

.....  
September 8, 2008

Date .....

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on August 21, 2008, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Ryan Galloway (owner) to rezone property located in the vicinity of 1045 19<sup>th</sup> Street from "R-3" Multiple-Family Residential District to "NPC" Neighborhood Pedestrian Commercial District, to allow redevelopment of the property with new multiple-family residential subject to the owner of the property agreeing to the following conditions:.

1. Use of the property is restricted to residential.
2. 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

The subject property is more specifically described as follows:

Lots 36 through 41, in Butler's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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

1. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held in the Council Chambers at City Hall at 5:00 p.m. on September 22, 2008, 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.

( continued )

★ Roll Call Number

Agenda Item Number

13

Date .....September 8, 2008..

-2-

MOVED by \_\_\_\_\_ to adopt.

FORM APPROVED:

Roger K. Brown  
 Roger K. Brown  
 Assistant City Attorney

(ZON2008-00103)

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

MOTION CARRIED

APPROVED

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
 Mayor

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

Date \_\_\_\_\_

September 3, 2008

Agenda Item 13

Roll Call # \_\_\_\_\_

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 August 21, 2008, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 12-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	X			
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Dann Flaherty	X			
Bruce Heilman	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** to move staff recommendation that the requested rezoning be found **not** in conformance with the Des Moines' 2020 Community Character Plan.

By separate motion Commissioners recommended 11-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	X			
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley		X		
Dann Flaherty	X			
Bruce Heilman	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			



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

ALL-AMERICA CITY  
1949, 1976, 1981  
2003

**APPROVAL** to amend the Des Moines’ 2020 Community Character Plan future land use designation from Low Density Residential to Mixed-Use and Density Residential

By separate motion Commissioners recommended 12-0 as follows:

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
Leisha Barcus	X			
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Dann Flaherty	X			
Bruce Heilman	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 a request from Ryan Galloway (owner) to rezone property located in the vicinity of 1045 19<sup>th</sup> Street from “R-3” Multiple-Family Residential District to “NPC” Neighborhood Pedestrian Commercial District, to allow redevelopment of the property with new multiple-family residential subject to the following conditions:

1. Use of the property is restricted to residential.
2. Provision of a minimum of 1 off-street parking stall per dwelling unit. The Commission reserve the right to require additional parking during the site plan review.  
(Greg Jones)

**STAFF RECOMMENDATION AND BASIS FOR APPROVAL**

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

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 1.5 off-street parking stall per dwelling unit.

Written Responses

1 In Favor  
3 In Opposition

## STAFF REPORT

### I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant wishes to combine the subject property with adjoining land owned by the City and the Iowa Department of Transportation (IDOT) and construct a multiple-family development. The excess parcels owned by the City and the State are from the Interstate 235 and Martin Luther King Jr. Parkway projects.

The applicant intends to seek low-income tax credits from the State and construct a development similar in style to the Woodland Avenue Brickstone Apartments. The Brickstone Apartments were recently constructed in the Sherman Hill Neighborhood to the south. The City and State-owned land is zoned "R-3" District and will require rezoning to the "NPC" District if the entire site is developed as proposed. The applicant has submitted a purchase request for the City owned land and is in negotiations with the IDOT for the State owned land.

2. **Size of Site:** 36,359 square feet (0.83 acres)
3. **Existing Zoning (site):** "R-3" Multiple Family Residential District and "GGP" Gambling Games Prohibition Overlay District.
4. **Existing Land Use (site):** 4-plex multiple family dwelling and vacant land.
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* – "R-3", Uses are multiple-family and single-family dwellings.
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:** N/A.
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 contains several mature trees. As part of the Site Plan review, the developer will need to identify species and locate all trees over 12" in diameter. A tree mitigation/protection plan is expected to be submitted as part of a future Site Plan to define plantings to replace any trees to be removed by development and to identify measures to be taken to protect trees to be preserved during development.
- 2. Drainage/Grading:** Future development of the subject property will require a storm water management plan and a soil erosion protection and grading plan as part of the Site Plan review submittal. Within the NPC Districts, the allowable storm water run-off rate is equal to that of a 5-year return frequency storm on the site considering existing development. Temporary storm water storage must be provided for the difference between the allowable run-off and the run-off from a 100-year frequency storm on the site after the proposed development takes place. 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 states 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 implemented to the extent possible.
- 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.

