



Date September 8, 2014

COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING A REQUEST FROM MATTHEW CONNOLLY (PURCHASER), 400 SOUTHEAST 7TH STREET AND 401 SOUTHEAST 6TH STREET, FOR VACATION OF THE NORTH/SOUTH ALLEY BETWEEN SOUTHEAST 6TH STREET AND SOUTHEAST 7TH STREET FROM RACCOON STREET TO EAST MARTIN LUTHER KING JR. PARKWAY

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 17, 2014, its members voted 11-0 in support of a motion to recommend APPROVAL of a request from Matthew Connolly, proposed purchaser of City-owned property locally known as 400 Southeast 7th Street and 401 Southeast 6th Street, for vacation of the north/south alley between Southeast 6th Street and Southeast 7th Street from Raccoon Street to East Martin Luther King Jr. Parkway, subject to approval of Site Plan for future development by the Plan and Zoning Commission prior to closing on the conveyance of the such alley right-of-way.

MOVED by _____ to receive and file the attached communication from the Plan and Zoning Commission and refer to the Engineering Department, Real Estate Division.

FORM APPROVED:

Glenna K. Frank (handwritten signature)

Glenna K. Frank Assistant City Attorney

(11-2014-1.09)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MAHAFFEY, MOORE, and 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

Date _____

Agenda Item 14 A

Roll Call # _____



August 25, 2014

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 August 21, 2014, the following action was taken regarding a request from Matthew Connolly (purchaser) to rezone property located at 400 Southeast 7th Street and 401 Southeast 6th Street. The subject property is owned by the City of Des Moines.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles	X			
JoAnne Corigliano	X			
Jacqueline Easley	X			
Tim Fitzgerald				X
Dann Flaherty	X			
Jann Freed				X
John "Jack" Hilmes	X			
Ted Irvine	X			
Greg Jones	X			
William Page	X			
Christine Pardee	X			
CJ Stephens				X
Vicki Stogdill	X			
Greg Wattier	X			

APPROVAL of a request to vacate the north/south alley subject to the Plan and Zoning Commission approving a Site Plan for any future development prior to any conveyance of the property.
(11-2014-1.09)

By separate motion the members voted 11-0 as follows:

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
Dory Briles	X			
JoAnne Corigliano	X			
Jacqueline Easley	X			
Tim Fitzgerald				X
Dann Flaherty	X			
Jann Freed				X
John "Jack" Hilmes	X			
Ted Irvine	X			
Greg Jones	X			
William Page	X			
Christine Pardee	X			
CJ Stephens				X
Vicki Stogdill	X			
Greg Wattier	X			

APPROVAL of staff recommendation to find the proposed rezoning is not in conformance with the existing Des Moines' 2020 Community Character Plan future land use designation of General Industrial.

By separate motion the members voted 11-0 as follows:

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
Dory Briles	X			
JoAnne Corigliano	X			
Jacqueline Easley	X			
Tim Fitzgerald				X
Dann Flaherty	X			
Jann Freed				X
John "Jack" Hilmes	X			
Ted Irvine	X			
Greg Jones	X			
William Page	X			
Christine Pardee	X			
CJ Stephens				X
Vicki Stogdill	X			
Greg Wattier	X			

APPROVAL of an amendment to the Des Moines' 2020 Community Character Plan to revise the future land use designation from General Industrial to Downtown Support Commercial and **APPROVAL** of the request to rezone the subject property from "M-1" Light Industrial District to "C-3B" Central Business Mixed-Use District.

(21-2014-4.09 & ZON2014-000114)

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends approval of the requested vacation of the north/south alley subject to the Plan and Zoning Commission approving a Site Plan for any future development prior to any conveyance of the property.

Part B) Staff recommends that the proposed rezoning be found not in conformance with the existing Des Moines' 2020 Community Character Plan future land use designation of General Industrial.

Part C) Staff recommends approval of an amendment to the Des Moines' 2020 Community Character Plan to revise the future land use designation from General Industrial to Downtown Support Commercial.

