

Date January 9, 2012

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on December 15 2011, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Neighborhood Development Corporation (owner) represented by Heidi Wessels (officer) for vacation of an irregular portion of East Hartford Avenue that adjoins the property, subject to reservation of easements for all public utilities in place.

MOVED by \_\_\_\_\_ to receive and file and refer to the Engineering Department, Real Estate Division.

FORM APPROVED:

  
 Michael F. Kelley  
 Assistant City Attorney

(11-2011-1.14)

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

December 22, 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 December 15, 2011, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 10-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Tim Fitzgerald	X			
Dann Flaherty				X
John "Jack" Hilmes	X			
Joel Huston				X
Ted Irvine	X			
Greg Jones	X			
William Page				X
Christine Pardee	X			
Mike Simonson	X			
Kent Sovern				X
CJ Stephens	X			

**APPROVAL** of a request from Neighborhood Development Corporation (owner) represented by Heidi Wessels (officer) for vacation of an irregular portion of East Hartford Avenue that adjoins the property, subject to reservation of easements for all public utilities in place. 11-2011-1.14

Written Responses

- 0 In Favor
- 2 In Opposition

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

Staff recommends approval of the requested vacation of an irregular portion of East Hartford Avenue that adjoins the property, subject to reservation of easements for all public utilities in place.



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

ALL-AMERICA CITY  
 1949, 1976, 1981  
 2003

## STAFF REPORT

### I. GENERAL INFORMATION

1. **Purpose of Request:** The developer is seeking to redevelop the property with a mixed use project
2. **Size of Site:** 24,474 square feet (0.56 acres).
3. **Existing Zoning (site):** Limited “NPC” Neighborhood Pedestrian Commercial District.  
“GGP” Gambling Games Overlay Prohibition District.
4. **Existing Land Use (site):** Vacant.
5. **Adjacent Land Use and Zoning:**  
  
**North – “C-1” & “R-3”, Uses are a tavern and senior residential apartments.**  
  
**South – “C-1” & “R1-60”, Uses are retail/professional offices and single-family dwellings.**  
  
**East – “R1-60”, Uses are Des Moines Fire Station # and Joe B. Turner Greenway.**  
  
**West – “R1-60”, Uses are single-family dwellings.**
6. **General Neighborhood/Area Land Uses:** The subject property is located at a neighborhood pedestrian commercial node of Southeast 6<sup>th</sup> Street and East Hartford Avenue.
7. **Applicable Recognized Neighborhood(s):** McKinley School/Columbus Park Neighborhood and Indianola Hills Neighborhood.
8. **Relevant Zoning History:** The property was rezoned to a Limited “NPC” Neighborhood Pedestrian Commercial District on September 12, 2011 by Ordinance No. 15,045 subject to the following conditions:

(A) Prohibition of the following uses:

- 1) billiard parlor/game room
- 2) communication tower/antenna (unless as an extension of 20 feet or less from the structure),
- 3) financial service centers that provide check cashing and loans secured by post dated checks or payroll guarantee as their primary activity,
- 4) gas stations/convenience stores,
- 5) off-premises advertising signs,
- 6) package goods stores for the sale of alcoholic beverages, and
- 7) taverns and nightclubs,
- 8) tattoo parlor

(B) Any trash enclosure on site shall conform to the standards of the Zoning Ordinance and be comprised of durable materials that compliment the principal building with steel gates.

9. **2020 Community Character Land Use Plan Designation:** Commercial: Pedestrian-Oriented, Neighborhood Node.

10. **Applicable Regulations:** The Commission reviews all proposals to vacate land dedicated for a specific public purpose, such as for streets and parks, to determine whether the land is still needed for such purpose or may be released (vacated) for other use. The recommendation of the Commission is forwarded to the City Council.

