

Date January 23, 2012

**APPROVING PROPOSED RIVER BEND LOCAL HISTORIC DISTRICT**

WHEREAS, on August 12, 2011, the River Bend Neighborhood Association submitted to the Community Development Department a petition containing the signatures of owners of at least 51% of the total number of parcels of real estate, excluding parcels owned by governmental bodies, and which requested and otherwise complied with the historic district designation criteria of Iowa Code Section 303.34 and Municipal Code Section 58-28(a) and (b); and

WHEREAS, the proposed River Bend Local District is locally known as the following area:

The area on both frontages of 9<sup>th</sup> Street from University Avenue to Hickman Road, the area on both frontages of Oakland and Arlington Avenue between College and Franklin Avenue, and the area north of Franklin Avenue to the Des Moines River between Arlington Avenue and 9<sup>th</sup> Street

and is legally described as follows:

Beginning at the intersection of the South right-of-way line of University Avenue and the East right-of-way line of 10<sup>th</sup> Street, thence North along the northerly extension of the East right-of-way line and the East right-of-way line of 10<sup>th</sup> Street to its intersection with the North right-of-way line of the East/West alley lying South of and adjacent to Lot 6, Enos B Hunt Addition, an Official Plat, thence East along said North right-of-way line of the East/West alley lying South of and adjacent to Lot 6, Enos B Hunt Addition to its intersection with the West right-of-way line of the North/South alley lying between 9<sup>th</sup> Street and 10<sup>th</sup> Street and University Avenue and Mary Ave, thence North along said West right-of-way line of the North/South alley lying between 9<sup>th</sup> Street and 10<sup>th</sup> Street and University Avenue and Mary Ave to its intersection with the South right-of-way line of the East/West alley lying North of and adjacent to Lot 25, McHenry Place, an Official Plat, thence West along said South right-of-way line of the East/West alley lying North of and adjacent to Lot 25, McHenry Place to its intersection with the West right-of-way line of the North/South alley lying east of and adjacent to Lot 3, OP Southwest ¼ Section 34, Township 79 North, Range 24 West of the 5<sup>th</sup> P.M., thence North along said West right-of-way line of the North/South alley lying east of and adjacent to Lot 3, OP Southwest ¼ Section 34, Township 79 North, Range 24 West of the 5<sup>th</sup> P.M. to its intersection with the South right-of-way line of Mary Avenue, thence North along the southerly extension of the West right-of-way line and the West right-of-way line and the northerly extension of the West right-of-way line of the North/South alley lying between 9<sup>th</sup> Street and 10<sup>th</sup> Street and Mary Avenue and Forest Avenue to its intersection with the North right-of-way line of Forest Avenue, thence East along said North right-of-way line of Forest

