business owners approached the City with general concerns about redevelopment on remaining vacant blocks in the East Village area. The majority of the area is currently in the C-3 Central Business District Commercial district with the Capitol Dominance Overlay and Pedestrian Sign Overlay districts in effect in this area. The C-3 district does not have minimum height requirements, build-to or setback requirements, or bulk/density requirements. Analysis of the current C-3 zoning confirmed that lower density, auto-oriented development that would not support the current and desired character of development activity in the East Village could be constructed in this zoning district. While the existing "East Gateway Design Guidelines" have been successfully used to shape many development and rehabilitation projects that have requested City incentives, these Guidelines would not be in effect if a developer did not seek City assistance. This led staff to explore potential existing zoning districts that would be a better fit for the desired character of the East Village.

With East Village constituents, staff developed the following goals to guide this research:

- Protect public and private investments in the East Village
- Foster growth and future success of East Village
- Preserve East Village identity
  - Unique, mixed use environment
  - Historic preservation and well-designed infill
  - Urban, walkable district

Staff analyzed existing districts with the following criteria:

- Buildings at/near property line
- Density: 2-3 stories minimum; 75' maximum height
- Historic preservation
- Infill and new buildings with quality, durable materials and construction
- Mixed use buildings that include services/retail and housing/commercial
- Appropriate contribution to tax base

Staff concluded that the C-3B Central Business District Mixed Use District is the most applicable district for the East Village.

The following is a description of how the proposed re-zoning from C-3 to C-3B will affect properties within the requested area:

- C-3B restricts the following uses that are currently allowed in C-3:
  - Automobile display, rental, and sales
  - Mobile home parks
  - General motor vehicle repair including major body work
  - General motor vehicle repair excluding major body work
  - Automobile washing (open bays and unattended)
  - Adult entertainment
  - Monument sales yards
  - Sheetmetal shops
  - Sign painting shops
  - Storage of nonflammable, nonexplosive, nonperishable goods
  - Transportation passenger terminals including bus stations, railroad passenger stations, or other passenger terminals
  - Shelter for the Homeless not subject to 1/4 mile separation
- C-3B permits the following uses that are currently restricted in C-3
  - Assembly and packaging of components previously prepared within an enclosed building
  - Machine shops
  - Retail lumberyards
  - Warehousing
  - Electrical substations and gas regulator facilities on land owned by the Utility as of the date of being placed in "C-3B"
- The change in the list of permitted uses eliminates six current non-conforming parcels and creates ten new non-conforming parcels. Four parcels are non-conforming uses in either zoning district.
- Any new development / redevelopment would be subject to Site Plan Review by the Plan and Zoning Commission. Review would be subject to the C-3B design guidelines in the site plan regulations (Section 82-214.7 Design guidelines within D-R and C-3B districts).
- This proposal will also rezone portions of four properties currently partially zoned "M-1" Light Industrial District to "C-3B" (317, 601, 625, and 701 East Court Avenue)

Per East Village Neighborhood Board vote in March 2010, the rezoning has the support of the neighborhood. The R&O Committee of the Plan and Zoning Commission reviewed the proposal on March 24, 2010. City Council reviewed the proposed re-zoning during a workshop on April 12, 2010 and directed staff to proceed with the proposal.

On June 23, 2010, City staff hosted a public open house and invited all property owners in and within 250' of the affected district and representatives of the East Village neighborhood association. Thirteen people attended these meetings. Concern from two property owners affected by the change in uses was registered.

The Des Moines' 2020 Community Character Plan designates the subject area as Downtown Retail/Office Core/Core Fringe which is intended to serve as an extension of the high density, compact, pedestrian-oriented shopping, office and financial area in the heart of Downtown Des Moines. Staff believes that the proposed C-3B zoning and retention of existing overlay districts is consistent with this designation in the existing 2020 Community Character Plan.

Attached is a map of the subject area and a chart showing analysis of zoning conforming for individual properties. Determination of a property's "conforming" status was based solely on an analysis of uses provided by the Polk County Assessor. Further determination of an individual property's conformity will be necessary at the time of any building permit review.

