



Roll Call Number

Agenda Item Number

31

Date November 19, 2012

An Ordinance entitled, "AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 3201, 3211, and 3221 Forest Avenue and 1414 32nd Street from the 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 classification",

which was considered and voted upon under Roll Call No. 12- 1726 of November 5, 2012; again presented.

Moved by _____ that this ordinance be considered and given second vote for passage.

(Second of three required readings)

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

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.

Mayor

City Clerk

12-1726
369
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ORDINANCE NO. _____

AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 3201, 3211, and 3221 Forest Avenue and 1414 32nd Street from the 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 classification.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, be and the same is hereby amended by rezoning and changing the district classification of certain property located in the vicinity of 3201, 3211, and 3221 Forest Avenue and 1414 32nd Street, more fully described as follows, from the 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 classification:

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.

Section 2. That this ordinance and the zoning granted by the terms hereof are subject to the following imposed additional conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance by all owners of the property and are binding upon the owners and their successors, heirs, and assigns as follows:

- (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.

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360

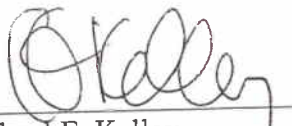
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- (2) The density of any future residential development shall be dependent upon Site Plan review and upon the traffic study required to be submitted with the Site Plan. However, the density of any development shall not exceed 40 dwelling units per 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.

Section 3. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Section 4. The City Clerk is hereby authorized and directed to cause a certified copy of the Acceptance of Rezoning Ordinance, this ordinance, a vicinity map, and proof of publication of this ordinance, to be properly filed in the office of the Polk County Recorder.

FORM APPROVED:



Michael F. Kelley
Assistant City Attorney

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HOGAN LAW OFFICE
3101 INGERSOLL AVENUE, SUITE 103
DES MOINES, IOWA 50312
(515) 279-9059
FAX (515) 277-5836

TIMOTHY C. HOGAN
LAWRENCE I. JAMES, JR.

Mayor Frank Cownie
Des Moines City Council
City of Des Moines
400 Robert D. Ray Drive
Des Moines, IA 50309

November 12, 2012

Re: Rezoning of 3201, 3211, and 3221 Forest Avenue and 1414 32nd Street

Dear Mayor Cownie,

I represent 3201 Forest, LLC, the developer of the properties located at 3201, 3211, and 3221 Forest Avenue and 1414 32nd Street (the "Property"). The developer seeks to rezone the Property from C-1, R-3 and R-1-60 to Neighborhood Pedestrian Commercial ("NPC") in order to pursue construction of an apartment building. My client could build a commercial or multifamily building on the site without a zoning change. However, NPC zoning is necessary to allow for a more pedestrian-friendly design pursuant to goals set forth in the 2011 Drake Neighborhood Plan (below). In addition, the use restrictions agreed to by my client as a condition of rezoning would actually limit the uses of the Property more than the current zoning.

The request to rezone to NPC is only the first step my client needs to undertake before any work could begin. After rezoning, the developer will return to the DNA, City staff, and Drake University with a site plan, which will be the product of neighborhood input. Pursuant to NPC and multifamily design guidelines, any site plan would need to be reviewed and approved by the Plan and Zoning Commission.

Mike Nelson is one of the principals of 3201 Forest, LLC. As owner of Nelson Development, Mr. Nelson is one of the leading developers of high-quality multifamily housing in Des Moines. A sample of Nelson Development's recent multifamily projects include:

- **Liberty Building** (Hyatt Place Hotel, office and retail space, and condominiums).
- **e300 Grand** (Zombie Burger, retail, and 79 energy-efficient apartments).
- **AP Transfer Lofts** (70 loft apartments).
- **Fleming Building** (80 apartments).
- **The Des Moines Building** After a competitive process, the City of Des Moines chose Nelson Development and Foutch Brothers to renovate the historic Des Moines Building at 6th and Locust Avenue. Work has begun on a mix of 136 apartments, retail, office, and restaurant space, which will be completed in 2014.

In the Drake Neighborhood, the developer seeks to build a three-story, 48-unit apartment

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CITY CLERK
DES MOINES, IA
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Steve

building with 68 parking spaces (the “Project”). I have attached a conceptual site plan and perspectives for your review. The building hugs the corner of 32nd Street and Forest Avenue, but is set back further from the corner than the existing building to allow for greater traffic visibility. The conceptual site plan includes parking tucked along the side and behind the building and a new 12-foot sidewalk and street trees along Forest Avenue.

