

August 23, 2010

Date

WHEREAS, on July 26, 2010 by Roll Call No. 10-1215 the City Council of the City of Des Moines duly resolved that the 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 7th Street on the East, properties fronting the south side of East Court Avenue on the South, and Robert D. Ray Drive and East 2nd 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 classification in accordance with the attached map be set down for hearing on August 23, 2010 at 5:00 p.m. in Council Chambers at City Hall; and

WHEREAS, due notice of the hearing was published in the Des Moines Register on August 12, 2010, setting forth the time and place for the hearing on the proposed amendment to the Zoning Ordinance; and

WHEREAS, pursuant to the notice those interested in the proposed hearing, 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:

(Except 201 East Walnut Street)

-EX ST- W 44F LTS 1 & 2 BLK H SCOTT & DEANS ADD

(Except 205 East Walnut Street)

EX ST E 1/3 W 1/2 LOTS 1 & 2 BLK H SCOTT & DEANS ADD

(Except 211 East Walnut Street)

-EX ST- E 1/2 LTS 1 & 2 BLK H SCOTT & DEANS ADD

(Except 215 East Walnut Street)

-EX ST- W66F LTS 13 & 14 BLK H SCOTT & DEANS ADD

(Except 201 East Locust Street)

VAC E WALNUT ST BEG SW COR LT 1 THN E TO SE COR LT 8 S 25.2F W TO POB & VAC E/W ALLEY LYG S & ADJ LT 3 & W 44F VAC E/W ALLEY LYG S & ADJ LT 6 & ALL VAC INTERV N/S ALLEY & LOTS 1 THRU 6 & W 44F LTS 7 & 8 & -EX N 23.1F- E 88F LOT 8 BLK G SCOTT & DEANS ADD

(Except 306 East 3rd Street)

E 88F LT 7 & N 23.1F E 88F LT 8 BLK G SCOTT & DEANS ADD

.....
Date August 23, 2010

.....

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, 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

.....
Date..... August 23, 2010

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 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

August 23, 2010

Date

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,

from C-3 Central Business District Commercial District and M-1 Light Industrial District to C-3B Central Business District Mixed Use classification in accordance with the attached map.

August 23, 2010

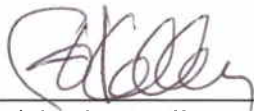
Date

-5-

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the Property to C-3B Central Business Mixed Use classification are hereby overruled, the hearing is closed, and the proposed amendment to the rezoning ordinance is hereby approved.

Moved by _____ to adopt and approve the rezoning, subject to final passage of the rezoning ordinance.

APPROVED AS TO FORM:



Michael F. Kelley
Assistant City Attorney

(Council Communication No. 10-524)

| 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

(continued)

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:



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

| 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 7th Street on the East, properties fronting the south side of East Court Avenue on the South, and Robert D. Ray Drive or East 2nd 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

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. 3rd 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. 5th 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. 3rd, 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 38th 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.

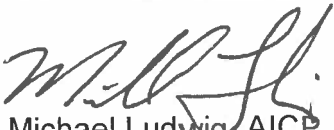
Kent Sovern suggested receiving and filing correspondence regarding the East Village rezoning.

