

.....
Date..... May 9, 2011

.....

WHEREAS, on April 25, 2011, by Roll Call No. 11-0750, the City Council duly resolved to hold a public hearing on May 9, 2011, at 5:00 p.m., in the Council Chambers at City Hall, to consider a proposal from Paul Koester to rezone property located at 1704 High Street from C-2 General Retail and Highway Oriented Commercial District to NPC Neighborhood Pedestrian Commercial District to develop a 21-unit three-story apartment building with minimal street setback from 17th Street and High Street that will be subject to an NPC and Multi-family Site Plan review by the Plan and Zoning Commission. The subject property is owned by 1717 Ingersoll, LLC; and

WHEREAS, due notice of the hearing was published in the Des Moines Register on April 28, 2011, as provided by law, setting forth the time and place for hearing on said proposed amendment to the approved PUD Conceptual Plan; and

WHEREAS, in accordance with the published notice those interested in the proposed rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; NOW, THEREFORE,

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

1. Upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning from the C-2 to the NPC district classification for the property in the vicinity of 1704 High Street, and more specifically described below, are hereby overruled and the hearing is closed.

West 44 feet, Lot 1, and all Lots 2, 3, and 4, and (except the West 13 feet) Lot 5, Block B, J.C. Saverys Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

2. The proposed rezoning is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan, subject to the conditions identified below.

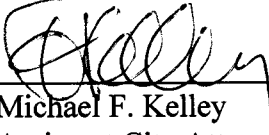
Date May 9, 2011

-2-

3. The proposed rezoning for the Property described above, from the C-2 to the NPC district classification is hereby approved, subject to an NPC and Multi-family Site Plan review by the Plan and Zoning Commission.

Moved by _____ to adopt.

APPROVED AS TO FORM:


 Michael F. Kelley
 Assistant City Attorney

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

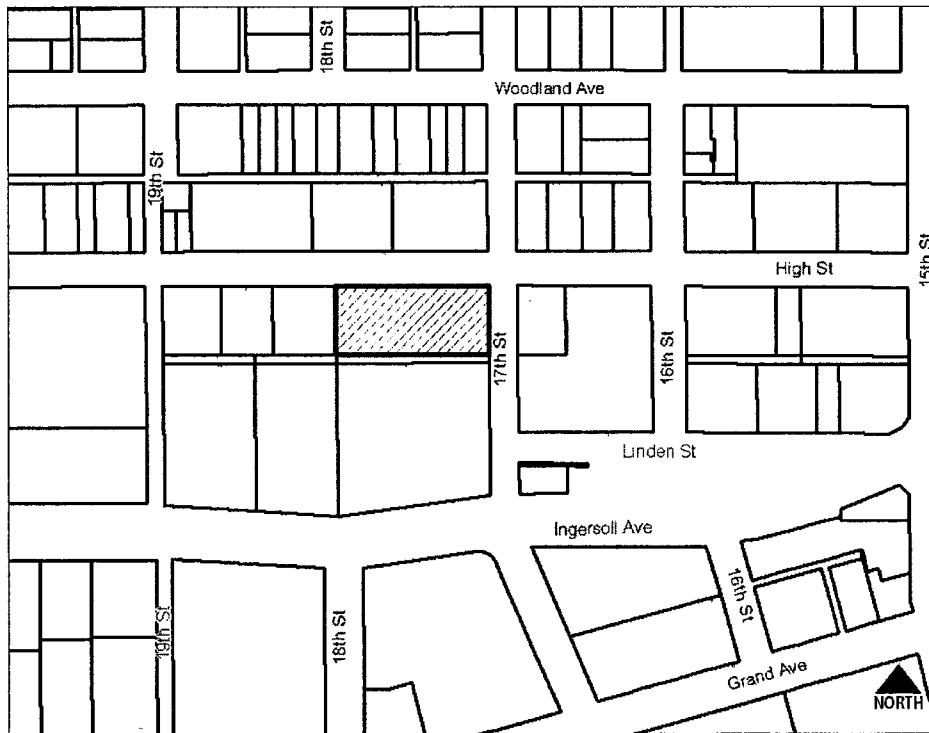
 Mayor

 City Clerk

Request from Paul Koester (developer) to rezone property located at 1704 High Street. The subject property is owned by 1717 Ingersoll, LLC.		File # ZON2011-00052		
Description of Action	Rezone the property from "C-2" General Retail and Highway Oriented Commercial District to "NPC" Neighborhood Pedestrian Commercial District, to allow for a 21-unit three-story apartment building with minimal street setback from 17 th Street and High Street.			
2020 Community Character Plan	Downtown: Support Commercial			
Horizon 2035 Transportation Plan	No Planned Improvements			
Current Zoning District	"C-2" General Retail and Highway-Oriented Commercial District			
Proposed Zoning District	"C-2" General Retail and Highway-Oriented Commercial District			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	3	0		
Outside Area				
Plan and Zoning Commission Action	Approval	8-0-1	Required 6/7 Vote of the City Council	Yes
	Denial			No

Paul Koester - 1704 High Street

ZON2011-00052



April 27, 2011

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 April 21, 2011, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 8-0-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Dann Flaherty				X
John "Jack" Hilmes				X
Joel Huston				X
Ted Irvine	X			
Greg Jones	X			
Jim Martin				X
Brian Millard	X			
William Page				X
Mike Simonson			X	
Kent Sovern	X			
CJ Stephens	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 of a request from Paul Koester (developer) for property located at 1704 High Street Part A) to approve the requested rezoning with conditions be found in conformance with the Des Moines' 2020 Community Character Plan future land use as amended by the *Sherman Hill Action Plan*; and Part B) to approve the requested rezoning subject to the owner agreeing to the following conditions: **ZON2011-00052**

1. General placement of any structure shall be with minimal setbacks toward both High Street and 17th Street with any surface parking located away from the corner separated by the building.
2. Prohibit the use of the property for the following:
 - (a) Billiard parlor/game room.
 - (b) Taverns and night clubs.
 - (c) Communication Tower/Antenna (unless as an extension of 20 feet or less from the structure).
 - (d) Gas Stations/convenience stores.
 - (e) Package goods liquor store.

3. Any future development of the site shall be subject to the Plan & Zoning Commission's review and approval of a Site Plan under the Design Guidelines for the "NPC" Districts. Furthermore, any future multiple-family residential development of the site shall be subject to the Plan & Zoning Commission's review and approval of a Site Plan under the Design Guidelines for Multiple-Family Residential.
4. When the Site Plan comes back to the Plan & Zoning Commission the parking issue is maximized.

Written Responses

- 3 In Favor
0 In Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested rezoning with conditions be found in conformance with the Des Moines' 2020 Community Character Plan future land use as amended by the *Sherman Hill Action Plan*.

Part B) Staff recommends approval of the requested rezoning subject to the owner agreeing to the following conditions

1. General placement of any structure shall be with minimal setbacks toward both High Street and 17th Street with any surface parking located away from the corner separated by the building.
2. Prohibit the use of the property for the following:
 - (a) Billiard parlor/game room.
 - (b) Taverns and night clubs.
 - (c) Communication Tower/Antenna (unless as an extension of 20 feet or less from the structure).
 - (d) Gas Stations/convenience stores.
 - (e) Package goods liquor store.
3. Any future development of the site shall be subject to the Plan & Zoning Commission's review and approval of a Site Plan under the Design Guidelines for the "NPC" Districts. Furthermore, any future multiple-family residential development of the site shall be subject to the Plan & Zoning Commission's review and approval of a Site Plan under the Design Guidelines for Multiple-Family Residential.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to rezone the subject property to provide for a pedestrian-oriented multiple-family residential development. The concept submitted with the application indicates the intent to place a three-story, 21 unit residential apartment with minimal setback from both High Street and 17th Street. In the submitted concept, an off-street parking lot would be built adjacent to the west side of the apartment building with access onto High Street.