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Avenue to its intersection with the West right-of-way line of the North/South alley lying between 9<sup>th</sup> Street and 10<sup>th</sup> Street and Forest Avenue and Clark Street, thence North along said West right-of-way line and the northerly extension of said West right-of-way line of the North/South alley lying between 9<sup>th</sup> Street and 10<sup>th</sup> Street and Forest Avenue and Clark Street to its intersection with the North right-of-way line of Clark Street, thence East along said North right-of-way line of Clark Street to a point, said point being 138 feet West of the West right-of-way line of 9<sup>th</sup> Street, thence North 50 feet along a line 138 feet West of and parallel to the West right-of-way line of 9<sup>th</sup> Street, thence West 7 feet along a line 50 feet North of and parallel to the North right-of-way line of Clark Street, thence North 72.5 feet along a line 145 feet West of and parallel to the West right-of-way of 9<sup>th</sup> Street, thence West 21 feet along a line 122.5 feet North of and parallel to the North right-of-way line of Clark Street, thence North 65 feet along a line 166 feet West of and parallel to the West right-of-way line of 9<sup>th</sup> Street, thence East 22 feet along a line 182.5 feet north of and parallel to the North right-of-way line of Clark Street, thence North along a line 144 West of and parallel to the West right-of-way line of 9<sup>th</sup> Street to its intersection with the South right-of-way line of the East/West alley lying between Clark Street and College Avenue and 9<sup>th</sup> Street and 10<sup>th</sup> Street, thence West along said South right-of-way line of the East/West alley lying between Clark Street and College Avenue and 9<sup>th</sup> Street and 10<sup>th</sup> Street to its intersection with the southerly extension of the West right-of-way line of the North/South alley lying between Clark Street and College Avenue and 9<sup>th</sup> Street and 10<sup>th</sup> Street, thence North along said southerly extension of the West right-of-way line of the North/South alley lying between Clark Street and College Avenue and 9<sup>th</sup> Street and 10<sup>th</sup> Street and the said West right-of-way line of the North/South alley lying between Clark Street and College Avenue and 9<sup>th</sup> Street and 10<sup>th</sup> Street and the northerly extension of said West right-of-way line of the North/South alley lying between Clark Street and College Avenue and 9<sup>th</sup> Street and 10<sup>th</sup> Street to its intersection with the North right-of-way line of College Avenue, thence West along the North right-of-way line of College Avenue to its intersection with the East right-of-way line of 11<sup>th</sup> street, thence North along the East right-of-way line of 11<sup>th</sup> Street to its intersection with the South right-of-way line of Washington Avenue, thence East along the South right-of-way line of Washington Avenue to its intersection with the southerly extension of the West right-of-way line of the North/South alley lying between Washington Avenue and Jefferson Avenue and 9<sup>th</sup> Street and 10<sup>th</sup> Street, thence North along said southerly extension of the West right-of-way line of the North/South alley lying between Washington Avenue and Jefferson Avenue and 9<sup>th</sup> Street and 10<sup>th</sup> Street and the West right-of-way line of the North/South alley lying between Washington Avenue and Jefferson Avenue, Jefferson Avenue and Franklin Avenue, Franklin Avenue and Lincoln Avenue, Lincoln Avenue and Hickman Road and all lying between 9<sup>th</sup> Street and 10<sup>th</sup> Street and the northerly extension of the West right-of-way line of the North/South alley lying between Lincoln Avenue and Hickman Road and 9<sup>th</sup> Street and 10<sup>th</sup> Street to its intersection with the North right-of-way line of Hickman Road, thence

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Southeasterly along said North right-of-way line of Hickman Road to its intersection with the West line of Vacated 9<sup>th</sup> Street right-of-way lying north of Hickman Road, thence North along said West line of Vacated 9<sup>th</sup> Street right-of-way lying north of Hickman Road to its intersection with the Southwest corner of Lot 8, Corrected 2<sup>nd</sup> Plat of Prospect Park, an Official Plat, thence East along the South lot line of said Lot 8, Corrected 2<sup>nd</sup> Plat of Prospect Park to its intersection with the Easterly lot line of said Lot 8, Corrected 2<sup>nd</sup> Plat of Prospect Park, thence Northeast along the Easterly lot line of said Lot 8, Corrected 2<sup>nd</sup> Plat of Prospect Park to its intersection with the South Bank of Des Moines River, thence southeasterly along said South Bank of the Des Moines River to its intersection with the East lot line of Lot 7, Riverview Park, an Official Plat, thence South along said East lot line of Lot 7, Riverview Park and the Southerly extension of said East lot line of Lot 7, Riverview Park to its intersection with the South right-of-way line of Franklin Avenue, thence East along said South right-of-way line of Franklin Avenue to its intersection with the East lot line of Lot 2, Franklin Place, an Official Plat, thence South along said East lot line of Lot 2, Franklin Place and the East lot line of Lot 1, Franklin Place to its intersection with the North lot line of Lot 60, Oakland Plat 2, an Official Plat, thence East along said North lot line of Lot 60, Oakland Plat 2 to its intersection with the East lot line of said Lot 60, Oakland Plat 2, thence South along the East lot line of said Lot 60, Oakland Plat 2 and continuing south along the East lot line of Lot 59, Oakland Plat 2 to its intersection with the South lot line of said Lot 59, Oakland Plat 2, thence West along said South lot line of Lot 59, Oakland Plat 2 to its intersection with the East line of the West 360 feet of Lot 58, Oakland Plat 2, thence South along the East line of the West 360 feet of Lot 58, Oakland Plat 2 and continuing south along the East line of the West 360 feet of Lot 57, Oakland Plat 2 to its intersection with the South lot line of Lot 57, Oakland Plat 2, thence West along the South lot line of Lot 57, Oakland Plat 2 to its intersection with the East line of the West 300 feet of Lot 56, Oakland Plat 2, thence South along the East line of the West 300 feet of Lot 56, Oakland Plat 2 to its intersection with the South lot line of Lot 56, Oakland Plat 2, thence East along the South lot line of Lot 56, Oakland Plat 2 to its intersection with the East line of the West 350 feet of Lot 55, Oakland Plat 2, thence South along the East line of the West 350 feet of Lot 55, Oakland Plat 2 and continuing south along the East line of Lot 54, Oakland Plat 2 to its intersection with the South lot line of Lot 54, Oakland Plat 2, thence West along the South lot line of Lot 54, Oakland Plat 2 to its intersection with the East line of the West 300 feet of Lot 53, Oakland Plat 2, thence South along the East line of the West 300 feet of Lot 53, Oakland Plat 2 and continuing south along the East line of Lot 52, Oakland Plat 2 its intersection with the North lot line of Lot 51, Oakland Plat 2, thence East along the North lot line of Lot 51, Oakland Plat 2 to its intersection with the East line of the West 362 feet of Lot 51, Oakland Plat 2, thence South along the East line of Lot 51, Oakland Plat 2 to its intersection with the South lot line of Lot 51, Oakland Plat 2, thence West along the South lot line of Lot 51, Oakland Plat 2 to its intersection with the northerly extension of the East line of the West 35 feet of Lot 7, Oakdale, an