## **SUMMARY OF DISCUSSION**

Erin Olson-Douglas presented staff report and recommendation.

Dann Flaherty asked if the number of two-story buildings located in this area become non-conforming.

Erin Olson-Douglas stated that nothing becomes non-conforming due to its relation to the design guidelines.

Mike Ludwig pointed out that if the Commission makes a recommendation Staff anticipates that the Council will hold the public hearing on August 23, 2010. Typically, the hearing would be August 9, 2010, but staff purposely left an extra two weeks between when the hearing would be held so that if there are comments tonight that staff has the opportunity to address those. Staff believes it is appropriate to make a decision tonight, but it is up to the Commission.

Brian Millard asked if the rezoning will increase the value of the properties or have a negative impact on any of these properties in value.

Erin Olson-Douglas stated that zoning in itself does not increase or decrease value. The opposition comes in the analysis that was reviewed of the "C-3" zoning district. "C-3" is very flexible and the proposed zoning puts more requirements on those properties.



Jacqueline Easley asked if the research of other states shared any experience about the property value in the communities.

Erin Olson-Douglas stated that she could not speak to the property value but noted this is an issue going on in cities across the country and was one of the pieces in the analysis was to look at how those cities were addressing the issue. We found that in most cities a design guideline was the direction they were going.

Mike Ludwig stated the price per square foot is what's keeping the auto dominated uses from going in on properties on the downtown core on the west side of the river. There is a greater likelihood of auto oriented development occurring in the East Village right now based on the existing price per square foot of land.

Mike Simonson asked about the non-conforming use. If there is a building that has an automobile repair shop in it today and the Council passes this and that tenant moves out and the owner of the building wants to lease that building, can they still lease it to an automobile repair shop because that is what the building was built for?

Su Donovan stated the legal non-conforming use would stay in place unless the structure was vacated for six months. At which point they could appeal to the Zoning Board of Adjustment for an extension of that time.

Kent Sovern asked since Bud Mulcahy property has been vacant a long time did it lose its legal non-conforming rights.

Su Donovan stated yes the Bud Mulcahy property did lose its legal non-conforming rights and if they were to redevelop as an auto dealership now they would have to come into conformance with the current standards for an auto dealership.

Leisha Barcus asked if the zoning would allow for an auto use.

Mike Ludwig stated existing auto related uses would be legal non-conforming. New auto related uses would be prohibited.

### **CHAIRPERSON OPENED THE PUBLIC HEARING**

*The following spoke in favor of the applicant's request*

Marsha Steele 1427 Thompson, president of East Village, store address is 520 E. Grand Avenue stated the board has been following closely and they voted unanimously to recommend approval of the rezoning to "C-3B". The importance is the embracing of street frontage with buildings rather than setback. An entity will not be able to develop something that was not in the keeping of what East Village would like to see. The board's concern is continued automobile use.

*The following spoke in opposition of the applicant's request*

Bob Dilley, president of Dilley Manufacturing Company 215 E. 3<sup>rd</sup> Street stated he does not understand what will be accomplished by the "C-3B" proposal. He is concerned with the limitation that is being placed on owner's properties. He also asked does zoning need to be changed while they are making progress.

Suzanne Simon 201, 205, 211 and 215 E. Walnut of Simon Tire. Stated why they have been at the same location for 96 years and she is against the rezoning since automotive repair is not allowed. The rezoning would be detrimental to her family business and she would like for the zoning to continue to be "C-3" or exempt her properties to be "C-3".

David Lekowsky 7218 Bel-Aire, Windsor Height has property at 500, 504 E. Grand and 511 E. 5<sup>th</sup> asked that the Commission keep the current zoning. The change of zoning would hinder their ability to rent and sell their building and is concerned that it would take their freedom away.

Brian Millard asked if the feeling of Mr. Lekowsky's family is if the zoning changes to "C-3B" that this will negatively impact them financially when the sell or is it current operations that it could affect.

David Lekowsky stated both because it limits their ability.

