



**Date** July 25, 2016

**RESOLUTION SETTING HEARING ON REQUEST FROM NEIGHBORHOOD DEVELOPMENT CORPORATION TO REZONE PROPERTY LOCATED AT 3201, 3211 AND 3221 FOREST AVENUE AND 1414 AND 1420 32<sup>ND</sup> STREET**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on July 7, 2016, its members voted 9-0-1 in support of a motion to recommend **APPROVAL** of a request from Neighborhood Development Corporation (owner), represented by Abbey Gilroy (officer), to rezone property located at 3201, 3211 and 3221 Forest Avenue and at 1414 and 1420 32<sup>nd</sup> Street (collectively "Property") from Limited "NPC" Neighborhood Pedestrian Commercial District and "R1-60" One-Family Low-Density Residential District to amended Limited "NPC" Neighborhood Pedestrian Commercial District, to allow development with 50 units of 2-story multi-family dwellings, subject to the following conditions:

1. The following uses shall be prohibited on the Property:
  - a) taverns and nightclubs,
  - b) billiard parlor/game room,
  - c) communication tower/antenna (unless as an extension of 20 feet or less from the structure),
  - d) delayed deposit services,
  - e) pawn brokers,
  - f) gas stations/convenience stores,
  - g) off-premises advertising signs, and
  - h) liquor stores where gross revenues of tobacco and alcohol products exceed 40% of sales;
2. The density of any future residential development on the Property shall be dependent upon Site Plan review and upon the traffic study required to be submitted with the Site Plan;
3. Any development of the Property shall be in accordance with a Site Plan under the Design Guidelines for the "NPC" District;
4. Any development of a multiple-family residential use on the Property shall be in accordance with a Site Plan under the Design Guidelines for Multiple-Family Residential;
5. The siding material on the front façade of any structure on the Property shall primarily consist of full dimension brick or masonry materials, which material shall be used on side and rear facades in a pattern that relates to the front façade;
6. The use of vinyl and/or EIFS siding is prohibited on the Property;
7. Any shingles used on the Property shall be architectural style;
8. Any off-street parking on the Property shall be landscaped and screened in accordance with the City's Landscape Standards as applicable to the "C-2" District;
9. Any development of the Property shall include a landscaped streetscape within adjoining Forest Avenue right-of-way in accordance with the City's Landscape Standards as applicable to the "C-3" District; and
10. Any trash enclosure on the Property shall conform to the standards of the Zoning Ordinance and be comprised of durable materials that complement the principal building with steel gates; and

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

The South 135 feet of Lot 1, (except the North 80 feet) Lot 2, all of Lot 3, (except the North 142 feet) Lot 4, RUTLEDGE PLACE, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Date July 25, 2016


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**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 at the Richard A. Clark Municipal Service Center (MSC), located at 1551 E. Martin Luther King, Jr. Parkway, Des Moines, Iowa, at 5:00 p.m. on August 8, 2016, 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

(ZON2016-00112)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				
MOTION CARRIED		APPROVED		

