

Date..... October 22, 2012

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 4, 2012, its members voted 10-0-1 in support of a motion to recommend **APPROVAL** of a request from 3201 Forest, LLC (developer) represented by Mike Nelson to rezone property located at 3201, 3211, and 3221 Forest Avenue and 1414 32nd Street from C-1 Neighborhood Retail Commercial District, R1-60 One-Family Low-Density Residential District, and R-3 Multiple-Family Residential District to Limited NPC Neighborhood Pedestrian Commercial District, to allow redevelopment of the property for pedestrian-oriented multiple-family residential apartments subject to the following conditions:

1. The following uses shall be prohibited:
 - a) taverns and nightclubs,
 - b) billiard parlor/game room,
 - c) communication tower/antenna (unless as an extension of 20 feet or less from the structure),
 - d) delayed deposit services,
 - e) pawn brokers,
 - f) gas stations/convenience stores,
 - g) off-premises advertising signs, and
 - h) liquor stores where gross revenues of tobacco and alcohol products exceed 40% of sales.
2. The density of any future residential development shall be dependent upon Site Plan review and upon the traffic study required to be submitted with the Site Plan. However, the density of any development shall not exceed 40 dwelling units per acre (48 dwelling units on a 1.20-acre site).
3. Any development shall be in accordance with a Site Plan under the Design Guidelines for the NPC District.
4. Any development of a multiple-family residential use shall be in accordance with a Site Plan under the Design Guidelines for Multiple-Family Residential.
5. Any multiple-family residential structure shall have at least one primary entrance oriented toward Forest Avenue.
6. The entire ground floor of any structure shall be sided with brick or masonry materials, with the balance sided with brick, masonry, and/or cement board materials.
7. Any shingles shall be architectural style.
8. Any off-street parking shall be landscaped and screened in accordance with the City's Landscape Standards as applicable to the C-2 District.
9. Any development shall include a landscaped streetscape within adjoining Forest Avenue right-of-way in accordance with the City's Landscape Standards as applicable to the C-3 District.

Date October 22, 2012

10. 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.

The subject properties are more specifically described as follows:

South 60 feet of Lot 1, (except the North 80 feet) Lot 2, all Lot 3, (except the North 142 feet) Lot 4, Rutledge Place, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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

1. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on November 5, 2012, at which time the City Council will hear both those who oppose and those who favor the proposal.
2. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

FORM APPROVED:

MOVED by _____ to adopt.



 Michael F. Kelley
 Assistant City Attorney

(ZON2012-00165)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

MOTION CARRIED

APPROVED

_____ Mayor

CERTIFICATE

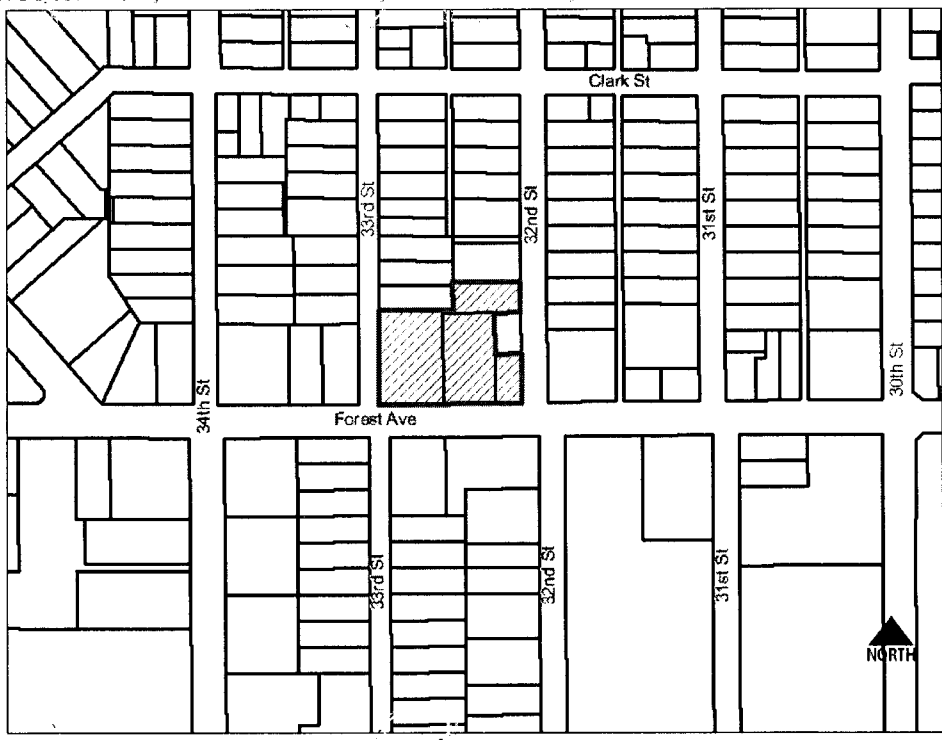
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

_____ City Clerk

Request from 3201 Forest, LLC (developer) represented by Mike Nelson to rezone property located at 3201, 3211, and 3221 Forest Avenue and 1414 32 nd Street.		File # ZON2012-00165			
Description of Action	Approval to rezone from "R1-6J" One-Family Low-Density Residential District, "R-3" Multiple-Family Residential District, and Limited "C-1" Neighborhood Retail Commercial District to Limited "NPC" Neighborhood Pedestrian Commercial District, to allow redevelopment of the property for pedestrian-oriented multiple-family residential apartments subject to conditions.				
2020 Community Character Plan	Low-Density Residential and Commercial: Pedestrian-Oriented Commercial Corridor				
Horizon 2035 Transportation Plan	No Planned Improvements				
Current Zoning District	"R1-60" One-Family Low-Density Residential District, "R-3" Multiple-Family Residential District, and Limited "C-1" Neighborhood Retail Commercial District				
Proposed Zoning District	Limited "NPC" Neighborhood Pedestrian Commercial District				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	10-0-1				
Outside Area					
Plan and Zoning Commission Action	Approval	10-0-1	Required 6/7 Vote of the City Council	Yes	N/A
	Denial			No	

ND 19 32nd Street Shops LLC - ZON2012-00165
 3201 Forest Ave, 3211 Forest Avenue, 3221 Forest Ave, 1414 32nd St



October 16, 2012

Date _____

Agenda Item 15

Honorable Mayor and City Council
City of Des Moines, Iowa

Roll Call # _____

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held October 4, 2012, the following action was taken regarding a request from 3201 Forest, LLC (developer) represented by Mike Nelson to rezone property located at 3201, 3211, and 3221 Forest Avenue and 1414 32nd Street.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-0-1 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			
Ted Irvine	X			
Greg Jones	X			
William Page	X			
Christine Pardee	X			
Mike Simonson			X	
CJ Stephens	X			
Vicki Stogdill	X			

APPROVAL of Part A) to find the requested rezoning **not** in conformance with the existing Des Moines' 2020 Community Character Plan designations of Low-Density Residential and Commercial: Pedestrian-Oriented, Commercial Corridor.