Troy Hansen with the Hansen Company 5665 Greendale Road regarding property at 201 E. Locust, 306 E. 3<sup>rd</sup>, and 323 E. Locust stated they have invested nearly 4 million dollars on the real estate in the East Village. The concern is this property was used for a vehicle display service at one time and the rezoning will become a barrier for the pursuit of future tenants for that real estate.

Harlan Lewkowsky 728 38<sup>th</sup> Street stated he is concerned with the restriction to rent if the zoning is changed to "C-3B".

Bob Dilley asked who initiated the rezoning.

Mike Ludwig stated that the request was initiated by some property owners, tenants, and residents who came to the City. Staff took the report back to the Council in a workshop and Council directed staff to move forward with hearings on a proposed rezoning.

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

Brian Millard asked staff about special accommodations in writing to existing business owners that this may impact.

Erin Olson-Douglas stated that after hearing some concerns at the public meeting staff went through use analysis and determined that the auto related uses were of concern. Staff suggested limited "C-3" zoning for properties in the vicinity of the former Bud Mulcahy site and Simon Tire, which would allow the uses to continue but would subject those properties to "C-3B" Site Plan review. The two owners were not interested in moving forward with the proposal at that point.

Brian Millard asked about limited manufacturing.

Mike Ludwig stated the "C-3B" District allows assembly and packaging of components previously prepared within an enclosed building. This would be a non-conforming use under the current zoning and a permitted use under the proposed zoning.

JoAnne Corigliano asked if someone wanted to put in a dealership such as BMW in the middle of East Village would this be permitted.

Mike Ludwig stated under the existing zoning there is no distinction between a used or new car dealer and car lots are not permitted under the proposed zoning. If that use was proposed the option to the property owner would be to rezone to a Planned Unit Development (PUD) where the Commission and Council could look at the specific use and determine whether or not that was allowed. PUD would be one zoning district they could ask for, they could also ask to rezone the property back to another district that would permit whatever use they are proposing and the Commission would have to decide if that was appropriate, if any condition should be placed on zoning at that time. If zoning were not approved they could go to the Board of Adjustment to request a Use Variance.

Kent Sovern asked if the Commission would entertain a continuance to allow further discussion.

Dann Flaherty stated if the objectors would work with staff, they could probably get it resolved before the Council meeting.

Mike Ludwig stated at the public meeting there was a limited amount of objection. Staff offered a proposal that would limit the boundary of a Limited "C-3" zone that would accommodate auto repair and sales uses. Those auto repair uses would continue as a permitted use under a limited "C-3" zoning but in exchange they would agree that redevelopment of the property would be subject to "C-3B" design guidelines. Staff scheduled an extra two to three weeks between hearings by the Plan and Zoning and City Council so discussion can continue.

Brian Millard offered a friendly amendment that staff works with the property owners to address issues before the City Council hearing.

JoAnne Corigliano accepted the friendly amendment.

Kent Sovern asked if the City can restrict the State's use of that parcel.

Mike Ludwig noted the State has worked with the City to comply with our standards and the City does have a good working relationship with them on agreeing to comply with our standards even if they could claim exemption.

Will Page pointed out in the presentation Erin gave there are property owners in favor of design guidelines in that area and there has already been compromise in the planning process.

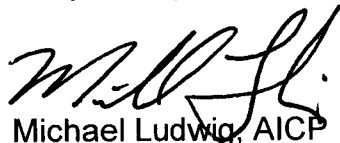
Kent Sovern suggested receiving and filing correspondence regarding the East Village rezoning.

**COMMISSION ACTION**

JoAnne Corigliano moved to find that the proposed rezoning is in conformance with the existing Des Moines' 2020 Community Character Plan; and the properties within the subject area should be rezoned from "C-3" Central business district commercial district and "M-1" Light Industrial District to "C-3B" Central Business District Mixed Use in accordance with the attached map; and for staff to continue to work with the property owners to address issues before the City Council hearing.

