



Date ..... February 11, 2013 .....

WHEREAS, on January 28, 2013 by Roll Call No. 13-0105, it was duly resolved by the City Council that the application of Jake Christensen, Christensen Development, LLC (purchaser) and ST Investments (owner) to rezone certain property located in the vicinity of 200 and 220 Southeast 6<sup>th</sup> Street from the M-1 Light Industrial District and M-2 Heavy Industrial District to Limited C-3B Central Business Mixed Use District classification, more fully described below, be set down for hearing on February 11, 2013, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of the hearing was published in the Des Moines Register on January 31, 2013, as provided by law, setting forth the time and place for hearing on the proposed amendment to the Zoning Ordinance; and,

WHEREAS, in accordance with the notice those interested in the proposed rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and,

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the following described property:

South ½ Market Square, Town of De Moine, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

from the M-1 Light Industrial District and M-2 Heavy Industrial District to Limited C-3B Central Business Mixed Use District classification, subject to the following conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing 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. Assembly and packaging of small components from previously prepared materials within a fully enclosed building.
  - b. Auction businesses.
  - c. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
  - d. Lumberyards, retail and wholesale.
  - e. Machine shops.
  - f. Freestanding package goods stores for the sale of alcoholic beverages.
  - g. Pawnshops.
  - h. Printing, publishing houses and lithographing shops.
  - i. Plumbing and heating shops.
  - j. Miniwarehouse uses.



Date February 11, 2013

- k. Freestanding taverns and night clubs.
  - 1. Warehousing.
- (2) The site layout of any development shall be in accordance with the Market District of East Village Urban Design Study.
- (3) The density of any residential development shall be dependent upon Site Plan review.
- (4) Any residential development shall utilize measures to minimize impacts on the health, safety, and welfare of future residents from the nearby industrial uses. Such measures may include additional soundproofing, landscaping, and/or screening.
- (5) Any development shall be in accordance with a Site Plan that satisfies the design guidelines for the C-3B and Downtown Overlay Districts.
- (6) Any development of a multiple-family residential use shall be in accordance with a Site Plan that satisfies the Design Guidelines for Multiple-Family Residential use.
- (7) The developer shall be responsible for the costs associated with improvements within the adjoining public right-of-ways.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the Property from the M-1 Light Industrial District and M-2 Heavy Industrial District to Limited C-3B Central Business Mixed Use District classification are hereby overruled, the hearing is closed and the proposed rezoning to the Limited C-3B Central Business Mixed Use District classification is hereby APPROVED.

Moved by \_\_\_\_\_ to adopt and approve the rezoning, subject to final passage of the rezoning ordinance.

FORM APPROVED:

Michael F. Kelley  
Assistant City Attorney

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

**CERTIFICATE**

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

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

MOTION CARRIED APPROVED

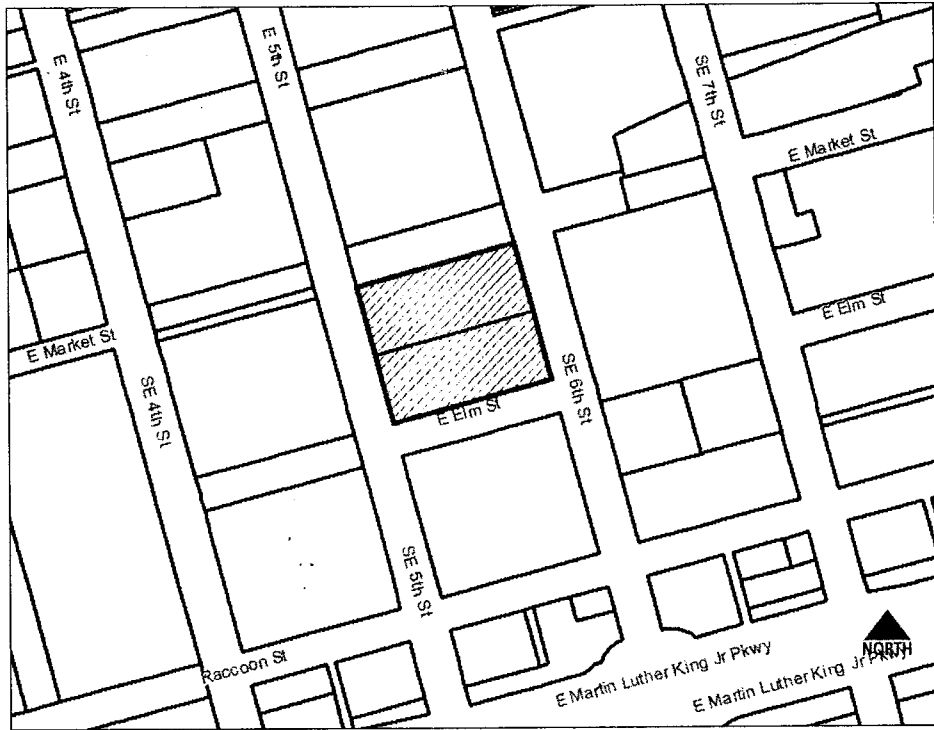
\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

