


Date January 9, 2012

COMMUNICATION from the City Plan and Zoning Commission advising that at a public hearing held on December 15, 2011, the members recommended by a vote of 12-0 **APPROVAL** of the proposed River Bend Local Historic District located generally in the area on both frontages of 9<sup>th</sup> Street from University Avenue to Hickman Road, the area on both frontages of Oakland Avenue and Arlington Avenue between College Avenue and Franklin Avenue, and the area north of Franklin Avenue to the Des Moines River between Arlington Avenue and 9<sup>th</sup> Street on the basis that the proposal meets the criteria necessary for the establishment of a local historic district.

MOVED by \_\_\_\_\_ to receive and file.

FORM APPROVED:

  
 \_\_\_\_\_  
 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

Date \_\_\_\_\_

Agenda Item 15A

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

December 20, 2011

Honorable Mayor and City Council  
City of Des Moines, Iowa

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 12-0 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 motion finding that the proposed River Bend Local Historic District meets the criteria necessary for the establishment of a local historic district.

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

The proposed district meets the criteria necessary for the establishment of a local historic district. Staff recommends that the Commission forward a recommendation of approval to the City Council.



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

The City of Des Moines has received a petition for the establishment of a local historic district in the River Bend Neighborhood (see attachment "A"). The River Bend Neighborhood is located north of the downtown. Its boundaries are generally the Des Moines River to the north, 2<sup>nd</sup> Avenue to the east, University Avenue to the south and 9<sup>th</sup> Street to the west. The neighborhood contains six districts and 27 properties that are individually listed on the National Register of Historic Places. The proposed River Bend Local Historic District would consist of the following districts listed on the National Register of Historic Places.

- Riverview Park Plat Historic District. – listed October 25, 1996
- Prospect Park Second Plat Historic District. – listed April 23, 1998
- "The Oaklands" Historic District. – listed October 25, 1996
- West Ninth Streetcar Line Historic District. – listed April 23, 1998

These districts are contiguous and have a combined area of 111.87 acres. Their nomination to the National Register was supported by the *Towards a Greater Des Moines: Development and Early Suburbanization, circa 1880-circa 1920* survey document prepared by Will Page, Public Historian. The nomination forms for each district indicate that they meet the National Register Criteria "A" and "C".

#### **National Register Criteria**

- A. Property is associated with events that have made a significant contribution to the broad patterns of our history.
- C. Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.

### II. APPLICABLE SECTIONS OF THE CITY CODE

#### **Sec. 58-28. Designation criteria.**

- (a) For the purpose of this article, a historic district designation may be placed upon any area containing contiguous pieces of real estate under diverse ownership which:
  - (1) Are significant in American history, architecture, archaeology and culture; and
  - (2) Possess integrity of location, design, setting, materials, workmanship, feeling and association; and
  - (3) Are associated with events that have been a significant contribution to the patterns of our history; or
  - (4) Are associated with the lives of persons significant in our past; or
  - (5) Embody the distinctive characteristics of a type, period, or method of construction or represent the work of a master or possess high artistic values or represent a significant and distinguishable entity whose components may lack individual distinction;

- (6) Have yielded or may be likely to yield information important in prehistory or history.
- (b) Designation of an area as a historic district shall be proposed either by the city council on its own motion or by the filing of a petition with the community development department, on a standard form approved by that department, which shall be furnished by that department upon request. Each such petition shall include but not be limited to the following:
  - (1) Signatures of the owners of 51 percent of the total number of parcels of real estate within the proposed district, excluding parcels owned by governmental bodies, provided that each parcel, within the meaning of this subsection, shall constitute a separate parcel for property tax assessment purposes, as shown in the records of the county assessor on the date of the filing of the petition.
  - (2) A vicinity map showing the general location of the proposed district.
  - (3) The legal description of the boundary of the proposed district.
  - (4) A statement documenting the area's historical, architectural and cultural significance.
  - (5) A plat, at a scale of not more than 400 feet to the inch, showing the existing uses of all properties within the proposed district.
- (c) The community development department shall submit a description of the proposed district or the petition describing the proposed district, if a petition has been filed, to the historical division of the state department of cultural affairs for its report and recommendations. If the historical division determines that the proposed district does not meet the requirements of state law for designation as a historic district, no further action shall be taken toward designation of the proposed district. The report and recommendations of the historical division shall be made available for public viewing at the office of the community development department.