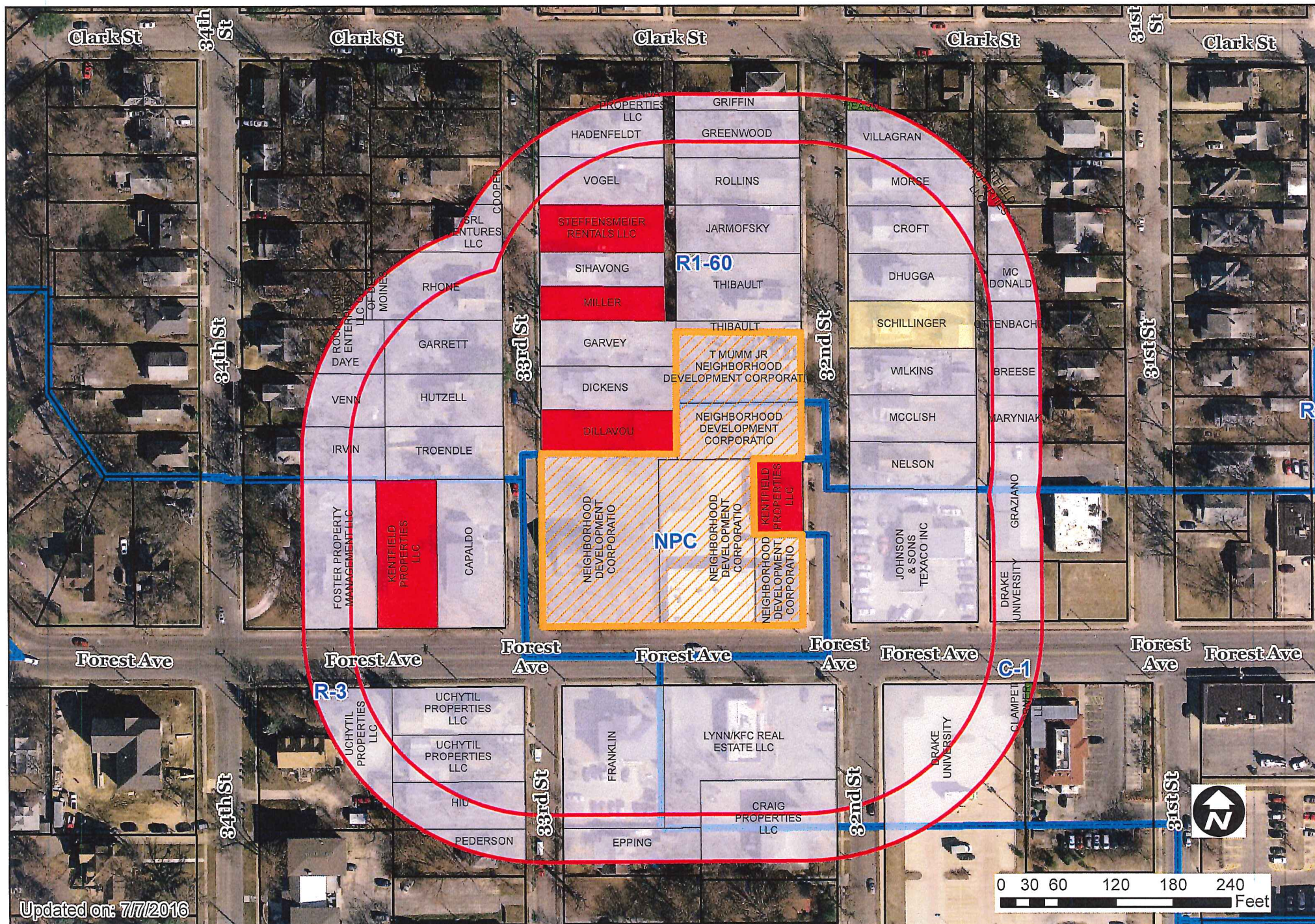
**CERTIFICATE**

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



July 19, 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 July 7, 2016, the following action was taken regarding a request from Neighborhood Development Corporation (owner) represented by Abbey Gilroy (officer) to rezone property at 3201, 3211, & 3221 Forest Avenue and 1414 & 1420 32<sup>nd</sup> Street.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 9-0-1 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			
Carolyn Jenison	X			
Greg Jones	X			
William Page	X			
Mike Simonson			X	
CJ Stephens				X
Steve Wallace	X			
Greg Wattier				X

**APPROVAL** of staff recommendation Part A) the proposed rezoning be found not in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation for the property known as 1420 32<sup>nd</sup> Street, approval of Part B) an amendment to the PlanDSM: Creating Our Tomorrow Plan to revise the future land use designation from Low Density Residential to Community Mixed Use for the property known as 1420

32<sup>nd</sup> Street and approval of Part C) the requested rezoning, subject to the following conditions: (ZON2016-00112)

1. The following uses shall be prohibited:
  - a) taverns and nightclubs,
  - b) billiard parlor/game room,
  - c) communication tower/antenna (unless as an extension of 20 feet or less from the structure),
  - d) delayed deposit services,
  - e) pawn brokers,
  - f) gas stations/convenience stores,
  - g) off-premises advertising signs, and
  - h) liquor stores where gross revenues of tobacco and alcohol products exceed 40% of sales.
2. The density of any future residential development shall be dependent upon Site Plan review and upon the traffic study required to be submitted with the Site Plan.
3. Any development shall be in accordance with a Site Plan under the Design Guidelines for the "NPC" District.
4. Any development of a multiple-family residential use shall be in accordance with a Site Plan under the Design Guidelines for Multiple-Family Residential.
5. The siding material on the front façade of any structure shall primarily consist of full dimension brick or masonry materials. This material shall be used on side and rear facades in a pattern that relates to the front façade.
6. The use of vinyl and/or EIFS siding is prohibited.
7. Any shingles shall be architectural style.
8. Any off-street parking shall be landscaped and screened in accordance with the City's Landscape Standards as applicable to the "C-2" District.
9. Any development shall include a landscaped streetscape within adjoining Forest Avenue right-of-way in accordance with the City's Landscape Standards as applicable to the "C-3" District.
10. Any trash enclosure on site shall conform to the standards of the Zoning Ordinance and be comprised of durable materials that compliment the principal building with steel gates.

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

Part A) Staff recommends that the proposed rezoning be found not in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation for the property known as 1420 32<sup>nd</sup> Street.

Part B) Staff recommends approval of an amendment to the PlanDSM: Creating Our Tomorrow Plan to revise the future land use designation from Low Density Residential to Community Mixed Use for the property known as 1420 32<sup>nd</sup> Street.

