



Date September 14, 2015

RESOLUTION HOLDING HEARING ON REQUEST FROM YELLOWDOG HOLDINGS, LLC TO REZONE PROPERTY LOCATED AT 707 19TH STREET FROM "R-HD" RESIDENTIAL HISTORIC DISTRICT TO LIMITED "NPC" NEIGHBORHOOD PEDESTRIAN COMMERCIAL DISTRICT

WHEREAS, on August 24, 2015, by Roll Call No. 15-1430, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on August 6, 2015, its members voted 11-0 in support of a motion to recommend APPROVAL of a request from Yellowdog Holdings, LLC (owner), represented by Dirk Westercamp (officer), to rezone real property located at 707 19th Street ("Property") from "R-HD" Residential Historic District to Limited "NPC" Neighborhood Pedestrian Commercial District to allow use of the existing building for commercial office and retail use, subject to the permitted uses being limited to those allowed in the "C-0" Commercial Residential District; and

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

WHEREAS, in accordance with said notice, those interested in said 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 Property locally known as 707 19th Street, legally described as:

Lot 52 and the South 10 feet of Lot 53 and Lot 51 (Except that part described in Parcel A in survey filed at Book 11901, Page 909) all in T.E. Brown's Addition, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa

from "R-HD" Residential Historic District to Limited "NPC" Neighborhood Pedestrian Commercial District to allow use of the existing building for commercial office and retail use, subject to the conditions stated above as agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by the owner of the Property, which is binding upon the owner and its successors, heirs and assigns.

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

- 1. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the proposed rezoning of the Property to Limited "NPC" Neighborhood Pedestrian Commercial District with conditions as set forth above, are hereby overruled, and the hearing is closed.

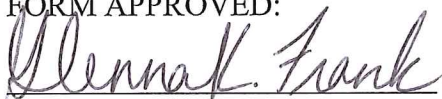
Date September 14, 2015

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- The proposed rezoning of the Property to Limited "NPC" Neighborhood Pedestrian Commercial District with conditions as set forth above, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY _____ TO ADOPT.

FORM APPROVED:



Glenna K. Frank, Assistant City Attorney

(ZON2015-00132)

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

MOTION CARRIED

APPROVED

Mayor

CERTIFICATE

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

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

City Clerk



August 18, 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 August 6, 2015, the following action was taken regarding a request from Yellowdog Holdings, LLC (owner) represented by Dirk Westercamp (officer) to rezone property located at 707 19th Street.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-0-1 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			
Sasha Kamper	X			
Brian Millard	X			
William Page	X			
Jonathan Rosenbloom	X			
Mike Simonson			X	
CJ Stephens				X
Greg Wattier	X			

APPROVAL of rezoning the property to a Limited "NPC" District subject to the permitted uses being limited to those allowed in the "C-0" Commercial Residential District.

(ZON2015-00132)

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of rezoning the property to a Limited “NPC” District subject to the permitted uses being limited to those allowed in the “C-0” Commercial Residential District.

Written Responses

1 In Favor

0 In Opposition

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

- 1. Purpose of Request:** The subject property is located in the Sherman Hill Neighborhood, which is comprised of Victorian era single-family dwellings, small-scale multi-family dwellings and small-scale commercial uses. The majority of the neighborhood is listed on the National Register of Historic Places and is located in the Sherman Hill Local Historic District. The property contains a two-story mixed use building and surface parking lot. The building was constructed circa 1922 according to the Polk County Assessor webpage. It is a traditional two-story neighborhood commercial building with residential space on the second floor.

The property is zoned “R-HD” District. This zoning district allows a property owner that resides in the building to use the lessor of up to 50% of the gross floor area of their building or the gross floor area of the ground floor for a limited list of commercial uses. The applicant is requesting a rezoning to a Limited “NPC” District to allow the second floor dwelling unit to be converted to office space. The applicant is currently renovating the property. The scope of this work triggers compliance with the Building Code requirement for fire rated separation between a commercial and residential use within a common building. Fire separation improvements are not required if the entire building is occupied by a single use as classified by the Building Code. Therefore, the applicant is proposing to use 100% of the building for office space.

The “NPC” District allows most of the uses permitted in the “C-2” General Retail and Highway-Oriented Commercial District and in the “C-1” Neighborhood Retail Commercial District. The applicant is proposing a Limited “NPC” District that would only allow uses allowed in the “C-1” District excluding the uses that are struck-through on the next two pages.

Sec. 134-842. Principal permitted uses.

Only the following uses of structures or land shall be permitted in the C-1 neighborhood retail commercial district.

- (1) Any use permitted in and as limited in the C-0 and R-4 districts.
- (2) Retail business or service establishments such as the following:
 - a. Antique shops.
 - b. Apparel shops.
 - c. Art shops.

- d. Baby and children's stores.
- e. ~~Bakeries with a retail sales area where all products produced on the premises are available fresh daily, provided the product preparation and storage area does not exceed 5,000 square feet of gross floor area. Distribution of products to other premises is permitted; however, no semitrailer trucks shall be used for distribution purposes.~~
- f. Bicycle shops, sales and repairs.
- g. Bookstores.
- h. Camera stores.
- i. ~~Clothes cleaning and laundry pickup stations.~~
- j. Collection office of public utility.
- k. Confectionery stores, including ice cream or snack bars.
- l. ~~Dairy stores, retail only.~~
- m. Delicatessens.
- n. Dance studios.
- o. Pharmacies.
- p. Dry goods stores.
- q. Florist shops and greenhouses.
- r. ~~Furniture stores.~~
- s. ~~Gas station/convenience stores, including minor automobile repairs as an accessory but not a principal use, provided that the proposed use has undergone site plan review and approval pursuant to guidelines set forth at section 82-214.8, and the design of the site permits no more than six vehicles to be fueled at a time. Gas stations on the following streets only may be designed to permit up to eight vehicles to be fueled at a time:~~
 - 1. ~~Army Post Road and East Army Post Road from Fleur Drive to Indianola Road.~~
 - 2. ~~Douglas Avenue from the west city boundary to Martin Luther King, Jr. Parkway.~~
 - 3. ~~Euclid Avenue from Martin Luther King, Jr. Parkway to Hubbell Avenue.~~
 - 4. ~~Hickman Road from the west city boundary to Fifty-sixth Street.~~
 - 5. ~~Hubbell Avenue from Euclid Avenue northeast to the city boundary.~~
 - 6. ~~Martin Luther King, Jr. Parkway from Ingersoll Avenue to Euclid Avenue.~~
 - 7. ~~Merle Hay Road from Hickman Road to the north city boundary.~~
 - 8. ~~East University Avenue from East Fourteenth Street to the east city boundary.~~
 - 9. ~~Second Avenue from Euclid Avenue to the north city boundary.~~
 - 10. ~~Southeast and East Fourteenth Streets.~~
 - 11. ~~Sixty-third Street from the south city limits to Hickman Road.~~
- t. Gift shops.
- u. ~~Grocery stores including supermarkets.~~
- v. Hardware stores.
- w. Hobby shops.
- x. Household appliances, sales and repair.
- y. Jewelry stores and watch repair shops.
- z. Key shops.
- aa. ~~Launderette, coin-operated dry cleaning establishments, and dry cleaning or pressing establishments using only nonflammable solvents.~~
- bb. ~~Locker plant for storage and retail sales only.~~
- cc. Leather goods stores.
- dd. Music stores.
- ee. Music studios.
- ff. ~~Paint and wallpaper stores.~~
- gg. Photographic studios, including film developing and retail sales of photographic equipment and supplies.
- hh. Post office substations.
- ii. ~~Radio and television sales and repair shops.~~
- jj. ~~Restaurants.~~
- kk. Shoe and hat repair shops.

- ll. Sporting goods stores.
- mm. Tailor and dressmaking shops.
- ~~nn. Theaters.~~
- oo. Toy stores.
- pp. Variety stores.
- ~~qq. Automotive and motorcycle accessory and parts stores, provided that retail sales shall be the only business activity and that any runup or testing of engines shall take place within the store building.~~
- rr. Banks, savings and loan associations and similar financial institutions, but not including delayed deposit services or pawnbrokers.
- ss. Business, secretarial or other commercially operated schools for adults, but not including commercial trade schools, such as gasoline, diesel, or marine engine mechanics schools, or truck driving schools.
- ~~tt. Department stores with no more than 30,000 square feet of gross floor area, including storage.~~
- uu. Labor union offices, including assembly halls, not to exceed 1,500 square feet of gross floor area for the assembly hall.
- ~~vv. Lawn mower and small engine repair shops.~~
- ww. Office buildings, not to exceed 30,000 square feet of gross floor area.
- xx. Photographic printing or developing and photocopying establishments, but not including letter or offset presses.
- ~~yy. Radio stations, not to exceed 15 watts of power, including the transmitting tower, such tower not to exceed 100 feet in height.~~
- zz. Upholstery shops.
- ~~aaa. Drive-up telephone or telephone booth, erected by a public service corporation, provided the location is approved by the planning director and the city engineer to ensure the facility does not interfere with pedestrian or vehicular circulation on the property, on adjoining property or on the public streets. Such facility shall be exempt from the bulk regulations of this division.~~
- ~~bbb. Day nurseries, day care centers and nursery schools.~~
- ~~ccc. Parking lots used for the temporary placement of motor vehicles while the driver is engaged in some other activity (i.e., working, shopping, or attending a recreational event, etc.) but not including a storage lot.~~

(3) Combinations of the uses in subsection (2) of this section.

(4) Business and professional offices supplying commodities or performing services primarily for residents of the neighborhood.

2. Size of Site: 76.7 feet by 118 feet (9053 square feet).

3. Existing Zoning (site): "R-HD" Residential Historic District, "D-O" Downtown Overlay District, "GGP" Gambling Games Prohibition Overlay District and "FSO" Freestanding Sign Overlay District.

4. Existing Land Use (site): Two-story mixed-use building with a ground floor office space and second floor dwelling. A small surface parking lot is located to the north of the building.

5. Adjacent Land Use and Zoning:

North – “R-HD”; Use is a duplex residence.

South – “R-HD”; Use is a single-family dwelling.

East – “R-HD”; Uses are multi-family and single-family dwellings.

West – “R-HD”; Uses are single-family dwellings.

6. **General Neighborhood/Area Land Uses:** The subject property is located in the Sherman Hill Neighborhood, which is comprised of Victorian era single-family dwellings, small-scale multi-family dwellings and small-scale commercial uses. The majority of this neighborhood is listed on the National Register of Historic Places and is located in the Sherman Hill Local Historic District.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Sherman Hill Neighborhood. The neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on July 17, 2015. Additionally, separate notifications of the hearing for the rezoning were mailed on July 17, 2015 (20 days prior to the hearing and on July 27, 2015 (10 days prior to the hearing) to the Sherman Hill Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda was mailed to the neighborhood on July 31, 2015.

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 Sherman Hill Neighborhood Association notices were mailed to David Schlarmann, 1503 Center Street, Des Moines, IA 50314

8. **Relevant Zoning History:** On March 25, 2015, by Docket Number ZON2015-00038, the Zoning Board of Adjustment granted a Variance of the provision that requires any commercial use within a residential structure within the “R-HD” District to be occupied by one or more of its owners as their bona fide and primary residence. This allowed the use of up to 50% of the gross floor area within the existing structure for a professional office use without the structure being occupied by one or more of its owners as their bona fide and primary residence. This allows the applicant to operate their architectural and graphic design firm out of the main floor while not residing in the building. However, the upper level of the structure can only be used as a dwelling.
9. **2020 Community Character Land Use Plan Designation:** Mixed Use and Density.
10. **Applicable Regulations:** The Commission reviews all proposals to amend zoning boundaries or regulations 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, and taking into consideration the criteria set forth in Chapter 18B of the Iowa Code. The Commission may make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **NPC Design Guidelines:** Development in the “NPC” District is subject to the following design guidelines as reviewed and approved by the Plan and Zoning Commission in accordance with Section 82-214 of the City Code. No site work or building modifications are proposed at this time that require a site plan.
 1. Buildings should frame the street and maintain a minimal setback from the street.
 2. The front facade of the first floor of the building on the primary commercial street should have a ratio of at least 40 percent window and window display area to total street facade.
 3. The front entrance should be oriented to the street. On a corner lot, the building should have a well-defined entrance on the primary commercial street.
 4. Materials should be brick, stone, tile, stucco, or horizontal wood clapboard with a maximum width of six inches. Two-story buildings are encouraged.
 5. Commercial buildings with over 50 feet of building frontage should have the appearance of being broken into separate bays of between 20 to 35 lineal feet using structural elements, fenestration patterns, protruding or recessed bays, or architectural details.
 6. Building frontage should occupy at least 50 percent of the primary street frontage.
 7. Off-street loading and parking spaces should be provided in compliance with sections 134-1376 and 134-1377 of the zoning chapter, subject to the following modifications:
 - a. The minimum number of off-street parking spaces is 60 percent of the number of spaces otherwise required by subsection 134-1377(a).
 - b. Parking should not exceed the amount otherwise required by section 134-1377 of this Code.
 - c. Parking should not use the front yard but should be concentrated along the side and in back of the building in the predominant pattern of character defining buildings.
 - d. Shared parking among businesses or between business and residential projects will be allowed, provided a shared parking plan is presented at the time of application, signed by the property owners, ensuring non-duplication of parking. The shared parking must be within 300 feet of the business or dwelling.
 - e. On-street parking directly adjacent to the occupant frontage shall count toward the minimum off-street parking requirement. Elimination of such on-street parking by the city shall have no effect on an approved Site Plan.
 - f. Tandem parking spaces shall count toward the minimum off-street parking requirement if a parking plan demonstrates that the parking will be for employees and will be occupied for over four hours between changes.
 - g. An emphasis of trees, shrubs and other plantings should be placed around the perimeter of any parking area and within large parking lots to create a more attractive area. The landscape plan should generally enhance the visual appearance of the building, parking area and any pedestrian areas.
 8. The following bulk regulations should be observed:

- a. Minimum lot area Mixed-use project, 10,000 square feet, No minimum requirement for permitted nonresidential uses.
 - b. Minimum lot area per dwelling unit multiple dwellings, 2,000 square feet.
 - c. Front yard: minimum of zero feet.
 - d. Side yards: minimum of zero feet.
 - e. Rear yard: None required, except when adjoining any R or C-0 district or portion of a PUD designated for residential use, in which case ten feet.
 - f. Height: minimum of 15 feet, maximum of 45 feet.
 - g. Number of stories:
 - Residential uses, a maximum of four stories.
 - All other permitted uses, a maximum of two stories.
 - h. Signs, which are attached or projecting from the building and designed for the character of the building, are preferred. Monument signs are allowed.
 - i. Any extension of parking into an adjoining residential district shall support the intent of the NPC neighborhood pedestrian commercial district and conform with the guidelines in this section.
2. **Parking:** Conversion of the entire 2,541-square foot building to an office use would require a total of 5 parking spaces if the property is rezoned to the “NPC” District. The existing parking lot is not stripped. Staff believes it is large enough to provide at least 5 stalls that comply with the Zoning Ordinance minimum dimension requirements.
3. **Landscaping & Buffering:** The site contains an existing privacy fence along the north side of the parking lot and landscaping. No changes to the buffering or landscaping are proposed at this time.
4. **Local Historic District:** The subject property is located in the Sherman Hill Local Historic District. All alterations to the existing building, site improvements and new construction requires a Certificate of Appropriateness as approved by the Historic Preservation Commission in accordance with the Historic Preservation Ordinance.

Local historic district designation is independent of zoning and not impacted by the proposed rezoning.

5. **2020 Community Character Plan:** Staff believes the proposed rezoning conforms to the Des Moines’ 2020 Community Character Plan Future Land Use designation of Mixed Use and Residential so long as the permitted uses are limited office and residential uses. This designation is described as areas developed with a mix of densities and some limited retail and office. A mix of single-family, duplex, small multi-family as well as developments over 17 units per net acre are encouraged.

SUMMARY OF DISCUSSION

Erik Lundy noted that the applicant agreed with the staff recommendation.


Greg Jones asked if anyone was present to speak on this item. None were present or requested to speak.

COMMISSION ACTION:

Greg Wattier moved staff recommendation for approval of rezoning the property to a Limited "NPC" District subject to the permitted uses being limited to those allowed in the "C-0" Commercial Residential District.

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

Respectfully submitted



Michael Ludwig, AICP
Planning Administrator

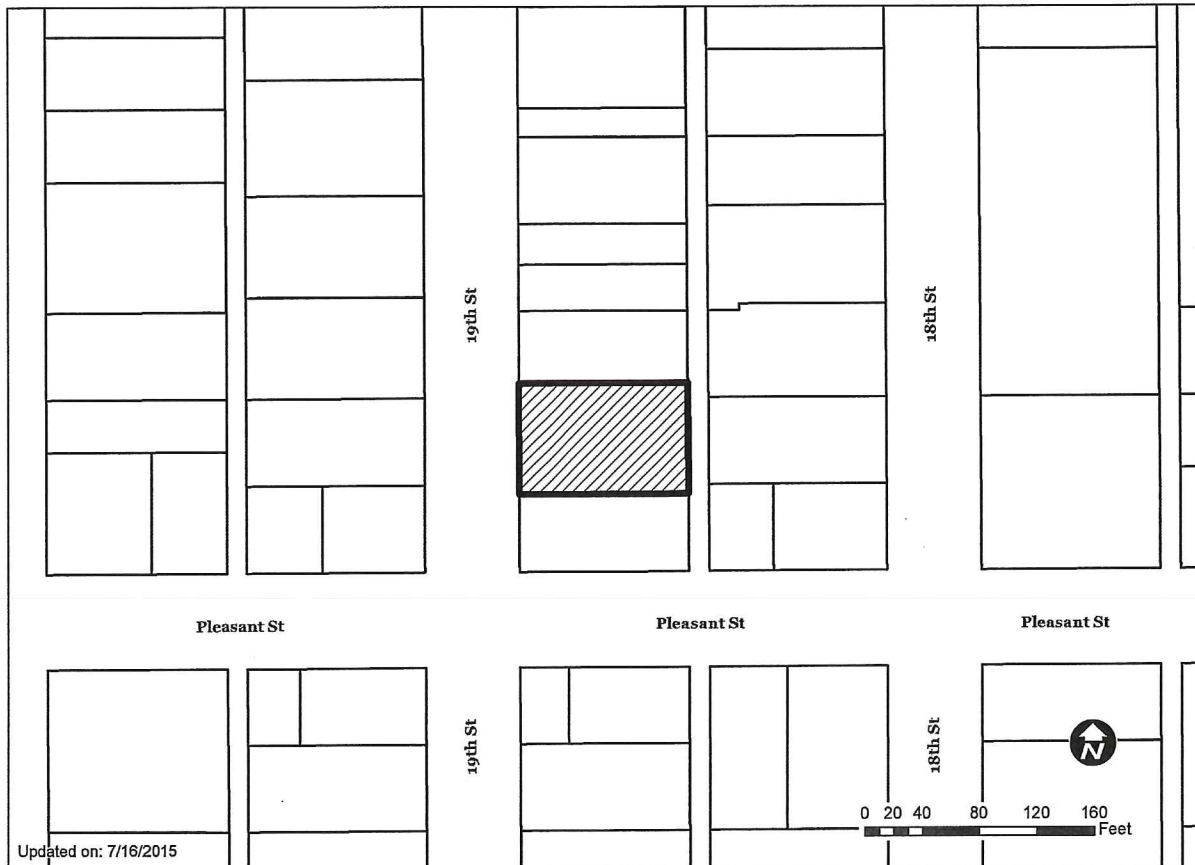
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Attachment

Yellowdog Holdings, LLC (owner) represented by Dirk Westercamp (officer) for property located at 707 19th Street.		File #			
		ZON2015-00132			
Description of Action	Approval of request to rezone property from "R-HD" Residential Historic District to Limited "NPC" Neighborhood Pedestrian Commercial District, to allow use of the existing building for commercial office and retail use subject to the permitted uses being limited to those allowed in the "C-0" Commercial Residential District.				
2020 Community Character Plan	Current: Mixed Use and Density. Proposed: N/A.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"R-HD" Residential Historic District, "GGP" Gambling Games Prohibition Overlay District, "D-O" Downtown Overlay District, and "FSO" Freestanding Sign Overlay District.				
Proposed Zoning District	"NPC" Neighborhood Pedestrian Commercial District, "GGP" Gambling Games Prohibition Overlay District, "D-O" Downtown Overlay District, and "FSO" Freestanding Sign Overlay District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	1				
Outside Area					
Plan and Zoning Commission Action	Approval	10-0-1	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Yellowdog Holdings, LLC, 707 19th Street

ZON2015-00132



1 inch = 78 feet

Sec. 134-807. Principal permitted uses.

Only the following uses of structures or land shall be permitted in the C-0 commercial-residential district:

- (1) Any use permitted in and as limited in the R-3 district.
- (2) Hospitals, both public and private.
- (3) Clinics or group medical centers, including dental clinics, but not including animal clinics or hospitals.
- (4) The office of a doctor, dentist, osteopath, chiropractor, optometrist, chiropractist, or similar profession.
- (5) Business and professional offices including the following: law, engineering, architecture, real estate, insurance, accounting and bookkeeping, and similar uses, but not including uses involving retail sales or nonprofessional services.
- (6) Labor union offices, excepting those which are ordinarily used as assembly halls or as employment offices for their members.
- (7) Funeral homes and mortuaries.
- (8) Beauty shops and barbershops.
- (9) The studio of a professional photographer, provided that all photography shall be done by a professional photographer and no retail sales shall be permitted except those which are incidental to the services of a professional photographer.



August 5, 2015

City Plan and Zoning Commission
Attn: Jason Van Essen
JMVanessen@dmgov.org

RE: 707 19th Street

Dear Mr. Van Essen:

On Tuesday August 4, a majority of the Sherman Hill Board met with the owners (Dirk and Carol Westercamp) of 707 19th street to discuss rezoning the property from "R-HD" Residential Historic District to Limited "NPC" Neighborhood Pedestrian Commercial District, to allow use of the existing building for commercial office and retail use. The Board supports this request given specific business limitations that were outlined during the meeting. We consider this a rather unique circumstance given the historically predominant commercial use of this property.

Carol and Dirk were also available for two hours to answer questions from neighbors during our National Night Out gathering. I am not aware of any objections to the proposed rezoning.

Please let me know if you have any questions regarding this letter of support.

Sincerely,

David Schlarmann
Sherman Hill Association, Inc.
President
Dschlarm@gmail.com

Item ZON2015-00132

Date

8-4-15

RECEIVED

COMMUNITY DEVELOPMENT DEPARTMENT

(Circle One)

AUG 10 2015

Print Name

Caleb Wheeler

Signature

Caleb Wheeler

Address

1311 Pleasant St. Des Moines

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

Four horizontal lines for text entry.