Motion passed 10-1 (Jim Martin voted in opposition)

Respectfully submitted,



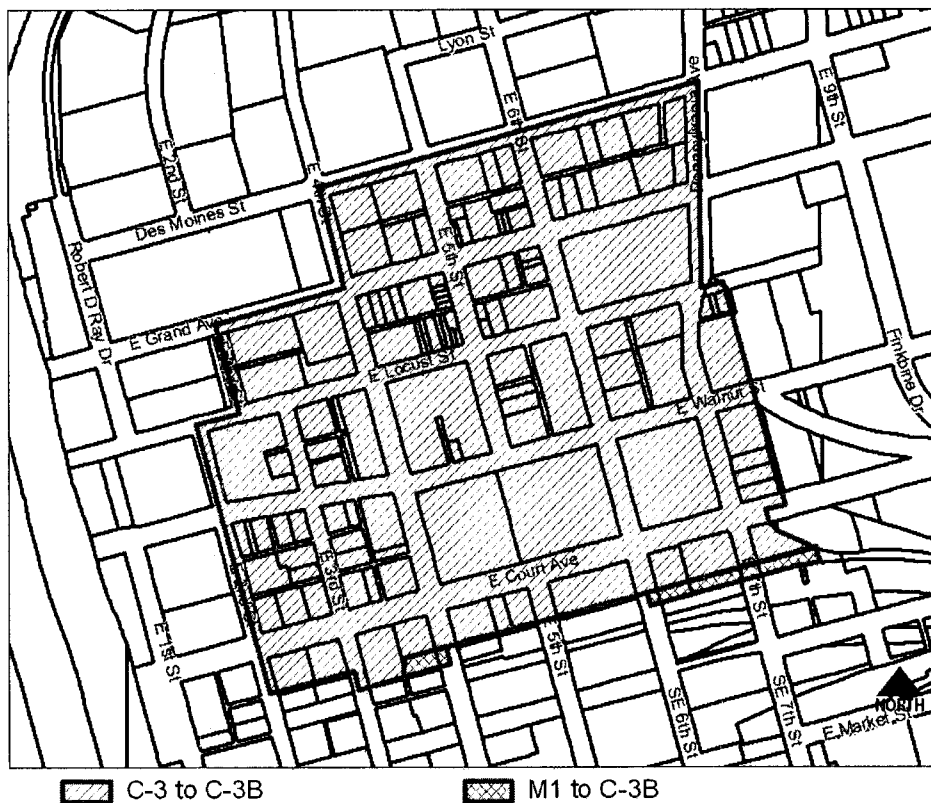
Michael Ludwig, AICP  
Planning Administrator

MGL:clw

City Council initiated request to rezone property located within the area recognized as the Historic East Village, which is generally bounded by Des Moines Street on the North, East 7 <sup>th</sup> Street on the East, properties fronting the south side of East Court Avenue on the South, and Robert D. Ray Drive or East 2 <sup>nd</sup> Street on the West.			<b>File #</b> ZON2010-00108	
<b>Description of Action</b>	Rezone property from "C-3" Central Business District Commercial District and "M-1" Light Industrial District to "C-3B" Central Business District Mixed Use.			
<b>2020 Community Character Plan</b>	Public/Semi-Public, Downtown: Retail/Office Core/Core Fringe, Support Commercial,			
<b>Horizon 2035 Transportation Plan</b>	E & SE 6 <sup>th</sup> Street from E Court Avenue to DM River widen from 2 lanes to 3 lanes, E 6 <sup>th</sup> Street from I-235 to E Walnut Street convert to one-way, E 7 <sup>th</sup> Street from E Court Avenue to E 6 <sup>th</sup> Street add 2 lanes one-way, E 7 <sup>th</sup> Street from E Locust Street to E Court Avenue convert to one-way			
<b>Current Zoning District</b>	"C-3" Central Business District Commercial District and "M-1" Light Industrial District			
<b>Proposed Zoning District</b>	"C-3B" Central Business District Mixed Use			
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	8	6		
Outside Area				
<b>Plan and Zoning Commission Action</b>	Approval	10-1	<b>Required 6/7 Vote of the City Council</b>	Yes
	Denial			No
				X