Part C) Staff recommends approval of the requested rezoning, subject to the following conditions:

1. The following uses shall be prohibited:
  - a) taverns and nightclubs,
  - b) billiard parlor/game room,
  - c) communication tower/antenna (unless as an extension of 20 feet or less from the structure),
  - d) delayed deposit services,
  - e) pawn brokers,
  - f) gas stations/convenience stores,
  - g) off-premises advertising signs, and
  - h) liquor stores where gross revenues of tobacco and alcohol products exceed 40% of sales.
2. The density of any future residential development shall be dependent upon Site Plan review and upon the traffic study required to be submitted with the Site Plan.
3. Any development shall be in accordance with a Site Plan under the Design Guidelines for the "NPC" District.
4. Any development of a multiple-family residential use shall be in accordance with a Site Plan under the Design Guidelines for Multiple-Family Residential.
5. The siding material on the front façade of any structure shall primarily consist of full dimension brick or masonry materials. This material shall be used on side and rear facades in a pattern that relates to the front façade.
6. The use of vinyl and/or EIFS siding is prohibited.
7. Any shingles shall be architectural style.
8. Any off-street parking shall be landscaped and screened in accordance with the City's Landscape Standards as applicable to the "C-2" District.
9. Any development shall include a landscaped streetscape within adjoining Forest Avenue right-of-way in accordance with the City's Landscape Standards as applicable to the "C-3" District.
10. Any trash enclosure on site shall conform to the standards of the Zoning Ordinance and be comprised of durable materials that complement the principal building with steel gates.

Written Responses

3 In Favor

5 In Opposition

## STAFF REPORT TO THE PLANNING COMMISSION

### I. GENERAL INFORMATION

1. **Purpose of Request:** Most of the subject property was rezoned to a Limited “NPC” District in 2012. The previous owner sought this rezoning to allow the construction of a 4-story multiple-family residential building. The building would have been located along Forest Avenue with a parking to the north. The Neighborhood Development Corporation recently purchased the property along with an additional lot at 1420 32<sup>nd</sup> Street. They are seeking the proposed rezoning to allow the development of three, 2-story multiple-family residential buildings.

Any development of the site would require future approval of a Site Plan and building elevations by the Plan and Zoning Commission in accordance with the “NPC” Design Guidelines. The future Site Plan would determine the allowed density of any development. In lieu of specific bulk regulations, the design guidelines state that multiple-family residential development should have 2,000 square feet of lot area per dwelling unit. Therefore, unless this guideline is waived by the Plan & Zoning Commission, the 61,681-square foot site could accommodate a maximum of 31 dwelling units. The applicant has submitted a conceptual design with the rezoning application that shows a development with 54 dwelling units on the 61,861-square foot site. This represents 1,146 square feet of lot area per dwelling unit. With the additional land, this is less dense than the previous developer’s concept, which consisted of 1,085 square feet per dwelling unit (48 units of 52,059 square feet of land).

2. **Size of Site:** 61,861 square feet (1.42 acre).
3. **Existing Zoning (site):** “Limited “NPC” Neighborhood Pedestrian Commercial District, “R1-60” One-Family Low-Density Residential District, and “FSO” Freestanding Signs Overlay District.
4. **Existing Land Use (site):** Vacant commercial and residential buildings.
5. **Adjacent Land Use and Zoning:**
  - North** – “R1-60”; Uses are single-family residential dwellings.
  - South** – “C-1” & “R-3”; Uses include a restaurant (Taco Bell/KFC) and a fraternity (Sigma Chi).
  - East** – “C-1” & “R1-60”; Uses include a 4-unit multiple-family residential structure, an auto repair business (Johnson & Sons Texaco) and single-family residential.
  - West** – “R1-60”; Uses are single-family residential dwellings.
6. **General Neighborhood/Area Land Uses:** The subject property is located along Forest Avenue in an area where land uses transition from commercial to residential.

**7. Applicable Recognized Neighborhood(s):** The subject property is located in the Drake Neighborhood. This neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on June 20, 2016. A Final Agenda was mailed to the neighborhood association on July 1, 2016. Additionally, separate notifications of the hearing for this specific item were mailed on June 17, 2016 (20 days prior to the hearing) and June 27, 2016 (10 days prior to the hearing) to the Drake Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

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 Drake Neighborhood Association notices were mailed Kristina Johnson, 3523 University Avenue #12A, Des Moines, IA 50311.

**8. Relevant Zoning History:** On December 3, 2012, the City Council approved Ordinance Number 15,146 rezoning most of the subject property to a Limited "NPC" District. The property at 1420 Forest Avenue was not included in this request and is currently zoned "R1-60" District. The Plan and Zoning Commission heard this request on October 4, 2012. The approved ordinance includes the following restrictions:

1. The following uses shall be prohibited:
  - a) taverns and nightclubs,
  - b) billiard parlor/game room,
  - c) communication tower/antenna (unless as an extension of 20 feet or less from the structure),
  - d) delayed deposit services,
  - e) pawn brokers,
  - f) gas stations/convenience stores,
  - g) off-premises advertising signs, and
  - h) liquor stores where gross revenues of tobacco and alcohol products exceed 40% of sales.
2. The density of any future residential development shall be dependent upon Site Plan review and upon the traffic study required to be submitted with the Site Plan. However, the density of any development shall not exceed 40 dwelling units per acre (48 dwelling units on a 1.20-acre site).
3. Any development shall be in accordance with a Site Plan under the Design Guidelines for the "NPC" District.
4. Any development of a multiple-family residential use shall be in accordance with a Site Plan under the Design Guidelines for Multiple-Family Residential.
5. Any multiple-family residential structure shall have at least one primary entrance oriented toward Forest Avenue.
6. The entire ground floor of any structure shall be sided with brick or masonry materials, with the balance sided with brick, masonry, and/or cement board materials.