Request from Jake Christensen (purchaser) to rezone property located at 200 and 220 Southeast 6 <sup>th</sup> Street. The subject property is owned by ST Investments.				<b>File #</b> ZON2012-00227	
<b>Description of Action</b>	Approval to rezone from "M-1" Light Industrial District and "M-2" Heavy Industrial District to "C-3B" Central Business Mixed Use District to allow for development of up to 60 residential units subject to conditions.				
<b>2020 Community Character Plan</b>	Support Commercial				
<b>Horizon 2035 Transportation Plan</b>	No Planned Improvements				
<b>Current Zoning District</b>	"M-1" Light Industrial District and "M-2" Heavy Industrial District				
<b>Proposed Zoning District</b>	"C-3B" Central Business Mixed Use District				
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	1	1			
Outside Area					
<b>Plan and Zoning Commission Action</b>	Approval	9--0-1	<b>Required 6/7 Vote of the City Council</b>	Yes	N/A
	Denial			No	

Jake Christensen - 200 and 220 Southeast 6th Street

ZON2012-00227



Item 2012 0227 Date 1/9/13 54

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

(Circle One)

Print Name Van Fleet, Inc.

Signature 

Address 110 SE 7th, Del Rio, TX 78840

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

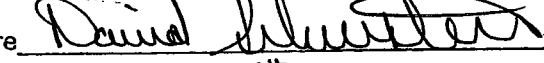
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Item 2012 0227 Date 1-11-13

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

(Circle One)