Proposed "C-3B" Zoning District - East Village Area

ZON2010-00108



Item 2010 00108 Date 7-9-10

27

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

106 E. 6th St

24,173

(Circle One)

Re: Two Rivers Marketing  
106 E. 6th St.  
Des Moines, IA 50309

Print Name Tom Junt

Signature [Signature]

Address Woodward Communications  
801 Bluff St, Dubuque, IA  
52001

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

RECEIVED  
COMMUNITY DEVELOPMENT

JUL 13 2010

DEPARTMENT

Item 2010 00108 Date 7/8/10

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

301 E WALNUT ST  
COSMOPOLITAN HOLDINGS

46

(Circle One)

Print Name Angela Campbell

Signature [Signature]

Address 301 E. Walnut

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

RECEIVED  
COMMUNITY DEVELOPMENT

JUL 15 2010

DEPARTMENT

These are properties that need incentives to keep them cleaned up. It will help the value of all of the properties in the neighborhood.

Item 2010 00108

Date 545 5TH ST 346

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

250 RECEIVED  
COMMUNITY DEVELOPMENT

(Circle One)

JUL 03 2010

DEPARTMENT

REGENCY VIEW MANUFACTURES  
Coop, Inc. 84: Smith St/Net.  
Print Name

Signature [Signature]

Address 545 5TH ST WDM IA 50265

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Item 2010 00108

Date 7-6-10

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

612 E. Grand 164

SP RECEIVED  
COMMUNITY DEVELOPMENT

(Circle One)

JUL 14 2010

DEPARTMENT

Print Name STEPHEN C CARBERRY

Signature [Signature]

Address 612 E. Grand

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

NO GOOD REASON TO CHANGE ZONING  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Item 2010 00108

Date

27

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

201 E WALNUT  
205 E WALNUT

44,45

(Circle One)

Print Name

DAVID L. SIMON (TRUST)

Signature

Suzann Simon

Address

201 E. Walnut

SP

RECEIVED  
COMMUNITY DEVELOPMENT  
JUL 13 2010  
DEPARTMENT

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Item 2010 00108

Date

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

211 E WALNUT  
215 E WALNUT

174,175

(Circle One)

Print Name

Simon Tire

Signature

Suzann Simon

Address

201 E. Walnut

SP

RECEIVED  
COMMUNITY DEVELOPMENT  
JUL 13 2010  
DEPARTMENT

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Item 2010 00108 Date 7-12-10

I  (am not) in favor of the request.

500 E GRAND 120  
5024 E GRAND 123  
509 E 5TH 131

SP  
130  
131  
RECEIVED  
COMMUNITY DEVELOPMENT  
DEPARTMENT  
JUL 15 2010

(Circle One)

Print Name HARLAN LEKOWSKY

Signature Harlan Lekowsky

Address 500 E Grand  
5024 E Grand  
509 E 5th

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

I would like to have the zoning  
be kept the way it is right now.

Thank You  
Harlan

Item 2010 00108 Date \_\_\_\_\_

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

216 E COURT AVE ? 9

SP  
RECEIVED  
COMMUNITY DEVELOPMENT  
DEPARTMENT  
JUL 09 2010

(Circle One)

Print Name MATTHEW C. VINCENT

Signature Matthew C. Vincent

Address 3530 ARAPAHOE DR

DES MOINES IA  
50312

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I (am) (am not) in favor of the request. 333 E GRAND AVE 96

RECEIVED  
COMMUNITY DEVELOPMENT  
DEPARTMENT  
JUL 15 2010  
96

(Circle One)

Print Name Jack Hatch

Signature Jack Hatch RS

Address 1312 Locust 333 E Grand

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

Hatch Development Group developed the East Village Square at 333 E. Grand and we support the zoning change to C-3B in order to maintain the character of the East Village

Subject: East Village Zoning Change to C-3B

Erin:

Hatch Development Group would like to support the City's rezoning of the East Village to C-3B in order to protect the unique characteristics of the neighborhood from new projects with undesirable setbacks and inappropriate designs.

