

Date January 26, 2015

**RESOLUTION SETTING HEARING ON REQUEST FROM PERCOL HOLDINGS, LLC (OWNER), REPRESENTED BY JULIAN CASELLI (OFFICER), TO REZONE PROPERTY LOCATED AT 4006 GRAND AVENUE FROM "R-3" MULTIPLE-FAMILY RESIDENTIAL DISTRICT AND "R1-80" ONE-FAMILY RESIDENTIAL DISTRICT TO LIMITED "C-0" COMMERCIAL-RESIDENTIAL DISTRICT**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on January 15, 2015, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Percol Holdings, LLC (owner), represented by Julian Caselli (officer), to rezone real property locally known as 4006 Grand Avenue ("Property") from "R-3" Multiple-Family Residential District and "R1-80" One-Family Residential District to Limited "C-0" Commercial-Residential District, to allow conversion of the existing multiple-family residential dwelling to a professional office use, subject to the owner agreeing to the following conditions:

1. Any future additions, exterior building modifications or site improvements on the Property shall conform to the U.S. Secretary of Interior's Standards for Rehabilitation as approved by the Planning Administrator, and Community Development staff will request courtesy review and comments from the Des Moines Historical Preservation Commission prior to issuance of permits;
2. Any additions shall be constructed to the rear of the existing primary building on the Property; and
3. Any detached accessory structures or trash enclosures shall be constructed in the rear yard of the Property; and

**WHEREAS**, the Property is legally described as follows:

Lot 1 in BRAY PLACE, an Official Plat, now included in and forming a part of the City of Des Moines, Iowa, except that portion of said Lot 1 of BRAY PLACE which adjoins Lots 2 and 3 of said BRAY PLACE, bounded as follows: Beginning at a point on the boundary line between said Lots 1 and 3 of BRAY PLACE, thence 3 feet northeasterly at a right angle to the east lot line of Lot 3, thence at a right angle northwesterly on a straight line parallel with the boundary line between said Lots 1 and 3 until said straight line intersects with the west line of said Lot 1, thence south and southeasterly along the boundary line between said Lots 1 and 2 and Lots 1 and 3 to the point of beginning.

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

1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. 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

( continued )



**Roll Call Number**

**Agenda Item Number**

25

**Date** January 26, 2015

-2-

February 9, 2015, at which time the City Council will hear both those who oppose and those who favor the proposal.

- 3. 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.

MOVED BY \_\_\_\_\_ TO ADOPT.

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

(ZON2014-00229)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
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



January 21, 2015

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 15, 2015, the following action was taken regarding a request from Percol Holdings, LLC (owner) represented by Julian Caselli (officer) to rezone property located at 4006 Grand Avenue.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 10-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles	X			
JoAnne Corigliano	X			
Jacqueline Easley	X			
Tim Fitzgerald	X			
Jann Freed				X
John "Jack" Hilmes	X			
Greg Jones	X			
William Page	X			
Jonathan Rosenbloom	X			
Mike Simonson	X			
CJ Stephens				X
Vicki Stogdill				X
Greg Wattier	X			

**APPROVAL** of staff recommendation that the requested rezoning be found in conformance with the existing Des Moines' 2020 Community Character Plan and **APPROVAL** of the requested rezoning to "C-0" Commercial-Residential District subject to the following conditions: (ZON2014-00229)

1. Any future additions, exterior building modifications or site improvements shall conform to the U.S. Secretary of Interior's Standards for Rehabilitation as approved by the Planning Administrator. Staff will request courtesy review comments from the Des Moines Historical Preservation Commission prior to issuance of permits.

2. Any additions shall be constructed to the rear of the existing primary building.
3. Any detached accessory structures or trash enclosures shall be constructed in the rear yard.

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

Part A) Staff recommends that the requested rezoning be found in conformance with the existing Des Moines' 2020 Community Character Plan.