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,



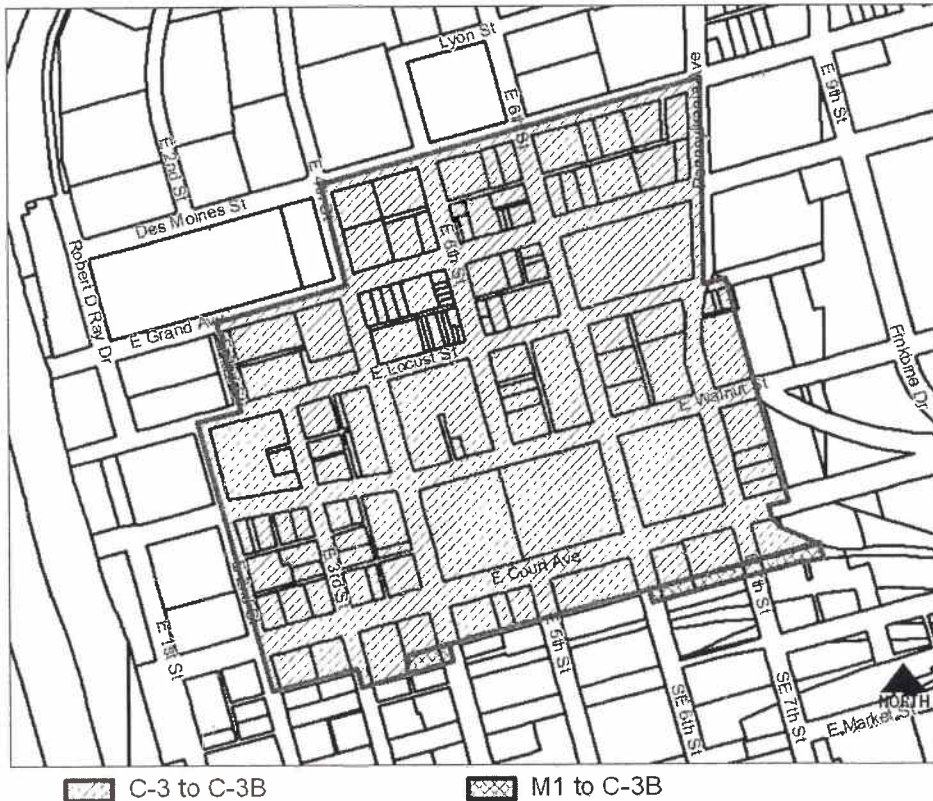
Michael Ludwig, AICP
Planning Administrator

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

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

ZON2010-00108



Item 2010 00108 Date 7-9-10

(am) (am not) in favor of the request. 106 E. 6th St 24173

(Circle One)

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

Print Name Tom Vunt

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 46
COSMOPOLITAN HOLDINGS

(Circle One)

Print Name Angela Campbell

Signature [Signature]

Address 301 E. Walnut

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

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

RECEIVED
COMMUNITY DEVELOPMENT
JUL 15 2010
DEPARTMENT

46

Item 2010 00108

Date _____

43-I

545 5TH ST

346

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

250
RECEIVED
COMMUNITY DEVELOPMENT

(Circle One)

JUL 03 2010

DEPARTMENT

Print Name

REGENCY VIEW MANOR BUSSES
COOP, INC. BY: JIMMIE PACT.

Signature

[Handwritten 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
JUL 11 2010
DEPARTMENT

(Circle One)

Print Name

STEPHEN C. CARBERRY

Signature

[Handwritten Signature: Stephen C. Carberry]

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 _____

43-7

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

Suzanne 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

174,75

(Circle One)

Print Name

Simon Tire

Signature

Suzanne 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 -1

Date 7-17-10

I (am not) in favor of the request.

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

(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:

SP
120
123
131
RECEIVED
COMMUNITY DEVELOPMENT
JUL 15 2010
DEPARTMENT

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

Thank You
Harlan

Item 2010 00108 -4

Date _____

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

216 E COURT AVE ? 9

(Circle One)

Print Name MATTHEW C. VINCENT

Signature Matthew C. Vincent

Address 3530 ARAPAHOE DR

SP
RECEIVED
COMMUNITY DEVELOPMENT
JUL 09 2010

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

DES MOINES IA
50312

43-I

Item 2010 00108 Date July 9, 2010

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

RECEIVED
COMMUNITY DEVELOPMENT
DEPARTMENT
JUL 15 2010

Print Name Jack Hatch
Signature [Signature]
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 of the rezoning.

Thanks,
Ryan

SP ✓ 96

HATCH
EAST VILLAGE
SQUARE APTS LP
333 E GRAND
4-1805-2
(96)

Ryan Galloway

Hatch Development Group
1312 Locust Street, Des Moines, IA 50309
Office: 515-243-4675
Cell: 515-314-5481
ryan.galloway@hatchdevelopment.com

H3.I

Ludwig, Michael G.

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@christensendevelopment.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 IS
300 E GRAND LLC
4-1708-608-1 (132)

43-1

Ludwig, Michael G.

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>
Date: July 15, 2010 7:28:32 AM CDT
To: "Olson-Douglas, Erin" <EODouglas@dm.gov.org>
Cc: marsha steele <mlsdsm@earthlink.net>, "tim@diligentdevelopment.com" <tim@diligentdevelopment.com>, 'Zack Eubank' <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

SP
163
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)

43-1

Ludwig, Michael G.