7. Any shingles shall be architectural style.
8. Any off-street parking shall be landscaped and screened in accordance with the City's Landscape Standards as applicable to the "C-2" District.
9. Any development shall include a landscaped streetscape within adjoining Forest Avenue right-of-way in accordance with the City's Landscape Standards as applicable to the "C-3" District.
10. Any trash enclosure on site shall conform to the standards of the Zoning Ordinance and be comprised of durable materials that complement the principal building with steel gates.

**9. PlanDSM Creating Our Tomorrow Plan: Community Mixed Use, Low-Density Residential and Neighborhood Node.**

*Community Mixed Use: Small- to medium-scale mixed use development, located on high capacity transit corridors or at the intersection of transportation corridors. Community mixed use areas include both a mix of medium density residential and a mix of retail and services establishment designed to attract customers from a large service area encompassing multiple neighborhood and may include specialty retail that attracts regional customers.*

*Node Overlay: Three overlay districts are also identified on the Future Land Use Map representing neighborhood, community and regional nodes. Not all characteristics of nodes exist today, but these areas represent opportunities to develop a mixture of uses to provide a variety of housing types, employment opportunities and services at greater concentrations than the surrounding area. Nodes are focal points in the community and do not represent a specific spatial area. Nodes exist today. However, they are largely auto-oriented places. Neighborhood, Community, and Regional nodes represent opportunities over time for the City to create mixed use areas that provide for increased housing and transportation choices, reduced infrastructure and maintenance expenditures, and the creation of vibrant places to serve neighborhoods and the City as a whole.*

*Neighborhood Node: These nodes are the smallest in size and offer services that provide for basic daily needs of the local population in the surrounding neighborhood. Residential development including low-medium and medium densities may occur.*

- 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. **Land Use:** In 2011, the City adopted the Drake Neighborhood Action Plan to guide future development and redevelopment within the neighborhood. The plan calls for

rezoning property along Forest Avenue to the “NPC” District on a case-by-case basis. A goal of this plan is to provide quality multiple-family housing units along the neighborhood’s corridors and transit routes, such as Forest Avenue. Another goal of the plan is to develop the area along Forest Avenue between 30<sup>th</sup> and 33<sup>rd</sup> Streets as a pedestrian-friendly campus town district, with residential density to support the businesses in the area. This goal is also supported by *PlanDSM: Creating Our Tomorrow*, which identifies this area as a “Neighborhood Node”. Therefore, staff believes the proposed rezoning to “NPC” District is appropriate so long as there are the proper zoning conditions to ensure future development is compatible with the adjoining residential development.

2. **Urban Design:** The submitted development concept consist of three, 2-story multiple-family residential buildings. The building elevations illustrated a contemporary design with a mix of siding materials and flat roofs. Staff understands that the design is still being developed and will continue to meet with the applicant to provide guidance. Additionally, the project will require review by the City’s Urban Design Review Board as the developer is seeking incentives.

In general, staff believes the development should relate to the historic character of the area. This may be accomplished by use of traditional building materials, building form, building opening patterns or a mix of these techniques. This is particularly important for the northern buildings as they would be positioned next to traditional single-family dwellings. These buildings may need to have a slightly different design than the building along Forest Avenue, while maintaining some overall character similarities.

3. **Site Plan Requirements:** Any future development of the site must conform to the City’s Site Plan requirements, including those regarding stormwater management, landscaping, and screening of adjoining residential properties. Staff recommends that any off-street parking be landscaped and screened in accordance with the City’s Landscape Standards as applicable to the “C-2” District. Staff also recommends that the streetscape along Forest Avenue be landscaped in accordance with the City’s Landscape Standards as applicable to the “C-3” District.
4. **NPC Design Guidelines:** Should the property be rezoned to “NPC” District, a Site Plan and building elevations must be submitted for review and approval by the Plan and Zoning Commission under the following design guidelines applicable to development in the “NPC” District. (*A Site Plan has not been submitted for consideration at this time.*)
  - A) Buildings should frame the street and maintain a minimal setback from the street.
  - B) 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.
  - C) 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.
  - D) Materials should be brick, stone, tile, stucco, or horizontal wood clapboard with a maximum width of six inches. Two-story buildings are encouraged.
  - E) 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.
  - F) Building frontage should occupy at least 50 percent of the primary street frontage.

- G) 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 nonduplication 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.
- H) The following bulk regulations should be observed:
- a. Minimum lot area:
    - i. Single-family detached dwelling, 5,000 square feet.
    - ii. Single-family semidetached dwelling, 3,000 square feet.
    - iii. Two-family dwelling, 6,000 square feet.
    - iv. Multiple dwelling, 10,000 square feet.
    - v. Mixed-use project, 10,000 square feet.
    - vi. Shelter for the homeless, 8,000 square feet.
    - vii. No minimum requirement for permitted nonresidential uses.
  - b. Minimum lot area per dwelling unit:
    - i. Row and multiple dwellings, 2,000 square feet.
    - ii. Shelter for the homeless, 300 square feet of lot size for each resident.
  - 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:
    - i. Residential uses, a maximum of four stories.
    - ii. All other permitted uses, a maximum of two stories.
- I) Signs, which are attached or projecting from the building and designed for the character of the building, are preferred. Monument signs are allowed.