In acting upon any site plan application for property located within an “NPC” Neighborhood Pedestrian Commercial District, the plan and zoning commission shall apply the design standards in section 82-213 of this article (the standards for all site plans) and the design guidelines in this section. They were developed for the purpose of preserving the community character of the commercial corridor within the district. The design guidelines express the predominant character giving features along the commercial corridor. The commission may approve a site plan that does not comply with the design guidelines if it finds the overall development is in harmony with the commercial corridor, that the failure to comply with the design guidelines does not negatively impact the character of surrounding properties, and that the failure to comply with the design guidelines is due to the following:

- A) An unusual lot shape, size, topography or double frontage. A lot over one acre in size shall always be considered to be of unusual size;
- B) A need to facilitate a smooth transition between existing developments in the vicinity;
- C) A need to accommodate existing development;
- D) A need to preserve an existing building; or
- E) A use with unique design requirements.

## II. ADDITIONAL APPLICABLE INFORMATION

1. **Drainage/Grading:** Development of the subject property requires 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. The developers were 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 one acre in area, the storm water policies would not require these measures.

In this instance the Site Plan proposes detention in several areas of the property. The largest portion is within a rain garden on the west edge of the property. There is also a basin proposed to the east along SE 6<sup>th</sup> Street. The roof drains are proposed to outlet to small detention areas to the south of the proposed mixed use building. All of the detention areas are collected and piped to public storm sewer located in Hillside Avenue to the north. The proposed detention areas also incorporate wetland plantings which will help provide water quality type of detention during more frequent rain events.

2. **Utilities:** All necessary utilities are currently available or within a reasonable distance to the subject property. The Site Plan proposes accessing an 18-inch storm sewer in

two locations in Hillside Avenue and accessing and 8-inch sanitary main in Hillside Avenue. Water is proposed to be accessed from a 6-inch main located in SE 6<sup>th</sup> Street.

3. **Landscaping & Buffering:** Based on the “C-1” requirements imposed by the multiple-family design guidelines, the site is subject to providing open space and perimeter lot landscaping at a minimum. The proposed plan provides 26% percent open space. Based on the 24,474 square foot site, this would require two (2) overstory trees, two (2) evergreen trees, and two (2) shrubs for the open space; two (2) trees and six (6) shrubs for the perimeter lot landscaping, and three (3) overstory and nine (9) evergreens for buffer yard landscaping. Sixteen (16) overstory trees, three (3) ornamental trees, and 162 shrubs have been proposed overall. Therefore proposed landscaping for the site is deficient 11 evergreen trees based on the minimum requirements.

Because of irregular shaped parcel and site constraints of detention, the perimeter lot overstory tree on the north of the parking lot is proposed within the right-of-way. Also most of the open space on site is proposed to be wet for detention needs and not very conducive for survival of evergreen tree species, therefore none are proposed. The proposed development is in an area where drainage and flooding have been problematic, so maximizing storm water management is important. Staff is not concerned about the buffering along the west as there is still a wooden opaque screen fence proposed along with several shrub plantings.

Three (3) overstory tree planting are proposed within 2.5-foot by 9-foot planters along proposed angle parking in Hillside Avenue. In order to have reasonable sized planters for these trees, they would need to be widened to at least four (4) feet which reduces the adjoining pedestrian way. Staff believes that these three (3) overstory trees should be removed from the propose Site Plan. This would still provide 13 overstory trees. Staff believes that the planters should be kept and planted with perennial plantings or grasses.

Overall, staff believes that the planting plan meets the intent of the NPC and Multiple-Family Design Guidelines, with the removal of the three trees in planters to the north of the building. The entire amount of proposed landscape material exceeds the minimum requirement, and the need for detention areas outweighs the desire to have evergreen tree plantings.

The enclosure location is conveniently located in the center of the west off-street parking lot. It is sized to accommodate a three (3) cubic yard container for both trash and recycling. The enclosure is masonry with steel gates that are perforated to be 11% open. The gates are proposed to face toward the mixed use building to the east. Staff recommends that the gate be modified to be 100% opaque to meet the required standard.