Print Name David Silverstein

Signature 

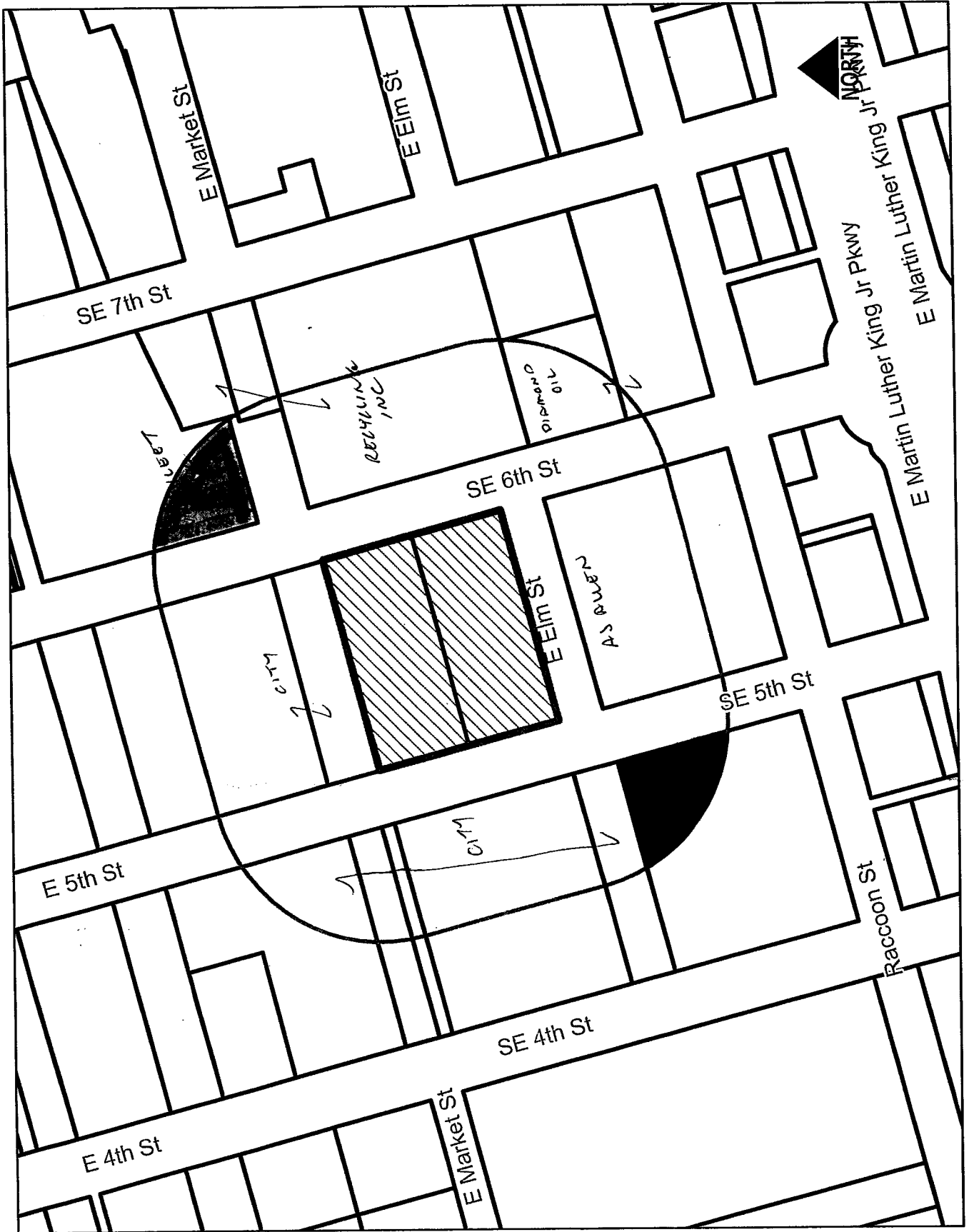
Address 306 SE 5th St.

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

The Neighborhood is still heavy industrial and Residential  
would not be a good fit at this time. Serious  
concerns on how this would affect my business.  
Traffic, Parking concerns.

ZON2012-00227

Jake Christensen - 200 and 220 Southeast 6th Street



January 23, 2013

Honorable Mayor and City Council  
City of Des Moines, Iowa

**Members:**

Communication from the City Plan and Zoning Commission advising that at their meeting held January 17, 2013, the following action was taken regarding a request from Jake Christensen (purchaser) to rezone property located at 200 and 220 Southeast 6<sup>th</sup> Street. The subject property is owned by ST Investments.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 9-0-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles	X			
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			
Greg Wattier			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

**APPROVAL** of Part A) to find the requested rezoning is in conformance with the Des Moines' 2020 Community Character Plan designation of Downtown: Support Commercial; and Part B) to approve the requested rezoning from "M-1" Light Industrial District and "M-2" Heavy Industrial District to "C-3B" Central Business Mixed Use District to allow for development of up to 60 residential units subject to the following conditions: (ZON2012-00227)

1. The following uses shall be prohibited:
  - a. Assembly and packaging of small components from previously prepared materials within a fully enclosed building.
  - b. Auction businesses.
  - c. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
  - d. Lumberyards, retail and wholesale.
  - e. Machine shops.

- f. Freestanding package goods stores for the sale of alcoholic beverages.
  - g. Pawnshops.
  - h. Printing, publishing houses and lithographing shops.
  - i. Plumbing and heating shops.
  - j. Miniwarehouse uses.
  - k. Freestanding taverns and night clubs.
  - l. Warehousing.
2. The site layout of any development shall be in accordance with the Market District of East Village Urban Design Study.
  3. The density of any residential development shall be dependent upon Site Plan review.
  4. Any residential development shall utilize measures to minimize impacts on the health, safety, and welfare of future residents from the nearby industrial uses. Such measures may include additional soundproofing, landscaping, and/or screening.
  5. Any development shall be in accordance with a Site Plan that satisfies the design guidelines for the "C-3B" and Downtown Overlay Districts.
  6. Any development of a multiple-family residential use shall be in accordance with a Site Plan that satisfies the design guidelines the Design Guidelines for Multiple-Family Residential use.
  7. The developer shall be responsible for the costs associated with improvements within the adjoining public right-of-ways.