**Sec. 58-29. Procedures.**

- (a) The procedures of this section shall apply to all proposals for designation of historic districts, provided such proposals meet the criteria set forth in section 58-28 of this article. The procedures of this section shall also apply to all proposed amendments to the boundaries of existing historic districts, which amendments may be initiated by the city council, the historic preservation commission or the plan and zoning commission. The procedures of this section shall also apply to all proposals for repeal of an existing historic district, which may be proposed either by the city council on its own motion or by the filing of a petition signed by the owners of 51 percent of the total number of parcels of real estate within the proposed district, excluding parcels owned by governmental bodies, provided that each parcel, within the meaning of this subsection, shall constitute a separate parcel for property tax assessment purposes, as shown in the records of the county assessor on the date of the filing of the petition.
- (b) Each such proposal shall be scheduled for separate public hearings before the historic preservation commission and the plan and zoning commission, except that no such hearing shall be held before the historic preservation commission on the proposal for designation of the city's first historic district. The historic preservation commission shall give prior notice of the time, date, place and subject matter of such hearing. Such notice shall be served by regular mail addressed to each property owner of land included within such proposal at his or her last known address, or if the address of any such property owner is unknown, such notice shall be served by

regular mail addressed to "owner" at the street address of the property in question. After public hearing, the historic preservation commission and the plan and zoning commission shall each forward its report and recommendations concerning such proposal to the city council.

- (c) Upon receipt of such reports and recommendations, the city council shall schedule a public hearing to consider such proposal and shall provide notice of such hearing as required by law. After public hearing, the city council shall act to approve, approve with modification, or disapprove such proposal. In so acting the city council may delete area from the original proposal, but the council shall not add area which was not included in the original proposal. The designation, amendment or repeal of a historic district shall each be completed on the effective date of an ordinance relating thereto. A copy of each such ordinance shall be forwarded to the historical division of the state department of cultural affairs.

### **III. ANALYSIS**

The submitted petition contains the signatures of the owners of 143 tax parcels. This represents 52.76% of the 271 non-government owned tax parcels within the proposed district and exceeds the minimum 51% requirement. The district contains 16 government owned parcels not included in these figures.

The proposal was forwarded to the State Historical Society of Iowa for review in accordance with Section 303.34 of the State Code and Section 58-28(c) of the Des Moines City Code. On October 17, 2011 staff received written confirmation from the State that the proposed district meets the requirement set in State Code for the establishment of a local historic district.

#### **303.34 Areas of historical significance.**

The provisions of sections 303.20 to 303.33 do not apply within the limits of a city. However, in order for a city to designate an area which is deemed to merit preservation as an area of historical significance, the following shall apply:

1. An area of historical significance shall be proposed by the governing body of the city on its own motion or upon the receipt by the governing body of a petition signed by residents of the city. The city shall submit a description of the proposed area of historical significance or the petition describing the proposed area, if the proposed area is a result of the receipt of a petition, to the historical division which shall determine if the proposed area meets the criteria in subsection 2 and may make recommendations concerning the proposed area. Any recommendations made by the division shall be made available by the city to the public for viewing during normal working hours at a city government place of public access.
2. A city shall not designate an area as an area of historical significance unless it contains contiguous pieces of property under diverse ownership which meets the criteria specified in section 303.20, subsection 1, paragraphs "a" to "f".

#### **303.20 Definitions.**

As used in this subchapter of this chapter, unless the context otherwise requires:

1. "Area of historical significance" means contiguous pieces of property of no greater area than one hundred sixty acres under diverse ownership which:
  - a. Are significant in American history, architecture, archaeology and culture, and
  - b. Possess integrity of location, design, setting, materials, skill, feeling and association, and
  - c. Are associated with events that have been a significant contribution to the broad patterns of our history, or
  - d. Are associated with the lives of persons significant in our past, or
  - e. Embody the distinctive characteristics of a type; period; method of construction; represent the work of a master; possess high artistic values; represent a significant and distinguishable entity whose components may lack individual distinction.
  - f. Have yielded, or may be likely to yield, information important in prehistory or history.

A notice was mailed to all property owners within the proposed district advising them of the hearings to be held by the Historic Preservation Commission and the Plan and Zoning Commission. On November 30, 2011 the Historic Preservation Commission (HPC) held a public hearing. The HPC heard comments from three property owners in support and two property owners in opposition. One of the property owners in support spoke on behalf of the River Bend Neighborhood Association. The HPC approved a motion by a vote of 8-0 to recommend approval of the proposed River Bend Local Historic District to the Plan and Zoning Commission and the City Council.