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 no opportunity for shared parking with any neighboring uses. Staff believes that the reduced parking standard is not appropriate at this location and recommends that if the property is rezoned it should be on the condition that the standard number of off-street parking spaces is provided. The Zoning Ordinance's standard off-street parking requirement for multiple-family residential is 1.5 spaces per dwelling 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 is 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 land use designation amendment 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 limits the height of multiple-family dwellings to 4-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.

- 6. Urban Design:** The applicant submitted a site sketch showing an “L” shaped building setback 10 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 3-story buildings modeled on the recently constructed Woodland Avenue Brownstone apartments in the Sherman Hill Neighborhood to the south. If the property is rezoned its 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**

Bert Drost: Presented staff report and recommendation

*Fran Koontz and Mike Simonson left at 7:27 p.m.*

Dann Flaherty: Asked if staff is recommending the higher parking requirement because there is no parking on Day Street or 19<sup>th</sup> Street and that parking is only available on 18<sup>th</sup> Street.

Bert Drost: Stated that is correct.

Bruce Heilman: Asked staff to define “Mixed-Use and Density Residential” land use classification.

Bert Drost: “Mixed-Use and Density Residential” allows for a density over 17 dwelling units per acre.

Jack Hatch, 1623 Woodland Avenue, developer for the project: Stated that this project will be modeled after the Woodland Avenue Brickstones. The rezoning will be similar to what was done in Sherman Hill. There was some concern in this area that it did not have a organized neighborhood.

Ryan Galloway, 1039 19<sup>th</sup> Street, employee of Jack Hatch: Stated that it took him three years to assemble parcels. They tried to set up a meeting with Cheatom Park Neighborhood to the east, King Irving Neighborhood to the north, Drake Park Neighborhood to the west, and Sherman Hill Neighborhood to the south but only two of the four showed up. They were very impressed with the proposed building. The applicant is requesting rezoning because with a project of this size, there is an issue with the parking. He asked that the staff recommended 1.5 spaces per unit be changed because it limits how many units they can have.

Brian Millard: Stated that Mr. Hatch’s project is excellent. This project will have real entrances and be oriented towards 19<sup>th</sup> Street.

Leisha Barcus: Asked if people are going to come in and out of their homes off of 19<sup>th</sup> Street based on this plan with no parking on 19<sup>th</sup> Street. She also asked what public transportation serves this area.

Ryan Galloway: Residents could park on the west side of 19<sup>th</sup> Street and walk across the street. The bus stop is nearby and walking to downtown is very conducive.

Matt Coen with Jeffrey Morgan Architecture Studio, 304 15<sup>th</sup> Street: Showed a drawing with the parking lots in the back and building oriented toward 19<sup>th</sup> Street. Individual entries also function very well as porches for the tenants as well as direct access to the pedestrian corridor which currently has a bus stop. There are not a lot of people moving around there because of the density.

Bruce Heilman: Asked what is the range of square footage of the units.

Matt Coen: Stated that the square footage of units range from 600 to 850.

Bert Drost: Suggested a compromise may be that the parking requirement could be addressed during the site plan review, as the NPC site plan has to come back to the Commission for review. An analysis can be done on the parking on the street and traffic at that time.

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

*The following individuals spoke in opposition:*

Karen Rollison 1105 19<sup>th</sup> Street: Stated that she is concerned about the parking. Parking is a problem when Goode Park has an activity. She cannot get out of her driveway in the back. She is also concerned with the increase in the number of units.

Nhyx-Selene Webb, representing Schuh Investments, Inc. and a 9 year owner/resident of 1044 19<sup>th</sup> Street: Stated that she is opposed to the rezoning because of the parking and the minimal setback. It would be dangerous for children. Accidents would increase. The project would decrease green space and it is definitely not in accordance with the 2020 Character Community Plan.

Mary Seltzman, 1044 19<sup>th</sup> Street: Opposed because of the increase of accidents and crime and because it will be difficult to plow snow.

Jeff Johannsen: Asked if they belong to a neighborhood association and, if not, encouraged that they do.