HDG developed the East Village Square at 333 E. Grand and we will be sending in our voting card in favor or the rezoning.

Thanks,  
Ryan

96

HATCH  
EAST VILLAGE  
SQUARE APTS LP  
333 E GRAND  
4-1805-2  
(46)

Ryan Galloway

Hatch Development Group

1312 Locust Street, Des Moines, IA 50309

Office: 515-243-4675

Cell: 515-314-5481

ryan.galloway@hatchdevelopment.com

**Ludwig, Michael G.**

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**From:** Olson-Douglas, Erin  
**Sent:** Wednesday, July 14, 2010 10:17 AM  
**To:** Ludwig, Michael G.; Whitfield, Cathy L.  
**Subject:** FW: zoning change

For P&Z's EV re-zoning discussion

---

**From:** Jake Christensen [mailto:jake@christensenddevelopment.com]  
**Sent:** Wednesday, July 14, 2010 9:26 AM  
**To:** Olson-Douglas, Erin  
**Cc:** Mike Draper  
**Subject:** zoning change

Erin  
As a developer and owner of three properties in the East Village, I want to make sure that you have record of my support of the proposed zoning change for the East Village.  
The changes proposed are consistent with the character, the history, and the continuing growth of the area. The zoning change will allow for development to continue and will not impede quality development in the future.

I am not sure if I will be able to attend the Planning and Zoning meeting to voice my support in person, but please consider this letter as my full support of the zoning change.

Jake Christensen

250

132



NEELSON DEVELOPMENT VS  
300 E GRAND UC  
4-1708-608-1 (132)

**Ludwig, Michael G.**

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**From:** Olson-Douglas, Erin  
**Sent:** Thursday, July 15, 2010 7:43 AM  
**To:** Ludwig, Michael G.; Whitfield, Cathy L.  
**Subject:** Fwd: pass the proposed rezoning to C 3-B

Re: ev rezoning  
For p&z

Sent from my iPhone

Begin forwarded message:

**From:** Bill Van Orsdel <[bvanorsdel@qwestoffice.net](mailto:bvanorsdel@qwestoffice.net)>  
**Date:** July 15, 2010 7:28:32 AM CDT  
**To:** "Olson-Douglas, Erin" <[EODouglas@dmgov.org](mailto:EODouglas@dmgov.org)>  
**Cc:** marsha steele <[mlsdsm@earthlink.net](mailto:mlsdsm@earthlink.net)>, "[tim@diligentdevelopment.com](mailto:tim@diligentdevelopment.com)" <[tim@diligentdevelopment.com](mailto:tim@diligentdevelopment.com)>, 'Zack Eubank' <[Zach@bccadvisers.com](mailto:Zach@bccadvisers.com)>  
**Subject:** pass the proposed rezoning to C 3-B

Erin, we [Bill Van Orsdel, Tim Rypma, Zack Eubank & Marsha Steel] owners & Tenants of 506 East Grand to 526 East Grand urge the P&Z [and the City Council] to approve the rezoning in the East Village to C 3-B. There is a lot of misinformation regarding this issue which is unfortunate but I am sure your group can cut through to the realization this proposal is the next big step for our common goal of making the East Village people friendly with the kind of residential, shopping & commercial spaces that will enhance our growth and our Vision....bill

SR  
169  
125  
126  
129



506 E GRAND  
RE PROPERTIES LLC  
4-1957-1-1 (163)  
576 4-1698-2 (125)  
518 4-1695-1 (126)  
524 4-1694-1 (129)

**Ludwig, Michael G.**

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**From:** Olson-Douglas, Erin  
**Sent:** Wednesday, July 14, 2010 10:25 AM  
**To:** Whitfield, Cathy L.; Ludwig, Michael G.  
**Subject:** FW: HEV Zoning

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**From:** Catherine Sampson [mailto:evdayspa@gmail.com]  
**Sent:** Wednesday, July 14, 2010 6:45 AM  
**To:** Olson-Douglas, Erin  
**Cc:** mike@raygunsite.com  
**Subject:** HEV Zoning