Part B) Staff recommends approval of the requested rezoning to "C-0" Commercial-Residential District subject to the following conditions:

1. Any future additions, exterior building modifications or site improvements shall conform to the U.S. Secretary of Interior's Standards for Rehabilitation as approved by the Planning Administrator.
2. Any additions shall be constructed to the rear of the existing primary building.
3. Any detached accessory structures or trash enclosures shall be constructed in the rear yard.

### Written Responses

11 In Favor

3 In Opposition

## **STAFF REPORT TO THE PLANNING COMMISSION**

### **I. GENERAL INFORMATION**

1. **Purpose of Request:** The applicant is proposing to convert the existing residential building to an office building. The building was originally constructed as a large single-family dwelling. The Polk County Assessor webpage indicates the building contains two dwelling units. The property does not have a current rental certificate. Previous rental certificate records suggest the building has three dwelling units. Staff understands that the applicant intends to seek Historic Tax Credits for the renovation of the building. The applicant has indicated that using the building for office space will allow the retention of more of the building's historic interior fabric than would creating functional dwelling units. The existing detached garage is proposed to be removed.
2. **Size of Site:** 32,745 square feet (0.752 acres).
3. **Existing Zoning (site):** "R-3" Multiple-Family Residential and R1-80" One-Family Residential District. Most of the property is zoned "R-3" District. A small portion of the rear yard is zoned "R1-80" District.
4. **Existing Land Use (site):** Vacant residential building and detached garage.

**5. Adjacent Land Use and Zoning:**

**North** – “R-3”, Uses are parking lot and open space owned by St. Augustin’s Church.

**South** – “R1-80”, Uses are single-family dwellings.

**East** – “R-3”, Use is multiple-family residential.

**West** – “R-3”, Use is multiple-family residential.

**6. General Neighborhood/Area Land Uses:** The subject property is located on the south side of Grand Avenue in an area that contains a mix of residential, institutional and office uses.

**7. Applicable Recognized Neighborhood(s):** The subject property is within the Salisbury Oaks Neighborhood and within 250 feet of the North of Grand Neighborhood. All recognized neighborhoods were notified of the meeting by mailing of the Preliminary Agenda on November 26, 2014. Additionally, separate notifications of the hearing for this specific item were mailed on November 26, 2014 (20 days prior to original scheduled hearing) and December 8, 2014 (10 days prior to the original scheduled hearing) to the Salisbury Oaks and North of Grand Neighborhood Association contacts and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the subject property. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on December 12, 2014.

All agendas and notices are mailed to the contact person(s) designated to the City of Des Moines Neighborhood Development Division by the recognized neighborhood association. The Salisbury Oaks Neighborhood Association mailings were sent to Ross Schoofs, 443 Tanawanda Drive, Des Moines, IA 50312. The North of Grand Neighborhood mailings were sent to Colleen Kinney, 632 40<sup>th</sup> Street, Des Moines, IA 50312.

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

**9. 2020 Community Character Land Use Plan Designation:** High Density Residential. This designation is described as areas developed with high-rise and mid-rise buildings with over 17 units per acres.

**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. Natural Features:** The site contains several mature trees. The proposed change in use and anticipated site improvement will require site plan review. A tree protection and mitigation plan will be required as part of the site plan review process pursuant to Chapter 42, Article X of the City Code.

2. **Drainage/Grading:** The proposed change in use and anticipated site improvement will require site plan review. The applicant must comply with the City's storm water management, soil erosion protection and grading requirements as approved by the City's Permit and Development Center's engineering staff during the site plan review process.
3. **Parking:** The applicant has submitted a site sketch that shows 12 off-street parking spaces. A total of 14 parking spaces would be required if the basement, first floor and second floors are used for office as suggested by the site sketch. This is based on 1 parking space per 400 square feet of gross floor area. Fewer parking spaces may be required depending on how much of the basement is used for utilities.

The site sketch indicates the existing driveway width of 12 feet will be maintained. The Zoning Ordinance requires a minimum driveway width of 20 feet. Staff believes the narrower driveway is preferable as it is residential in character. The applicant will need to obtain relief from the Zoning Board of Adjustment from the minimum driveway width requirement and likely from the minimum number of parking spaces required if the rezoning is approved.

4. **Urban Design:** The applicant is not proposing any additions, detached accessory structures or significant changes to the exterior of the building. Staff recommends approval subject to the conditions listed in Section III of this report. These conditions would ensure that any unforeseen modification to the property maintain its historic character.

## SUMMARY OF DISCUSSION

Greg Wattier asked why staff would not be in favor of an addition to the side of the home as long as they comply with U.S. Secretary of Interior's Standards for Rehabilitation.

Erik Lundy stated due to the narrowness of the property and the total required zoning setback would not be met.

Will Page asked was Tom Baldwin's property was required to be designated as a local landmark.

Erik Lundy stated it was not required to be designated as a local landmark but one of the requirements for the rezoning was that he petition for landmark status.

Will Page suggested that if the Baldwin's property was required to petition for local landmark status then maybe this applicant should be required to do the same. Also, he believes that the Des Moines Historic Preservation Commission should be the ones to approve condition #1 instead of the Planning Administrator.

Mike Ludwig stated that staff could seek a courtesy review for comments from the Historic Preservation Commission regarding any future additions, exterior building modifications or site improvements when determining compliance with the U.S. Secretary of Interior's Standards for Rehabilitation.

Will Page asked what kind of protection that the property would have the way the Baldwin's property is now.

Mike Ludwig stated this property is not currently designated as a local landmark. The codes the Historic Preservation Commission has charge of reviewing properties that are in the local historic districts and the Landmark Review Board has charge with looking at properties that are designated as local landmarks. Therefore, even though there are no code provisions for review of property outside of the local historic district or a landmark status but staff could refer it to them for courtesy review and comment and then staff would make a decision regarding compliance with the Secretary of Interior's Standards. The Commission's motion could be to amend the conditions saying staff shall seek courtesy review from the Historic Preservation Commission.

Jonathan Rosenbloom asked if there are any other assurances about the stormwater management on this site. His concerns are that staff report indicated that there are a number of mature trees on the site but it did not indicate whether or not the tree canopy would be maintained. Also, when looking at the plan shown tonight there is a sizeable increase in impermeable surface on the site. Therefore, he believes there is going to be an issue trying to abate both of those things.

Erik Lundy stated they are still subject to the site plan regulations, which is an administrative review so they will have comply with the stormwater management requirements. It would also have to go to the Zoning Board of Adjustment to get relief on the number of parking spaces. He believes the applicant is proposing fewer spaces than required based on the fact that they do not want to maximize pavement.

Julian Caselli 6350 Coachlight Drive, West Des Moines stated they had a site plan proposal. However, after meeting with the neighbors they had concerns about the parking. Therefore, they are trying to preserve trees. He also pointed out that there was a demolition permit for this property and he stepped in to save it. He showed the existing site plan to highlight their proposal.

## **CHAIRPERSON OPENED THE PUBLIC HEARING**

Larry Krisner 4004 Grand Avenue, Unit 401, President of the Board of Directors of the Corporation that owns 20 unit cooperative living building at 4004 Grand Avenue. He stated their building is zoned "R-3" residential and adjoins the property at 4006 Grand Avenue which lies to the west. They support the applicant's request. However, their concerns are the following:

- 1) The nature of the lighting. They request that the 4006 property is thoughtfully designed not to have the glare of the light intrude on their collective right to the residential use of 4004 Grand Avenue;
- 2) The allowable uses under this classification. While they applaud the availability of the "C-0" classification as a way to preserve the transitioning residential neighborhoods the "C-0" commercial residential district classification permits all uses allowed under "R-3" plus a laundry list of others as described in Sec. 134-807 of Division 16 of the Zoning Ordinances. They ask that the Commission limit the allowable used to those in subsection (5) which are appropriate to the current intended use.
- 3) The front yard signage. They ask to have an opportunity to be informed and to provide some input on signage.

Again, they support the applicant's request and believe that Mr. Caselli has been forthcoming in sharing his vision for this property. They also thanked Jason Van Essen for his help in this matter.

Colleen Kinney 632 40<sup>th</sup> Street, President of the North of Grand Neighborhood Association (NOG) stated they are within the 200 feet on the north side of Grand Avenue. She showed a couple of pictures of homes that have been turned into commercial uses. The applicant has chosen to invest significantly in this property and use financial incentives related to historic rehabilitation. He has worked with SHPO the State Historic Preservation Office on previous projects and understands the requirements and the process. The applicant's proposal does meet the NOG Action Plan and the applicant has been open, earnest and continues to respond to inquiries and listen to feedback, some of which have been addressed in the staff report. The North of Grand Neighborhood Association requests that the Commission, City Council, Zoning Board of Adjustment and the City staff recognize and provide guidance on the items that Mr. Kirsner mentioned. (The exterior lighting, the allowable uses and the on premise signage). They also would like to continue to collaborate with the Salisbury Oaks Neighborhood, City staff and the applicant during the rezoning, variance and site plan review/approval process to retain the long-term visual and community character of Grand Avenue.

#### **CHAIRPERSON CLOSED THE PUBLIC HEARING**

JoAnne Corigliano asked if the lighting issue that was brought up part of the review.

Erik Lundy stated there is no minimum standard of lighting. However, in the ordinance there is a requirement that any lighting they provide has to meet the height limitation and the fixtures must be cut off and no source of light be visible from the adjoining residential property for a commercial use.

Mike Ludwig stated as a single-family use they would be exempt from any kind of lighting requirement.

John "Jack" Hilmes moved staff recommendation.

Will Page asked if he can make a friendly amendment to seek courtesy review from the Des Moines Historic Preservation Commission for any future additions, exterior building modifications or site improvements.

John "Jack" Hilmes stated yes he would accept the friendly amendment.

#### **COMMISSION ACTION:**

John "Jack" Hilmes moved staff recommendation for approval of the requested rezoning be found in conformance with the existing Des Moines' 2020 Community Character Plan; and approval of the requested rezoning to "C-0" Commercial-Residential District subject to the following conditions:

1. Any future additions, exterior building modifications or site improvements shall conform to the U.S. Secretary of Interior's Standards for Rehabilitation as approved



by the Planning Administrator. Staff will request courtesy review comments from the Des Moines Historical Preservation Commission prior to issuance of permits.

2. Any additions shall be constructed to the rear of the existing primary building.
3. Any detached accessory structures or trash enclosures shall be constructed in the rear yard.

Motion passed 10-0.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M.G.L.", written in a cursive style.

Michael G. Ludwig, AICP  
Planning Administrator

MGL:clw

Attachment

Request from Percol Holdings, LLC (owner) represented by Julian Caselli (officer) for property located at 4006 Grand Avenue.				<b>File #</b>	
				ZON2014-00229	
<b>Description of Action</b>	Approval of request to rezone property from "R-3" Multiple-Family Residential and "R1-80" One-Family Residential District to "C-0" Commercial-Residential District, to allow conversion of the existing multiple-family dwelling to a profession office, subject to conditions.				
<b>2020 Community Character Plan</b>	Current: High-Density Residential and Low-Density Residential. Proposed: N/A				
<b>Horizon 2035 Transportation Plan</b>	No planned improvements.				
<b>Current Zoning District</b>	"R-3" Multiple-Family Residential and "R1-80" One-Family Residential District.				
<b>Proposed Zoning District</b>	"C-0" Commercial-Residential District.				
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	11	3			
Outside Area					
<b>Plan and Zoning Commission Action</b>	Approval	10-0	<b>Required 6/7 Vote of the City Council</b>	Yes	
	Denial			No	X



Updated on: 11/21/2014

1 inch = 130 feet

Item ZON2014-00229

Date 12/10/14

I (am)  in favor of the request.

**COMMUNITY DEVELOPMENT**

Print Name DAVID GORDON

DEC 15 2014

Signature [Signature]

**DEPARTMENT**

Address 3920 Grand Ave Unit 4TE

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

Would like to keep the neighborhood residential

Item ZON2014-00229

Date 12/14/14

I (am)  in favor of the request.

**COMMUNITY DEVELOPMENT**

Print Name Joseph Schneider  
*Unit 3PNE*

DEC 17 2014

Signature [Signature]

**DEPARTMENT**

Address 3930 Grand #302

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

My opposition is based entirely on the possibility that the offices proposed would erect an electric and unsightly sign on grand similar to that of Central Presbyterian Church.

Item ZON2014-00229

Date 12-12-14

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

**RECEIVED**  
(Circle One)  
COMMUNITY DEVELOPMENT

Unit 2 PNE

Print Name Bonnie T. Green

DEC 17 2014

Signature Bonnie T. Green

DEPARTMENT

Address 3930 Grand Ave #202  
Sum 50312

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

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

Item ZON2014-00229

Date Dec 13, 2014

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

**RECEIVED**  
(Circle One)  
COMMUNITY DEVELOPMENT

Unit 4 PSW

Print Name Stephan L. Jones

DEC 18 2014

Signature Stephan L. Jones

DEPARTMENT

Address 3930 Grand Ave #109

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

oppose additional congestion on block  
do not want more parking lots in area  
grounds should be left natural  
oppose additional water runoff from  
hard surfaces

Item ZON2014-00229 Date 12/11/14

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

**RECEIVED**  
(Circle One)  
**COMMUNITY DEVELOPMENT**

DEC 15 2014

**DEPARTMENT**

Print Name DAVID W. LESCIK

Signature 3920 GRAND AVE #601 UNIT 6TW

Address David W Lescik

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

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

Item ZON2014-00229 Date 12/10/14

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

**RECEIVED**  
(Circle One)  
**COMMUNITY DEVELOPMENT**

DEC 15 2014

**DEPARTMENT**

Print Name MARTIN F. WARSIT

Signature Mart F Warsit

Address 3920 Grand Ave - Unit 6TW

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

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

Item ZON2014-00229

Date 12/11/14

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

**RECEIVED**  
**COMMUNITY DEVELOPMENT**

*St Augustine Church Corp.*  
Print Name Elizabeth Thieny Accountant

DEC 17 2014

Signature [Signature]

DEPARTMENT

Address 545 42nd St

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

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

Item ZON2014-00229

Date Dec 15, 2014

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

**RECEIVED**  
**COMMUNITY DEVELOPMENT**

*Unit 4 PNE*

Print Name Brian Kramer

DEC 18 2014

Signature [Signature]

DEPARTMENT

Address 3930 Grand Ave. #402  
Des Moines IA 50312

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

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

Item ZON2014-00229

Date Dec. 16, 2014

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

**RECEIVED**  
(Circle One)  
**COMMUNITY DEVELOPMENT**

Print Name Sandra Bruggemann *unit 305*

DEC 18 2014

Signature Sandra Bruggemann

**DEPARTMENT**

Address 3930 Grand Ave #306 DM, IA

*50312*

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

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

Item ZON2014-00229

Date 12/11/14 *Applicant & Owner*

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

**RECEIVED**  
(Circle One)  
**COMMUNITY DEVELOPMENT**

Print Name Julian Caselli *Pericol Holdings, LLC*

DEC 15 2014

Signature Julian Caselli

**DEPARTMENT**

Address 6350 Coachlight Dr. #1208 WDM, IA 50266

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

It will give a very beautiful piece  
of architecture that is  
contributing to a historic neighbor-  
hood the opportunity to be saved,  
restored and be put in service again.

Item ZON2014-00229

Date 12/12/2014

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

**RECEIVED**  
COMMUNITY DEVELOPMENT

Print Name Catherine McMullen

DEC 16 2014

Signature

Catherine McMullen

Address

411 Tonawanda Dr DSM

DEPARTMENT

50312

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

I am happy to see the house repurposed  
for a new use + am Supportive.

My only concern is that more stormwater  
runoff not be a result.

Item ZON2014-00229

Date 12/10/14

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

**RECEIVED**  
COMMUNITY DEVELOPMENT

Print Name

Tom Baldwin

DEC 15 2014

Signature

Tom Baldwin

DEPARTMENT

Address

3939 Grand Av

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

We hope this request will enable the  
owner to maintain the historic  
nature of the structure and the  
neighborhood.



Item ZON2014-00229

Date Jan. 15, 2015

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

(Circle One)

Print Name Colleen Kinney

Signature Colleen Kinney

Address 632 40th St for North of Grand

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

see letter  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Item ZON2014-00229

Date 12.11.14

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

**RECEIVED**  
**COMMUNITY DEVELOPMENT**

DEC. 15 2014

**DEPARTMENT**

Print Name Michelle Delury

Signature Michelle Delury

Address 449 Tonawanda Dr

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

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

*The mission of the North of Grand Neighborhood Association is to ensure that existing and projected infrastructure systems are managed or developed so they enhance the physical, visual and spatial qualities of the neighborhood – promoting a healthy climate for area businesses, and public and private properties.*

January 14, 2015

Dear Chair Greg Jones and Plan & Zoning Commissioners,

The North of Grand Board of Directors supports the staff recommendation to approve the rezoning of 4006 Grand Avenue with conditions. The request is consistent with **our mission**, stated above. While the century-old “Lofquist House” is situated in the Salisbury Oaks Neighborhood, it is a contributing resource to the Greenwood Park Plats (GPP) Historic District, which is largely within the boundaries of the North of Grand Neighborhood. The historic district was listed on the National Register of Historic Places in 2013, thanks to the generous support of the City of Des Moines, Polk County Community Betterment Grant Program, State Historical Society of Iowa’s (SHSI) Historic Resources Development Program and North of Grand (Enclosures 1, 2), plus meeting an **neighborhood action plan goal** (Enclosure 3). We are thrilled that the applicant is choosing to invest significantly in this property and use financial incentives related to historic rehabilitation. The applicant has worked with the State Historic Preservation Office (SHPO) on previous projects and understands the requirements and process.

In addition to meeting with SHSI and SHPO staff, the applicant earnestly and openly discusses the project with adjacent residents and neighborhood leaders. After receiving one of the 50 letters informing nearby owners about the rezoning request (see Enclosure 4), a few neighbors and I talked with the applicant on 12/10/2014. He continues to respond to inquiries and listen to feedback, some of which have been addressed in the staff report.

We respectfully request that the Plan and Zoning Commission, City Council, Zoning Board of Adjustments and city staff recognize and provide guidance to the applicant (and future owners of 4006 Grand when we’re all gone) about: a) exterior lighting; b) on-premise signage; c) reduced parking requirements; and d) one professional tenant as described in Enclosure 4 (law firm, CPA, medical practice).

The North of Grand board will continue to collaborate with the applicant, Salisbury Oaks Neighborhood, and city staff during the re-zoning, variance, and site plan review/approval process to retain the long-term visual and community character of Grand Avenue. Please contact me if you have any questions. Thank you for this consideration.

Sincerely,

Colleen Kinney  
North of Grand President  
P.O. Box 12027  
Des Moines, IA 50312  
northofgrandpresident@gmail.com

December 15, 2014

City Plan and Zoning Commission  
602 Robert D. Ray Drive  
Des Moines, Iowa 50309-9603

Attention: Daniel Flaherty, Chairperson  
Erik Lundy, AICP, Senior City Planner  
Jason Van Essen, Community Development Dept.

Re: Proposed Rezoning of 4006 Grand Ave., Des Moines, IA  
ITEM # ZON2014-00229

Gentlemen:

The Board of Directors (the Board) of the 4004 Grand Avenue Corporation (the Corporation) has directed the undersigned to respond regarding public notices dated November 26 and December 8 explaining that a petition for rezoning property of 4006 Grand Avenue is on the Commission's December 18<sup>th</sup> meeting agenda.

Subject to the concerns expressed below, the Corporation is in favor of this rezoning as it represents the best use for this parcel and its unique structure.

The Corporation is the titleholder to the property that adjoins the subject property to the east. It is organized as a cooperative living community of approximately 20 units under Iowa Code Chapter 499A. Our property is taxed as a non-commercial residential facility and is zoned for use purposes as R-3.

We understand the petitioner asks that its property be re-zoned from R1-80 and R-3 to Commercial-Residential C-0. [*Both notices omitted reference to C-0, an omission you may wish to correct in the future.*] The Board convened a meeting on December 5 to which all of our shareholders were invited and solicited their opinions. Thirteen of our 20 units were represented. Board member Brice Oakley was directed to be the Board's liaison to the City, the petitioner, and other interested parties.

Our shareholders expressed general support for the petition but reserving the right to seek further information on several concerns that could, if not satisfactorily addressed, cause the Board to reconsider its present support for the petition.

The meeting last week with Mr. Caselli and a phone conversation with Mr. Van Essen provided considerable verbal reassurance that these concerns will be addressed and that there are opportunities beyond the PNZ meeting for input into those issues.

For the record, those issues include:

1. Front yard parking as to number of spaces, landscaping, and protections from encroachment/use by patrons of the intended business lessee.
2. Storm water management both as to discharge onto our property but also collective management of interest to our neighbors to the south.
3. Security lighting both as to intensity and duration.
4. Limitations on uses described both under C-0 and R-3.
5. Impact on the sewer and water services currently serving our property at 4004 Grand.
6. The feasibility of installing arboreal landscaping (not fencing) between our adjacent driveways.
7. Limits on size, lighting, and construction materials on front yard business signage.

This list should not be considered as an effort to thwart or otherwise discourage this development. Conceptually it can result in a very attractive addition to our neighborhood. It should instead be considered a checklist for discussion to ensure that expectations and assurances of all involved are realized.

We will continue to share our interest and any concerns with the City as this matter proceeds.

Sincerely,



Larry Kirsner, President



Brice Oakley, Secretary

Contact: Brice Oakley, 4004 Grand Ave., #302  
[briceoakley@netins.net](mailto:briceoakley@netins.net); ph. 515-255-2805