Part D) Staff recommends the subject property be rezoned from "M-1" Light Industrial District to "C-3B" Central Business Mixed-Use District.

Written Responses

- 1 In Favor
- 1 In Opposition

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed rezoning to "C-3B" Central Business Mixed-Use District would allow for development of the vacant site that is currently owned by the City of Des Moines. The applicant has submitted a conceptual site sketch that demonstrates construction of two indeterminate mixed-use buildings with potential for both office/retail and multiple-family residential.

The "C-3B" District regulations and design guidelines are intended to assure that redevelopment in the mixed-use areas surrounding the core of Downtown are pedestrian-oriented and compatible with a mixed-use neighborhood. If rezoned to "C-3B" District, any redevelopment or site modifications would require future approval of a Site Plan and building elevations by the Plan and Zoning Commission in accordance with the "C-3B" District design guidelines, as well as the design guidelines applicable in the "D-O" Downtown Overlay District. Furthermore, any multiple-family residential development would be subject to the multiple-family residential design guidelines.

2. **Size of Site:** Approximately 0.766 acres.
3. **Existing Zoning (site):** "M-1" Light Industrial District, "D-O" Downtown Overlay District, "FSO" Freestanding Sign Overlay District and "GGP" Gambling Games Prohibition District.
4. **Existing Land Use (site):** Undeveloped land and undeveloped alley Right-of-Way.

5. Adjacent Land Use and Zoning:

North – “M-2”; Use is Diamond Oil Company bulk petroleum distributors.

South – “M-1”; Uses are vacant land, Electric Motors Corporation motor repair shop, and a freestanding storage building.

East – “M-1”; Uses is vacant land owned by the City of Des Moines.

West – “C-3B” & “M-1”; Uses are vacant land owned by the City of Des Moines and Capitol Dog and Pub restaurant.

6. **General Neighborhood/Area Land Uses:** The surrounding area generally contains a mix of industrial, residential, and commercial uses at the southern edge of the east Downtown core along the East M.L. King Jr. Parkway/Southeast Connector.
7. **Applicable Recognized Neighborhood(s):** The subject property is within the Historic East Village Neighborhood. All recognized neighborhoods were notified of the meeting by mailing of the Preliminary Agenda on August 1, 2014. Additionally, separate notifications of the hearing for this specific item were mailed on August 1, 2014 (20 days prior) and August 11, 2014 (10 days prior to the scheduled hearing) 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 15, 2014.

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 93904, Des Moines, IA 50393.

Staff has not been able to confirm whether the applicant has held their required neighborhood meeting. The applicant must present a summary of the neighborhood meeting at the Plan & Zoning Commission hearing.

8. **Relevant Zoning History:** N/A.

9. **2020 Community Character Land Use Plan Designation:** General Industrial.

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.

The Commission reviews all proposals to vacate land dedicated for a specific public purpose, such as for streets and parks, to determine whether the land is still needed for

such purpose or may be released (vacated) for other use. The recommendation of the Commission is 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 as General Industrial. Therefore, the appellant has requested an amendment to Downtown Support Commercial. The proposed “C-3B” District would conform to the intent of this future land use designation, which is described as follows:

Downtown Support Commercial: an area for “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 has identified the subject property as a redevelopment site with importance on keeping a public open space along the East M.L. King Jr. Parkway, while having East 6th Street on the west providing an adjacent transit, bicycle and pedestrian corridor. Also the Study projected that building development should be massed on the northern portion of the property at Right-of-Way line along the entire frontage of Raccoon Street and away from East M.L. King Jr. Parkway. Buildings are to be constructed at a minimum of three stories in accordance with the Downtown Overlay District design guidelines.
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.*

- 4. Parking & Access:** No minimum number of off-street parking spaces would be required for any use in the “C-3B” District. However, any off-street parking that is provided must comply with City Code Section 134-1377 and all Site Plan regulations.

Access for future development would be limited to Southeast 6th Street, Southeast 7th Street or Raccoon Street subject to all Traffic Code requirements. There would not be any direct vehicle drive access onto East M. L. King Jr. Parkway, but pedestrian access would be expected.