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

Part A) Staff recommends that the proposed rezoning be found in conformance with the existing Des Moines' 2020 Community Character Plan designation of Downtown: Support Commercial.

Part B) Staff recommends the subject property be rezoned to a Limited "C-3B" District subject to the following conditions:

1. The following uses shall be prohibited:
  - a. Assembly and packaging of small components from previously prepared materials within a fully enclosed building.
  - b. Auction businesses.
  - c. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
  - d. Lumberyards, retail and wholesale.
  - e. Machine shops.
  - f. Freestanding package goods stores for the sale of alcoholic beverages.
  - g. Pawnshops.
  - h. Printing, publishing houses and lithographing shops.
  - i. Plumbing and heating shops.
  - j. Miniwarehouse uses.
  - k. Freestanding taverns and night clubs.
  - l. Warehousing.

2. The site layout of any development shall be in accordance with the Market District of East Village Urban Design Study.
3. The density of any residential development shall be dependent upon Site Plan review.
4. Any residential development shall utilize measures to minimize impacts on the health, safety, and welfare of future residents from the nearby industrial uses. Such measures may include additional soundproofing, landscaping, and/or screening.
5. Any development shall be in accordance with a Site Plan that satisfies the design guidelines for the "C-3B" and Downtown Overlay Districts.
6. Any development of a multiple-family residential use shall be in accordance with a Site Plan that satisfies the design guidelines the Design Guidelines for Multiple-Family Residential use.
7. The developer shall be responsible for the costs associated with improvements within the adjoining public right-of-ways.

#### Written Responses

- 1 In Favor
- 1 In Opposition

#### **STAFF REPORT**

##### **I. GENERAL INFORMATION**

1. **Purpose of Request:** The proposed rezoning would allow redevelopment of the site in accordance with the "C-3B" Central Business Mixed Use District regulations and design guidelines. The existing "M-1" & "M-2" District designations do not allow any residential uses. The "C-3B" District regulations and design guidelines are intended to establish a lively pedestrian-scaled, urban setting and assure that redevelopment is pedestrian-oriented and compatible with a mixed-use neighborhood.

The subject property is located in an area between the East Village and the Martin Luther King, Jr. Parkway (Southeast Connector) that is commonly referred to as the Market District. This area currently contains a mix of industrial and commercial uses, including the City of Des Moines' Public Works facility, Alter scrap metal processing, and Recycling, Inc. It is expected that, over time, this area will convert to a mix of office, retail and residential uses pursuant to the Market District of East Village Urban Design Plan and the Des Moines's 2020 Community Character Plan Future Land Use Plan that currently designates this area as Downtown Support Commercial. Since the surrounding industrial uses will continue to be in existence for the foreseeable future, it is imperative that any future residential development utilize measures to minimize impacts on the health, safety, and welfare of future residents. Such measures may include additional soundproofing, landscaping, and/or screening.

If rezoned to "C-3B" 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 "C-3B" Design Guidelines, as well as the design guidelines



applicable in the Downtown Overlay District. Furthermore, any multiple-family residential development would be subject to the multiple-family residential design guidelines.

The applicant has submitted a conceptual site sketch with the rezoning application that indicates the site layout would be in accordance with the Market District of East Village Urban Design Study. The initial phase of future redevelopment would include a multiple-family residential building constructed along Southeast 6<sup>th</sup> Street that would include at least 36 dwelling units. Future phases would include buildings along the north and south site boundaries with approximately 12 dwelling units in each, and may require future street improvements.