Karen Rollison: Emphasized that they tried to create an association but there are too few houses there.

Greg Jones: Asked if they are opposed to this, what would they like to see in that area instead.

Nhyx-Selene Webb: Stated she would like to see single-family homes with owner-occupants who are invested in the property. She does not think that tenants would be invested in the property.

Jack Hatch: Understands the concerns and is very sympathetic but that they would bring in families and individuals who will add to the quality of the neighborhood. The investor is a person who owns and lives there, with the hope of revitalizing the neighborhood.

Jeff Johannsen: Asked what is the percentage of low income on this property when applying for tax credit.

Jack Hatch: Since the new allocation came out two days ago that shifts a lot of the tax credit to eastern Iowa, this will have to be reconfigured. Low income is a matter of degree and it is not in terms of people who can't hold a job. The tax credit program was designed so the burden of obligation falls on the owner. Therefore, you want to have someone who will stay there and contribute to your property.

Jacqueline Easley: Would like to see more support in the neighborhood and she is concerned that the neighbors feel discomfort for this project.

Jack Hatch: Thinks that they can provide a sense of direction and a real sense of clarity for what that neighborhood could be.

Brian Millard: States that he is concerned about the parking in this area.



Jack Hatch: Does not want their tenants to have to park across the street. They believe there is a way to encourage tenants to park in the back for safety.

Jeff Johannsen: Asked if underground parking would be an option.

Jack Hatch: Noted that it would be cost prohibitive.

JoAnne Corigliano: Stated the project is too large and they might consider something smaller.

Jack Hatch: The actual size is undetermined right now. They are asking for NPC zoning so they can come back and take the concerns into consideration at the site plan review.

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

Larry Hulse: Assured the neighbors that rezoning is only the first step. The applicant will have to come back and prove their architecture and size will work. The commission may not want to set the parking ratio but instead reserve in the motion that may require more parking but depending on the building layout. The applicant should prove how the parking will work by a parking study. It is important to make sure the parking will work and that it is not going to be a burden on the neighborhood. It just cannot be proved tonight.

Kent Sovern: Asked if Greg would accept a friendly amendment to strike #2 under Part C and embrace the intent of the director's comments. As the site plan is developed that parking will be maximized and the petitioner will present us with realistic parking alternatives that will approach that minimum. Right now we should not require the minimum but reserve the right to require 1.5.

Leisha Barcus: Asked if this would include traffic study.

Larry Hulse: Suggested that there may need to be a traffic study and parking analysis.

Bruce Heilman: Would like to set as a minimum of parking requirement one space per dwelling unit.

Jacqueline Easley: Asked if this comes back before it is approved.

Larry Hulse: Explained the NPC site plan process. This vote zones it so that they could have reduced front yard setback and position the building differently. The site plan will return to P&Z.

Jacqueline Easley: Stated that she voted in opposition to the Land Use Plan amendment because she thinks that if the City has plan, it should not change. She stated she can support the rezoning.

Greg Jones: Moved staff recommendation that the requested rezoning be found **not** in conformance with the Des Moines' 2020 Community Character Plan.

Motion passed 12-0.

Greg Jones: Moved staff recommendation to amend the Des Moines' 2020 Community Character Plan future land use designation from Low Density Residential to Mixed-Use and Density Residential.

Motion passed 11-1 (Jacqueline Easley in opposition).

Greg Jones: Moved to approve rezoning property from "R-3" Multiple-Family Residential District to "NPC" Neighborhood Pedestrian Commercial District, to allow redevelopment of the property with new multiple-family residential subject to the following conditions:

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

Motion passed 12-0

Respectfully submitted,



Bert Drost, AICP  
Senior City Planner

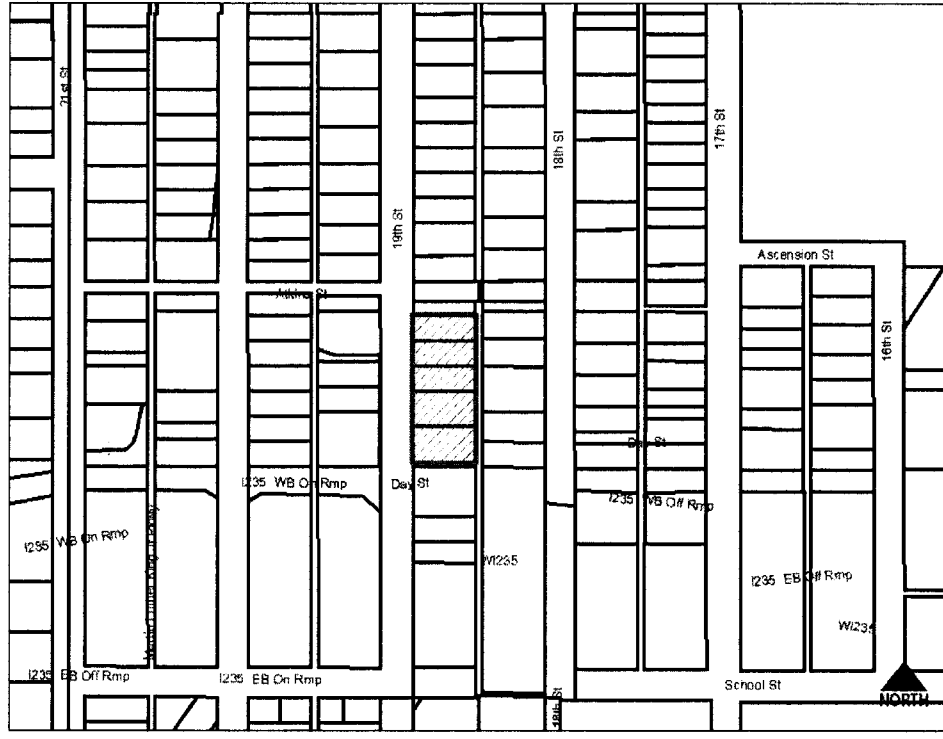
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Attachment

Request from Ryan Galloway (owner) to rezone property located in the vicinity of 1045 19 <sup>th</sup> Street.				File #	
				ZON2008-00103	
<b>Description of Action</b>	Rezone property from "R-3" Multiple-Family Residential District to "NPC" Neighborhood Pedestrian Commercial District, to allow redevelopment of the property with new multiple-family residential subject to conditions.				
<b>2020 Community Character Plan</b>	Low-Density Residential.				
<b>Horizon 2025 Transportation Plan</b>	No Planned Improvements.				
<b>Current Zoning District</b>	"R-3" Multiple-Family Residential District.				
<b>Proposed Zoning District</b>	"NPC" Neighborhood Pedestrian Commercial District.				
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	1	3			
Outside Area					
<b>Plan and Zoning Commission Action</b>	Approval	12-0	<b>Required 6/7 Vote of the City Council</b>	Yes	
	Denial			No	X

Ryan Galloway - 1045 19th Street

ZON2008-00103



Item 2008 00103 Date 8/11/10

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

(Circle One)

Print Name Tim Shanchon  
Executive Director, Hawthorn HM  
Signature Tim Shanchon

Address 3001 Grand Ave, Dm 50312

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

We own the property located at 1052 18th Street.  
We are in favor of the rezoning. The project  
planned for 1045 15th Street will be an improvement  
for the neighborhood.

Item 2008 00103 Date 8-14-08

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

Print Name Karen Rollison  
Signature Karen A. Rollison  
Address 1105 19th St.

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

I would like to see the area remain a multi-family district with direction to enhance the neighborhood residential area. Do not want it to become a homes of eridge in row house clothing. I've lived in the area 50 yrs.

Item 2008 00103 Date 8-14-08

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

Print Name Mary V. Rollison  
Signature Mary V. Rollison  
Address 1109 - 19th St.

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

Do not want a high rise apartment complex or low income. I've lived in the neighborhood 66 yrs.

I protest this zoning change as we believe this apartment building will be a burden on the neighborhood, raise taxes but lower value and potentially increase crime due to many more people living there.

As an officer of Schuk Investments,  
COMMUNITY DEVELOPMENT  
Address 1927 Floral Ave Fort Dodge, IA 50501  
Signature Faulette Schuk  
Print Name Faulette Schuk  
AUG 1 & 2008  
RECEIVED ✓  
Item 2008 00103 Date 8/16/08  
I (am)  in favor of the request.  
(Circle One)