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Official Plat, thence South along the northerly extension of the East line of the West 35 feet of Lot 7, Oakdale and the East line of the West 35 feet of Lot 7, Oakdale and the southerly extension of the East line of the West 35 feet of Lot 7, Oakdale to its intersection with the South right-of-way line of College Avenue, thence West along the South right-of-way line of College Avenue to its intersection with the southerly extension of the West line of the East 60 feet of the North 153 feet , Lot 12, Block 3, Polk County Homestead & Trust Company Addition, an Official Plat, thence North along said southerly extension of the West line of the East 60 feet of the North 153 feet , Lot 12, Block 3, Polk County Homestead & Trust Company Addition and the West line of the East 60 feet of the North 153 feet , Lot 12, Block 3, Polk County Homestead & Trust Company Addition to its intersection with the North lot line of Lot 12, Block 3, Polk County Homestead & Trust Company Addition, thence East along said North lot line of Lot 12, Block 3, Polk County Homestead & Trust Company Addition to its intersection with the West line of the North 50 feet of Lot 2, OP Lot 46 Oakland, an Official Plat, thence North along said West line of the North 50 feet of Lot 2, OP Lot 46 Oakland and continuing North along the West lot lines of Lots 3, and 4, OP Lot 46 Oakland and continuing north along the West lot lines of Lots 42 thru 45, Oakland, an Official Plat to its intersection with the North line of the South 11 feet of Lot 42, Oakland, thence East along said North line of the South 11 feet of Lot 42, Oakland to its intersection with the West line of the East 230.5 feet of the North 89 feet of Lot 42, Oakland, thence North along said West line of the East 230.5 feet of the North 89 feet of Lot 42, Oakland to its intersection with the South lot line of Lot 41, Oakland, thence West along said South lot line of Lot 41, Oakland to its intersection with the West lot line of Lot 41, Oakland thence North along said West lot line of Lot 41, Oakland and continuing North along the West lot lines of Lots 37 thru 40, Oakland, to the South right-of-way line of Franklin Avenue, thence west along said South right-of-way line of Franklin Avenue to its intersection with the East right-of-way line of the North/South alley lying between Franklin Avenue and Jefferson Avenue and 8<sup>th</sup> Street and 9<sup>th</sup> Street, thence South along the East right-of-way line of the North/South alleys lying between Franklin Avenue and Jefferson Avenue, Jefferson Avenue and Washington Avenue, Washington Avenue and College Avenue and all lying between 8<sup>th</sup> Street and 9<sup>th</sup> Street and the southerly extension of the East right-of-way line of the North/South alley lying between Washington Avenue and College Avenue and 8<sup>th</sup> Street and 9<sup>th</sup> Street to its intersection with the South right-of-way line of College Avenue, thence west along the South right-of-line of College Avenue to its intersection with the East right-of-way line of the North/South alley lying between College Avenue and Clark Street, thence south along said East right-of-way line of the North/South alley lying between College Avenue and Clark Street to its intersection with the North right-of-way line of Clark Street, thence east along the North right-of-way line of Clark Street to its intersection with the northerly extension of the East right-of-way line of the North/South alley lying between Clark Street and Forest Avenue, thence south along said northerly extension of the East right-of-way line of the