2. **Size of Site:** 86,973 square feet (2.00 acres).
3. **Existing Zoning (site):** "M-1" Light Industrial District, "M-2" Heavy Industrial District, and "DO" Downtown Overlay District.
4. **Existing Land Use (site):** The site is comprised of two parcels, including a parcel known as 200 Southeast 6<sup>th</sup> Street that contains a 2,400-square foot commercial building, and an undeveloped parcel known as 220 Southeast 6<sup>th</sup> Street.
5. **Adjacent Land Use and Zoning:**
  - North** – "M-1"; Uses are vacated East Market Street right-of-way now used as parking for the City's Public Works Department and a fueling station for the City's vehicles.
  - South** – "M-1"; Uses unimproved Elm Street and AJ Allen's office/warehouse use.
  - East** – "M-2"; Uses include recently improved Southeast 6<sup>th</sup> Street and Recycling Inc's office and industrial facility.
  - West** – "M-1"; Uses are Southeast 5<sup>th</sup> Street and the City's Public Works' Public Works facility.
6. **General Neighborhood/Area Land Uses:** The surrounding area generally contains a mix of industrial and commercial uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Historic East Village Neighborhood. This neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on December 21, 2012. A Final Agenda was mailed to the neighborhood association on January 11, 2013. Additionally, separate notifications of the hearing for this specific item were mailed on December 28, 2012 (20 days prior to the hearing) and January 7, 2013 (10 days prior to the hearing) to the Historic East Village Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

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 Historic East Village Neighborhood Association notices were mailed to Josh Garrett, PO Box 1782, Des Moines, IA 50305.

The applicant held their required neighborhood meeting on January 14, 2013 and plans to hold a follow-up meeting on January 28, 2013.

**8. Relevant Zoning History:** NA.

**9. 2020 Community Character Land Use Plan Designation:** Downtown Support Commercial.

**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. 2020 Community Character Plan:** The Des Moines 2020 Community Character Plan Future Land Use Map designates the subject property and the surrounding area as "Downtown Support Commercial." The proposed "C-3B" District conforms to the intent of this future land use designation, which is described as follows:

*Downtown Support Commercial: General businesses, retail and service establishments, limited high density residential, mixed use developments, and work centers that support the downtown core providing their own off-street parking.*

**2. Market District of East Village Urban Design Study:** The Market District of East Village Urban Design Study anticipated that this area will be zoned "C-3B" District. The plan indicates that the area should consist of mix of commercial and residential uses that and that development should have an urban street presence. The "C-3B" District regulations and design guidelines are intended to establish a lively pedestrian-scaled, urban setting and assure that redevelopment is pedestrian-oriented and compatible with a mixed-use neighborhood.

**3. Permitted Uses:** The following is the list of uses permitted in the "C-3B" District:

### ***Sec. 134-1006. Principal permitted uses.***

*Only the uses of structures or land similar to those that follow shall be permitted in the C-3B Central Business Mixed Use District:*

*(1) Any use permitted in and as limited in the C-2 district except the following uses which are prohibited:*

- a. Automobile, trailer, motorcycle, boat, and farm implement establishments for display, rental, and sales (including sales lots).*
- b. Mobile home parks.*
- c. Vehicle display lots.*
- d. Garage for general motor vehicle that includes major body and fender work or overall painting.*
- e. Automobile washing establishments unless all bays are normally enclosed and an attendant is on duty during all hours of operation.*
- f. Adult entertainment business.*
- g. Monument sales yards.*

- h. Sheet metal shops.
  - i. Sign painting shops.
  - j. Off-premises advertising signs.
- (2) Assembly and packaging of small components from previously prepared materials within a fully enclosed building.
  - (3) Manufacture or treatment of products within a fully enclosed building incidental to the conduct of a retail business carried out on the premises.
  - (4) Printing and publishing houses.
  - (5) Warehousing.
  - (6) Machine shops.
  - (7) Retail lumberyards.
  - (8) Electrical substations and gas regulator facilities upon land held by the utility for that purpose on the date the land was placed within the C-3B District. Any new electrical substation or gas regulator facility, or expansion thereof, upon land not held by the utility for that purpose when the land was placed within the C-3B District, may be allowed only by special permit under the provisions of section 134-1326.
  - (9) Combinations of the uses in subsections (1) through (8) of this section.

Staff believes that some of the uses allowed in the “C-3B” District are not appropriate for this specific location given the planned development pattern for the Market District and for the area along Southeast 6<sup>th</sup> Street. Uses that staff believes should be prohibited include assembly and packaging of small components from previously prepared materials within a fully enclosed building, auction businesses, financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles, retail and wholesale lumberyards, machine shops, freestanding package goods stores for the sale of alcoholic beverages, pawnshops, printing and publishing houses, plumbing and heating shops, miniwarehouse uses, freestanding taverns and night clubs, and warehousing.