By separate motion Commissioners recommended 10-0-1 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			
Ted Irvine	X			
Greg Jones	X			
William Page	X			
Christine Pardee	X			
Mike Simonson			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

CJ Stephens	X
Vicki Stogdill	X

APPROVAL of Part B) to amend the Des Moines' 2020 Community Character Plan to revise the existing future land use designation from Low-Density Residential and Commercial: Pedestrian-Oriented Commercial Corridor to Mixed-Use and Density; and Part C) to approve the requested rezoning, subject to the following conditions:
(ZON2012-00165 & 21-2012-4.12)

1. The following uses shall be prohibited:
 - a) taverns and nightclubs,
 - b) billiard parlor/game room,
 - c) communication tower/antenna (unless as an extension of 20 feet or less from the structure),
 - d) delayed deposit services,
 - e) pawn brokers,
 - f) gas stations/convenience stores,
 - g) off-premises advertising signs, and
 - h) liquor stores where gross revenues of tobacco and alcohol products exceed 40% of sales.
2. The density of any future residential development shall be dependent upon Site Plan review and upon the traffic study required to be submitted with the Site Plan. However, the density of any development shall not exceed 40 dwelling units per acre (48 dwelling units on a 1.20-acre site).
3. Any development shall be in accordance with a Site Plan under the Design Guidelines for the "NPC" District.
4. Any development of a multiple-family residential use shall be in accordance with a Site Plan under the Design Guidelines for Multiple-Family Residential.
5. Any multiple-family residential structure shall have at least one primary entrance oriented toward Forest Avenue.
6. The entire ground floor of any structure shall be sided with brick or masonry materials, with the balance sided with brick, masonry, and/or cement board materials.
7. Any shingles shall be architectural style.
8. Any off-street parking shall be landscaped and screened in accordance with the City's Landscape Standards as applicable to the "C-2" District.
9. Any development shall include a landscaped streetscape within adjoining Forest Avenue right-of-way in accordance with the City's Landscape Standards as applicable to the "C-3" District.
10. 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.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed rezoning be found not in conformance with the existing Des Moines' 2020 Community Character Plan designations of Low-Density Residential and Commercial: Pedestrian-Oriented, Commercial Corridor.

Part B) Staff recommends approval of an amendment to the Des Moines' 2020 Community Character Plan to revise the existing future land use designation from Low-Density Residential and Commercial: Pedestrian-Oriented Commercial Corridor to Mixed-Use and Density.

Part C) Staff recommends approval of the requested rezoning, subject to the following conditions:

1. The following uses shall be prohibited:
 - a) taverns and nightclubs,
 - b) billiard parlor/game room,
 - c) communication tower/antenna (unless as an extension of 20 feet or less from the structure),
 - d) delayed deposit services,
 - e) pawn brokers,
 - f) gas stations/convenience stores,
 - g) off-premises advertising signs, and
 - h) liquor stores where gross revenues of tobacco and alcohol products exceed 40% of sales.
2. The density of any future residential development shall be dependent upon Site Plan review and upon the traffic study required to be submitted with the Site Plan. However, the density of any development shall not exceed 40 dwelling units per acre (48 dwelling units on a 1.20-acre site).
3. Any development shall be in accordance with a Site Plan under the Design Guidelines for the "NPC" District.
4. Any development of a multiple-family residential use shall be in accordance with a Site Plan under the Design Guidelines for Multiple-Family Residential.
5. Any multiple-family residential structure shall have at least one primary entrance oriented toward Forest Avenue.
6. The entire ground floor of any structure shall be sided with brick or masonry materials, with the balance sided with brick, masonry, and/or cement board materials.
7. Any shingles shall be architectural style.
8. Any off-street parking shall be landscaped and screened in accordance with the City's Landscape Standards as applicable to the "C-2" District.

9. Any development shall include a landscaped streetscape within adjoining Forest Avenue right-of-way in accordance with the City's Landscape Standards as applicable to the "C-3" District.
10. 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.

Written Responses

- 3 In Favor
- 4 In Opposition

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed rezoning would allow redevelopment of the site in accordance with the "NPC" Neighborhood Pedestrian Commercial District regulations. The "NPC" District regulations are intended to allow pedestrian-oriented development by allowing buildings to be constructed up to front property lines and reducing the number of required off-street parking spaces.

If rezoned to "NPC" District, any development of the site would require future approval of a Site Plan and building elevations by the Plan and Zoning Commission in accordance with the "NPC" Design Guidelines. The future Site Plan will determine the allowed density of any development. In lieu of specific bulk regulations, the design guidelines state that multiple-family residential development should have 2,000 square feet of lot area per dwelling unit. Therefore, unless this guideline is waived by the Plan & Zoning Commission, the 52,059-square foot site could accommodate a maximum of 26 dwelling units.

The applicant has submitted a conceptual site sketch with the rezoning application that shows a 3-story residential structure that would contain up to 48 dwelling units. The building would be constructed along the front property lines adjoining Forest Avenue and 31st Street and that an off-street parking lot with 68 spaces would be located to the north (rear) of the building. As noted above, the Commission would have to waive the design guideline on density when considering the Site Plan since the conceptual 48 dwelling units on the 52,059-square foot site represents only 1,085 square feet of lot area per dwelling unit.