4. **Traffic/Street Systems:** The developer is requesting to vacate an irregular segment of East Hartford Avenue right-of-way that adjoins the subject property on the southwest. There are no public utilities indicated within the segment of right-of-way. The land is necessary for the site development in order to locate private storm water collection. There would still be 22 feet of right-of-way back of curb to the property line if this segment is vacated. This is adequate clear zone for traffic on this level of street.

- 5. 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 11 units and 5,240 square feet of commercial retail space, which would require provision of 21 parking spaces after applying the 60% calculation. The proposed parking includes 28 off-street and nine on-street parking spaces abutting for a total of 33 spaces.

The Site Plan proposes four-foot wide sidewalks along a part of the east end of the Hartford Avenue frontage and along SE 6<sup>th</sup> Street frontage. There is a separate six-foot wide sidewalk along the commercial entrances facing East Hartford Avenue, with a five-foot sidewalk proposed along the parallel street parking. As a mixed use property in a neighborhood pedestrian area, staff believes that the sidewalk should be six-foot wide from the junction of these two sidewalks to SE 6<sup>th</sup> Street and that the public sidewalk on SE 6<sup>th</sup> Street should also be six-foot wide.

- 6. NPC Design Guidelines:** These additional design guidelines are applicable to any development within an “NPC” district.

- A) Buildings should frame the street and maintain a minimal setback from the street.

*The submitted Site Plan indicates the main mass of the building at 10.5 feet from the Hillside Avenue right-of-way and approximately three (3) feet at the closest point from East Hartford Avenue. Based on the constraints of utility corridors and irregular shaped property, staff believes that the design has minimized the building setbacks.*

- B) The front facade of the first floor of the building on the primary commercial street should have a ratio of at least 40 percent window and window display area to total street facade.

*The submitted plan exceeds this requirement on the Hillside Avenue orientation of the building.*

- C) The front entrance should be oriented to the street. On a corner lot, the building should have a well-defined entrance on the primary commercial street.

*With the double frontage on Hillside Avenue and East Hartford Avenue, primary entrances into the apartment building are oriented toward both streets.*

- D) Materials should be brick, stone, tile, stucco, or horizontal wood clapboard with a maximum width of six inches. Two-story buildings are encouraged.

*The exterior materials are all face-brick, glass, aluminum storefront and cedar wood siding on the first level; and stained wood siding on the second level. Staff believes that the proposed design complies with this guideline.*

- E) Commercial buildings with over 50 feet of building frontage should have the appearance of being broken into separate bays of between 20 to 35 lineal feet using structural elements, fenestration patterns, protruding or recessed bays, or architectural details.

*Staff believes that the proposed design complies with this requirement by breaking the commercial façade toward Hillside Avenue into four separate bays.*

- F) Building frontage should occupy at least 50 percent of the primary street frontage.

*The building occupies 60% of the Hillside Avenue street frontage to meet this guideline.*

- G) The following bulk regulations should be observed:

1. Minimum lot area Multiple dwelling, 10,000 square feet.

*The lot area is 24,474 square feet.*

2. Minimum lot area per dwelling unit multiple dwellings, 2,000 square feet.

*The lot area per dwelling unit is proposed at 2,225 square feet per unit. The Commission would have to waive this guideline for approval.*

3. Front yard: minimum of zero feet.

*The proposed building complies with this provision.*

4. Side yards: minimum of zero feet.

*The proposed building complies with this provision.*

5. Rear yard: None required, except when adjoining any R or C-0 district or portion of a PUD designated for residential use, in which case ten feet.

*The proposed off-street parking lot is 14.3 feet from the adjoining "R1-60" property line.*

6. Height: minimum of 15 feet, maximum of 45 feet.

*The building height is 30 feet.*

7. Number of stories:

- Residential uses, a maximum of four stories.
- All other permitted uses, a maximum of two stories.