As noted above, prior to creating this plan, the developer considered the goals, policies, and objectives set forth in the 2011 Drake Neighborhood Plan:

(http://drakeneighborhood.org/neighborhood_plan/drake_neighborhood_plan.pdf).

The Drake Neighborhood Plan was created during a two-year process from 2009 to 2011 and included input from the DNA, Drake University, neighborhood residents and businesses, and City staff. I have attached several pages from the Drake Neighborhood Plan for your review. Each goal or policy that concerns this Project is addressed below.

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Goal/Outcome 1.4: Provide a range of quality housing opportunities in the Drake Neighborhood

Action Step 1.4.1b: Encourage new, **affordable** multifamily developments to be located along neighborhood corridors such as University Avenue, **Forest Avenue**, MLK Jr. Parkway, etc.

The Project meets the goal to locate new, mixed-income affordable multifamily housing on a neighborhood corridor, Forest Avenue. Under Iowa Finance Authority guidelines, a portion of the apartments shall be reserved for households at or below 60% of median income (60 % median income = \$31,740 (single), \$36,240 (two people) in 2012). Rents are estimated at \$600 for a one-bedroom apartment and \$725 for a two-bedroom apartment. The remaining apartments will be offered at market rate.

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Goal/Outcome 5.4: Develop the area along Forest Avenue between 30th Street and 33rd Street as a pedestrian-friendly “campustown” district.

Action Step 5.4.1a: The DNA and DABA will support the rezoning of property from C-1 to NPC on a case-by-case basis.

Strategy 5.4.2 Encourage redevelopment that provides **additional housing density** to support the area businesses.

Action Step 5.4.2a The DNA and DABA will support this type of development as it occurs.

The Project meets the goal to help develop a pedestrian-friendly, “campustown”

district on Forest Avenue between 30th and 33rd Street. This Project is located within the section of Forest Avenue described in the Drake Neighborhood Plan. Rezoning the Property to NPC will allow the addition of housing density to the area, which is necessary to support additional retail development on Forest Avenue.

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In the introduction to the Land Use & Zoning section of the Drake Neighborhood Plan, “[t]he following policies are included in the future land use plan for the Drake neighborhood:

The Drake neighborhood recognizes the value of residential density, and the need for multiple family properties to house the University’s student population as well as to serve a broad range of resident needs. **Higher residential densities should be encouraged along the major corridors in order to support commercial districts and utilize mass transit routes. The Drake neighborhood supports the construction of high quality, multi-family development projects, particularly along University Avenue, Forest Avenue, and Martin Luther King, Jr. Parkway,** as well as land adjacent to Drake University. The Neighborhood Association would like to participate in site plan review for multi-family development proposals, to ensure they are of a scale and character that blends well with the neighborhood.” (emphasis added)

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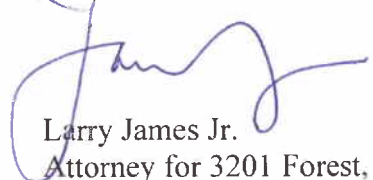
Goal/Outcome 6.3 Promote compact, pedestrian-friendly neighborhood commercial districts in the Drake neighborhood.

Action Step 6.3.1d Support rezoning requests along both sides of Forest Avenue between 30th and 33rd Streets from “C-1” Neighborhood Retail Commercial District to “NPC” Neighborhood Pedestrian Commercial District on a case- by-case basis as development is proposed.