2. **Size of Site:** 52,059 square feet (1.20 acre).
3. **Existing Zoning (site):** "Limited "C-1" Neighborhood Retail Commercial District, "R1-60" One-Family Low-Density Residential District, and "R-3" Multiple-Family Residential District.
4. **Existing Land Use (site):** The site is comprised of four parcels, including 3201 Forest Avenue that contains a 2,972-square foot vacant commercial building, 3211 Forest Avenue that contains a 5,612-square foot vacant commercial building, 3221 Forest Avenue that contains a two-family residential dwelling, and 1414 32nd Street that is undeveloped. The four parcels surround on three sides the parcel at 1410 32nd Street, which contains a 4-unit multiple-family residential structure.

5. Adjacent Land Use and Zoning:

North – “R1-60”; Uses are single-family residential dwellings.

South – “C-1” & “R-3”; Uses include a restaurant (Taco Bell/KFC) and a fraternity (Sigma Chi).

East – “C-1” & “R1-60”; Uses include a 4-unit multiple-family residential structure, an auto repair business (Johnson & Sons Texaco) and single-family residential.

West – “R1-60”; Uses are single-family residential dwellings.

6. General Neighborhood/Area Land Uses: The subject property is located along Forest Avenue in an area where uses transition from commercial to residential.

7. Applicable Recognized Neighborhood(s): The subject property is located in the Drake Neighborhood. This neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on September 14, 2012. A Final Agenda was mailed to the neighborhood association on September 28, 2012. Additionally, separate notifications of the hearing for this specific item were mailed on September 14, 2012 (20 days prior to the hearing) and September 24, 2012 (10 days prior to the hearing) to the Drake Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on August 31, 2012.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Drake Neighborhood Association notices were mailed to Deric Gourd, 2422 Drake Park Avenue, Des Moines, IA 50311.

The applicant held their required neighborhood meeting on September 12, 2012.

8. Relevant Zoning History: On October 4, 2007, the Plan & Zoning Commission approved a Site Plan under design guidelines for extension of parking into residentially zoned property. The Site Plan allowed the existing parking lot to extend to the north and to the west in order serve a renovation of the existing commercial buildings. However, the improvements shown on the Site Plan were never developed.

9. 2020 Community Character Land Use Plan Designation: The majority of the subject property is located within an area designated in the Des Moines’ 2020 Community Character Plan as Commercial: Pedestrian-Oriented Neighborhood Node. The northernmost portion of the property is designated as Low-Density Residential. The applicant has requested that the designations be amended to Mixed-Use and Density, which allows for densities that exceed 17 dwelling units per acre.

In 2011, the City adopted the Drake Neighborhood Action Plan to guide future development and redevelopment within the neighborhood. The plan calls for rezoning property along Forest Avenue to the “NPC” District on a case-by-case basis. A goal of this plan is to provide quality multiple-family housing units along the neighborhood’s corridors and transit routes, such as Forest Avenue. Another goal of the plan is to

develop the area along Forest Avenue between 30th and 33rd Streets as a pedestrian-friendly campus town district, with residential density to support the businesses in the area. Therefore, staff believes the proposed rezoning to “NPC” District is appropriate so long as there are the proper zoning conditions to ensure future development is compatible with the adjoining residential development.

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. **Site Plan Requirements:** Any future development of the site must conform to the City’s site plan requirements, including those regarding stormwater management, landscaping, and screening of adjoining residential properties. Staff recommends that any off-street parking be landscaped and screened in accordance with the City’s Landscape Standards as applicable to the “C-2” District. Staff also recommends that the streetscape along Forest Avenue be landscaped in accordance with the City’s Landscape Standards as applicable to the “C-3” District.
2. **NPC Design Guidelines:** Should the property be rezoned to “NPC” District, a Site Plan and building elevations must be submitted for review and approval by the Plan and Zoning Commission under the following design guidelines applicable to development in the “NPC” District. *(A Site Plan has not been submitted for consideration at this time.)*
 - A) Buildings should frame the street and maintain a minimal setback from the street.
 - 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.
 - 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.
 - D) Materials should be brick, stone, tile, stucco, or horizontal wood clapboard with a maximum width of six inches. Two-story buildings are encouraged.
 - 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.
 - F) Building frontage should occupy at least 50 percent of the primary street frontage.
 - G) Off-street loading and parking spaces should be provided in compliance with sections 134-1376 and 134-1377 of the zoning chapter, subject to the following modifications:
 - a. The minimum number of off-street parking spaces is 60 percent of the number of spaces otherwise required by subsection 134-1377(a).
 - b. Parking should not exceed the amount otherwise required by section 134-1377 of this Code.
 - c. Parking should not use the front yard but should be concentrated along the side and in back of the building in the predominant pattern of character defining buildings.

- d. Shared parking among businesses or between business and residential projects will be allowed, provided a shared parking plan is presented at the time of application, signed by the property owners, ensuring non-duplication of parking. The shared parking must be within 300 feet of the business or dwelling.
 - e. On-street parking directly adjacent to the occupant frontage shall count toward the minimum off-street parking requirement. Elimination of such on-street parking by the city shall have no effect on an approved site plan.
 - f. Tandem parking spaces shall count toward the minimum off-street parking requirement if a parking plan demonstrates that the parking will be for employees and will be occupied for over four hours between changes.
 - g. An emphasis of trees, shrubs and other plantings should be placed around the perimeter of any parking area and within large parking lots to create a more attractive area. The landscape plan should generally enhance the visual appearance of the building, parking area and any pedestrian areas.
- H) The following bulk regulations should be observed:
- a. Minimum lot area:
 - i. Single-family detached dwelling, 5,000 square feet.
 - ii. Single-family semidetached dwelling, 3,000 square feet.
 - iii. Two-family dwelling, 6,000 square feet.
 - iv. Multiple dwelling, 10,000 square feet.
 - v. Mixed-use project, 10,000 square feet.
 - vi. Shelter for the homeless, 8,000 square feet.
 - vii. No minimum requirement for permitted nonresidential uses.
 - b. Minimum lot area per dwelling unit:
 - i. Row and multiple dwellings, 2,000 square feet.
 - ii. Shelter for the homeless, 300 square feet of lot size for each resident.
 - c. Front yard: minimum of zero feet.
 - d. Side yards: minimum of zero feet.
 - e. 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.
 - f. Height: minimum of 15 feet, maximum of 45 feet.
 - g. Number of stories:
 - i. Residential uses, a maximum of four stories.
 - ii. All other permitted uses, a maximum of two stories.
- I) Signs, which are attached or projecting from the building and designed for the character of the building, are preferred. Monument signs are allowed.