Hello,

I'm writing as a business owner in the Historic East Village in support of the proposed zoning change to C3-B. I've reviewed the information and it seems the perfect way to protect the unique qualities of the Historic East Village. As a spa owner, I visit with many guests daily who remark on the beauty of our neighborhood and I know that the draw of the East Village is one reason that guests choose our spa over the suburban spas. I'd hate to see that hampered by a business that builds a huge parking lot and drive thru window in front of a store that stands out from the quaint and historic aesthetic of the rest of the village. We're currently seeing many guests from large cities in town for work and they express surprise and pleasure that they're able to spend their time in such a beautiful area!

Thank you for all of your work and attention to this matter. I sincerely appreciate it!

Sincerely,  
Cassie Sampson

--  
Cassie Sampson, LMT, Owner  
East Village Spa  
315 E. 5th Street #121  
East Village, Des Moines  
(515) 309-2904  
Book Online! [www.evdayspa.com](http://www.evdayspa.com)  
Follow us on Twitter [www.twitter.com/evdayspa](http://www.twitter.com/evdayspa)

40 ✓  
63

315 E 5TH #63  
4-2813-1  
SEQUOIA GROUP LLC

**Ludwig, Michael G.**

**From:** Olson-Douglas, Erin  
**Sent:** Tuesday, July 13, 2010 11:53 AM  
**To:** mlsdsm@earthlink.net  
**Cc:** Allyn Dixon; Cassie Sampson; Ludwig, Michael G.  
**Subject:** RE: FW: Zoning

Hi Marsha,

Thank you for your sustained attention to this.

Bars and Taverns are permitted uses in C-3B (proposed) and C-3 (existing). The proposed re-zoning would not affect this allowed use.

As we've alerted others interested in this issue, the P&Z meeting could be long on Thursday night. The EV re-zoning proposal is item #5 (last) on the agenda.

Best Regards,  
Erin

Erin Olson-Douglas, AIA

urban designer  
community development

City of Des Moines  
602 Robert D. Ray Drive  
Des Moines, IA 50309  
phone: 515.283.4021  
e: [eodouglas@dmgov.org](mailto:eodouglas@dmgov.org)

**From:** mlsdsm@earthlink.net [mailto:mlsdsm@earthlink.net]  
**Sent:** Tuesday, July 13, 2010 10:47 AM  
**To:** Olson-Douglas, Erin  
**Cc:** Allyn Dixon; Cassie Sampson  
**Subject:** Re: FW: Zoning

good morning, Erin...

I received some insight at last night's HEV board meeting.....

Bob Eikleberry (Mongo) owner of Blazing Saddles and owner of two adjacent buildings on E 5th has signed a petition to keep C3 zoning. The petition is being circulated by Brad Hamilton, building owner at 424 E Locust (the former ZZZ Record store). Mongo's stated that if/when he sells his bar & buildings he wants the buyer to be able to also operate a bar and he's concerned the proposed C3 b zoning will prohibit / disallow that.

Could you / the city please specifically address his concern in an email response that I could forward to him? As I and the rest of the board understand, Mongo would be able to sell his business and the new owner operate it as a bar.

I believe this would be helpful for his understanding and possible support of the proposed zoning change.

100  
103

SP  
89 ✓

EIKLEBERRY  
(89) 406 E 5th 4-1837  
(100) 414 " " 4-1819  
(105) 416 " " 4-1816  
BRAD HAMILTON  
424 E LOCUST 4-1833-3  
(89)

**Ludwig, Michael G.**

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**From:** Olson-Douglas, Erin  
**Sent:** Tuesday, July 13, 2010 10:00 AM  
**To:** Ludwig, Michael G.; Whitfield, Cathy L.  
**Subject:** FW: Zoning

Hi Cathy,

Would you please include this message for distribution to P&Z at this week's meeting?