**5. Multiple-Family Residential Design Guidelines:** In acting upon any future site plan application that includes a multiple family dwelling, boardinghouse or roominghouse, the Plan and Zoning Commission shall apply the design regulations in section 82-213 and the additional design guidelines set forth below. The decision to approve, approve

subject to conditions or disapprove a proposed site plan shall be based upon the conformance of the site plan with such design regulations and the following guidelines. *(A Site Plan has not been submitted for consideration at this time.)*

- 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 overhand the front or side walls 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. **Natural Site Features:** Development of the site shall be in compliance with the City's Tree Removal and Mitigation Ordinance (Section 42-550 of the City Code).

7. **Parking & Access:** The submitted conceptual design shows a 54-stall parking lot with drive approaches from 32<sup>nd</sup> Street and 33<sup>rd</sup> Street. Multiple-family residential development typically requires 1.5 parking spaces per dwelling unit (81 parking spaces for 54 dwelling units). However, the parking standards for the "NPC" District are 40% less than the typical requirement so the required parking would be reduced to 49 parking spaces. The "NPC" District also allows adjoining on-street parking spaces to be counted towards meeting the parking requirement.

- 8. **Traffic:** The developer of any multiple-family residential development on the site will be required to submit a traffic study with the Site Plan to ensure the surrounding street network can accommodate the development. It is possible that this traffic study would limit the number of dwelling units that can be constructed on the site.

**SUMMARY OF DISCUSSION**

*Mike Simonson recused himself*

Jason Van Essen presented the staff report and recommendation.

David Courard-Hauri asked if the requirements are the same as the existing Limited NPC zoning.

Jason Van Essen stated they are slightly different because they react to the addition of land and the new design concept. Therefore, some of the requirements were changed to reflect that. The same use limitations are proposed.

Glenn Lyons, 3316 Seven Hills Drive, Executive Director, Neighborhood Development Corporation, stated they acquired this property earlier in the year from Nelson Development. Nelson acquired it in 2006, but was not able to put together a project. When the applicant acquired the property they began working with the Drake Neighborhood Association (DNA) to come up with a design that would be compatible with the neighborhood. They are still working on the design with them. In those meetings there were many residents they did not like a three-story or four-story building concepts. They also asked NDC to buy the property to the north at 1420 as it is in poor condition. We agreed to take look at it but were not sure if it could effectively be added to the site due to grade changes. With continued dialogue with DNA, we realized that with the additional purchase of land we would have enough room to convert a three or four-story apartment building to a village of two-story stacked townhouses.

**CHAIRPERSON OPENED THE PUBLIC HEARING**

Deric Gourd, 2422 Drake Park Avenue, stated he is in favor of the applicant’s request because he has lived in the neighborhood since 2004, but more importantly he has been involved with this site since 2009. When the Nelson Development efforts failed they were looking at something else. The neighborhood plan was started in 2010 and during this time they were considering what they wanted to do at this end of Forest Avenue. It is a prominent part of the whole Drake Neighborhood. At the same time Anawim starting to renovate the eastern side of Forest, at the other edge of the neighborhood. They began looking to bookend some of the development with similar types of development.

A plan like this is the way the DNA sees the entire neighborhood moving forward. There is some local resident opposition. The biggest concerns are traffic and parking. If the applicant does not adequately accommodated for parking they will run into problems. That is why the DNA likes NPC zoning because it allows site plan review to address these issues. He is not speaking for the Drake Neighborhood Association, but as a person that has been involved with this process as a part of the neighborhood and the neighborhood association for a very long time.

Jacqueline Easley asked since Mr. Gourd is not speaking for the Drake Neighborhood Association was there any recommendations made that he is aware of.

Deric Gourd stated the Drake Neighborhood Association was asked and they did vote to move forward with this project.

Jennifer Sayers, 1129 28<sup>th</sup> Street, Vice President, Drake Neighborhood Association (DNA), stated she is representing DNA. They are in favor of a Limited NPC zoning and she agrees with Mr. Gourd's comments. They have been happy to work with NDC and they are doing a great job of meeting the neighborhood's concerns.

*Jann Freed left the meeting at 7:15 p.m.*

Jarred Rollins, 1436 32<sup>nd</sup> Street, stated he has lived in the neighborhood for 2 years. He supports the project, but was hesitant about a four-story project. Believes two-story fits in better with the neighborhood. The parking issue is an existing problem that needs to be accounted for. Believe it should be addressed with the site plan and traffic study. The setback is a concern because currently the corner building provides no visibility when at the corner looking to turn left onto Forest. It is a very dangerous intersection.

Mke Kentfield, 1410 32<sup>nd</sup> Street is a 4-plex that he purchased 8 years ago. His concerns when purchasing this property were the zoning. He wanted to make sure his property could not get enveloped by more apartment complexes and parking issues. The applicant's request will allow for that. The visibility at 32<sup>nd</sup> Street and Forest is a concern and he believes the development will hinder his property. Therefore, he is opposed to the applicant's request.