The proposed mixed use building would be two stories and meets this guideline.

- H) Signs, which are attached or projecting from the building and designed for the character of the building, are preferred. Monument signs are allowed.

*The applicant is proposing building signs for commercial uses.*

**7. Design Guidelines for Multiple-Family Residential:** The Plan and Zoning Commission reviews and approves site plans for multiple family dwellings, boarding houses or rooming-houses in accordance with the design standards in section 82-213 of the City Code. The decision to approve, approve subject to conditions, or disapprove a proposed site plan shall be based upon the conformance of the site plan with the following design standards.

A. Architectural character. New developments and alterations to existing development in or adjacent to existing developed areas shall be compatible with the existing architectural character of such areas by using a compatible design. Compatibility may be achieved through techniques such as the repetition of roof lines, the use of similar proportions in building mass and outdoor spaces, similar relationships to the street, similar window and door patterns, and/or the use of building materials that have color shades and textures similar to those existing in the immediate area of the proposed development. Brick and stone masonry shall be considered compatible with wood framing and other materials.

*The palette of materials includes glass and aluminum storefront, brick, cedar clapboard, and wood clapboard siding materials. The brick is concentrated on the first level commercial portions of the building. The wood siding materials are concentrated on the residential portions of the building. The contrast between the brick and cedar siding materials on the first level; and the dark stained wood siding on the second level helps give the building compatibility with both commercial and residential characters in the area.*

B. Building height and mass. Buildings shall be either similar in size and height, or if larger, shall be articulated, setback or subdivided into massing that is proportional to the mass and scale of other structures on the same block and adjoining blocks. Articulation may be achieved through variation of roof lines, setbacks, patterns of door and window placement, and the use of characteristic entry features. To the maximum extent feasible, the height, setback and width of new buildings and alterations to existing buildings should be similar to those of existing buildings on the same block. Taller buildings or portions of buildings should be located interior to the site. Buildings at the ends of blocks should be of similar height to buildings on the adjoining blocks.

*The proposed mixed use building is two-stories and is comparable to nearby commercial and multiple-family residential buildings in height and mass.*

C. Building orientation. To the maximum extent feasible, primary façades and entries shall face the adjacent public street. A main entrance should face a connecting walkway with a direct pedestrian connection to the public street without requiring all pedestrians to walk through parking lots or across driveways.

*The primary façades are oriented toward both Hillside Avenue and East Hartford Avenue. There are connecting pedestrian walks proposed from the off-street parking area to the west to the entrances to the building on both street frontages.*



- D. Garage access/location. If the prominent character of garage access and/or location is located to the rear of the properties in the surrounding neighborhood, then new construction should be compatible with such character.

*No Garages are proposed.*

- E. Rooftop/second story additions. A rooftop or second floor addition, including but not limited to stairs and emergency egress, should not overhang the front or sidewalls of the existing building.

*N/A.*

- F. Emergency egress. All stairs and means of emergency egress extending more than 15 feet above grade and visible from the adjoining street should be completely enclosed with materials compatible in color and texture with the balance of the building.

*All emergency egress stairs while open air are encased with siding material matching the second level of the building and are not visible from the street perspective..*

- G. Parking. Parking lots containing more than eight parking spaces should comply with the adopted landscape standards applicable to commercial development in the C-1 district.

*See landscaping information in paragraph 3 of Section II Additional Information.*

## **SUMMARY OF DISCUSSION**

Jason Van Essen presented staff report and recommendation.

Heidi Wessels Executive Director, 210 Des Moines Street, Neighborhood Development Center stated that they have had multiple neighborhood meetings.