3. Multiple-Family Residential Design Guidelines: In acting upon any future site plan application that includes a multiple family dwelling, boardinghouse or rooming house, the Plan and Zoning Commission shall apply the design regulations in section 82-213 and the additional design guidelines set forth below. 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 such design regulations and the following guidelines. *(A Site Plan has not been submitted for consideration at this time.)*

- 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.

- 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.
- C) Building orientation. To the maximum extent feasible, primary facades 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.
- 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.
- E) Rooftop/second story additions. A rooftop or second floor addition, including but not limited to stairs and emergency egress, should not overhand the front or side walls of the existing building.
- 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.
- 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.

4. **Permitted Uses:** The submitted application indicates the applicant agrees to prohibit taverns and adult businesses as permitted uses. Staff recommends that the following uses also be prohibited, given the proximity to residential uses and Drake University: billiard parlor/game room, communication tower/antenna (unless as an extension of 20 feet or less from the structure), delayed deposit services, pawn brokers, gas stations/convenience stores, off-premises advertising signs, and liquor stores where gross revenues of tobacco and alcohol products exceed 40% of sales.

5. **Urban Design:** The design of any future multiple-family residential development would be reviewed during the Site Plan phase. The conceptual building elevations submitted with the rezoning application demonstrate a 3-story building with a flat roof and balconies on the north side of the building. The elevations demonstrate the building would be primarily sided with horizontal overlap siding, with a brick or stone wainscot and accent architectural features. Staff recommends that the entire ground floor of any building be sided with brick or masonry materials, and that the balance be sided with either brick, masonry, or cement board materials. The elevations also demonstrate the building entrances would be located on the west (side) and north (rear) facades. Staff believes that any building constructed should have at least one entrance oriented towards Forest Avenue.

6. **Natural Site Features:** The site includes at least five mature trees that potentially could be removed to accommodate future development. Development of the site must be in compliance with the City's Tree Removal and Mitigation Ordinance (Section 42-550 of the City Code).
7. **Parking & Access:** The submitted conceptual site sketch shows a 68-stall parking lot to the north and west of the building, with drive approaches from 32nd Street and 33rd Street. Multiple-family residential development typically requires 1.5 parking spaces per dwelling unit (72 parking spaces for 48 dwelling units). However, the parking standards for the "NPC" District are 40% less than the typical requirement so the required parking would be reduced to 44 parking spaces. The "NPC" District also allows on-street parking spaces to be counted towards meeting the parking requirement if they adjoin the subject property.
8. **Traffic:** The developer of any multiple-family residential development on the site will be required to submit a traffic study with the Site Plan to ensure the surrounding street network can accommodate the development. It is possible that this traffic study would limit the number of dwelling units that can be constructed on the site.

SUMMARY OF DISCUSSION

Jason Van Essen presented staff report and recommendation.

Larry James Jr. 3101 Ingersoll Avenue stated that he represents the applicant. He pointed out that Nelson Development, principal owner of this project is one of the leading developers of high-quality multi-family housing in Des Moines. He stated that prior to creating this plan the developer considered the goals, policies, and objectives set forth in the 2011 Drake Neighborhood Plan which encourages a new affordable multi-family development along Forest Avenue which this plan would provide. Create denser multi-family uses on the thoroughfare, University and Forest in particular. Denser multi-family residential uses should be mixed in to support adjacent commercial uses. The plan calls for a development in the area along Forest Avenue between 30th Street and 33rd Street as a pedestrian-friendly campus town district. The plan encourages additional housing and to rezone the area to "NPC" on a case by case basis. The applicant has taken the neighborhood plan into consideration and asked that the Commission grant permission to rezone the site to "NPC". On the conceptual site plan the developer is showing 68 parking spaces whereas in the "NPC" district they are only required to have 44 parking spaces for 48 dwelling units. The developer is also aware of the tree preservation ordinance and will make every effort to save as many trees as they can.

CJ Stephens asked that the applicant take into consideration the placement of the building to save as many trees as they can.

Larry James Jr. stated at this point with the conceptual plan he cannot answer that specifically. At the site plan stage they will have to come back to the Commission with very specific answers to that question. The developer is willing and looking forward to working with the Drake Neighborhood Association, Drake University and the surrounding neighbors to create a plan that is beneficial to everyone.

Vicki Stogdill stated a couple of residents contacted her with their concern about parking. Is there any adjacent property available to expand the parking.

Larry James Jr. stated that if they were to comply with the parking "C1" requirement for 72 spaces would be required for 48 dwelling units. "NPC" would require 44 parking spaces. The developer is looking at providing 68 offsite parking spaces.

Ted Irvine asked who the tenants will be and if they are students, is there any kind of information on students and projected number of cars.

Larry James Jr. stated no, the developer is looking at the Iowa Finance Authority Housing Tax credit program. The mix of market rates to IFA funds have not been established yet. He is not sure of what the answer is.

CHAIRPERSON OPENED THE PUBLIC HEARING

The following spoke in favor of the applicant's request

Deric Gourd 2422 Drake Park Avenue, president of the Drake Neighborhood Association stated that they met with the applicant and developer. The neighborhood association is in favor of the applicant's rezoning request. They wanted to have a mixed use building where it would be commercial at the bottom and residential above. However, it appears that will not happen at this time. "NPC" zoning is exactly the type of zoning the neighborhood was looking for. Until they see the final site plan the neighborhood association will reserve their opinion. However, given the reputation of Mike Nelson and everyone associated with this project they believe that issues like parking, density, and any other issues brought up at the meetings will be addressed.