Jennifer Sookram, 1417 32<sup>nd</sup> Street, stated she is opposed to the applicant's request. She is more comfortable with a two-story project than a four-story project. She is okay with getting rid of the house at 1420. Believes that the traffic will increase and there will be an encroachment on Mr. Kentfield's property. They do not need a huge apartment complex. At the corner of 33<sup>rd</sup> and Forest there is a house with mature trees. Does not want the trees to be removed for this project.

## **CHAIRPERSON CLOSED THE PUBLIC HEARING**

### **COMMISSION ACTION:**

David Courard-Hauri moved staff recommendation Part A) the proposed rezoning be found not in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation for the property known as 1420 32<sup>nd</sup> Street, approval of Part B) an amendment to the PlanDSM: Creating Our Tomorrow Plan to revise the future land use designation from Low Density Residential to Community Mixed Use for the property known as 1420 32<sup>nd</sup> Street and approval of Part C) the requested rezoning, subject to the following conditions:

1. The following uses shall be prohibited:
  - a) taverns and nightclubs,
  - b) billiard parlor/game room,

- c) communication tower/antenna (unless as an extension of 20 feet or less from the structure),
  - d) delayed deposit services,
  - e) pawn brokers,
  - f) gas stations/convenience stores,
  - g) off-premises advertising signs, and
  - h) liquor stores where gross revenues of tobacco and alcohol products exceed 40% of sales.
2. The density of any future residential development shall be dependent upon Site Plan review and upon the traffic study required to be submitted with the Site Plan.
  3. Any development shall be in accordance with a Site Plan under the Design Guidelines for the "NPC" District.
  4. Any development of a multiple-family residential use shall be in accordance with a Site Plan under the Design Guidelines for Multiple-Family Residential.
  5. The siding material on the front façade of any structure shall primarily consist of full dimension brick or masonry materials. This material shall be used on side and rear facades in a pattern that relates to the front façade.
  6. The use of vinyl and/or EIFS siding is prohibited.
  7. Any shingles shall be architectural style.
  8. Any off-street parking shall be landscaped and screened in accordance with the City's Landscape Standards as applicable to the "C-2" District.
  9. Any development shall include a landscaped streetscape within adjoining Forest Avenue right-of-way in accordance with the City's Landscape Standards as applicable to the "C-3" District.
  10. Any trash enclosure on site shall conform to the standards of the Zoning Ordinance and be comprised of durable materials that compliment the principal building with steel gates.

Motion carried 9-0-1.