4. **“C-3B” District Design Guidelines:** Should the property be rezoned to “C-3B” 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 “C-3B” District. *(A Site Plan has not been submitted for consideration at this time.)*
  - (a) The design guidelines within the C-3B central business mixed-use district are intended to establish a lively pedestrian-scaled, urban setting. These guidelines are intended to work with the C-3B central business mixed-used district regulations in chapter 134 to assure that redevelopment is pedestrian-oriented and compatible with the new mixed-use neighborhoods.
  - (b) In acting upon any site plan application for property located within the D-R downtown riverfront district or C-3B central business mixed-use district, the plan and zoning commission shall apply the design regulations in section 82-213 of this article and the design guidelines in this section. 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. These guidelines shall be applied to the entire site when a new building is constructed or an existing building is expanded by more than 50 percent of its gross floor area as of the time it became part of the D-R downtown riverfront district or C-3B central business mixed-use district. If a building is expanded by less than 50 percent of its gross floor area as of the time it became part of the D-R downtown riverfront district or C-3B central business mixed-use district, then these guidelines shall apply only to the expansion of the building.

- (1) **Building Heights.** Minimum height for all uses that are not built integral to the levee as part of the riverwalk redevelopment, should be the lesser of 36-feet or 3-stories.
- (2) **Riverfront setbacks.** Riverfront setbacks for all new construction (that is not built integral to the levee and as part of a riverfront park) should be a minimum of 100 (horizontal) feet from the high water mark of the river. Redevelopment adjacent to a riverfront park (not part of the levee reconstruction) should front a continuous public right-of-way. This could be either a road built to an urban standard, or an alternative profile of a minimum 20' width that clearly delineates a public right-of-way between new private development and the riverfront park.
- (3) **Lighting.** All new exterior lighting upon private property should be pedestrian in scale. The use of private overhead floodlighting is discouraged.
- (4) **Residential building standards.** New residential buildings should also comply with the following guidelines:
  - a. Building front entrances should face public rights-of-ways. Those buildings with river frontage should be oriented towards the riverfront (except when located above street level retail).
  - b. At least one building entrance for the residential uses should directly access the street when located above street-level retail.
  - c. Buildings should have a building frontage on the principal street of not less than 70 percent of the lot frontage on the principal street.
  - d. Buildings should have a maximum setback of 15 feet from the public right-of-way.
  - e. Service entrances, waste disposal areas and other similar uses should be located adjacent to service lanes and away from major streets and the public right-of-way adjacent to the river.
- (5) **Commercial building standards.** New commercial buildings should also comply with the following guidelines:
  - a. Buildings should have a building frontage on the principal street of not less than 70 percent of the lot frontage on the principal street.
  - b. A minimum of 70 percent of the building frontage should be set within one foot of the front lot line.
  - c. Building entrances on new development sites that have river frontage (and are not integral to the levy), should be oriented both towards the riverfront and the primary street.
  - d. Service entrances, waste disposal areas and other similar uses should be located adjacent to service lanes and away from major streets and the public right-of-way adjacent to the river.
  - e. Restaurants may operate outdoor cafes on public sidewalks while maintaining pedestrian circulation subject to obtaining an areaway permit.
- (6) **Storage of any and all materials and equipment** should take place within completely enclosed buildings. All open areas should be paved or landscaped, properly maintained and kept free from refuse and debris. All refuse collection containers and dumpsters should be enclosed on all sides by the use of a permanent wall of wood, brick, or masonry. The enclosure, including any gates for pedestrian and/or disposal truck access, should be constructed to provide at least a 75% opaque screen of the receptacle from any street.
- (7) **All open areas not used for off-street loading or parking** should be landscaped in accordance with the Des Moines Landscape Standards. (See Site Plan Landscape Policies)

(8) Access doors for any warehouse use and any loading docks should not front on any public street. That portion of a building fronting on a public street should be used in an office or other commercial use.