The following spoke in opposition of the applicant's request

Scott Hall with Whitfield & Eddy Law Firm 213 N. Ankeny Blvd., Suite 100, Ankeny, Iowa stated he is representing Paramount Properties, LLC who is the owner of 1410 32nd Street. That property is completely landlocked and sits in between this development. They oppose the applicant's request to rezone this area because of the following:

- it will be difficult to rent the existing units that they have
- safety of tenants when turning onto Forest Avenue at 32nd Street.
- traffic congestion
- noise
- light from the parking lot
- setback

He asked why "NPC" zoning was requested when the development is going to be totally residential.

Mark Schneider owns the property to the east of the site stated he is concerned with the parking, traffic, and safety.

Diane Greenwood 1440 32nd Street stated her concerns are safety, traffic and congestion. It is not a pedestrian friendly area people do not stop when someone is trying to cross at the crosswalk. During Drake Relays it is very congested. With another multi-family project it will be like Drake Relays all the time. She can hardly park in front of her own house because of rental property.

Debbie Parker 1446 32nd Street stated parking is a concern because of the mixture of residential and Drake students. This proposal will make it more congested. She would be in favor if the project were a smaller apartment building with ample parking.

John "Jack" Hilmes asked if the parking issue is just a seasonal problem such as when school is in session and if there is a solution.

Debbie Parker stated by 6 o'clock there is no parking and yes during summer break parking may not be as congested because of the use of Drake University parking. However, the street parking is still congested. Parking is an issue.

Tim Fitzgerald asked if she was aware that the Drake Neighborhood Association and Drake University agrees with the conceptual plan.

Debbie Parker stated yes she has heard they are in agreement through some of the neighbors.

Jerome Jarmofsky 1430 32nd Street stated he is also concerned with the parking and congestion.

Rebuttal

Larry James Jr. stated that the conceptual sketch is exactly what they are proposing. There is vacant ground to the west of Paramount Properties building and the north which is gravel parking lot and dirt parking lot. The layout that is being proposed is very similar to the commercial property that is there now. The applicant also agrees that the building that is currently there is too close to the street and that is the reason they are proposing to setback the new building even further which would be a much greater clearance for cars that are looking west to be able to see the traffic. They are seeking "NPC" in part because that is what is called for in the Drake Neighborhood Plan and it would allow the building to be built up to the sidewalk which is also what the neighborhood wanted. It will make it a more pedestrian friendly design with parking in the back. Currently, part of the site is zoned "C-1" and the parking requirements are similar to what the applicant is proposing. Under "C-1" 72 parking spaces are required for 48 units. They are offering 68 spaces. "NPC" provides for a more pedestrian friendly environment, sustainable and high quality density by design.

Ted Irvine asked if Traffic and Transportation been consulted about this specific project.

Mike Ludwig stated they would have more input at the time of the Site Plan review.

Ted Irvine asked if the developer would be amiable to meeting with these neighbors on 32nd Street and maybe with Traffic and Transportation staff to discuss what the impact of the traffic might be.

Larry James Jr. stated yes the developer is more than willing to meet with the surrounding neighbors, the neighborhood association and Drake University to address all the concerns, especially traffic. That will be part of the site plan approval process.

CJ Stephens asked will the Commission see energy efficient and green infrastructure. Also, with the words affordable multi-family, will there be a lesser degree of quality.

Larry James Jr. stated that the City makes great stride to provide quality affordable housing. The "NPC" guidelines dictate a certain level of quality in materials and the application process itself for IFA funds dictates a certain level of energy efficiency that is above and beyond what is normally required by the building code. A lot of those concerns would be addressed.

Dann Flaherty asked why is this project a 3-story when "NPC" figures in a 2-story. Why is it "NPC"?

Larry James Jr. stated "NPC" allows 45 feet and to his understanding there is not a 2-story limitation. The "NPC" proposal was presented to primarily address the setback issue. They could ask for a variance but whether or not it would be granted is in question. The primary reason for rezoning is to allow for a pedestrian friendly site plan.

Mike Ludwig pointed out the zoning districts in the area. The "C-1" portion of this property allows "R-4" density. "R-3" density is currently allowed on the east half of the property. The only portion of this property that is low density residential is the single lot to the north which is where they are proposing parking. Under the current zoning the applicant can do a multi-family project on this property and have parking extend on to the residential lot and probably have a plan that is very similar density to what is being proposed. The real question is compliance with the neighborhood plan which wanted buildings out towards the street and more in character with a "NPC" district. The reason they did not rezone to "NPC" district at the time of the neighborhood plan was on the advice of staff. There are uses that would have been allowed that are recommended to be prohibited as part of this rezoning. Even though the Commission is not looking at the site plan tonight there are a couple of issues that the applicant may be able look at. Mr. James pointed out that the proposed building would be further west than the existing building that is shown on the photo. If it is proven that there is a visibility issue on 32nd Street the idea of possibly locating the building at the 33rd Street corner may help. Also there may be a possibility to talk with Drake about shared parking opportunities.

CHAIRPERSON CLOSED THE PUBLIC HEARING

JoAnne Corigliano commented on the design asking that it be a little different. She would like to see a pitched roof.

Christine Pardee stated that she would like the concerns of the traffic safety and parking worked out and encourages that this issue be addressed.

Mike Ludwig stated that Traffic and Transportation will be looking at those concerns during the site plan review.

Tim Fitzgerald stated the he wants the neighborhood association to understand the setback.

COMMISSION ACTION:

Greg Jones moved staff recommendation for Part A) that the proposed rezoning be found not in conformance with the existing Des Moines' 2020 Community Character Plan designations of Low-Density Residential and Commercial: Pedestrian-Oriented, Commercial Corridor.

Motion passed 10-0-1 (Mike Simonson abstained).