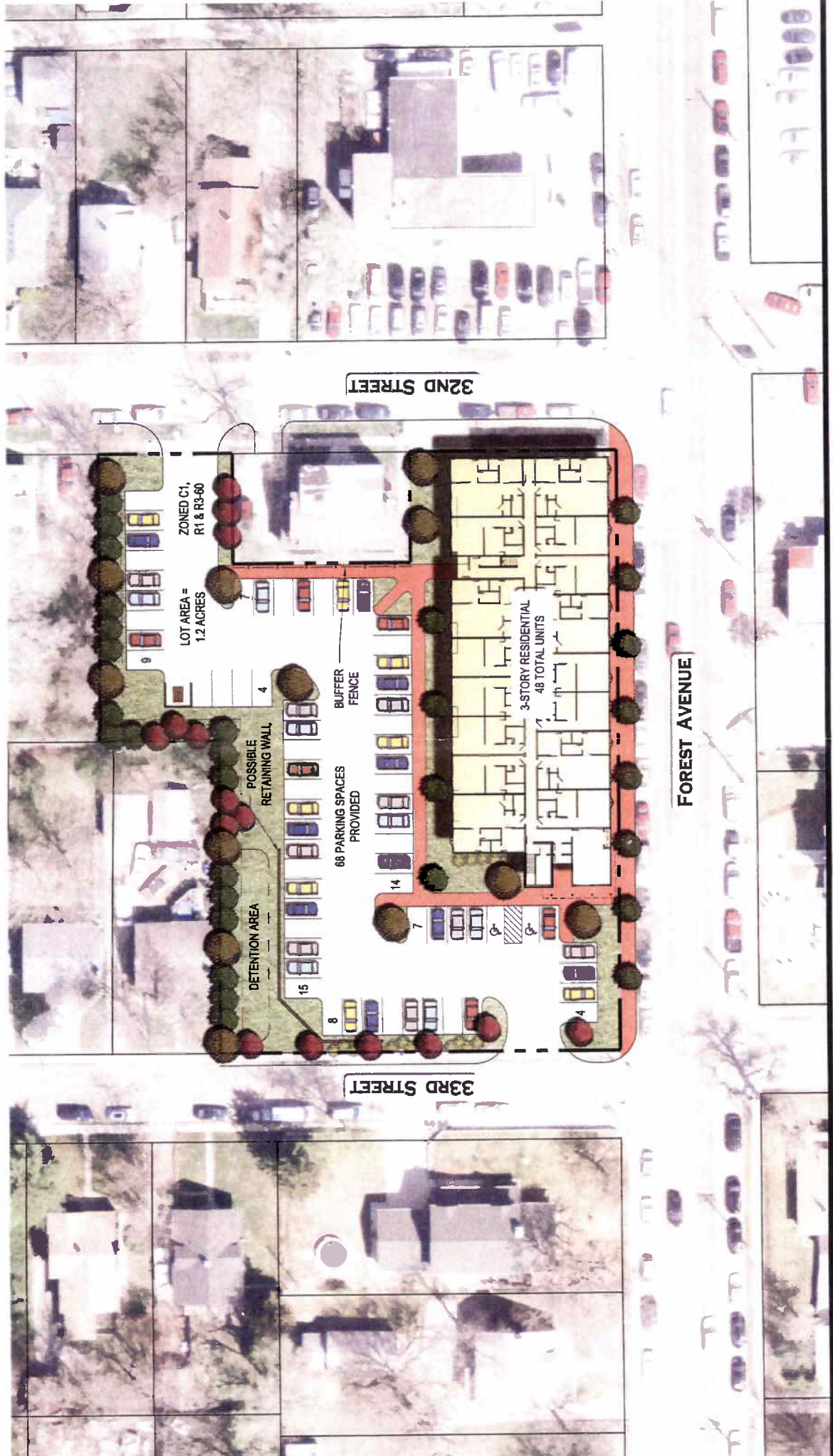
The Project meets the goal to promote compact, pedestrian-friendly neighborhood commercial districts in the Drake Neighborhood. This Project is located within the section of Forest Avenue described in the Drake Neighborhood Plan. Rezoning the Property to NPC will allow the addition of housing density to the area, which is necessary to support additional retail development along Forest Avenue.

After you have had the opportunity to review the attached documents, please feel free to contact me at 279-9059, 205-2158 or larry@hoganlawoffice.net with any questions or concerns. I look forward to working with the City, Drake University, and the Drake Neighborhood on this exciting opportunity to revitalize a block of Forest Avenue

Very Truly Yours,

A handwritten signature in blue ink, appearing to read "Larry James Jr.", written over a horizontal line.