Any future development of the site would be subject to the Plan & Zoning Commission's review and approval of a Site Plan under the Design Guidelines for the "NPC" Districts. Furthermore, any future multiple-family residential development of the site would be subject to the Plan & Zoning Commission's review and approval of a Site Plan under the Design Guidelines for Multiple-Family Residential.

2. **Size of Site:** 28,044 square feet (0.64 acres)
3. **Existing Zoning (site):** "C-2" General Retail and Highway Oriented Commercial District. "GGP" Gambling Games Overlay Prohibition District. The subject property adjoins but is not contained within the Sherman Hill Local Historic District. Therefore, the Historic Preservation Commission will not review any proposed development.
4. **Existing Land Use (site):** Paved off-street parking, formerly used for vehicle parking for the Crescent Chevrolet dealership.
5. **Adjacent Land Use and Zoning:**
 - North** – "C-2", Use are professional offices and multiple-family residential apartments.
 - South** – "C-2", Uses are professional offices and retail.
 - East** – "C-2", Use is vacant Crescent Chevrolet auto dealership.
 - West** – "C-2", Use is paved off-street parking.
6. **General Neighborhood/Area Land Uses:** The subject property is south of the Sherman Hill Local Historic District. The land use is a transition area of residential to support commercial use between Woodland Avenue and Ingersoll Avenue.
7. **Applicable Recognized Neighborhood(s):** Sherman Hill Association.
8. **Relevant Zoning History:** N/A.
9. **2020 Community Character Land Use Plan Designation:** Site is currently designated as Support Commercial in a "limited form", as defined in the *Sherman Hill Action Plan* amendment to the Des Moines' 2020 Community Character Plan. Limitations do not restrict multiple-family use in the Plan.
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. 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. Future developers are advised to consider use of alternative or low impact design methods for storm water management to ensure water quality. However, because this site is less than an acre in area, the storm water policies would not require these measures.
- 2. Utilities:** All necessary utilities are currently available or within a reasonable distance to the subject property. The closest public storm sewer appears to be located in Ingersoll Avenue. The developer could be responsible for cost associated for an extension to connect to a public storm sewer intake if required by Engineering during Site Plan review.
- 3. Landscaping & Buffering:** As part of the Site Plan review under the “NPC” design guidelines, off-street parking areas will be required to provide open space and perimeter lot landscaping as part of the Des Moines Landscape Standards as they are typically applied to commercially zoned districts.
- 4. Access or Parking:** “NPC” requirements provide that required numbers of off-street parking spaces are only to be 60% of the normal requirement with credit given for available on-street parking stalls on the street side adjoining the subject property. The off-street parking standards are a design guideline referenced as part of the Site Plan review process.

The proposed rezoning application indicates intent to develop 21 units, which would require provision of 19 parking spaces after applying the 60% calculation. The site concept submitted with the rezoning indicates provision of 27 spaces on the subject property plus two accessible parking spaces. Approximately 13 additional spaces would be counted on High Street adjoining the subject property in accordance with the “NPC” design guidelines. This would provide a total of 42 spaces or two per unit.

- 5. 2020 Community Character Plan:** The language contained in policy number 2, which is one of five future land use policies in the *Sherman Hill Action Plan* amendment to the 2020 Plan, indicates future uses should have a positive influence on both the Historic District and the existing commercial areas. The Action Plan goes on to support a mixture of residential and commercial uses in this transition area. It further states “Flexibility of the front yard setback and other bulk regulations is encouraged in the transition area as part of any future rezoning, to allow buildings to frame the street and make it more inviting to pedestrians and neighborhood residents.”

The *Sherman Hill Action Plan* defines the future land use designation of Support Commercial in a “limited form” which precludes zoning allowing the following uses that would otherwise be permitted in the “NPC” District from being found in conformance with the future land use plan:

Billiard parlor/game room
Communication Tower/Antenna (would therefore only be allowed by a Special Permit)
Gas Stations/convenience stores
Package goods liquor store

Staff believes that the proposed rezoning to “NPC” is consistent with these policies and the Support Commercial designation in its “limited form” subject to the owner agreeing to prohibit those uses.