Respectfully submitted,



Jason Van Essen, AICP  
Senior City Planner

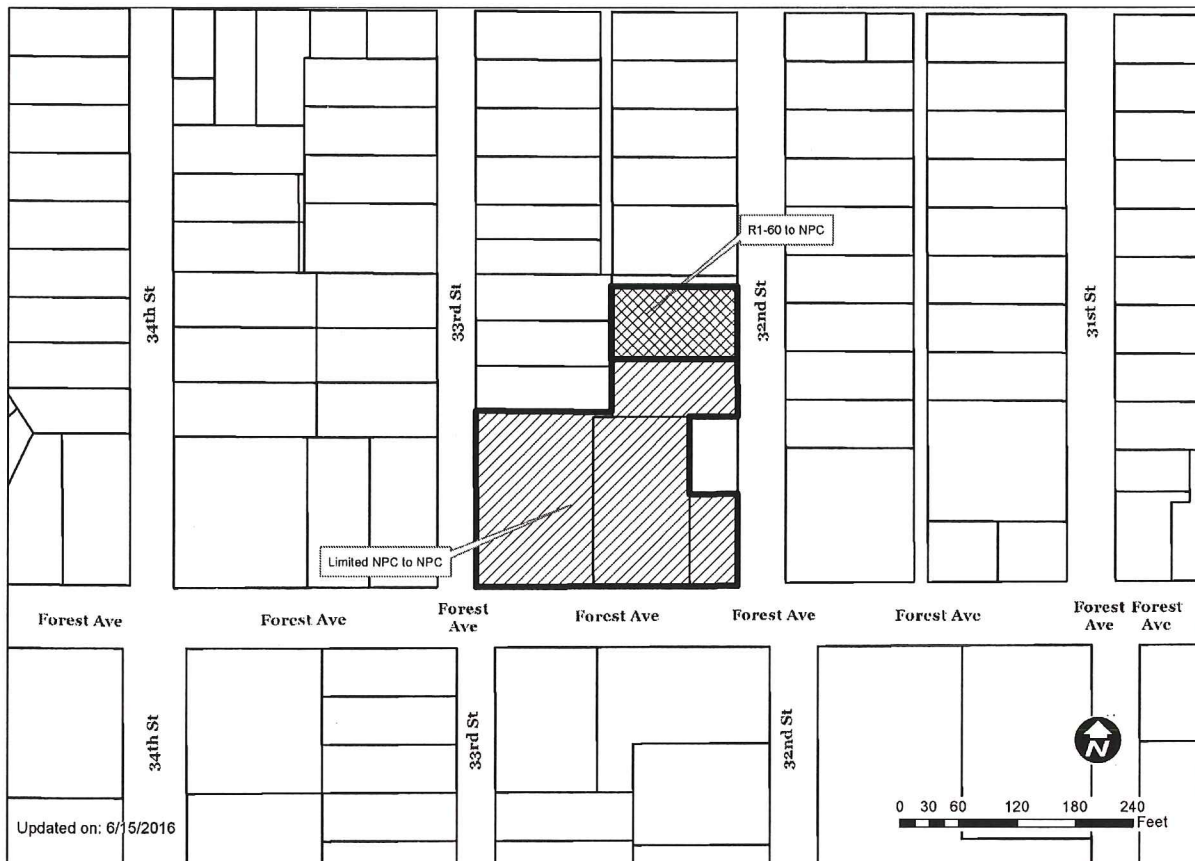
JMV:clw

Attachment

<b>Neighborhood Development Corporation (owner) represented by Abbey Gilroy (officer) for property at 3201, 3211, &amp; 3221 Forest Avenue and 1414 &amp; 1420 32nd Street</b>			<b>File #</b> ZON2016-00112	
<b>Description of Action</b>	Approval of request to rezone property from Limited "NPC" Neighborhood Pedestrian Commercial District and "R1-60" One-Family Low-Density Residential District to "NPC" Neighborhood Pedestrian Commercial District, to allow the site to be developed with units 52 units of 2-story multiple-family dwellings.			
<b>PlanDSM Future Land Use</b>	Current: Low Density Residential and Community Mixed Use. Proposed: Community Mixed Use.			
<b>Mobilizing Tomorrow Transportation Plan</b>	No planned improvements.			
<b>Current Zoning District</b>	Limited "NPC" Neighborhood Pedestrian Commercial District, "R1-60" One-Family Low-Density Residential District and "FSO" Freestanding Signs Overlay District.			
<b>Proposed Zoning District</b>	Limited "NPC" Neighborhood Pedestrian Commercial District and "FSO" Freestanding Signs Overlay District.			
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	3	5		
Outside Area				
<b>Plan and Zoning Commission Action</b>	Approval	10-0-1	<b>Required 6/7 Vote of the City Council</b>	Yes
	Denial			No