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North/South alley lying between Clark Street and Forest Avenue and said East right-of-way line of the North/South alley lying between Clark Street and Forest Avenue to its intersection with the South lot line of Lot 5, Butts Subdivision, an Official Plat, thence east along said South lot line of Lot 5, Butts Subdivision to its intersection with the West right-of-way line of 8<sup>th</sup> Street, thence south along said West right-of-way line of 8<sup>th</sup> Street to its intersection with the North right-of-way line of Forest Avenue, thence west along said North right-of-way line of Forest Avenue to its intersection with the northerly extension of the East right-of-way line of the North/South alley lying between Forest Avenue and Indiana Avenue and 8<sup>th</sup> Street and 9<sup>th</sup> Street, thence south along said northerly extension of the East right-of-way line of the North/South alley lying between Forest Avenue and Indiana Avenue and 8<sup>th</sup> Street and 9<sup>th</sup> Street and the East right-of-way line of the North/South alley lying between Forest Avenue and Indiana Avenue, Indiana Avenue and University Avenue and all lying between 8<sup>th</sup> Street and 9<sup>th</sup> Street and the southerly extension of the East right-of-way line of the North/South alley lying between Indiana Avenue and University Avenue and 8<sup>th</sup> Street and 9<sup>th</sup> Street to its intersection with the South right-of-way line of University Avenue, thence west along the South right-of-way line of University Avenue to the Point of Beginning, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

WHEREAS, in August and September of 2011, Community Development Department staff verified information contained in the petition with the Polk County Assessor's Office; and

WHEREAS, on September 12, 2011, the Community Development Department submitted a description of the proposed district to the historical division of the State Department of Cultural Affairs for its report and recommendations. Written approval by the historical division was received by Community Development staff on October 17, 2011; and

WHEREAS, on November 14, 2011, all property owners were served with notices of public hearings on the proposed district before the Historic Preservation Commission and the Plan and Zoning Commission; and

WHEREAS, at a public hearing held on November 30, 2011, the Historic Preservation Commission recommended approval of the proposed district and forwarded its recommendation to the Plan and Zoning Commission and City Council; and

WHEREAS, at a public hearing held on December 15, 2011, the Plan and Zoning Commission approved a motion to forward its recommendation approving the proposed district to the City Council; and

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WHEREAS, on January 9, 2012 by Roll Call Nos. 12-0029 and 12-0030, the City Council approved separate motions to receive and file the above-described recommendations of the Plan and Zoning Commission and the Historic Preservation District; and

WHEREAS, on January 9, 2012 by Roll Call No. 12-0031, the City Council set the public hearing at which the proposed River Bend Local Historic District will be considered for 5:00 p.m. on January 23, 2012 in Council Chambers, City Hall, Des Moines, Iowa; and

WHEREAS, due notice of the public hearing was published in the Des Moines Register on January 12, 2012 pursuant to Iowa Code Section 362.3; and

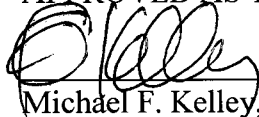
WHEREAS, in accordance with the notice those interested in the proposed River Bend Local Historic District, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to City Council.

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

1. The designation criteria and the procedures for approval of historic district designation set forth in Iowa Code Section 303.34 and Municipal Code Sections 58-28 and 58-29 have been complied with.
2. The River Bend Local Historic District as described herein is approved and designated as an historic district within the City of Des Moines, Iowa.
3. Upon final passage, the City Clerk shall forward a copy of the ordinance designating the River Bend Local Historic District to the Iowa State Department of Cultural Affairs.