The application indicated the intent to develop 21 units at a density of 1,335 square feet per unit, exceeding the maximum Site Plan design guideline density of 2,000 square feet per unit. The “NPC” Design Guideline for land area per unit is the same standard as the current “C-2” District requires. The requested rezoning of the property to “NPC” **does not** assure the density of the development that is conceptually proposed. The unit density will be evaluated by the Commission as part of a future Site Plan review under the design guidelines for development in “NPC” Districts.

- 6. Urban Design:** The applicant has submitted a concept of the architectural design elevations. The example was created for another location north of Olive Avenue in Sherman Hill, but the intent is to depict the proposed palette of materials and architectural features to be used in the proposed location. The elevation depicts a three-story, gabled design with a variety of cross gabling. It uses bay windows and entrance porticos, stoops and balconies to provide articulation below the roof line. Materials are generally stone and brick.

In its general form, this submitted concept does not appear to contradict any of the required design guidelines. However, any proposed building is subject to review for conformance with the design guidelines within “NPC” District as a part of a formal Site Plan review by the Commission. In addition, any multiple-family dwelling developed will require Site Plan consideration under design guidelines for multiple-family dwellings. Although not in the Local Historic District, staff will use the *Architectural Guidelines for New Construction in Des Moines’ Historic Districts* as a reference to review submitted Site Plans in order to observe the land use policies of the *Sherman Hill Neighborhood Action Plan*.

SUMMARY OF DISCUSSION

Bert Drost presented staff report and recommendation.

Doug Saltgaver 2413 Grand Avenue showed a slightly different plan than what was originally submitted. The buildings became narrower and longer so that it has a greater street frontage along 17th. Also there is a reduction of parking stalls on site in order to give more green space and opportunity for more trees and shrubs. A fence will be put up along the south property line. G&L representative has asked about a fence along the west property line and the applicant is willing to do that as well. They are showing 23 parking stalls onsite with an additional 9 on High Street which is more than the requirement for NPC.

Mike Ludwig stated that the site plan will come back to the Commission at a later time, but he asks that the applicant consider when it comes back that sidewalk connection be provided to the trash enclosure and if the enclosure can be designed so there is a

pedestrian entrance into it without going through the outside gate because residents go in to dump the trash and the gates do not get shut.

Doug Saltsgaver stated he thinks they can handle that.

Greg Jones stated the fence on the parking is adequate, would the fence between the south of the property be continuous.

Doug Saltsgaver stated yes both south and west fence would be continuous.

CHAIRPERSON OPENED THE PUBLIC HEARING

The following spoke in opposition to applicant's request

Jim Marcovis 1812 High Street, owner of G&L Clothing stated that he was not exactly in opposition but had some concerns with the on street parking. There is already a great deal of overflow onto the street from the Stockbridge Apartment even though they have a parking ramp in the back that they do not use. He is afraid that the same thing will happen with this project.

Steve Jacob 1707 High Street stated that at the neighborhood meeting two days ago the applicant stated they were going to have 29 parking spaces which he was okay with, but now he comes to the meeting and finds out that the applicant wants to reduce the parking spaces to 23 parking spaces. 20% less parking is significant different and there are street parking issue and should be careful and don't want it to be too dense.

Mike Simonson 3300 Elmwood stated that they desire to have more parking. He showed an overlay to what it can be by installing some parking in the different area and by moving the trash enclosure. They are good neighbors.

Dann Flaherty had to leave the meeting

Brian Millard stated that if the applicant can go with the overlay that Mike Simonson provided they could gain five more parking stalls.

Mike Simonson stated that the plan at the neighborhood meeting had two access points on High Street and that is how they were able to have two dead end parking isles and get 29 stalls. His understanding is that staff said they could only have one curb cut on High Street instead of two.