Larry James Jr.
Attorney for 3201 Forest, LLC



LOT AREA =
1.2 ACRES

ZONED C1,
R1 & R3-60

DETENTION AREA
POSSIBLE
RETAINING WALL

68 PARKING SPACES
PROVIDED

BUFFER
FENCE

3-STORY RESIDENTIAL
48 TOTAL UNITS

32ND STREET

33RD STREET

FOREST AVENUE

simonson
simonson & associates architects llc
172 ingersoll avenue suite 117, des moines ia 50309
563 253 4346 www.simonsoniac.com

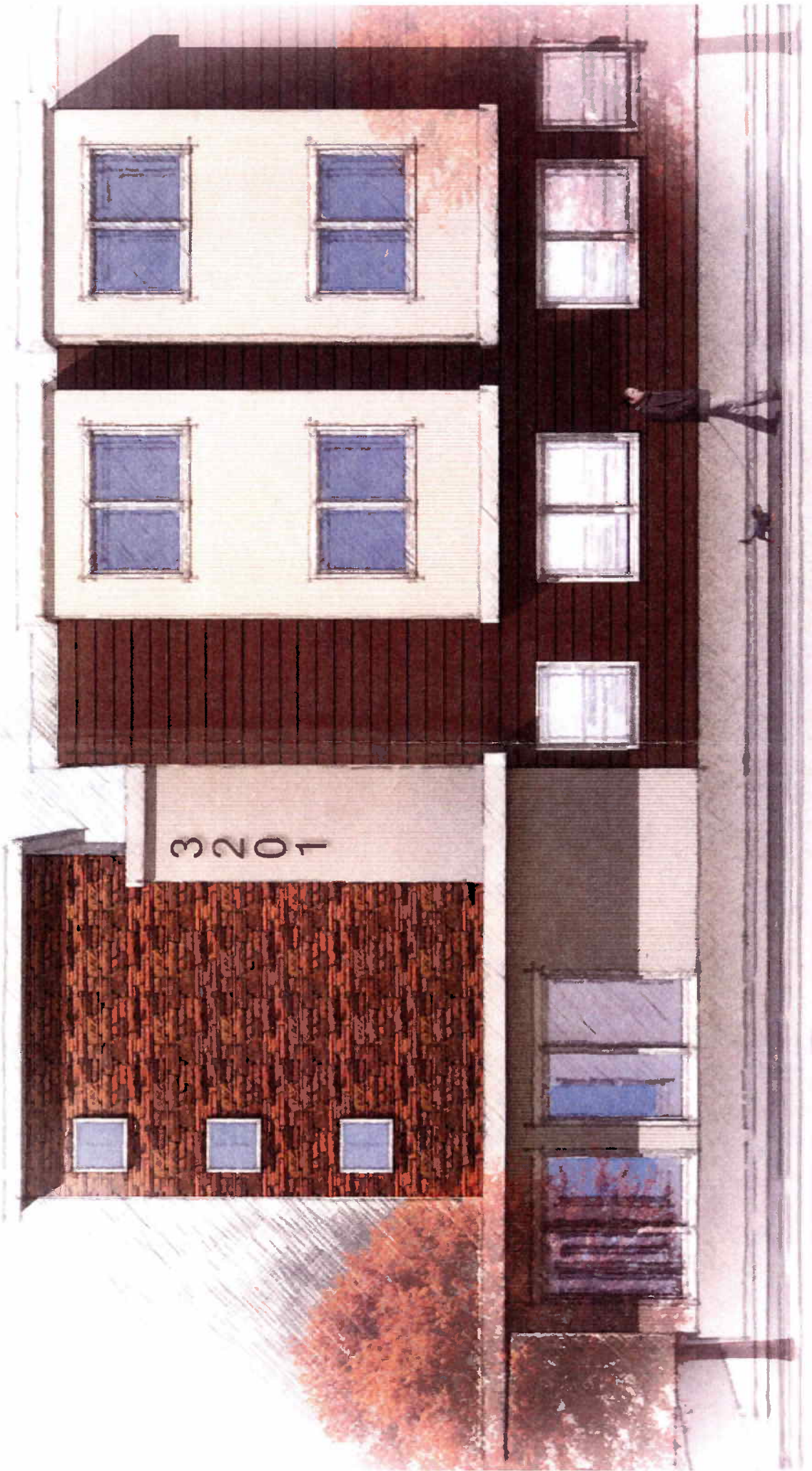


NORTH
1" = 40' @ 11.5" x 17" Sheet
SAY 12083
DRAWN BY: AUC

FOREST AVE. & 33RD STREET
DES MOINES, IOWA

SEPTEMBER 12, 2012

This drawing has been prepared by the Architect or Engineer under contract. This drawing is not to be used for any other project without the written consent of the Architect or Engineer. The Architect or Engineer shall not be responsible for any errors or omissions in this drawing. The Architect or Engineer shall not be responsible for any errors or omissions in this drawing. The Architect or Engineer shall not be responsible for any errors or omissions in this drawing.



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