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

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
Follow us on Twitter www.twitter.com/evdayspa

58 ✓
63

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

43-I

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

100
103

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 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.

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)

43.I

Ludwig, Michael G.

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.

43-I

Ludwig, Michael G.

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

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@christensendevlopment.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

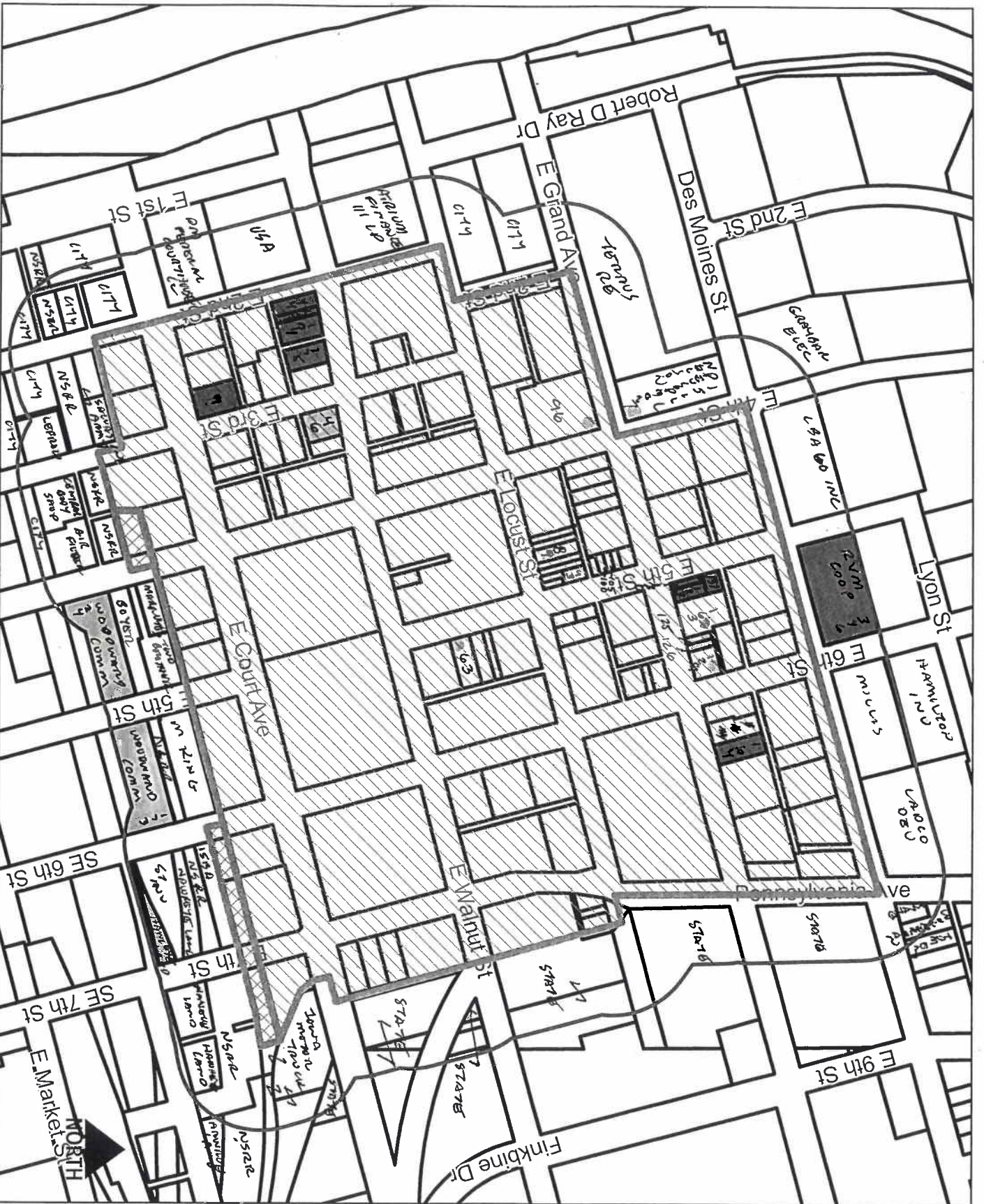
hey gang,

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

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

ZON2010-00108



C-3 to C-3B

M1 to C-3B

East Village Rezoning