Kent Sovern asked when is parking an issue.

Jim Marcovis stated that there is a lot of flow during the day time.

Kent Sovern asked if the core to the issue to make sure there is not a shortage of spaces that the parking need extends to the street all of the time.

Jim Marcovis stated yes and another problem is that some of the time people from Central Campus parks there. 17th & High Street is a dangerous intersection with fast traffic. If parking is allowed on both sides of the street there will be some obstruction of sight.

Brian Millard noted that a couple of solutions may help, maybe a restriction of one hour parking only along there or maybe parking meters during the day. He asked is there anything that Mr. Marcovis can see as a solution to encourage people to not do long term parking along the streets.

Jim Marcovis stated that he has to think about it, but parking meters definitely not.

Mike Ludwig stated that they could refer this issue to Traffic & Transportation.

Kent Sovern stated as part of this he thinks that the Commission should refer to Traffic & Transportation both the issues of street parking and traffic control on 17th & High.

Paul Koester 4124 Ovid, Koester Construction stated that this project was on a different location and in the eleventh hour came across complication that could not be overcome and so they found this site. The plans have been changing daily and there was no misrepresentation intended. Mr. Simonson has pointed out a plan where they could put some parking, possibly coming into the south. They are going to work with Jim, Steve and staff to get enough parking where everyone is happy.

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

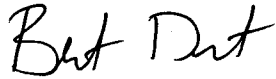
Greg Jones moved Part A) to approve the requested rezoning with conditions to be found in conformance with the Des Moines' 2020 Community Character Plan future land use as amended by the *Sherman Hill Action Plan*; and Part B) to approve the requested rezoning subject to the owner agreeing to the following conditions:

1. General placement of any structure shall be with minimal setbacks toward both High Street and 17th Street with any surface parking located away from the corner separated by the building.
2. Prohibit the use of the property for the following:
 - (a) Billiard parlor/game room.
 - (b) Taverns and night clubs.
 - (c) Communication Tower/Antenna (unless as an extension of 20 feet or less from the structure).
 - (d) Gas Stations/convenience stores.
 - (e) Package goods liquor store.
3. Any future development of the site shall be subject to the Plan & Zoning Commission's review and approval of a Site Plan under the Design Guidelines for the "NPC" Districts. Furthermore, any future multiple-family residential development of the site shall be subject to the Plan & Zoning Commission's review and approval of a Site Plan under the Design Guidelines for Multiple-Family Residential.

4. When the Site Plan comes back to the Plan & Zoning Commission the parking issue is maximized.

Motion passed 8-0-1 (Mike Simonson participated as one of the citizen)

Respectfully submitted,

A handwritten signature in cursive script that reads "Bert Drost".

Bert Drost, AICP
Senior City Planner

BAD:clw

Attachment

Item 2012011-00052

Date 4/12/2011

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

(Circle One)

Print Name Ryan Galloway

Signature [Signature]

Address 696 18th St

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

This would be great for the neighborhood!

Item 2012011-00052

Date 4-12-11

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

I can't approve or disapprove until we see site plan, see below

(Circle One)

515-883-1277 X 214

G + L Clothing

Print Name James Marcovits CEO

Signature [Signature]

Address 1801 Ingersoll Ave & 1810 & 1812 High Street

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

Will there be adequate parking on the property for all apartment occupants? Because there is not sufficient parking for the tenants of the two apartment buildings on the north side of High St. The spaces on both sides of High Street are used causing difficulties for our customers

Item 20N2011-00052

Date 4/12/11

51

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

(Circle One)

Print Name MIKE SIMONSON

Signature [Signature]

Address 3300 ELMWOOD, OSM

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

CONSISTANT WITH HIGH STREET

Item 20N2011-00052

Date 4-13-11

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

(Circle One)

Print Name LORRI RENSEN

Signature [Signature]

Address 1613 High St.

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

Four horizontal lines for providing reasons for opposing or approving the request.