Greg Jones moved staff recommendation for Part B) to approve an amendment to the Des Moines' 2020 Community Character Plan to revise the existing future land use designation from Low-Density Residential and Commercial: Pedestrian-Oriented Commercial Corridor to Mixed-Use and Density; and Part C) approval of the requested rezoning, subject to the following conditions:

1. The following uses shall be prohibited:
 - a) taverns and nightclubs,
 - b) billiard parlor/game room,
 - c) communication tower/antenna (unless as an extension of 20 feet or less from the structure),
 - d) delayed deposit services,
 - e) pawn brokers,
 - f) gas stations/convenience stores,
 - g) off-premises advertising signs, and
 - h) liquor stores where gross revenues of tobacco and alcohol products exceed 40% of sales.
2. The density of any future residential development shall be dependent upon Site Plan review and upon the traffic study required to be submitted with the Site Plan. However, the density of any development shall not exceed 40 dwelling units per acre (48 dwelling units on a 1.20-acre site).
3. Any development shall be in accordance with a Site Plan under the Design Guidelines for the "NPC" District.
4. Any development of a multiple-family residential use shall be in accordance with a Site Plan under the Design Guidelines for Multiple-Family Residential.
5. Any multiple-family residential structure shall have at least one primary entrance oriented toward Forest Avenue.
6. The entire ground floor of any structure shall be sided with brick or masonry materials, with the balance sided with brick, masonry, and/or cement board materials.
7. Any shingles shall be architectural style.

- 8. Any off-street parking shall be landscaped and screened in accordance with the City's Landscape Standards as applicable to the "C-2" District.
- 9. Any development shall include a landscaped streetscape within adjoining Forest Avenue right-of-way in accordance with the City's Landscape Standards as applicable to the "C-3" District.
- 10. 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.

Motion passed 10-0-1 (Mike Simonson abstained).

Respectfully submitted,


Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment

Item ZON 2012-00165 Date 9/25

I (am) in favor of the request.

(Circle One)



Print Name Ron Ottenbacher

Signature Ron Ottenbacher

2

Address 1426 31st St.
1325 33rd St

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

insufficient parking
today and this will
create more cars &
traffic - change the
neighborhood to commercial

Item ZON2012-00165

Date 10-7-12

15

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

also: Market Availability

(Circle One)

There are little
~~that~~ kids in the neighbor-
hood.

Print Name Cindy Miller

Signature Cindy Miller

Address 1427 33rd St

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

I do not approve of this because
I feel it would make the neighborhood
worse and would depreciate the
value of my home. We have little
kids in the area - who knows what apts.
would bring to this neighborhood NOT APPROVED

Item ZON2012-00165

Date 10/5/12

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

(Circle One)



Print Name MILDRED DAVIS

Signature Mildred E. Davis

Address 1432-33RD, DM 50311

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

TOO MUCH TRAFFIC
We have too much now.
SOME DRIVERS THINK 33rd & 7 street
are speedway now. THIS
INCLUDES MOTORCYCLES.

Item ZON 2012-00165

Date 9.25.2012 15

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

Clampet Corner, LLC.

Print Name Bruce W. Gerleman

Signature Bruce W. Gerleman President

Address 3100 Forest. Jethro's BBQ

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

I Fully support this project. It
will be a tremendous boost to the
neighborhood. It will remove an
eyesore that has been vacant for
too long.

Item ZON 2012-00165

Date 9/25/12

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

Print Name Charles Graziano

Signature [Signature]

Address _____

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

Parking is a major issue in this area.
Allowing reduced parking when virtually
every tenant has an auto results in
congestion on streets & illegal parking
by tenants in nearby areas.



Alumni & Development
2403 University Avenue
Des Moines, IA 50311

T 515.271.4176
1.800.44.DRAKE

October 3, 2012

Mr. Bert Drost, Sr. Planner
Plan and Zoning Department
City of Des Moines
602 Robert D. Ray Drive
Des Moines, Iowa 50309

Dear Mr. Drost.

Drake University has been made aware, through meetings with a representative, of a developer whom wishes to build a three story apartment complex with forty-eight one and two bedroom units in the 3200 block of Forest Avenue. Drake University is enthusiastically in favor of the project due to its contribution to the revitalization of the neighborhood.

If rezoning is approved for the project the developer has promised to work closely with surrounding neighbors, the Drake Neighborhood Association, and Drake University on a site plan that is both attractive and functional.

Drake University is pleased to provide support for this project.

Sincerely,

Dolph Pulliam, Director
Community Outreach & Development
Drake University
2507 University Avenue
Des Moines, IA 50311
Dolph.pulliam@drake.edu
515-271-3084

CC: David Maxwell, President
Drake University



Daniel Flaherty
 Chairman
 Planning and Zoning Commission
 City of Des Moines
 400 Robert Ray Drive
 Des Moines, IA 50309

Dear Chairman Flaherty,

On September 4th Larry James Jr. contacted us to speak at the Drake Neighborhood Association meeting to seek support for a planned project on four lots at the 3200 block of Forest Avenue. This block has sat vacant for a number of years. In our neighborhood plan, approved in 2011, we called for redevelopment of this block. We were therefore quite excited to hear the plan Mr. James and his client, Mike Nelson, had to present. The Drake Neighborhood Association members heard the plan on September 12th, and the residents near this proposed development gathered again to further discuss this with Mr. James and the developers on September 25th.

The plan calls for the rezoning of four lots to NPC, and the development of an apartment building of 48 units. The vast majority of the neighborhood fully supports redevelopment of this block. The owner, Mike Nelson, does have a good reputation for development projects in the city. The basic concept of the plan meets the redevelopment goals set forth in our neighborhood plan. However, the size and nature of the development still gives the neighborhood cause for concern. Though we believe that this redevelopment has the potential to vastly improve the Western half of Forest Avenue, it also has the potential to further harm the neighborhood if some of our concerns are not addressed in the site plan. Our main concern is in a development that could add up to 100 people living at or below 60% of median income on one block. Though we fully support affordable housing options in our neighborhood, we worry about large concentrations of it in one spot. There are also concerns about parking that we feel can be addressed in the site plan approval process.

At this time, we support the rezoning of the lots to NPC provided bars and liquor licensing normally a part of NPC zoning be excluded. We are excited to work with the developers to create a site plan that addresses our concerns and allows us to fully support the site plan.

Thank you.