APPROVED AS TO FORM:

Moved by \_\_\_\_\_ to adopt.



Michael F. Kelley, Assistant City Attorney

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

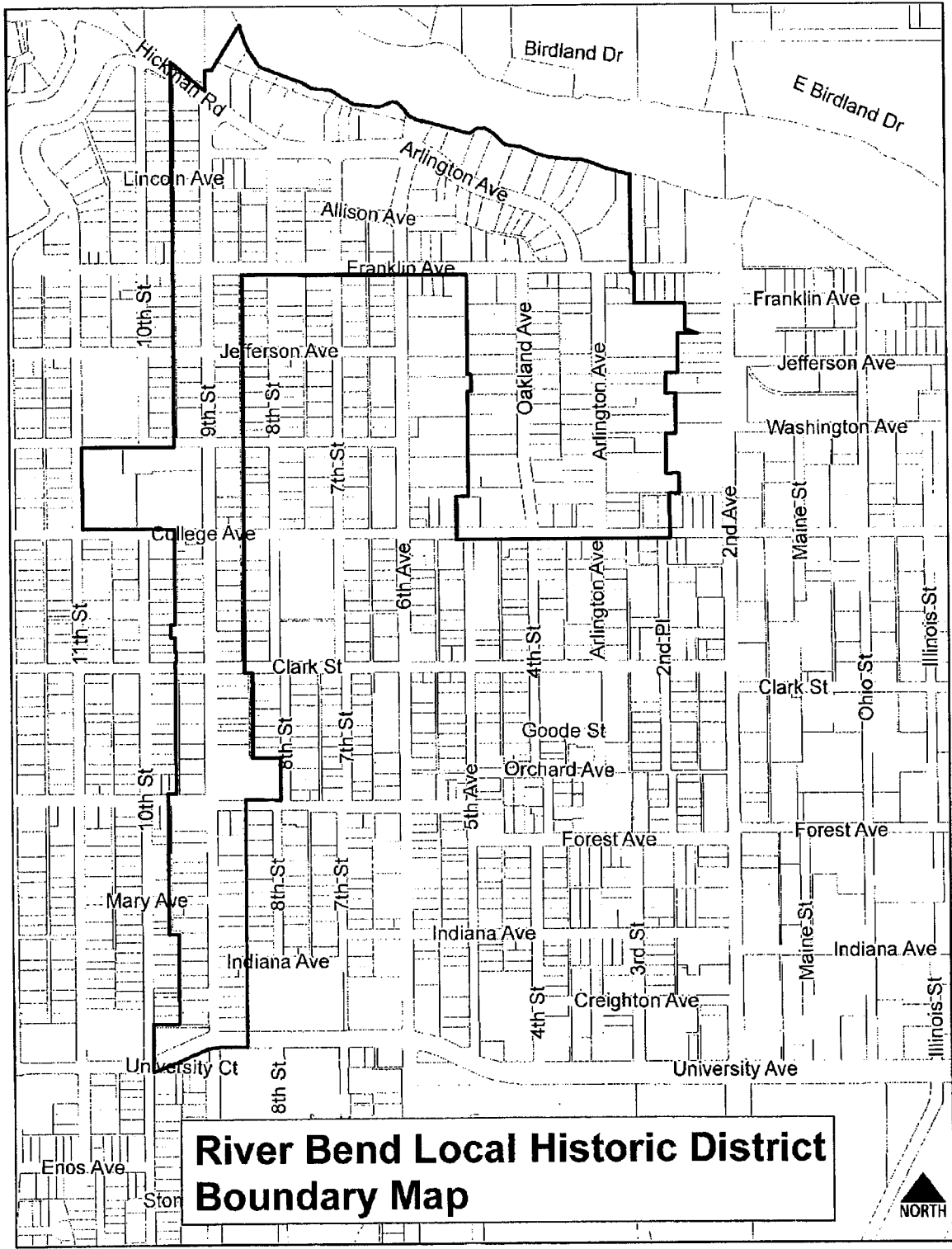
**CERTIFICATE**

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

# ATTACHMENT "A"



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:



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

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 to receive, file and refer to Council the proposed River Bend Local Historic District located generally in the area on both frontages of 9th 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 9th Street 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.



## 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.

**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