4004 GRAND AVENUE CORP.  
4004 Grand Ave., Des Moines, Iowa

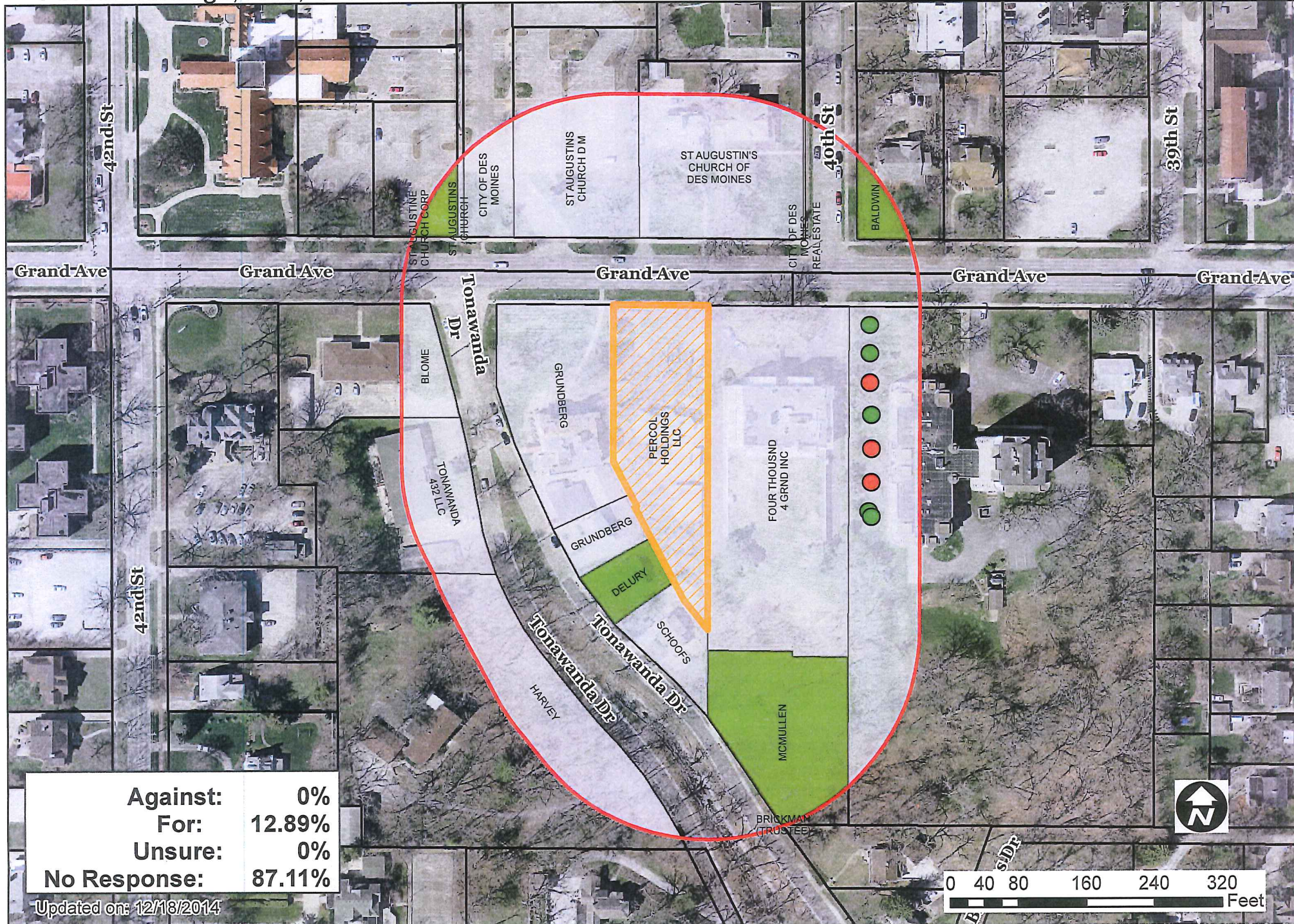
Statement in support of Petition to re-zone 4006 Grand Ave.

My name is Larry Kirsner and I reside at 4004 Grand Ave., Unit #401, in Des Moines. I am the president of the board of directors of the corporation that owns a 20 unit cooperative living building at that address. Our building is zoned R-3 Residential. It adjoins the property at 4006 Grand Ave. which lies to the west of it. I am here tonight to support Mr. Caselli's petition for re-zoning his property. I appreciate this opportunity to highlight a few concerns that are outlined in our December 15, 2014 letter to the Commission.

Before going further let me make it clear that the concerns we are raising are not intended in any way to obstruct this process. Rather, we want only to place on record some items we believe should be addressed. While our letter lists seven issues I will highlight just three of the most important.

First, is a concern over the nature of the lighting to be installed as security and safety measures. Ten of our twenty units have at least four floor to ceiling windows facing west that overlook the 4006 property. Of these forty windows at least nine of these are designed for bedrooms. Unless the 4006 property lighting is thoughtfully designed the glare from its lights could significantly intrude on our collective right to the residential use of 4004. Some of the light standards, for example, could be erected less than 20 feet from those windows. That said, we understand the final site plan will be reviewed later in this process and thus we expect to be informed and involved when decisions on this concern are made.

Secondly, we are concerned about the allowable uses under this classification. We applaud the availability of the C-O classification as a way to preserve transitioning residential neighborhoods. However, the C-O commercial-residential district classification permits all uses allowed under R-3 plus a laundry list of others as described in Sec.134-807 of Division 16 of the Zoning Ordinances. Mr. Caselli has presented plans and advocated for use of 4006 as professional offices. As this appears to be his only intended use we believe the Commission



Against:	0%
For:	12.89%
Unsure:	0%
No Response:	87.11%

Updated on: 12/18/2014