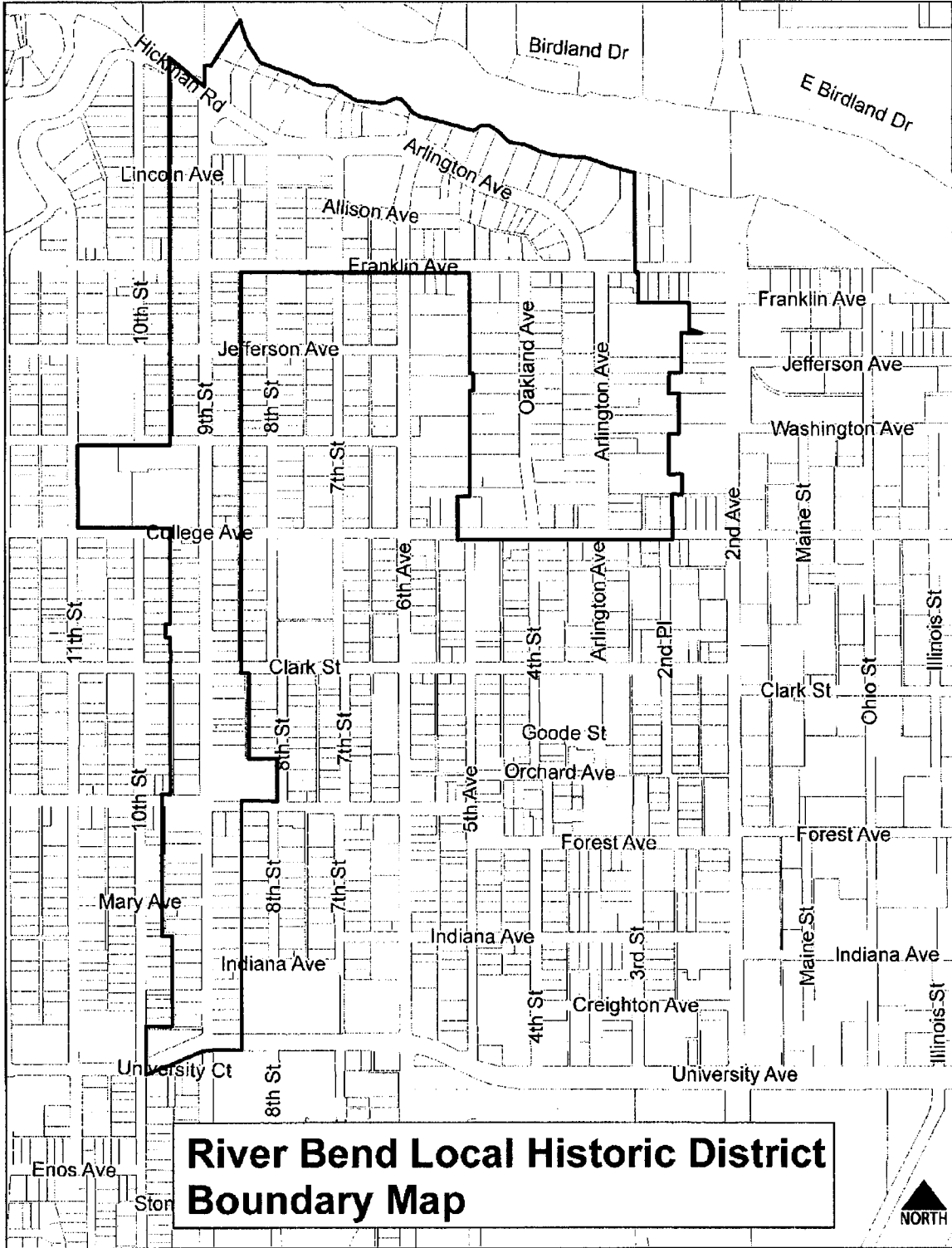
Staff has received a letter from the Rock Island District of the Army Corps of Engineers requesting that the parcels they own along the Des Moines River to the west of 6<sup>th</sup> Avenue be left out of the proposed River Bend Local Historic District. These parcels were originally a part of the properties that front the north side of Hickman Road and are in the Prospect Park Second Plat National Register Historic District. The letter states that these parcels were purchased to limit their use and that the Corps has no current plans to construct any structures on the parcels. Staff forwarded the letter to the State Historical Society of Iowa for input. The State has recommended that the Corps owned parcels be included in the local district. This will allow the local district to maintain boundaries that matches the boundaries of the four districts listed on the National Register of Historic Places.

#### **IV. ADDITIONAL INFORMATION**

If the district is approved by the City Council two additional seats will be added to the Historic Preservation Commission. These seats would be appointed by the Mayor and would require residency in the new district.

The *Architectural Guidelines for Building Rehabilitation*, the *Architectural Guidelines for New Construction* and the *Fence Guidelines* that are utilized in the Sherman Hill and Owl's Head Local Historic Districts will be used for the review of cases from River Bend if the proposed district is approved. The River Bend area is from the same era as the existing local districts. The existing design guidelines are easily applied to a variety of architectural styles as they tend to focus on form, shape and materials and do not mandate a particular style. Staff anticipates there will be a substantial increase in enforcement and education efforts by City staff and the Historic Preservation Commission as property owners become familiar with the new regulations.

# ATTACHMENT "A"



15A

**SUMMARY OF DISCUSSION**

*There was no discussion.*

**CHAIRPERSON OPENED THE PUBLIC HEARING**

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

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

**COMMISSION ACTION:**

Greg Jones moved approval of the staff recommendation.

Motion passed 12-0.

Respectfully submitted,

  
Michael Ludwig, AICP  
Planning Administrator

MGL:clw