

Date January 24, 2011

**CONTINUED HEARING FOR THE CONVEYANCE OF CITY-OWNED PROPERTIES
LOCATED NEAR I-235 AND MARTIN LUTHER KING JR. PARKWAY
TO HATCH DEVELOPMENT GROUP LLC**

WHEREAS, on November 8, 2010, by Roll Call No. 10-1834, the City Council of the City of Des Moines received a letter and Memo from Hatch Development Group LLC requesting that the City Council initiate the vacation of various City-owned right-of-way parcels, located near I-235 and Martin Luther King Jr. Parkway, to be used for infill development of single-family affordable housing, and City Council further referred this request to the City Plan and Zoning Commission and staff for review and recommendation; and

WHEREAS, on December 20, 2010, by Roll Call Nos. 10-2071, 10-2072, 10-2073, 10-2074, 10-2075, and 10-2076, the City Council received the recommendations from the Plan and Zoning Commission that said right-of-way parcels, hereinafter listed and more fully described, be vacated and sold subject to certain conditions including reservation of adequate right-of-way for street and sidewalk usage and of easement for existing utilities, and provision of one street tree per dwelling unit constructed; and

WHEREAS, on December 20, 2010, by Roll Call No. 10-2077, it was duly resolved by the City Council that the proposed vacation and conveyance of such right-of-way and conveyance of said excess property be set down for hearing on January 10, 2011, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to vacate and convey public right-of-way and convey excess City-owned property was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, on January 10, 2011, by Roll Call No. 11-0061, the public hearing was opened and it was duly resolved by the City Council to vacate all properties proposed to be vacated (Properties I-V), approve conveyance to Hatch Development Group LLC of four of the six properties proposed to be sold (Properties I, II, IV and V), and continue the hearing on the conveyance of properties III and VI as identified below to the January 24th Council meeting at 5:00 PM; and

WHEREAS, in accordance with said resolution, those interested in said proposed conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

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

1. Upon due consideration of the facts and statements of interested persons, the objections to said conveyance of City-owned properties, as described below, are hereby overruled and the hearing is closed.

.....
Date January 24, 2011

2. That the sale and conveyance of such City-owned properties as described below to Hatch Development Group LLC for the consideration identified below, together with payment by such grantee of the estimated publication and recording costs for this transaction and all in accordance with the requirements of the Plan and Zoning Commission recommendations and the terms of the Offer on file with the City Clerk, be and is hereby approved:

Property III:

1055 Martin Luther King Jr. Parkway, Polk County Assessor District/Parcel No. 030/04836-001-000

Legally Described as: Lot 37 of Tidricks Addition, an Official Plat, in and forming a part of the City of Des Moines, Polk County, Iowa

AND

No Address Assigned, Polk County Assessor District/Parcel No. 030/04837-000-000

Legally Described as: A portion of Lot 38 Tidricks Addition, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa

(Subject to survey; a portion of this parcel to be retained by City as right-of-way for roadway and pedestrianway purposes)

Portion of Purchase Price for this Parcel: \$7,500.00

Property VI:

No Address Assigned, Polk County Assessor District/Parcel No. 030/03265-001-000

Legally Described as: Disposal Parcel 7, as Recorded in Book 12736, Page 582 in the office of the Polk County, Iowa Recorder.

Portion of Purchase Price for this Parcel: \$16,500.00

3. Upon proof of payment of the deposit plus \$113.00 for publication and recording costs, the Mayor (or Mayor Pro-Tem) is authorized and directed to sign the Offer to Purchase and the Quit Claim Deed(s) for the conveyance as identified above, the City Clerk is authorized and directed to attest to the Mayor's signature and to forward the original of said Offer and Deed(s), together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department for the purpose of causing the Deed(s) to be recorded following closing, and the Real Estate Division Manager is authorized and directed to forward the Deed(s) following closing to the Polk County Recorder for recording.

4. The City Manager and/or his designee is hereby authorized and directed to administer and monitor the Offer to Purchase; to approve and execute documents pertaining to any minor or unsubstantial changes to said Offer, following approval of the City Legal Department as to form; to proceed to closing in accordance with the terms of the Offer; and, if needed, to approve, proceed with and execute documents pertaining to termination of the Offer if Hatch Development Group LLC fails to fulfill the contract terms required, following approval of the City Legal Department.