Deric Gourd
 President
 Drake Neighborhood Association

15

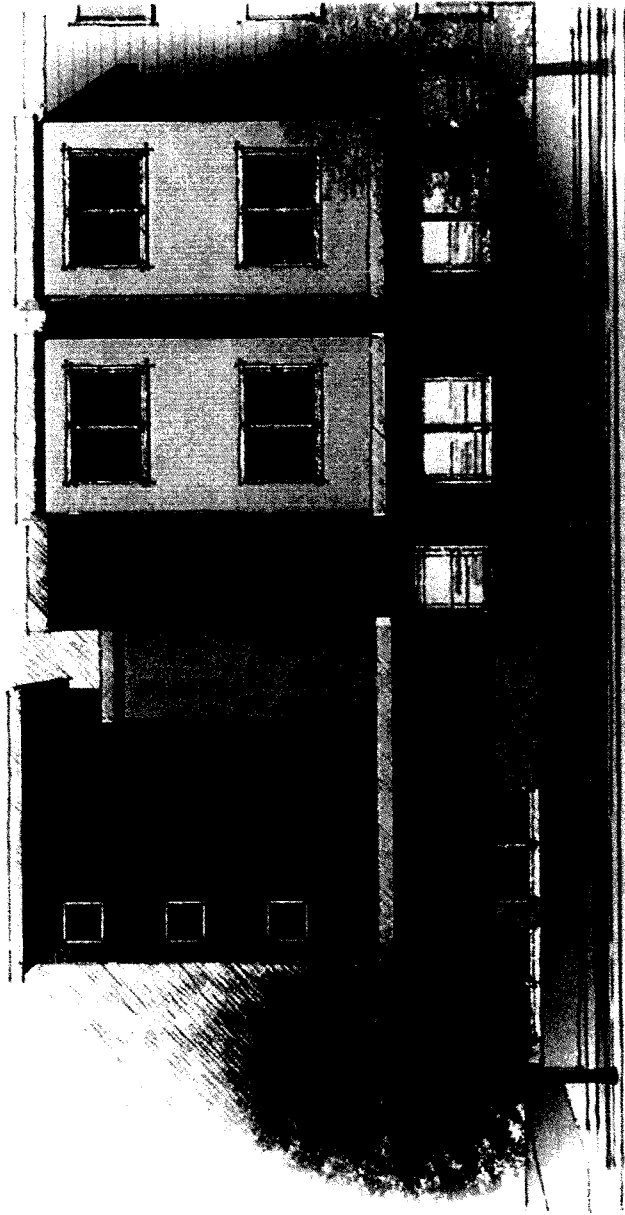
NND 19 32nd Street Shops LLC -

3201 Forest Ave, 3211 Forest Avenue, 3221 Forest Ave, 1414 32nd St

ZON2012-00165



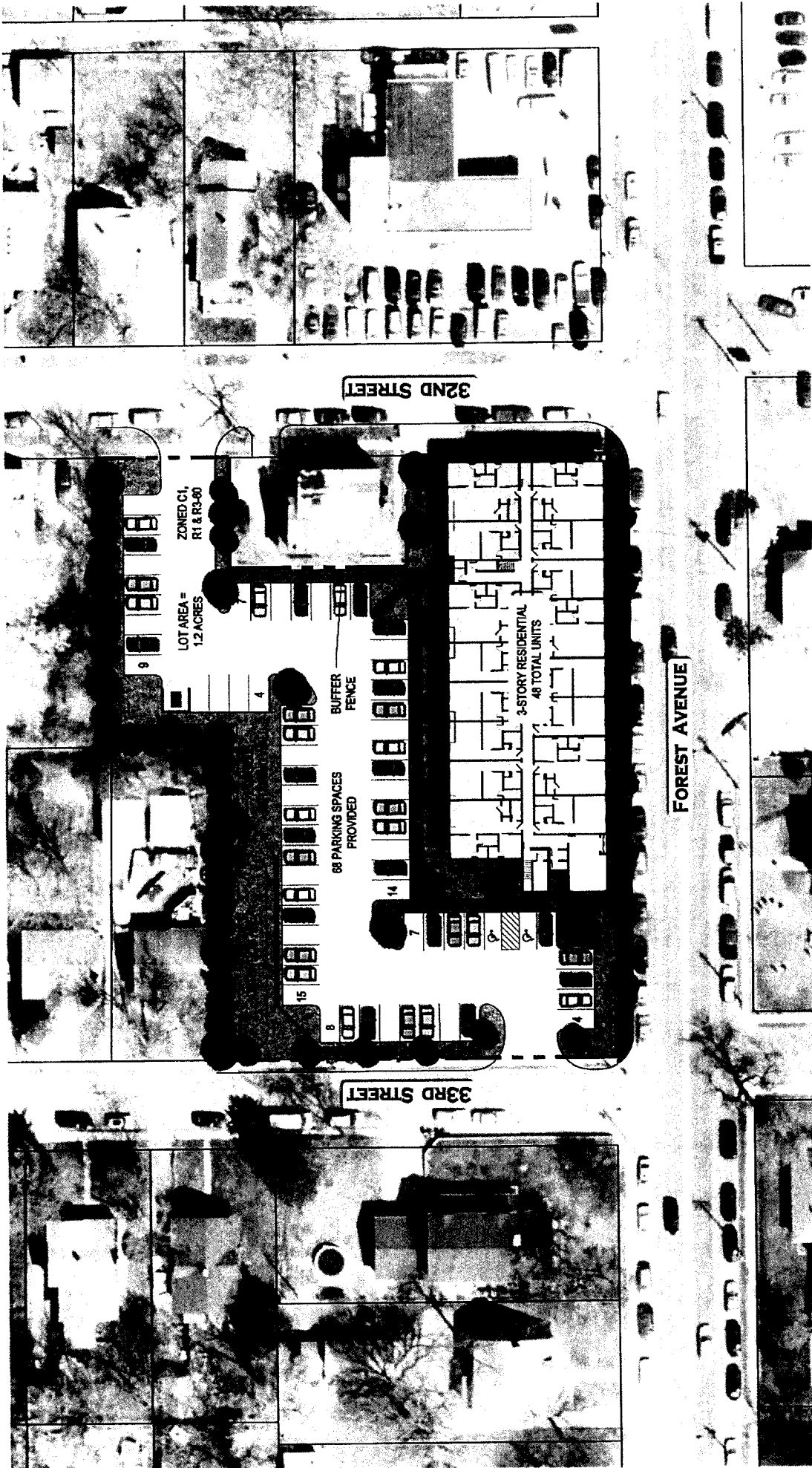
51



3201 FOREST AVENUE APARTMENTS
3201 FOREST AVE.
DES MOINES, IOWA

SEPTEMBER 25, 2012

15



RENDERED SITE PLAN

3201 FOREST AVENUE APARTMENTS
 3201 FOREST AVE.
 DES MOINES, IOWA

5 SEPTEMBER 25, 2012

simonson
 SIMONSON & ASSOCIATES ARCHITECTS, LLC
 107 WEST BROADWAY
 DES MOINES, IOWA 50319
 WWW.SIMONSONARCHITECTS.COM



THIS SITE PLAN IS A RENDERING OF A PROPOSED DEVELOPMENT. IT IS NOT A CONTRACT. THE DEVELOPER ASSUMES ALL LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREIN. THE DEVELOPER DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED HEREIN. THE DEVELOPER DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED HEREIN. THE DEVELOPER DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED HEREIN.