Abbey Gilroy project manager, 210 Des Moines Street, Neighborhood Development Center stated that this is a great use for the site which will accommodate both commercial and residential tenants and their only concern with staff recommendation is the replacement of sidewalk, which was never in the plan because the City just revamped the corner and they believe that the sidewalk should be in line with the rest of the sidewalk. The rest of the sidewalk is 4 feet wide and the staff recommendation is asking for 6 feet wide which would be out of line with the rest of the corridor of 4 feet wide. Therefore, we are asking to replace the sidewalk but make it 4 feet wide instead of 6 feet wide.

Tim Fitzgerald asked how is this project funded and is it really necessary to tear up the sidewalk just because it does not match colors.

Heidi Wessels stated that because the Neighborhood Development Corporation is a 501(c)3 and is in the perma stage now and they are putting a significant financial piece into this neighborhood. Therefore, they want to see that the sidewalk looks good.

JoAnne Corigliano stated that she is not seeing a 6 feet walk there.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

*There was no one to speak in favor or in opposition of the applicant's request.*

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

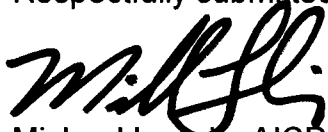
**COMMISSION ACTION:**

Mike Simonson moved Part A) to approve the requested vacation of an irregular portion of East Hartford Avenue that adjoins the property, subject to reservation of easements for all public utilities in place; and Part B) to approve the submitted Site Plan with the Commission waiving the "NPC" design guidelines for lot area per dwelling unit and percentage of building frontage as part of the primary street frontage with a finding that the overall development is in harmony with the commercial corridor and that the proposed use is a use with unique design requirements due to prevailing densities and the need to meet energy efficiency requirements for residential construction. This approval should be subject to the following conditions:

1. Compliance with all administrative review requirements of the Permit and Development Center Administrator.
2. Removal of the three (3) overstory tree planting along the north side of the building, with retention of the planter beds for perennials or grasses.
3. Revision of the trash enclosure design to provide 100% opaque steel gates.

Motion passed 10-0.

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:clw

Attachment

Request from Neighborhood Development Corporation (owner) represented by Heidi Wessells (officer) for items related to development of 1938 Southeast 6 <sup>th</sup> Street.		<b>File #</b> 11-2011-1.14		
<b>Description of Action</b>	Review and approval for vacation of a segment of an irregular segment of street right-of-way north of the travelled portion of East Hartford Avenue adjoining the subject property running approximately 119.5 feet east of the intersection with Southeast 5 <sup>th</sup> Street.			
<b>2020 Community Character Plan</b>	Commercial: Pedestrian-Oriented Neighborhood Node			
<b>Horizon 2035 Transportation Plan</b>	SE 6 <sup>th</sup> Street from Maury Street to Indianola Avenue to widen from 2 lanes undivided to 3 lanes undivided			
<b>Current Zoning District</b>	"NPC Neighborhood Pedestrian Commercial 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				
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

Neighborhood Development Corporation - Vicinity SE 5th & Hartford Avenue 11-2011-1.14



Item 11-2011-1.14 Date 12-7-11

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

**RECEIVED**  
**COMMUNITY DEVELOPMENT**  
DEC 12 2011  
**DEPARTMENT**

Print Name Patricia J Ragan

Signature Patricia J Ragan

Address 509 Hartford Ave

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

Hartford has enough cars going up and down. Also Bus Route. And having parking on a curve I dont think will be to safe

Item 11-2011-1.14 Date 12-10-2011

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

(Circle One)

**RECEIVED**  
**COMMUNITY DEVELOPMENT**  
DEC 14 2011  
**DEPARTMENT**

Print Name John A Brooks

Signature John Brooks

Address 2001 & 2004 S.E. 6th St

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

I feel that the city should deed the land to the adjoining lot, who has taken care of it for the past 35 years, keeping it mowed looking good for the area - instead of a company that only wanting it ~~to~~ for commercial purposes, when its a done deal anyway

Neighborhood Development Corporation - Vicinity SE 5th & Hartford Avenue 11-2011-1.14