- 5. Downtown Overlay District Design Guidelines:** The site is within the Downtown Overlay District. In acting upon any future site plan application for the site, the Plan and Zoning Commission shall apply the following design guidelines: *(A Site Plan has not been submitted for consideration at this time.)*
- (a) Intent. The design guidelines within the downtown overlay district are intended to support, enhance and protect pedestrian corridors as designated and approved by city council resolution on file in the office of the city clerk in accordance with the "What's Next Downtown Plan," adopted by the city council by R.C. 08-432 on March 10, 2008.
- (b) Scope. In acting upon any site plan application for development of property located within the downtown overlay district, the community development director (or plan and zoning commission if applicable) shall apply the regulations in section 82-213 of this article and the design guidelines in this section except as to those site plan applications for development of property located in the R1-60 and R-HD zoning districts within the downtown overlay district. 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. These guidelines shall be applied to the entire site when a new building is constructed or when an existing building is cumulatively expanded by more than 50% of its gross floor area as of the time it became part of the downtown overlay district. If a building is cumulatively expanded by less than 50% of its gross floor area as of the time it became part of the downtown overlay district, then these guidelines shall apply only to the expansion of the building.
- (c) Guidelines. Subject to the exceptions stated in subsection (b), above, any site plan application which includes improvements to property in the downtown overlay district shall conform to the design regulations in section 82-213 and the following additional guidelines:
- (1) Projects should demonstrate understanding of the micro and macro context for the project by offering place specific solutions for materiality, massing, uses, fabric and climate that are consistent with the vision of the "What's Next Downtown Plan". In most cases, corporate prototype architecture may not be an acceptable design.
  - (2) Low Impact development techniques should be utilized which implement site water quality control solutions, using materials which are locally available and creating projects which minimize energy consumption.
  - (3) Connectivity between adjacent properties should be provided or demonstrated for both pedestrian and vehicular circulation.
  - (4) The incorporation of 'soft (green) spaces' on site is encouraged.
  - (5) Where feasible, projects should provide outdoor spaces for people gathering.
  - (6) If feasible, connections to adjoining bike paths or on-street bike facilities and on-site bike racks should be provided in close proximity to building entrances.
  - (7) Building heights. Minimum height for all uses should be the lesser of 36 feet or three stories.
  - (8) Bulk standards, building setbacks, orientation, frontage and residential access:

- a. All buildings with river frontage should orient towards the river and have building entrances that are oriented to the river and primary street(s).
  - b. All buildings without river frontage should have entrances oriented toward primary street(s).
  - c. All buildings should have frontage on principal street(s) of not less than 70 percent of the lot.
  - d. For commercial and mixed-use buildings, at least 70 percent of the building frontage should be within one foot of the property line.
  - e. At least one building entrance for residential uses should directly access the street when a residential use is located above street-level retail or commercial uses.
  - f. For residential buildings, a maximum setback of 15 feet from the public right-of-way is permitted unless superseded by bulk regulations of the underlying zoning district (i.e. R-HD Residential Historic District, R1-60 Low Density Residential District, etc.).
- (9) Storage of all materials and equipment should take place within completely enclosed buildings.
  - (10) All refuse collection containers and dumpsters should be enclosed on all sides by the use of a permanent wall of wood, brick or masonry and steel gates which are compatible in design with the principal structure.
  - (11) All open areas not used for off-street loading or parking should be landscaped in accordance with the Des Moines Landscape Standards for C-3 districts.
  - (12) Access doors for any warehouse use and any loading docks should not front on any public street.
  - (13) Gas stations/convenience stores should be limited to no more than six pumps and allow no more than 12 vehicles to be fueled at one time.
  - (14) Gas station / convenience stores and canopies, drive-thru facilities for restaurants, banks, parking garages and other auto-dominant uses should not front or have vehicular access on or to a pedestrian corridor as designated in the downtown pedestrian corridor map on file in the office of the city clerk as approved by city council resolution.
  - (15) Existing curb cuts should be consolidated to the minimum number necessary and be located as directed by the city traffic engineer and community development director.
  - (16) Parcels proposed for development that are greater than two acres should be rezoned to a planned unit development (PUD) zoning classification.
  - (17) Auto-dominant uses as described in subsection (c)14, above should be located in a mixed use commercial center and with buildings possessing a unified commercial design.
  - (18) Parking ramps should either include ground floor retail or commercial space, be designed for conversion to retail or commercial space, or have significant architectural detail.