15

15



SOUTH ELEVATION

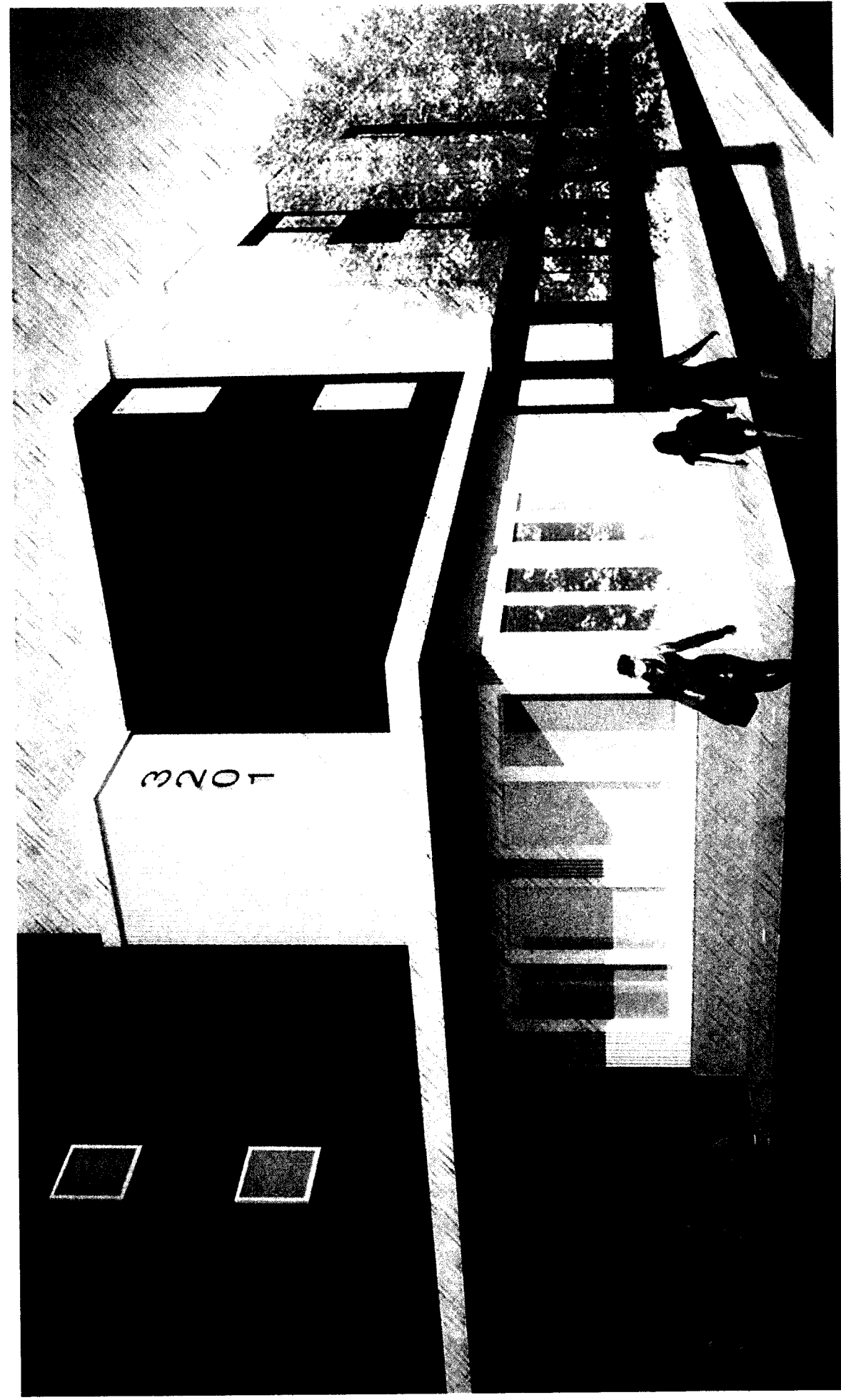
3201 FOREST AVENUE APARTMENTS
 3201 FOREST AVE.
 DES MOINES, IOWA

SEPTEMBER 28, 2012

THIS DRAWING IS THE PROPERTY OF SIMONSON & ASSOCIATES ARCHITECTS, L.L.C. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF SIMONSON & ASSOCIATES ARCHITECTS, L.L.C.



simonson
 SIMONSON & ASSOCIATES ARCHITECTS, L.L.C.
 1001 UNIVERSITY AVENUE, SUITE 1100 DES MOINES, IA 50319
 PH: 515.281.1400 www.simonsonarch.com



15

PERSPECTIVE LOOKING EAST

3201 FOREST AVENUE APARTMENTS
 3201 FOREST AVE.
 DES MOINES, IOWA

SEPTEMBER 25, 2012

simonson
 SIMONSON ASSOCIATES ARCHITECTS LLC
 1217 HIGHLAND AVENUE SUITE 100 DES MOINES IA 50319
 515 281-1818 www.simonson.com



This drawing was prepared by Simonson Associates Architects, LLC for the project described herein. It is not to be used for any other project without the written consent of Simonson Associates Architects, LLC. The information contained herein is confidential and intended solely for the use of the individual or entity to whom this information is addressed. If you have received this communication by mistake, please notify the project manager or architect immediately by telephone or e-mail. No liability is assumed for errors or omissions. © 2012 Simonson Associates Architects, LLC

15