★ **Roll Call Number**

Agenda Item Number

54

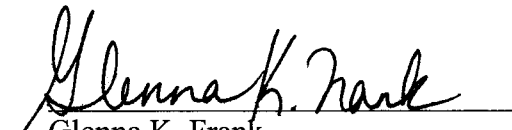
Date January 24, 2011

5. The proceeds from the sale of this property shall be deposited into the following account: \$7,500 Property Maintenance Endowment Fund, SP767, ENG980500, and \$16,500 2010/11 CIP, Street Improvements, Fed Title-23 Land Sales, STR500, Page Street Improvements - 24.

(Council Communication No. 11-033)

Moved by _____ to adopt.

APPROVED AS TO FORM:


 Glenna K. Frank
 Assistant City Attorney

BSW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

CERTIFICATE

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

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

_____ City Clerk



January 24, 2011

City Council of Des Moines
c/o Honorable Christine Hensley

RE: January 24, 2011 City Council Agenda Item – Sale of Parcel No 030/03265-001-00
in Sherman Hill to Hatch Development

Dear City Council and Mayor,

The Sherman Hill Association, Inc. (“SHA”) Board of Directors has voted in support of the sale of Parcel No 030/03265-001-00 to Hatch Development Group, LLC (“Hatch Development”). We write this letter in support of such sale based on the future construction of two single-family homes at this site on Leyner Street (“Greystone Development”).

Hatch Development has been in ongoing conversations with SHA and the immediate neighbors regarding the Greystone Development. SHA asks that Hatch Development be encouraged to continue to incorporate neighborhood input into the final design (specifically height, windows, and setback from the immediate neighbors).

Thank you for your consideration of the SHA’s input on this and other development related to Sherman Hill.

Please let me know if you have any questions regarding this letter of support.

Sincerely,

Ryan P. Howell
Sherman Hill Association, Inc.
President 2011
(515) 447-4718 (work)
(434) 409-3474 (mobile)
rhowell@faegre.com

DATE: January 20, 2011

TO: Zoning Board of Adjustment
Burt Drost, Zoning Board of Adjustment Staff
Hatch Development Group

FROM: Joann Muldoon, President
King Irving Neighborhood Association

RE: Hatch Development Group, Proposed Single Family Houses, 1409 MLK
January 26, 2011 Zoning Board of Adjustment Meeting

The King Irving Neighborhood Association Board met formally earlier this month for the first time with developers from Hatch Development Group about the proposed HDG development in the King Irving Neighborhood at Martin Luther King and Forest Avenue.

While overall the King Irving Board supports the concept of the housing development, we have a number of major concerns about the development as now proposed.

Among our concerns foremost is the number of single family homes being proposed for the 200 foot-wide lot at Forest and MLK. We would ask that no more than five homes be built on the site due to:

- the very heavy traffic and concerns about pedestrian safety and vehicle visibility at the corner of MLK and Forest;
- the lack of any-off-street parking surrounding the development and potentially inadequate visitor parking spaces if seven houses are built,
- the lack of adequate safe play space for children living in these family homes;
- proximity to the Buddhist Temple, which has limited yard and parking itself and which sits immediately next door and within several feet of the HDG lot; and,
- precedent of building single family homes on 25 foot lots, and granting significant variances from required setbacks in areas zoned commercial in order to build so many single family homes on such small lots.

Traffic accidents occur very frequently, almost weekly at the corner of MLK (20th St.) and Forest Ave, and at the corner of 19th St. and Forest and traffic speed is normally well over the 30 mph limit at these corners. The extra visibility that constructing two fewer houses on this site would afford is vital to avoiding many future car-on-car and pedestrian-on-car traffic accidents,

If the house lots remain 25 feet wide, children living in the units would be left with virtually no play area, once four-car parking slabs are laid in the backyards of these units. Heavily traveled streets would need to be crossed by children if they want to play at either the King School or Evelyn Davis Park playgrounds.

There is virtually no on-street parking immediately surrounding the development—none on MLK, none on 19th Street, and none of Forest Ave. (Very limited parking on Forest Ave exists in the next block west of the development.) This is another reason, five homes is preferred by the neighborhood association.

King Irving feels the outside storage unit sizes at the development at MLK and Forest should be the same as that which the Zoning Board of Adjustment has asked for the other houses the HDG is proposing to develop under the Federal Tax Credit program—eight feet by ten feet.