Neighborhood Development Corporation, Vicinity of 3201 Forest Avenue

ZON2016-00112



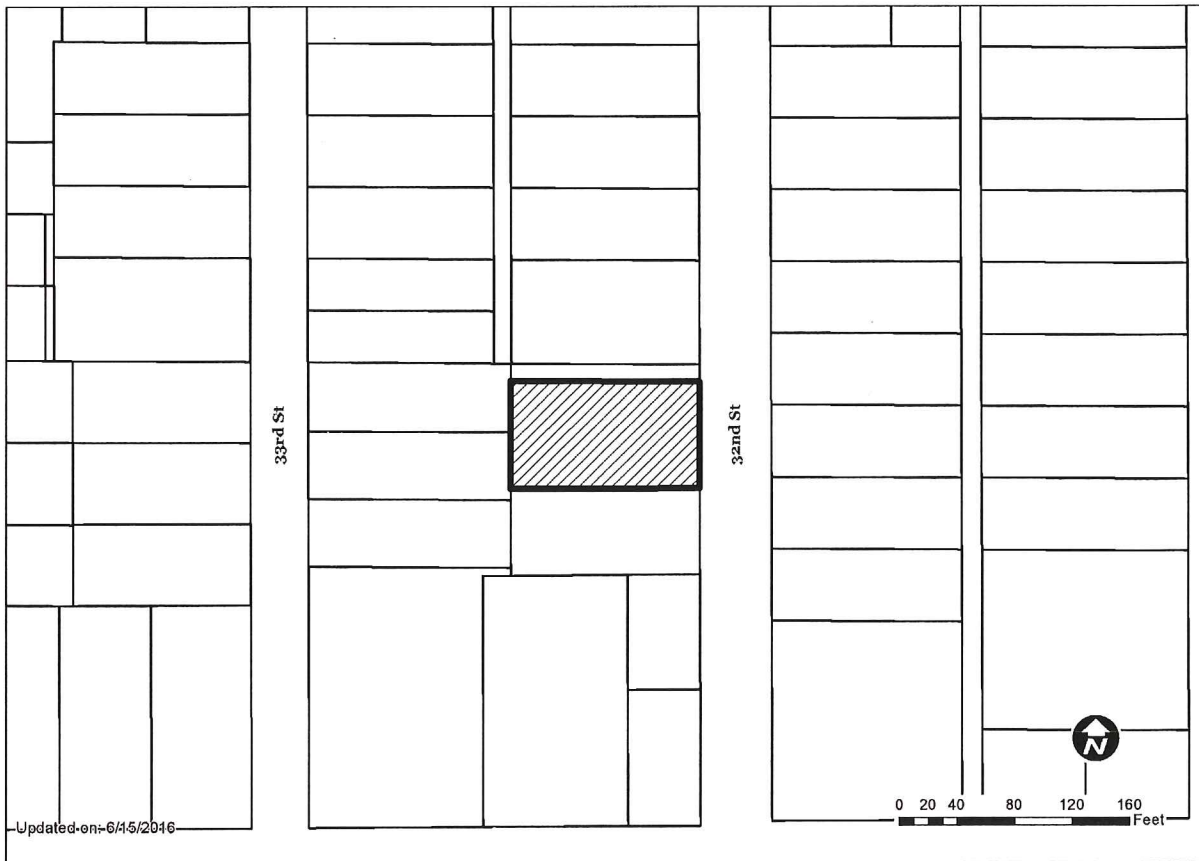
1 inch = 117 feet



<b>Neighborhood Development Corporation (owner) represented by Abbey Gilroy (officer) to rezone property at 1420 32nd Street</b>			<b>File #</b>	
			21-2016-4.08	
<b>Description of Action</b>	Approval of request to amend the existing PlanDSM: Creating Our Tomorrow Plan future land use designation from Low Density Residential to Community Mixed Use.			
<b>PlanDSM Future Land Use</b>	Current: Low Density Residential. Proposed: Community Mixed Use.			
<b>Mobilizing Tomorrow Transportation Plan</b>	No planned improvements.			
<b>Current Zoning District</b>	Limited "NPC" Neighborhood Pedestrian Commercial District, "R1-60" One-Family Low-Density Residential District and "FSO" Freestanding Signs Overlay District.			
<b>Proposed Zoning District</b>	Limited "NPC" Neighborhood Pedestrian Commercial District and "FSO" Freestanding Signs Overlay District.			
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	3	5		
Outside Area				
<b>Plan and Zoning Commission Action</b>	Approval	10-0-1	<b>Required 6/7 Vote of the City Council</b>	Yes
	Denial			No

Neighborhood Development Corporation, 1420 32nd Street

21-2016-4.08



1 Inch = 78 feet

ZON2016-00112

Item request 3201, 3211 & 3221 Date 6-30-16

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

(Circle One)

RECEIVED  
COMMUNITY DEVELOPMENT Print Name Mike Kentfield

JUL 07 2016 Signature [Signature]

DEPARTMENT Address 1410 32nd St

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

This project will engulf my property at 1410 32nd St. There is already parking issues & pulling out onto forest from 32nd St is a death trap. Way too many apartments that will financially ruin my property. NO

ZON2016-00112

Item \_\_\_\_\_ Date 6-30-16

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

RECEIVED  
(Circle One)

COMMUNITY DEVELOPMENT Print Name JEROME JARMOFSKY

JUL 07 2016 Signature [Signature]

DEPARTMENT Address 430 32nd St Des Moines 50311

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

CONCERNS FOR CONGESTION, PARKING, TRAFFIC FLOW. WATER PRESSURE & NOISE

ZON2016-00112

Item \_\_\_\_\_ Date 6-30-16

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

COMMUNITY DEVELOPMENT

Print Name Cindy Miller

JUL 07 2016

Signature Cindy Miller

DEPARTMENT

Address 1427 33rd St.

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

*My real estate value is going to drop & ruin my neighborhood*  
Don't want a big building on the corner of my block  
I have children + do not want extra traffic. Also I would like to keep the neighborhood as a family neighborhood. Do not want the people that m keep the neighborhood clean!

ZON2016-00112

Item \_\_\_\_\_ Date 6/30/16

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

COMMUNITY DEVELOPMENT

Print Name JAY DILLAVOY

JUL 05 2016

Signature J. Dillavoy

DEPARTMENT

Address 1415 33rd St, DES MOINES

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

I OPOSE THE PROJECT AS IT WOULD BE RIGHT NEXT TO MY HOUSE AND IMPACT THE SIGHT AND PEACE AND QUIET OF THE NEIGHBORHOOD.

THANKS FOR YOUR CONSIDERATION

ZON2016-00112  
3201 Forest Ave

Item \_\_\_\_\_ Date 6/30/16

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

COMMUNITY DEVELOPMENT

Print Name Greg Steffensmeier

JUL 05 2016

Signature Greg Steffensmeier

DEPARTMENT

Address 1510 31st street

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

There is enough multi family housing in the area. It would be better used as a restaurant, retail, or office space. We do not need to increase the density of the neighborhood

ZON2016-00112

Item ZON 2016-00112 Date 6-28-2016

I (am)  in favor of the request.

(Circle One)

RECEIVED Print Name Bruce W. Gerleman Jethro's  
COMMUNITY DEVELOPMENT Signature Bruce W. Gerleman  
JUL 07 2016 Address 3100 Forest Ave.

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

This property is A BLIGHT ON the neighborhood.  
The PROPOSED PROJECT will BRING LIFE AND  
Renewed energy to our Neighborhood. We HAVE  
waited much too long for development of this site  
to occur. Jethro's BBQ is 100% IN FAVOR.

ZON2016-00112

Item \_\_\_\_\_ Date 6-30-16

I (am)  in favor of the request.

(Circle One)

RECEIVED Print Name DAN HEARN  
COMMUNITY DEVELOPMENT Signature Dan Hearn  
JUL 05 2016 Address PO Box 41242

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

How will parking be handled  
for 52 units?

20

ZON2016-00112

Item

I (am)  in favor of the request.

(Circle One) COMMUNITY DEVELOPMENT

JUL 05 2016 DEPARTMENT

Print Name Jerry Schillinger  
Signature Jerry Schillinger  
Address 4229 32nd

Date

6/30/16

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

If we to look better than what's  
here. That is a lot of units  
I hope there is enough parking