- 5. Utilities:** All necessary public utilities are available with the surrounding public street network that would be required by future redevelopment. There are not any public utilities known within the Site that would necessitate retaining the undeveloped north/south alley Right-of-Way or impair future redevelopment.
- 6. “C-3B” District Design Guidelines:** If rezoned to “C-3B” District, any redevelopment would require future approval of a Site Plan and building elevations by the Plan and Zoning Commission. A Site Plan has not been submitted for consideration at this time.
- 7. Downtown Overlay District Design Guidelines:** The subject property 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 Downtown Overlay District design guidelines. A Site Plan has not been submitted for consideration at this time.
- 8. 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 also apply the Multiple-Family Residential design guidelines. A Site Plan has not been submitted for consideration at this time.

SUMMARY OF DISCUSSION

Erik Lundy presented the staff report and recommendation.

Matt Connolly 3105 34th Place, stated they are currently a four partner team who are proposing one building for now but hopefully will be two mixed-use identical buildings. He gave a brief PowerPoint presentation of what they propose to do now and what they hope to do later. He stated he and his partners would love to do underground parking, they are evaluating the water table to see how deep they can go. The first level will be commercial, possibly office but he believes it would be fun to get some retail since there are already a lot of office space. They are currently planning to do five levels of market rate rentals all one bedrooms and efficiencies. He pointed out they would collect all of the stormwater from the site. The community green space is where 7th Street is and they envision sort of a City partnership with Parks and Recreation. He and his partners would possibly build a little bit of an urban park there and then share responsibility with the City if an agreement can be reached with the City. The green roof would possibly have raised beds so people can do some gardening and grilling.

Christine Pardee asked if they received any feedback from the neighborhood association.

Matt Connolly stated they met with the East Village board and a few others and they were supportive. He sent staff the minutes from that meeting just before the meeting. They also held a meeting on site, one person showed.

NOTE: Staff received an email from the applicant referring to a link to the Historic East Village minutes.

The Historic East Village board minutes show that under new business Matt Connolly (John Walker) briefed the group on this mixed use development. No action was taken.

Christine Pardee asked who the other partners are.

Matt Connolly stated John Walker, Zane Muntz, and Chris Fultz.

Jacqueline Easley asked if there is any interest in utilizing local students trained in building construction. She asked because on one of the slides he mentioned bringing fresh talent.

Matt Connolly stated he is going to get a local graduate involved in the project.

Jacqueline Easley referring to one of his slides asked who will be using the playground since the building will only be one bedroom and efficiencies.

Matt Connolly stated the playground would be for the public and the people living there.

JoAnne Corigliano asked what type of architecture is he interested in. She would like for it to have a vintage flare.

Matt Connolly stated one of his partners is a fan of mid-century modern. They want to keep the character of industrial neighborhood. Personally, he likes brick but it is not decided yet.

Vicki Stogdill asked how many units per building will there be.

Matt Connolly stated it would be 50 units per building.

Greg Wattier asked where they are in the process of the purchase.

Matt Connolly stated they have had preliminary discussions with the Office of Economic Development and Real Estate Division.

Mike Ludwig stated this is a vacation and rezoning. The site plan will be coming back to the Plan and Zoning Commission. The site plan will have most of the detail.

CHAIRPERSON OPENED THE PUBLIC HEARING

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

COMMISSION ACTION:

Ted Irvine moved staff recommendation to approve a request to vacate the north/south alley subject to the Plan and Zoning Commission approving a Site Plan for any future development prior to any conveyance of the property.

Motion passed 11-0.

Ted Irvine moved staff recommendation to find the proposed rezoning not in conformance with the existing Des Moines' 2020 Community Character Plan future land use designation of General Industrial.

Motion passed 11-0.

Ted Irvine moved staff recommendation for approval of an amendment to the Des Moines' 2020 Community Character Plan to revise the future land use designation from General Industrial to Downtown Support Commercial and approval of the request to rezone the subject property from "M-1" Light Industrial District to "C-3B" Central Business Mixed-Use District.

Motion passed 11-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment