



Date June 27, 2016

**RESOLUTION HOLDING HEARING ON REQUEST FROM
NEIGHBORHOOD INVESTMENT CORPORATION, INC. FOR THE FIRST AMENDMENT
TO THE SHERMAN HILL PUD CONCEPTUAL PLAN ON PROPERTY LOCATED AT
1620 PLEASANT STREET AND 701-711 16TH STREET**

WHEREAS, on June 13, 2016, by Roll Call No. 16-0954, the City Council received and filed a communication from the City Plan and Zoning Commission advising that at a public hearing held on June 2, 2016, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Neighborhood Investment Corporation, Inc. (owner), represented by Jack Porter (officer), for the First Amendment to the Sherman Hill PUD Conceptual Plan on property located at 1620 Pleasant Street and 701-711 16th Street to revise permitted uses to allow twenty percent (20%) of the gross floor area of the Mickle Center, 1620 Pleasant Street, to be used for a business incubator for entrepreneurial uses consistent with the community character including a community commercial kitchen, subject to the Amendment’s land use notes for the property reading as follows:

1. Public purpose uses as approved by the owner and the City of Des Moines.
2. Community center activities for neighborhood organizations, operated by the owner.
3. Artist co-op studios.
4. Local cultural display center.
5. Office suites and meeting rooms for not-for-profit entities engaged in charitable, educational, and community activities.
6. Business incubator to encourage development of entrepreneurial businesses consistent with the community character, including but not limited to a shared-use community kitchen. No more than twenty percent (20%) of the gross floor area of the existing building shall be dedicated to incubator use.
7. Dine-in and take-out food sales from the premises is prohibited.
8. Commercial vehicle parking is limited to the hours of operation.
9. Alterations to the structure or site are subject to the building setback, bulk and area requirements of the “R-HD” Residential Historic District Zoning Classification; and

WHEREAS, on June 13, 2016, by Roll Call No. 16-0954, it was duly resolved by the City Council that the application of Neighborhood Investment Corporation, Inc. for review and approval of the proposed First Amendment to the Sherman Hill PUD Conceptual Plan for the Property, as legally described below, be set down for hearing on June 27, 2016, at 5:00 p.m. in the City Council Chambers at the Municipal Services Center; 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 approved Sherman Hill PUD Conceptual Plan; and

WHEREAS, in accordance with said notice, those interested in said proposed amendment to the approved Sherman Hill PUD Conceptual Plan, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council.



Date June 27, 2016

-2-

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 statements of interested persons and arguments of counsel, any and all objections to the proposed First Amendment to the Sherman Hill PUD Conceptual Plan for the Property, locally known as 1620 Pleasant Street and 701-711 16th Street and legally described as follows, are hereby overruled, and the hearing is closed:

Lots 1, 2, 3 and 8 and the West 48.0 feet of the East 73.0 feet Lots 4 and 5, BOSCOBEL ADDITION, an Official Plat; and Lots 18 through 21 and the South 11.0 feet Lot 17 and the vacated alley lying South of and adjoining Lot 18, Marshes Subdivision of Lot 2 PURSLEY ESTATE, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

2. The proposed First Amendment to the Sherman Hill PUD Conceptual Plan, as on file in the Community Development Department, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Plan and is hereby approved.

MOVED BY _____ TO ADOPT.

FORM APPROVED:



Glenna K. Frank, Assistant City Attorney

(ZON2016-00090)

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

Greg Wilson (owner) for property located at 801 Southeast 7th Street.				File #	
				21-2016-4.04	
Description of Action	Denial of request to amend the existing PlanDSM: Creating Our Tomorrow Plan future land use designation from Low/Medium Density Residential to Industrial.				
PlanDSM Future Land Use	Current: Low/Medium Density Residential. Proposed: Industrial.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"R1-60" One-Family Low-Density Residential District, "GGP" Gambling Games Prohibition Overlay District, "D-O" Downtown Overlay District and "FSO" Freestanding Signs Overlay District.				
Proposed Zoning District	N/A.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	3				
Outside Area					
Plan and Zoning Commission Action	Approval		Required 6/7 Vote of the City Council	Yes	X
	Denial	11-0		No	

Wilson, 801 SE 7th Street

21-2016-4.04



1 Inch = 81 feet



June 8, 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 June 2, 2016, the following action was taken regarding a request from Neighborhood Investment Corporation, Inc. (owner) represented by Jack Porter (officer) for the 1st amendment to the Sherman Hill PUD Conceptual Plan on property located at 1620 Pleasant Street (Parcels B & C) and 701-711 16th Street (Parcel "A"). Additional subject property is owned by the Alechemilla Condominiums.

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
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			
Steve Wallace	X			
Greg Wattier				X

APPROVAL of the proposed PUD Conceptual Plan amendment subject to the land use notes for Parcel B reading as follows: (ZON2016-00090)

1. Public purpose uses as approved by the owner and the City of Des Moines.

2. Community center activates for neighborhood organizations, operated by the owner.
3. Artist' co-op studios.
4. Local cultural display center.
5. Office suites and meeting rooms for not-for-profit entities engaged in charitable, educational, and community activities.
6. Business incubator to encourage development of entrepreneurial businesses consistent with the community character, including but not limited to a shared-use community kitchen. No more than twenty percent (20%) of the gross floor area of the existing building shall be dedicated to incubator use.
7. Dine-in and take-out food sales from the premises is prohibited.
8. Commercial vehicle parking is limited to the hours of operation.
9. Alterations to the structure or site are subject to the building setback, bulk and area requirements of the "R-HD" Residential Historic District Zoning Classification.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the proposed PUD Conceptual Plan amendment subject to the land use notes for Parcel B reading as follows:

1. Public purpose uses as approved by the owner and the City of Des Moines.
2. Community center activates for neighborhood organizations, operated by the owner.
3. Artist' co-op studios.
4. Local cultural display center.
5. Office suites and meeting rooms for not-for-profit entities engaged in charitable, educational, and community activities.
6. Business incubator to encourage development of entrepreneurial businesses consistent with the community character, including but not limited to a shared-use community kitchen. No more than twenty percent (20%) of the gross floor area of the existing building shall be dedicated to incubator use.
7. Dine-in and take-out food sales from the premises is prohibited.
8. Commercial vehicle parking is limited to the hours of operation.
9. Alterations to the structure or site are subject to the building setback, bulk and area requirements of the "R-HD" Residential Historic District Zoning Classification.

Written Responses

9 In Favor

0 In Opposition

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed Conceptual Plan amendment would allow the existing kitchen space within the building to be renovated and used as a shared-use community kitchen. The kitchen space would provide a State of Iowa certified food preparation kitchen that could be used for small businesses, such as famer's market and food truck vendors, bakers and caterers. It would be leasable on an hourly, daily or monthly basis. Dine-in and take-out food sales would be prohibited. Kitchen tenant vehicles would only be allowed to park on-site during times they are using the kitchen.

2. **Size of Site:** 87,692 square feet (2.01 acres).
3. **Existing Zoning (site):** "PUD" Sherman Hill Planned Unit Development District, "D-O" Downtown Overlay District, "GGP" Gambling Games Prohibition Overlay District and "FSO" Freestanding Sign Overlay District.
4. **Existing Land Use (site):** Robert W. Mickle Neighborhood Resource Center and Alechemilla Condomuniums.
5. **Adjacent Land Use and Zoning:**
 - North* - "R-HD"; Uses are multiple-family residential.
 - South* - "R-HD"; Uses are multiple-family residential.
 - East* - "R-HD"; Uses are multiple-family residential.
 - West* - "R-HD"; Use is a single-family dwelling.
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 and within 250 of the Downtown Des Moines Neighborhood. The neighborhoods were notified of the Commission meeting by mailing of the Preliminary Agenda on May 13, 2016. Additionally, separate notifications of the hearing for the rezoning were mailed on May 13, 2016 (20 days prior to the hearing) and on May 23, 2016 (10 days prior to the hearing) to the neighborhood associations 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 neighborhoods 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. The Downtown Des Moines Neighborhood Association notices were mailed to Jon Thompson, 1719 Grand Avenue #330, Des Moines, IA 50309.
8. **Relevant Zoning History:** On December 17, 2001, the City Council approved Ordinance Number 14,036 by Roll Call Number 01-3724. This action rezoned the subject property from "R-HD" District to "PUD" District and approved the Sherman Hill PUD Conceptual Plan. The Plan and Zoning Commission's hearing on this matter occurred on November 15, 2001.

The PUD Conceptual Plan includes the following language that dictates the allowed uses for Parcel B:

- a) Public purpose uses as approved by the owner and the City of Des Moines.
- b) Community center activities for neighborhood organizations such as the Sherman Hill Neighborhood.
- c) Artists' co-op studios, including living quarters and teaching.
- d) Local cultural display center.
- e) Small professional offices and retail not over 600 square feet and operated by owner with one employee.
- f) Property subject to long-term lease for use by PACE Inc.
- g) Alterations to the structure or site are subject to the building setback, bulk and area requirements of the "R-HD" Residential Historic District Zoning Classification.

The proposed amendment would replace this language with the following:

- a) Public purpose uses as approved by the owner and the City of Des Moines.
- b) Community center activates for neighborhood organizations, operated by the owner.
- c) Artist' co-op studios.
- d) Local cultural display center.
- e) Office suites and meeting rooms for not-for-profit entities engaged in charitable, educational, and community activities seeking to address the needs of the most vulnerable populations in the community.
- f) Business incubator to encourage development of entrepreneurial businesses consistent with the community character, including but not limited to a shared-use community kitchen, which incubator shall not exceed twenty percent (20%) of the gross area of the existing building.
- g) Property subject to meeting city's historic district standards subject to the "R-HD" District bulk/area requirements.

The staff recommendation includes revisions to the proposed language for readability and enforcement purposes.

9. Plan DSM Future Land Use Plan Designation: Neighborhood Mixed Use.

10. Applicable Regulations: Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, 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. 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

Plan DSM Future Land Use Plan: The site is designated as "Neighborhood Mixed Use" on the Future Land Use Map. This designation is described as areas that contain small scale mixed use development typically located at the intersections of collector and/or arterial streets and along transportation corridors. Non-residential development is designed to

serve the immediate neighborhood and include small retail, office, restaurants, and service oriented development. Low-medium density residential may be included in mixed use development. The proposed PUD Conceptual Plan amendment complies with this definition.

SUMMARY OF DISCUSSION

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

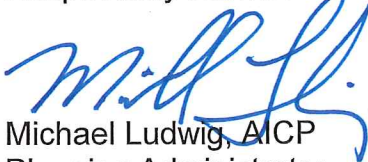
COMMISSION ACTION:

John "Jack" Hilmes moved staff recommendation for approval of the proposed PUD Conceptual Plan amendment subject to the land use notes for Parcel B reading as follows:

1. Public purpose uses as approved by the owner and the City of Des Moines.
2. Community center activates for neighborhood organizations, operated by the owner.
3. Artist' co-op studios.
4. Local cultural display center.
5. Office suites and meeting rooms for not-for-profit entities engaged in charitable, educational, and community activities.
6. Business incubator to encourage development of entrepreneurial businesses consistent with the community character, including but not limited to a shared-use community kitchen. No more than twenty percent (20%) of the gross floor area of the existing building shall be dedicated to incubator use.
7. Dine-in and take-out food sales from the premises is prohibited.
8. Commercial vehicle parking is limited to the hours of operation.
9. Alterations to the structure or site are subject to the building setback, bulk and area requirements of the "R-HD" Residential Historic District Zoning Classification.

Motion passed 11-0.

Respectfully submitted,



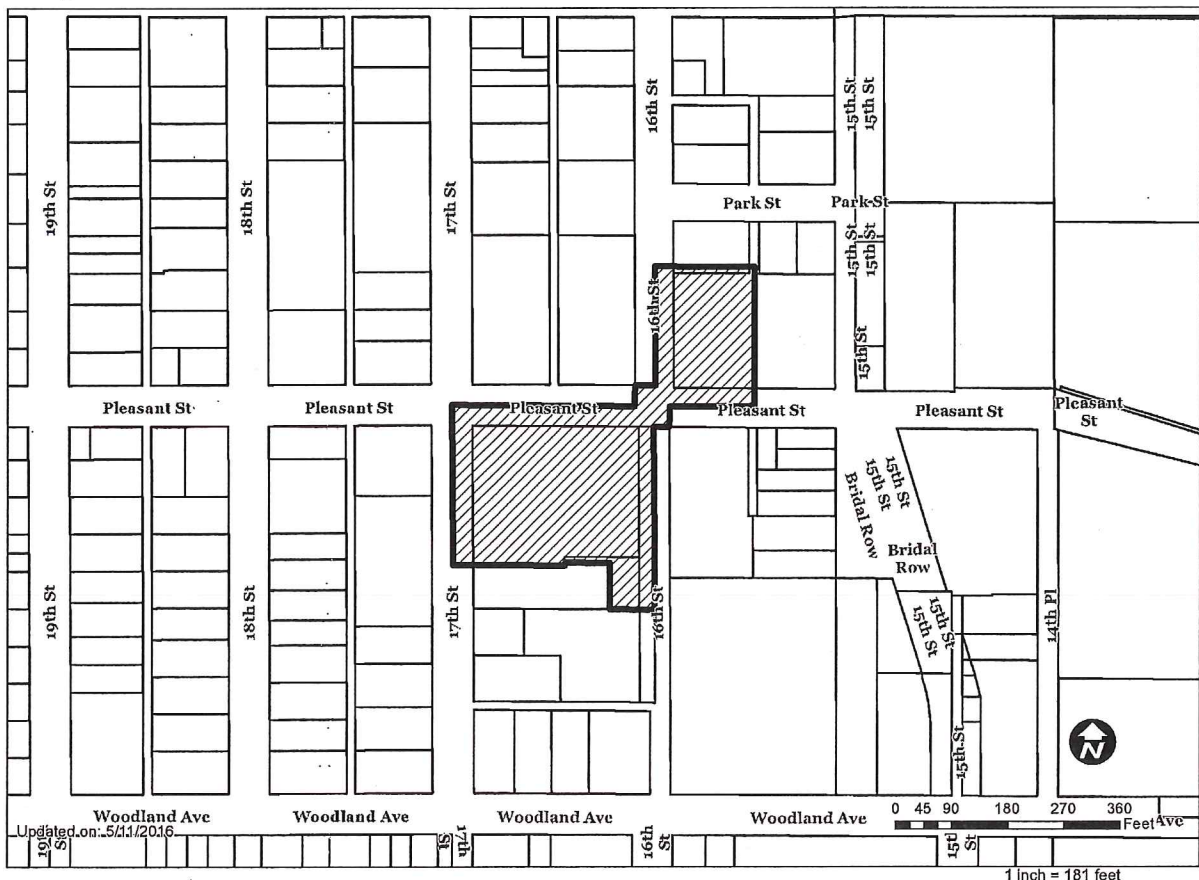
Michael Ludwig, AICP
Planning Administrator

MGL:clw
Attachment

Neighborhood Investment Corporation, Inc. (owner) represented by Jack Porter (officer) for property located at 1620 Pleasant Street (Parcels B & C) and 701-711 16th Street (Parcel "A"). Additional subject property is owned by the Alechemilla Condominiums.		File # ZON2016-00090		
Description of Action	Approval of Amendment to the Sherman Hill PUD Conceptual Plan); to revise permitted uses on Parcel "B" to allow 20% of the gross floor area of the Mickle Center to be used for a business incubator for entrepreneurial uses consistent with the community character including a community commercial kitchen subject to the land use notes for Parcel B with conditions.			
PlanDSM Future Land Use	Current: Neighborhood Mixed Use. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"PUD" Planned Unit Development and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	10	0		
Outside Area				
Plan and Zoning Commission Action	Approval	11-0	Required 6/7 Vote of the City Council	Yes
	Denial			No X

Neighborhood Investment Corporation, 1620 Pleasant Street

ZON2016-00090



Item ZON2016-00090

Date 5/24/16

I am in favor of the request.

unable to conform on map

COMMUNITY DEVELOPMENT

Received by [Signature]

JUN 01 2016

Signature

[Signature]

DEPARTMENT

Address

650-16th

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

ZON2016-00090

ZON2016-00090

Item

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

RECEIVED

COMMUNITY DEVELOPMENT

Print Name

Address

DEPARTMENT

JUN 03 2016

Signature

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

50509

I Approve because it will

be a great addition & is needed in our community

Date

5.25.16

Received over 6/2 PRZ

York Icaenter

[Signature]

1605 4200 17th Ave

Date

5-30-16

*Received over 6/2 PRZ
Harrington, P Limited Partnership*

James Coxlix

Print Name

Signature

[Signature]

Address

319 - 7th Suite 500

JUN 03 2016

DEPARTMENT

RECEIVED

COMMUNITY DEVELOPMENT

Item

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

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

Blank lines for listing reasons for opposing or approving the request.

I Approve because it will
 be a great addition & is
 needed in our community

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

DEPARTMENT _____
 JUN 03 2016
 COMMUNITY DEVELOPMENT
 Address 1605 WOODLAND Ave 50509
 Signature York 19
 Print Name YORK 19
 Date 5-25-16
 RECEIVED (am) (am not) in favor of the request.
 (am) (am not) in favor of the request.
 RECEIVED (am) (am not) in favor of the request.
 (am) (am not) in favor of the request.

ZON2016-00090

ZON2016-00090

Item _____ Date 5-30-16
 RECEIVED (am) (am not) in favor of the request.
 COMMUNITY DEVELOPMENT
 Print Name James Coxlix
 JUN 03 2016 Signature James Coxlix
 DEPARTMENT Address 319 - 7th Suite 500
 RECEIVED (am) (am not) in favor of the request.
 COMMUNITY DEVELOPMENT
 Print Name
 JUN 03 2016 Signature
 DEPARTMENT Address

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

59

Item ZON2016-00090

Date 5/24/16

I am in favor of the request.

unable to confirm on map.

COMMUNITY DEVELOPMENT

Print Name

JUN 01 2016

Signature

DEPARTMENT Address

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

Reason for opposing or approving this request may be listed below:
 Fully supportive of the Mickle Center and their impact on our neighborhood and the city. (FWIW, I am a resident of the Alhambra, in this PUD.)

RECEIVED
 COMMUNITY DEVELOPMENT
 JUN 01 2016
 DEPARTMENT
 Address 711 16th St.
 Signature Nathan Blake
 Print Name Nathan Blake
 Date 5/24/16
 Item (am) (am not) in favor of the request
 ZON2016-00090

RECEIVED
 COMMUNITY DEVELOPMENT
 JUN 01 2016
 DEPARTMENT
 Reason for opposing or approving this request may be listed below:
 Item Mickle Center
 Date
 (am) (am not) in favor of the request.
 Print Name Sonja Roberts
 Signature Sonja Roberts
 Address 1623 Woodland Ave.

ZON2016-00090

Amendment to Sherman Hill PUD

Date 05.25.16

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

COMMUNITY DEVELOPMENT

Print Name Marven Riedesel
 Signature Marven Riedesel
 Address 701-16th St., DSM
 DEPARTMENT

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

I support enabling owners of the Mickle Center to better utilize their facility via the community kitchen therein.

My only concern is parking as that is already an issue

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

DEPARTMENT JUN 01 2016
Address 680 18th St
Signature [Signature]

RECEIVED
(am) (am not) in favor of the request
COMMUNITY DEVELOPMENT
Print Name Julia McMechan
Date 5-25-16

ZON2016-00090

ZON2016-00090

Date 5/24/2016

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

RECEIVED
(Circle One)
COMMUNITY DEVELOPMENT

Print Name John David Forrest Deteman

JUN 01 2016
Signature [Signature]

DEPARTMENT Address 740 15th St 50314

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

ZON2016-00090

Item _____ Date 5-25-16

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

COMMUNITY DEVELOPMENT

Print Name CHARLES E. FARR

JUN 01 2016
Signature [Signature]

DEPARTMENT Address 740 15th STREET

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

ZON2016-00090

Item _____ Date 5-25-16

(am) (am not) in favor of the request.
RECEIVED
(Circle One)
COMMUNITY DEVELOPMENT

*Received after 6/2 PkZ.
(lost of subject property).*

Print Name Matthew Sharp

JUN 03 2016

Signature *MS*

DEPARTMENT

Address 707 16th St.

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

It will be good for the Mickle
Center to gain additional revenue
through renting the kitchen.

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

DEPARTMENT

Address 1510 ~~Cent~~ St

JUN 06 2016

Signature *[Handwritten Signature]*

Print Name Andrea Hickman

COMMUNITY DEVELOPMENT

RECEIVED

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

Not located with migration 250 part migration

Date 6/1/16

ZON2016-00090

ZON2016-00090

Item # 4

Date 06/02/16 HEARING DATE

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

Applicant

RECEIVED

COMMUNITY DEVELOPMENT

Print Name NEIGHBORHOOD INVESTMENT CORP.

JUN 06 2016

Signature *[Handwritten Signature]*

Address JACK C. PORTER NIC BOARD PRES. 1620 PLEASANT ST SUITE 200 DSM, IOWA

DEPARTMENT

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

50314-1677