



Date March 7, 2016

**RESOLUTION HOLDING HEARING ON REQUEST FROM
HUBBELL REALTY COMPANY TO REZONE PROPERTY LOCATED AT
922 8TH STREET, 811 CROCKER STREET AND 915-919 9TH STREET FROM
"R-4" MULTIPLE-FAMILY RESIDENTIAL DISTRICT TO
"C-3A" CENTRAL BUSINESS DISTRICT SUPPORT COMMERCIAL DISTRICT**

WHEREAS, on February 22, 2016, by Roll Call No. 16-0278, the City Council received and filed a communication from the City Plan and Zoning Commission advising that at a public hearing held on February 18, 2016, its members voted 6-3 in support of a motion to recommend **APPROVAL** of a request from Hubbell Realty Company, represented by Steve Neibuhr (officer), to rezone property located at 922 8th Street, 811 Crocker Street and 915-919 9th Street ("Property") from "R-4" Multiple-Family Residential District to "C-3A" Central Business District Support Commercial District to allow redevelopment of the Property for three multi-family residential apartment buildings with zero setback multiple-family residential dwellings; and

WHEREAS, on February 22, 2016, by Roll Call No. 16-0278, it was duly resolved by the City Council that the application of Hubbell Realty Company to rezone the Property, as legally described below, be set down for hearing on March 7, 2016 at 5:00 p.m. in the Council Chambers at City Hall; 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 located at 922 8th Street, 811 Crocker Street and 915-919 9th Street, legally described as:

Lots 23 and 24 in GEORGE SNEER'S SUBDIVISION OF DIVISION 4 OF GRIMMELL'S ADDITION TO THE TOWN OF FORT DES MOINES, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa. Said tract of land being subject to and together with any and all easements of record. Said tract of land contains 0.34 acres more or less.

And

The South 32.0 feet of Lot 4 except the West 5.0 feet thereof, Lots 2 and 3 except the West 5.0 feet thereof, and the East 68.0 feet of Lot 1, all in SUBDIVISION OF BLOCK P, HOLCOMB'S ADDITION TO FT DES MOINES, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa. Said tract of land being subject to and together with any and all easements of record. Said tract of land contains 0.58 acres more or less

(continued)



Roll Call Number

Agenda Item Number

58B

Date February 22, 2016

-2-

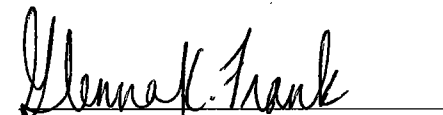
from "R-4" Multiple-Family Residential District to "C-3A" Central Business District Support Commercial District to allow redevelopment for three multi-family residential apartment buildings with zero setback.

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. 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 "C-3A" Central Business District Support Commercial District are hereby overruled, and the hearing is closed.
3. The proposed rezoning of the Property to "C-3A" Central Business District Support Commercial District 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

(ZON2016-00007)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
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.

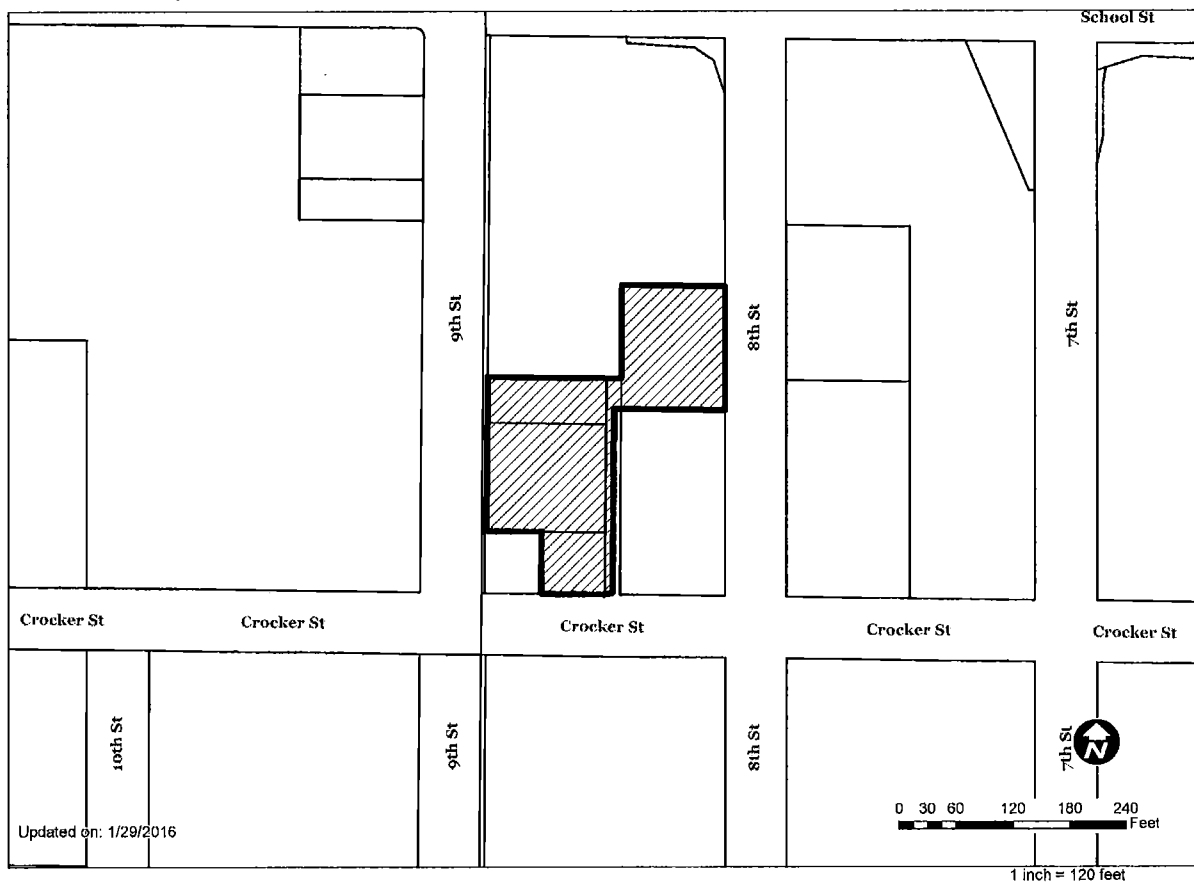
City Clerk

58B

Hubbell Realty Company (purchaser) represented by Steve Niebuhr (officer) for property located at 922 8th Street, 811 Crocker Street and 915-919 9th Street. The subject property is owned by Hosier, Inc. and Burns United Methodist Church.				File # ZON2016-00007	
Description of Action	Approval of request to rezone property from "R-4" Multiple-Family Residential District to "C-3A" Central Business District Support Commercial District, to allow redevelopment of the property for zero setback multiple-family residential dwellings.				
2020 Community Character Plan	Current: High-Density Residential. Proposed: Downtown Support Commercial.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"R-4" Multiple-Family Residential and "FSO" Freestanding Signs Overlay District.				
Proposed Zoning District	"C-3A" Central Business District Support Commercial District and "FSO" Freestanding Signs Overlay District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area					
Plan and Zoning Commission Action	Approval	6-3	Required 6/7 Vote of the City Council		Yes
	Denial				No
					X

Hubbell Realty Company, 922 8th Street

ZON2016-00007



Date March 7, 2016Agenda Item 58B

Roll Call # _____



February 23, 2016

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 February 18, 2016, the following action was taken regarding a request from Hubbell Realty Company (purchaser) represented by Steve Niebuhr (officer) to rezone property located at 922 8th Street, 811 Crocker Street and 915-919 9th Street. The subject property is owned by Hosier, Inc. and Burns United Methodist Church.

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles	X			
JoAnne Corigliano	X			
David Courard-Hauri	X			
Jacqueline Easley				X
Tim Fitzgerald	X			
Jann Freed				X
John "Jack" Hilmes				X
Greg Jones	X			
Sasha Kamper				X
William Page	X			
Mike Simonson	X			
CJ Stephens	X			
Greg Wattier	X			

APPROVAL of staff recommendation Part A) that the proposed rezoning would not be in conformance with the existing Des Moines' 2020 Community Character Plan.

By separate vote the members voted 6-3 as follows

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles	X			
JoAnne Corigliano	X			
David Courard-Hauri		X		
Jacqueline Easley				X
Tim Fitzgerald		X		
Jann Freed				X
John "Jack" Hilmes				X
Greg Jones	X			
Sasha Kamper				X
William Page		X		
Mike Simonson	X			
CJ Stephens	X			
Greg Wattier	X			

APPROVAL of Part B) the proposed amendment to the Des Moines' 2020 Community Character Plan current future land use designation from High Density Residential to Downtown Support Commercial.
(21-2016-4.02)

By separate vote the members voted 6-3 as follows

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles	X			
JoAnne Corigliano	X			
David Courard-Hauri		X		
Jacqueline Easley				X
Tim Fitzgerald		X		
Jann Freed				X
John "Jack" Hilmes				X
Greg Jones	X			
Sasha Kamper				X
William Page		X		
Mike Simonson	X			
CJ Stephens	X			
Greg Wattier	X			

APPROVAL of Part C) to rezone the subject property from "R-4" Multiple-Family Residential District to "C-3A" Central Business District Support Commercial District.
(ZON2016-00007)

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the Commission find that the proposed rezoning would not be in conformance with the existing Des Moines' 2020 Community Character Plan.

Part B) Staff recommends approval of the proposed amendment to the Des Moines' 2020 Community Character Plan current future land use designation from High Density Residential to Downtown Support Commercial.

Part C) Staff recommends approval of rezoning the subject property from "R-4" Multiple-Family Residential District to "C-3A" Central Business District Support Commercial District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

- 1. Purpose of Request:** The proposed rezoning would allow the subject property to be combined with property to the east to facilitate the construction of three (3) apartment buildings. The property to the east is currently zoned "C-3A" District. The "C-3A" District bulk regulations were developed for the downtown and will allow the site to be developed with an urban layout. The "R-4" District bulk regulations include a 30-foot minimum front yard setback, which is not desirable in the downtown.

The proposed project would return to the Commission for review in accordance with the Downtown Overlay Design Guidelines and the Multiple Family Residential Design Guidelines if the rezoning is approved.

- 2. Size of Site:** 39,900 square feet (0.916 acres).
- 3. Existing Zoning (site):** "R-4" Multiple-Family Residential District, "D-O" Downtown Overlay District, "FSO" Freestanding Sign Overlay District, and "GGP" Gambling Games Prohibition District.
- 4. Existing Land Use (site):** The site contains a church building and surface parking lot.
- 5. Adjacent Land Use and Zoning:**
 - North** – "R-4"; Use is a church and surface parking lot.
 - South** – "Hillside PUD"; Use is surface parking lot.
 - East** – "C-3A"; Uses are auto repair and warehousing.
 - West** – "R-4"; Uses are multiple-family residential.
- 6. General Neighborhood/Area Land Uses:** The subject property is located in the northern portion of downtown near Interstate 235. The area contains a mix of commercial, multiple-family and surface parking uses.
- 7. Applicable Recognized Neighborhood(s):** The subject property is not located in or within 250 feet of a recognized neighborhood. All neighborhoods were notified of the Commission meeting by mailing of the Preliminary Agenda on January 29, 2016. A Final Agenda was mailed to the neighborhood associations on January 29, 2016. Additionally, separate notifications of the hearing for the rezoning were mailed on

January 29, 2016 (20 days prior to the hearing) and on February 8, 2016 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for every property within 250 feet of the site.

8. Relevant Zoning History: None.

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

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. Parking & Access:** The "C-3A" District does not require parking for residential uses or commercial uses allowed in the "C-1" District. The applicant has submitted a conceptual site sketch, which indicates that the development would be serviced by a mix of surface parking and basement level parking within one of the buildings.
- 2. Site Plan Requirements:** Any development of the property must conform to the City's site plan requirements, including those regarding stormwater management, and landscaping. Storm water, sanitary sewer and water lines are available in the adjoining right-of-ways. All outdoor lighting fixtures will be required to be downward directional, sharp cut-off type fixtures. Any trash enclosure constructed shall consist of masonry walls and 100% opaque steel gates.
- 3. Urban Design:** The applicant has submitted a site sketch and conceptual building elevations for the overall development. It consist of three (3) buildings with minimal front yard setbacks. Each building would be 5-stories tall. The western building would front 9th Street and contain 31 dwelling units. The middle building would front the west side of 8th Street and contain 81 units. This building would also contain basement level parking. The eastern building would front the east side of 8th Street and would contain 31 units.

The buildings would be designed to match each other. The submitted drawings indicate that the builds would primarily be sided with Nichia panels and metal panels. Staff believes that the material pallet should include a substantial amount of full dimension masonry products. Full dimension masonry is durable and maintains a high quality appearance over time and is important in an urban context. The use of metal and Nichia panels should be limited to accent materials.

4. Downtown Overlay District Design Guidelines: The subject property is within the Downtown Overlay District. The Plan and Zoning Commission shall apply the following design guidelines in acting upon any future site plan application for the site.

- A) 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.
- B) 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.
- C) Connectivity between adjacent properties should be provided or demonstrated for both pedestrian and vehicular circulation.
- D) The incorporation of 'soft (green) spaces' on site is encouraged.
- E) Where feasible, projects should provide outdoor spaces for people gathering.
- F) 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.
- G) Building heights. Minimum height for all uses should be the lesser of 36 feet or three stories.
- H) Bulk standards, building setbacks, orientation, frontage and residential access:
 - 1. All buildings with river frontage should orient towards the river and have building entrances that are oriented to the river and primary street(s).
 - 2. All buildings without river frontage should have entrances oriented toward primary street(s).
 - 3. All buildings should have frontage on principal street(s) of not less than 70 percent of the lot.
 - 4. For commercial and mixed-use buildings, at least 70 percent of the building frontage should be within one foot of the property line.
 - 5. 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.
 - 6. 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.).
- I) Storage of all materials and equipment should take place within completely enclosed buildings.

- J) 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.
- K) 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.
- L) Access doors for any warehouse use and any loading docks should not front on any public street.
- M) 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.
- N) 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.
- O) 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.
- P) Parcels proposed for development that are greater than two acres should be rezoned to a planned unit development (PUD) zoning classification.
- Q) Auto-dominant uses as described in guideline "N" above should be located in a mixed use commercial center and with buildings possessing a unified commercial design.
- R) 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.

5. Multiple-Family Residential Design Guidelines: The Plan and Zoning Commission shall apply the following design guidelines in acting upon any future site plan application that includes a multiple-family dwelling, boardinghouse or roominghouse,

- 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 overhang the front or sidewalls 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.

6. **2020 Community Character Land Use Plan Designation:** The subject property is designated for "High Density Residential" on the Future Land Use Map. This designation is described as areas developed with high-rise and mid-rise buildings over 17 units per acre. The proposed "Downtown Support Commercial" designation is described as general businesses, retail and service establishments, limited high density residential, mixed used developments, and work centers that support the downtown core providing their own off-street parking. Staff believes the proposed "Downtown Support Commercial" designation is appropriate for the area.
7. **Demolition Review Ordinance:** The subject property contains a building that was the former location of the Burns United Methodist Church. This building is individually listed on the National Register of Historic Places. The areas of significance noted in the nomination are relating to religion, social/humanitarian and African-American history. The building meets the City's landmark designation criteria based on the building's role in the history of the African-American community in Des Moines and given that it is one of the few surviving buildings from the neighborhood that existed before Interstate 235 was constructed and urban renewal projects occurred.

The proposed demolition of the church building was forwarded to the City Council for review in accordance with the Demolition Review Ordinance. On January 11, 2016, the City Council elected to not forward the request to the Landmark Review Board for

further study and to allow the building to be demolished. The building must be documented and a salvage plan must be submitted before a plumbing cut and demolition permits can be issued.

SUMMARY OF DISCUSSION

Erik Lundy presented the staff report and representation.

Steve Niebuhr Hubbell Realty, 6900 Westown Parkway, West Des Moines, Chuck Bishop with Bishop Engineering and Mike Young with Shiffler & Associates are here with him. He stated they did have a neighborhood open house on February 8, 2016 and invited everyone that was on the notification list. No one came. They also met with several of the surrounding neighbors individually and talked with them about their project and what their thoughts are for the rezoning. He had favorable response. They also met with the Downtown Neighborhood Association, even though this property is not in the Downtown Neighborhood Association. They were supportive of their concept of putting multi-family housing on this property. There has been an inquiry from a group about relocating the current church. They are talking and working with them. He is not sure what will ultimately happen. He believes they are seeking funding and have a site that is identified and are working with the City on sources of funding. They are also working on the historical salvage plan that is required and documenting the church with photographs and floor plans. The Burns Church has the first right for salvage, and he knows that group has talked to a salvage company about salvaging items from the church.

CJ Stephens asked is there any opportunity to incorporate it into the development, or whether it fits in the neighborhood or not.

Steve Niebuhr stated they did not feel it did. The building has some structural issues, water intrusion issues, its small and it did not incorporate into anything they were going to lay out.

CHAIRPERSON OPENED THE PUBLIC HEARING

Terry Wells 1157 14th Place a member of Cheatom Park Neighborhood Association asked that the Commission delay any decision about this property for several reasons. He didn't believe there has been community input. The notice they sent out said neighborhood meeting. He don't know what neighborhood association they are talking about and he don't know of anyone that meets at Cityville. The meeting was held at noon, making it unavailable to people who work. He believes the dead man zone was incorporated into Cheatom Park. Either way the adjacent property owners should have been notified. There are several of the neighbors that are very concerned about this. Not just at the proposal of the applicant but the destruction of a historical site and no communication. Riverbend is the neighborhood that is trying to get funding to actually move the building. Four of the neighborhoods (Cheatom Park, King Irving Neighborhood, River ben Neighborhood and Good Park Neighborhood Associations) that are fairly close that have concerns and issues and need to sit down with Hubbell and with Burns to talk about this. He also believes that it is unfair for political people and boards and commissions to start changing zoning when the property rights have not even been passed on. Hubbell does not own this building yet. If Burns wants to come and rezone it maybe Burns should be sitting here doing the talking.

There has been other options and offers on this property. Hubbell wants a parking lot, he believes that one of the option could be a daycare for the people who live in these surrounding apartments, maybe a neighborhood office for the apartment manager. There are several more options on the table. The reason this request should not be granted are:

- This is a historical site
- Racial history, the first black church in the State of Iowa

He ask that the Commission delay their decision, let the community and Hubbell and people get together and see what they can do to save an African American Historical spot.

Will Page asked if the Commission were to postpone their action, what time frame is he thinking?

Terry Wells stated he would like to see it delayed until Hubbell actually purchases the property from Burns. Hubbell representative stated that the Riverbend neighborhood is working on relocating the building to 9th & University, he also heard that Hubbell will have to follow a historical salvage plan. There is a process that is going to take time and he believes rezoning should not be done until those processes are complete. He believes that 30, 60, 90 days

CJ Stephens stated if Hubbell owned the property first, that would give them permission to do what they wanted to do with that church then the people will lose leverage.

Terry Wells stated he still believe that Hubbell should rezone the property first.

Mike Ludwig clarified that the application requires there to be an applicant and also a signature for the owner to consent, so there have routinely been zoning requests where there could be an applicant that is a contract purchaser of the property as long as they have the owner's consent. That is what we have in this instance, so Hubbell is perfectly entitled to request the rezoning with the owner's consent of the property. Mr. Wells referred to the Council agenda in regards to this property. That is a set date of hearing and is contingent on a recommendation being made tonight. If there is no recommendation then that set hearing would not take place on Monday night, but it is setting the date for March 7, 2016.

Mike Simonson asked then is the whole purpose of the City Council action Monday to set a future date for a hearing?

Mike Ludwig stated yes, providing there is a recommendation tonight. The City has a demolition delay ordinance that is in effect, which Hubbell did follow and Burns United Methodist Church did follow in this instance. There was a referral of the item to the Council for consideration as to whether or not they want to send it on for a landmark designation, the church was present at that meeting and indicated that they did not support it being designated as a landmark. Staff recognizes the history of the church and did point it out to the Council, but the Council did not elect to forward that on for a landmark designation. In addition they would have a multi-family site plan that has to come back to the Commission for review. A demo permit will not be issued until there is a salvage plan at a minimum

submitted that complies with code and there is time within the process to find options for relocation of the structure.

Elaine Estes 944 9th Street stated she has questions about the following:

- What is the height?
- What is the elevation?
- Which direction will it be facing?
- Is there opportunity for commercial use rather than residential use?
- Where will the exits and entrances will be located?
- What are the landscaping plans?
- What capacity is planned for the occupancy level?

If this plan goes through she would like there to be a height limitation because some of that property has a very high elevation on 9th Street which is the side she is concerned about. Because of this being a rather historic neighborhood she would hope that it would not exceed the height of the roof of the church as it stands. She did attend the meeting of City Council to oppose the demolition of the Burns Church. As a preservationist there are many opportunities for adaptive use. If this is passed she is asking that the height be limited.

Erik Lundy stated many of the things that Ms. Estes is asking would probably come at the site planning stage with regards to landscaping. C-3A has a maximum height of 75 feet. The projected development that they are currently conceptualizing is 5-story in some portion. That is 50 – 60 feet in height with flat roof. It may not require the 75 feet but it will probably exceed 45 feet which is currently allowed in the R-4. Any conditions that the City Council would place on the rezoning would have to be agreed to in writing by the current owners and purchasers.

Rebuttal

Steve Niebuhr stated what the current entitlements under the current zoning R-4 is if it were to remain R-4 with 30 feet setback to use then it would position the building to make room off of 9th Street. Either way the church is not the issue. It will either get demolished under proposed plan C-3A or definitely get demolished or moved under the R4 because the setback is going to push any building on that lot into the church's footprint. He believes it is not a zoning issue because under either zoning it would push a building into the foot print of the existing church. They did get consent from Burns Church regarding the rezoning. The historic salvage plan is clear in the staff report and City requirements as to what they have to do before anyone can touch that church. There will be no permit issued for demolition or relocation or anything until the requirements laid out in that plan are followed. That timeline is independent of any consideration for rezoning. The entrances and exits are site plan questions. The current concept plan that they have been working on has it onto Crocker.

Tim Fitzgerald asked if the applicant would entertain holding off on this until the next meeting.

Will Page asked if they could postpone their plan for 30 days.

Steve Niebuhr stated they are not going to buy the property until they know if they are going to get the zoning that works best for them. A 30 day delay would only work if the seller would give them an extension on the current contract.

Mike Ludwig clarified there is one Plan and Zoning meeting in March so if there was an agreement to continue for 2 weeks it would be the March 3 meeting and then the next meeting will not be until April 7, 2016. A 30 day continuance is actually more than a 30-day continuance. Hubbell would have to have an agreement of extension with the current owner.

Will Page believes that a lot can be done in that period of time. Particularly because he heard there is going to be a meeting tomorrow that is going to have a chance to talk about these issues.

Mike Ludwig stated the process is this is a recommendation so nothing can happen tomorrow for a decision tonight. The Council has to hold a public hearing on the rezoning, a site plan has to be submitted for a Planning Commission review which is a 30 day process. If the zoning is approved the property could close, Hubbell could own it, then it is not a sale issue but they still have to come back to the Commission for a site plan review. They would have to get a demolition permit and they cannot get a demolition permit without complying with the City's code on the salvage plan. He stated on the salvage plan issue, staff is going to make sure that the current proposal or consideration of relocating the church has been exhausted. His understanding is Hubbell has agreed to that.

CJ Stephens explained that the Commission is only making recommendation to Council. All of the time that is being added by the extra steps that have to be gone through. It is still a long way from this church ever being removed or anything happening to it.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Greg Wattier stated one of the things that is potentially exciting about this project is to the east of this, about 4 or 5 blocks, will be where the new convention center hotel is built. New development going in to the west and to this piece of land that is a forgotten little space of the city. If something happens in the middle, which is where this piece of property is, from an urban point of view it starts to connect what is happening on the east and what is happening at the west, so it is not forgotten. He believes that the thought of Hubbell doing a project on this little piece of land is fantastic. The demolition process is the best process to date.

David Courard-Hauri stated he is also very excited about the project. He believes it will be a great project. However, at the same time it does feel like the community was not aware and has not had the opportunity to discuss the plans with the developer. His concern is that if they vote today to move forward then it changes the leverage significantly. It seems that part of the process has to be that people who would be interested have the opportunity to find out what may be happening and weigh in. He is very uncomfortable voting today to move forward with the zoning change even though this is a really good project.

Tim Fitzgerald suggested that Mr. Wells and Ms. Estes get with Mr. Niebuhr after the meeting because he will work with them to open that line of communication. His experience with Hubbell in his neighborhood is that they will work with them and are very opened about what they are going to do and they will listen to your input.

COMMISSION ACTION:

Mike Simonson moved staff recommendation for approval of Part A) to find that the proposed rezoning would not be in conformance with the existing Des Moines' 2020 Community Character Plan.

Motion passed 9-0

Mike Simonson moved staff recommendation for approval of Part B) the proposed amendment to the Des Moines' 2020 Community Character Plan current future land use designation from High Density Residential to Downtown Support Commercial.

Motion passed 6-3 (David Courard-Hauri, Tim Fitzgerald and Will Page voted in opposition)

Mike Simonson moved staff recommendation for approval of Part C) rezoning the subject property from "R-4" Multiple-Family Residential District to "C-3A" Central Business District Support Commercial District.

Motion passed 6-3 (David Courard-Hauri, Tim Fitzgerald and Will Page voted in opposition)

Respectfully submitted,


Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment



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February 4, 2016

The Downtown Neighborhood Association unanimously supports Hubbell Development's project at 8th and Crocker, as described by Kris Saddoris at our February Board Meeting. Furthermore, we will be working to extend our borders to include this project, as it does not actually belong to a residential neighborhood.

Any questions or press inquiries can be directed to our board president. His information is below.

Sincerely,
Jon Thompson
Board President
president@desmoinesdna.com
515.360.1351