We also feel strongly that the front of the development site frontage facing MLK and Forest Ave. should include some sort of appropriate fencing to better assure the safety of children living in the homes.

Finally we also have concerns about the precedent of building homes of this height and density in King Irving neighborhood in the future in more residential parts areas of the neighborhood.

Virtually all of the King Irving neighborhood is comprised of small bungalows and two-story, foursquare wood-sided homes. In working with the city community development staff and other developers in the past, King-Irving has successfully adopted and implemented its neighborhood plan which calls for new housing that fits with the character of the neighborhood overall. More than 60 homes have been built in the neighborhood in the past ten years that are consistent in design with existing housing stock. These homes have been successfully marketed and sold and have become homes for 60 new King-Irving families, a win-win for the city, our neighborhood and developers.

As noted in our previous letter to Burt Dross, in the area around the proposed development, King Irving has had more than its share of new construction of all-low income/very low income multi-family housing rental units. While we recognize the quality of construction that HDG is known for, the neighborhood association also recognizes that the healthiest inner-city neighborhoods are comprised of mixed income developments and residents and we welcome the fact that these units are planned to eventually be sold for owner occupancy.

If you have any questions, please feel free to contact me.

On behalf of the King Irving Neighborhood Association Board,

Joann Muldoon

Joann Muldoon, Chairperson
King Irving Neighborhood Association
FEBJTM@aol.com
243-6469, 771-9160

Board Members:

Donna Beary
Jean Minahan
Ray Brown
Kim Schilling
Dave Stephenson
Jo Meade

cc King Irving Neighborhood Association Board

54

Melanie Sadeghpour
Environmental Science Program Chair, Environmental Science
Co-Chair, DMACC Sustainability Task Force
Associate Professor, Environmental Science and Ecology
DMACC Urban Campus
1100-7th Street
Des Moines, Iowa 50314
515-697-7732
mhsadeghpour@dmacc.edu

Friday, January 21, 2011

Carol Bower
Hatch Development Group
1312 Locust Street
Des Moines, Iowa 50309

Dear Carol,

I am writing this letter in support of the Hatch Development Group project that has been proposed for the lot on Leyner Street/M L King.

My husband Cameron and I own and reside in the house at 1931 Leyner Street. We will be the immediate neighbors of the Hatch Development Group "grey stones" that have been proposed for the Leyner/ML King lot.

We know that you are working through some stylistic issues with the Sherman Hill Association regarding the size and design of the row homes. At the last SHA meeting we attended, we did discuss the size of your proposed homes as not appropriate to the Leyner Street block. We are not personally opposed to them stylistically, but they are much larger than any of the current (or historical) homes in the area. We would like to see them reduced from 2400 square feet to something more in line with the other homes on the street. Our house has been the largest house on this end of the street, and it is around 1700 square feet, most on the block have been more like 1000 sq ft. We do not want to be dominated by the construction; we think they should fit in with the neighborhood. Something in the 1800 sq/ft. range would be more appropriate.

However, those details can certainly be worked out. As your immediate "neighbors", we are in support of your project. We feel that bringing more homes and younger people to this end of the neighborhood will revitalize our neglected corner of Sherman Hill, and bring much-needed attention and funding. The LEED certified construction is also much appreciated.

We would like to request a formalized agreement between your group and ourselves regarding the vacation of the alley adjacent to our home, as well as the proposed exchange of the 12' strip of your property to us, to use for parking, a future garage build-out, and a buffer between the homes. From our previous conversations, it sounds like it will be easier to vacate the alley after you have purchased the lot, but we would like an agreement to insure that plans do not change on us down the road.