**6. Multiple-Family Residential Design Guidelines:** In acting upon any future site plan application that includes a multiple family dwelling, boardinghouse or roominghouse, the Plan and Zoning Commission shall apply the following design 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.
7. **Parking & Access:** No off-street parking is required for any use in the “C-3B” Central Business Mixed-Use District. Any off-street parking that is provided shall comply with City Code Section 134-1377 and the site plan regulations. Spaces for off-street loading shall be provided in accordance with the provisions of City Code Section 134-1376.
8. **Street Network:** The subject property is located along the west side of the recently reconstructed Southeast 6<sup>th</sup> Street. The site is also bounded by vacated East Market Street to the north and unimproved East Elm Street to the south. In accordance with the Market District of East Village Urban Design Study, East Market Street may be rededicated as right-of-way in the future and reconstructed to urban standards. Furthermore, East Elm Street may also be reconstructed to urban standards in the future. The developer would be responsible for the costs associated with improvements within the adjoining public right-of-ways.

## **SUMMARY OF DISCUSSION**

Erik Lundy presented the report and staff recommendation.

Vicki Stogdill asked if staff have heard any comments from the neighborhood association.

Erik Lundy stated there has been no communication received from the East Village area.

Jake Christensen 506 3<sup>rd</sup> Street, Suite 300 stated he has met with the East Village Neighborhood Association and he anticipates that he will have a follow up meeting on January 28, 2013 with a letter of support following. They are proposing to mirror the Character Plan that was done in the Lower East Village study. The applicant is proposing a very green building meeting both green globes as well as LEED certification for the building. Geothermal is the most likely source of heating and cooling for the building much like the building at E. 4<sup>th</sup> and Grand.

Dan Drendel Slingshot Architecture 305 E. Court stated the applicant is proposing a four-story building, parking on the first floor to be an asset to the rental market but also to provide future space for commercial retail as the neighborhood starts to fill in. There will be retail option on either end of the building and as the market district fills in the option to convert those parking bays into retail will be relatively easy. They will make sure the ceiling height is conducive to that type of layout. The applicant is looking to apply for a CDBG-DR grant.

Mike Ludwig stated that staff will work with the applicant on sound mitigation for residential property coming in to an area that is known to have noise.

Jake Christensen stated he spoke to the person who is in opposition to the project and found that his biggest concern was complaints from resident about dust coming from his permitted use onto the cars. That is not the reason the applicant is approaching the first phase that way but it is an ancillary benefit that they won't be subject to that. As part of the LEED certification the applicant will be creating efficient building envelopes, high insulation values in both the walls and ceilings, windows penetrations, so they will naturally be getting a better sound barrier between those conditions.

Mike Ludwig stated some sound mitigation may be required if any project funding is from a federal source, but staff did not specifically tie it to a specific standard at this time.

## **CHAIRPERSON OPENED THE PUBLIC HEARING**

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

## **COMMISSION ACTION:**

Mike Simonson moved staff recommendation Part A) that the proposed rezoning be found in conformance with the existing Des Moines' 2020 Community Character Plan designation of Downtown: Support Commercial, Part B) approval of the Limited "C-3B" District zoning subject to the following conditions:

1. The following uses shall be prohibited:



- a. Assembly and packaging of small components from previously prepared materials within a fully enclosed building.
  - b. Auction businesses.
  - c. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
  - d. Lumberyards, retail and wholesale.
  - e. Machine shops.
  - f. Freestanding package goods stores for the sale of alcoholic beverages.
  - g. Pawnshops.
  - h. Printing, publishing houses and lithographing shops.
  - i. Plumbing and heating shops.
  - j. Miniwarehouse uses.
  - k. Freestanding taverns and night clubs.
  - l. Warehousing.
2. The site layout of any development shall be in accordance with the Market District of East Village Urban Design Study.
  3. The density of any residential development shall be dependent upon Site Plan review.
  4. Any residential development shall utilize measures to minimize impacts on the health, safety, and welfare of future residents from the nearby industrial uses. Such measures may include additional soundproofing, landscaping, and/or screening.
  5. Any development shall be in accordance with a Site Plan that satisfies the design guidelines for the "C-3B" and Downtown Overlay Districts.
  6. Any development of a multiple-family residential use shall be in accordance with a Site Plan that satisfies the design guidelines the Design Guidelines for Multiple-Family Residential use.
  7. The developer shall be responsible for the costs associated with improvements within the adjoining public right-of-ways.

Motion passed 9-0-1 (Greg Wattier abstained).

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:clw

Attachment