Thank you,  
Erin

---

**From:** Dixon Jr., L. Allyn [mailto:adixon@dickinsonlaw.com]  
**Sent:** Tuesday, July 13, 2010 8:47 AM  
**To:** Olson-Douglas, Erin  
**Cc:** mlsdsm@earthlink.net  
**Subject:** Zoning

? ✓

Erin:

I support the proposed C3-B zoning for the Historic East Village. I am providing this message of support in my individual capacity, although I think the Board of Directors for the Historic East Village, Inc. may have earlier indicated support for this zoning, which I strongly encourage be accomplished.

I hope one or two detractors will not be able to hijack this process and keep what needs to happen from happening down there.

Thanks.

**Ludwig, Michael G.**

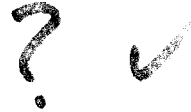
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**From:** Olson-Douglas, Erin  
**Sent:** Wednesday, July 14, 2010 8:49 AM  
**To:** Ludwig, Michael G.; Whitfield, Cathy L.  
**Subject:** FW: zoning change

Please add to the EV zoning information

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**From:** Charise Flynn [mailto:cflynn@cresultsconsulting.net]  
**Sent:** Wednesday, July 14, 2010 8:39 AM  
**To:** Olson-Douglas, Erin  
**Subject:** Fwd: zoning change



Erin, hope all is well with you. Per our numerous discussions I am in support of the zoning change. As an owner of a property in the east village and with interest in developing future property in the east village it is my opinion that the zoning change makes more sense from a 'good urban planning' standpoint than the current zoning. I believe it is important to encourage future building that is the appropriate density which this new zoning does.

Best regards,  
 Charise Flynn

Sent from my iPhone

Begin forwarded message:

**From:** Mike Draper <mike@raygunsite.com>  
**Date:** July 14, 2010 7:24:26 AM CDT  
**To:** Jake Christensen <jake@christensendevelopment.com>, Charise Flynn <cflynn@cresultsconsulting.net>, Christopher Burgeson <CBurgeson@iowastatebanks.com>, "tim@diligentdevelopment.com" <tim@diligentdevelopment.com>  
**Cc:** "mlsdsm@earthlink.net" <mlsdsm@earthlink.net>, Erin Olson-Douglas <EODouglas@dmgov.org>  
**Subject:** zoning change

hey gang,

just a reminder that the zoning meeting is tomorrow evening. if you can make it, that would be phenomenal. if not, please send an e-mail of support to Erin Olson-Douglas (if you haven't already .... and only if you support the change, i guess).

mike



**From:** Olson-Douglas, Erin  
**Sent:** Wednesday, July 21, 2010 11:04 AM  
**To:** Whitfield, Cathy L.; Ludwig, Michael G.  
**Subject:** FW: RE: East Village rezoning - ST Howard

Cathy,

Here is the simplified version (w/o the extraneous back-and-forth messages)

Erin

-----Forwarded Message-----

**From:** Lisa Howard  
**Sent:** Jul 20, 2010 7:20 PM  
**To:** Marsha Steele  
**Subject:** RE: East Village rezoning - ST Howard

Hi Marsha,

ST Howard Development Properties are Capitol Village Lofts @ 507 East Locust St, East Village Court Lofts @ 301 East Court Ave, and e5w @ 309 East 5th St.

Capitol Village Lofts - Is where I live and home to Jet & Monkey's

Thanks  
Lisa

Lisa A. Howard  
Sales Associate/Realtor  
Coldwell Banker Mid-America Group, Realtors  
2120 Rittenhouse Street, Suite A  
Des Moines, Iowa 50321  
Licensed in Iowa  
515-490-6454

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Subject: RE: East Village rezoning - comparison  
Date: Tue, 20 Jul 2010 16:34:59 -0500  
From: [thoward@riekesmh.com](mailto:thoward@riekesmh.com)  
To: [wildhorses937@hotmail.com](mailto:wildhorses937@hotmail.com)

We are fine with the zoning change

Tom Howard

1130 SE Westbrooke Dr.  
Waukee, IA 50263

[www.riekesmh.com](http://www.riekesmh.com)  
[www.sthowarddevelopment.com](http://www.sthowarddevelopment.com)  
[www.e5w.info](http://www.e5w.info)