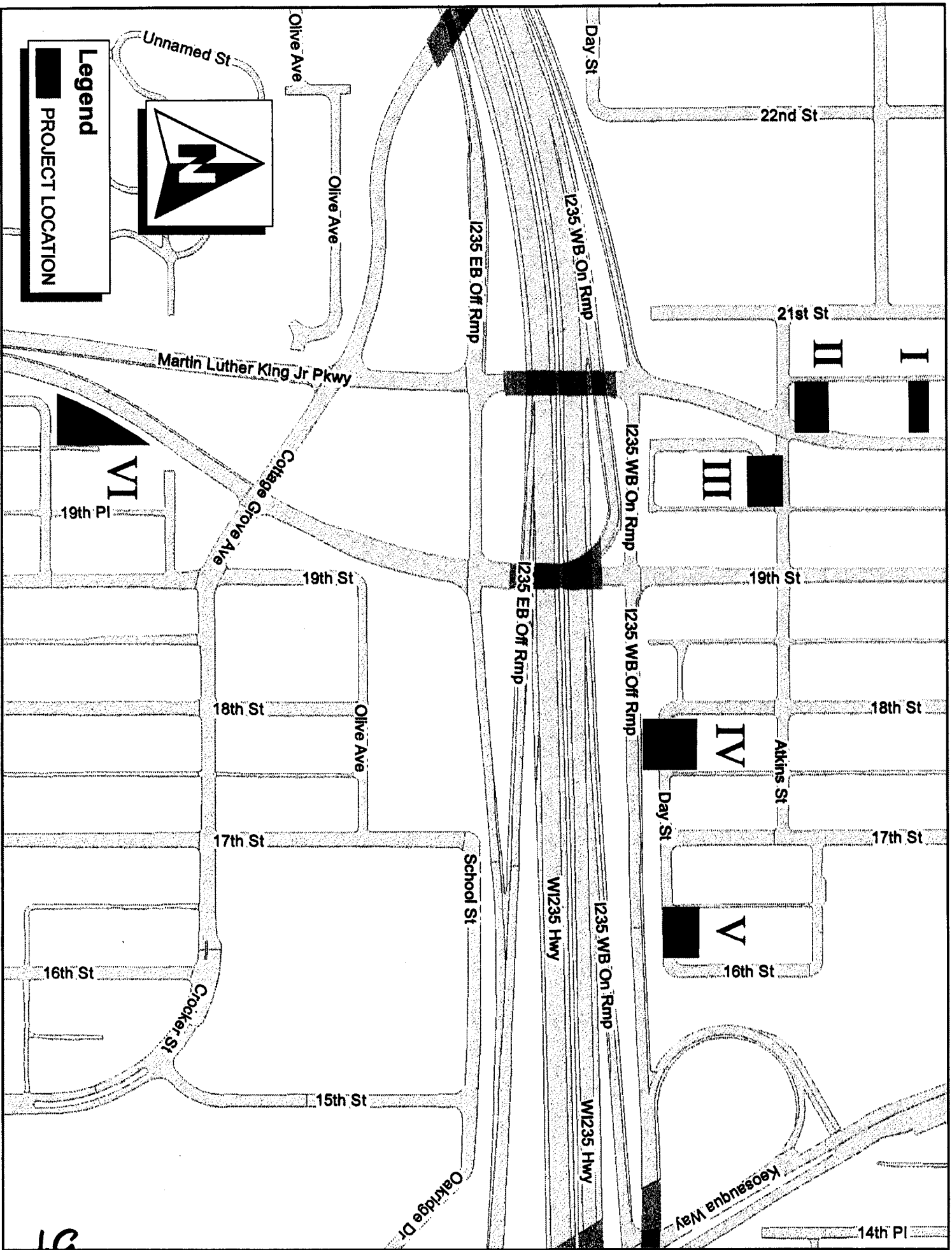
From prior conversations we do understand that it might not be possible for you to give us the entire 12', as discussed, due to issues with the positions of the storm sewer, electric pole, and utility box. If there are reasons that this will not be possible, we are still willing to like to work with you to design a practical solution. Primarily, we would like to keep the line of poplar trees and have enough room for a fence.

We understand that fences are not supposed to be set along property lines, but perhaps, as neighbors and adjacent land owners, we can work out an agreement where we do away with setback requirements for that particular property line. This setback agreement might also allow you to create your own driveway closer to the property line/fence than is normally allowed; giving you the space you need to work with. We would be willing to work with you to determine styling/materials for this fence, as we would like to be able to match or at least coordinate our own fences with it when we reconstruct them this summer. We would also like to request that you build the fence along that new property line before beginning construction on those homes, as a further measure of protection for us and our property.

Thank you, Carol. We are glad to hear that things are progressing with this project, and will do what we can to hasten the process and nurture a supportive relationship between your group, the immediate neighbors, and the Sherman Hill Association. Please let us know what we need to do to work through this with you.

Regards,

Melanie and Cameron Sadeghpour



54