*	Roll	Call	Number	

Agenda	Item	Number
		47

Date	October 24, 2016	

An Ordinance entitled, "AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 550 and 536 40<sup>th</sup> Street from the "R-3" Multiple-Family Residential District to "PUD" Planned Unit Development District classification",

Moved by	that	this	ordinance	be
considered and given second vote for passage.				

(Second of three required readings)

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

### 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.

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Mayor	( Property of the Control of the Con	

*	Roll Call Number
	16-1769

Agenda Item Number
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Date October 10, 2016

An Ordinance entitled, "AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 550 and 536 40<sup>th</sup> Street from the "R-3" Multiple-Family Residential District to "PUD" Planned Unit Development District classification",

presented.

Moved by	Dons	Levi	
considered and given	i first vote fo	r passage.	

that this ordinance be

FORM APPROVED:

(First of three required readings)

Glenna K. Frank
Assistant City Attorney

YEAS	NAYS	PASS	ABSENT
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	YEAS  V V V V V V T	YEAS NAYS	YEAS NAYS PASS

### **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.

Dane Ferrh City Clerk

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Glenna K. Frank, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines,

IA 50309 515/283-4530

Return Address:

City Clerk - City Hall, 400 Robert D. Ray Dr., Des Moines, IA 50309

Title of Document: City of Des Moines, Ordinance No.

Grantor/Grantee:

City of Des Moines, Iowa

Legal Description:

See page 1, below.

ORDINANCE NO.	
DRIJINANUE NU	

AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 550 and 536 40<sup>th</sup> Street from the "R-3" Multiple-Family Residential District to "PUD" Planned Unit Development District classification.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, be and the same is hereby amended by rezoning and changing the district classification of certain property located in the vicinity of 550 and 536 40<sup>th</sup> Street, more fully described as follows:

THE SOUTH 67.5 FEET OF THE NORTH 85 FEET OF LOT 9 (EXCEPT THE WEST 66.3 FEET THEREOF), AND THE NORTH 65 FEET OF THE SOUTH 515 FEET OF LOT 9, GREENWOOD PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

from the "R-3" Multiple-Family Residential District to the "PUD" Planned Unit Development

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District classification.

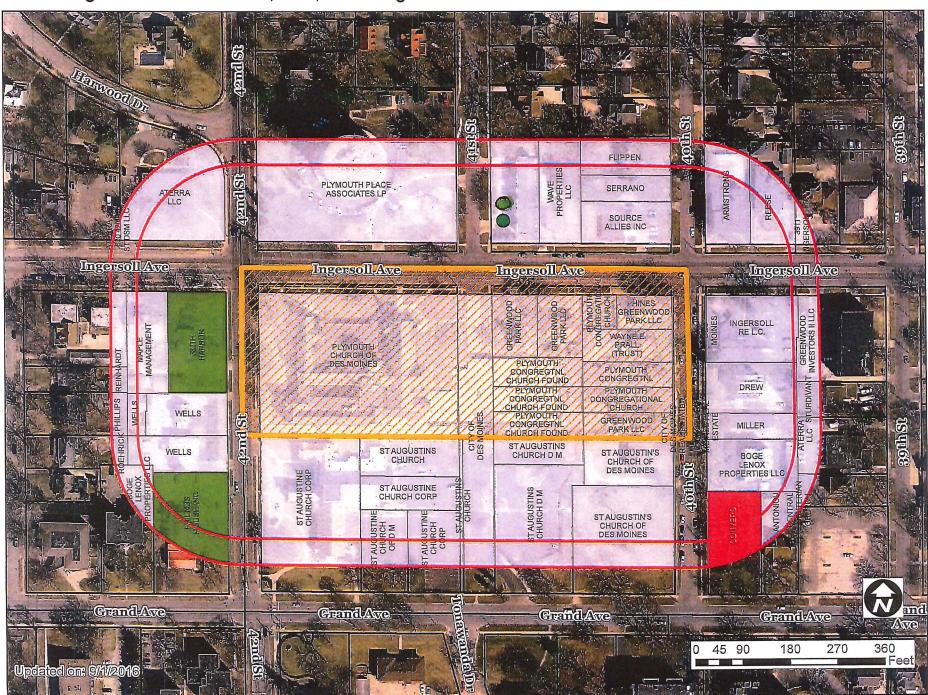
Section 2. This ordinance shall be in full force and effect from and after the later of its passage and publication as provided by law.

Section 3. That the City Clerk is hereby authorized and directed to cause certified copies of the vicinity map, this ordinance, and proof of publication of this ordinance to be properly filed in the office of the County Recorder of the county in which the subject property is located.

FORM APPROVED:

Glenna K. Frank

Assistant City Attorney



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### **REVISED**

September 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 September 1, 2016, the following action was taken regarding a request from 4000 Ingersoll Park Houses, L.P. (developer) represented by Frank Levy (officer) for the following regarding property located at 4016-4126 Ingersoll Avenue, 526-550 40th Street, and 527-535 41st Street. The subject property is owned by Greenwood Park, LLC; Newbury Management Company; Plymouth Congregational United Church in Christ; and City of Des Moines.

### **COMMISSION RECOMMENDATION:**

After public hearing, the members voted 8-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				Χ
Dory Briles				Χ
JoAnne Corigliano				X
David Courard-Hauri	Χ			
Jacqueline Easley	Χ			
Jann Freed	Χ			
John "Jack" Hilmes				X
Carolyn Jenison	Χ			
Greg Jones	Χ			
William Page	Χ			
Mike Simonson				X
Rocky Sposato	Χ			
CJ Stephens				Χ
Steve Wallace	Χ			
Greg Wattier				Χ

**APPROVAL** of staff recommendation Part A) that the proposed rezoning be found in conformance with the PlanDSM Comprehensive Plan, approval of Part B) the request to

rezone the property at 550 and 536 40th Street from "R-3" Multiple-Family Residential District to "PUD" Planned Unit Development, approval of Part C) the proposed amendment to the Plymouth Congregational Church PUD Conceptual Plan subject to the following conditions: (ZON2016-00153)

- 1. The applicant shall work with DART to find a place for two new bus shelters on the south side of Ingersoll Avenue: the first, east of 42nd Street, and the second, west of 40th Street.
- 2. Sidewalks at new driveways shall be constructed to give pedestrians the priority over vehicles. Sidewalks should stay at consistent elevation thru the driveway opening.
- 3. Abandoned driveway approaches shall be removed with the curb and the area in the street right-of-way restored.
- 4. A note shall be provided that identifies the proposed metal balcony material for the mixed-use building.
- 5. A note shall be added to the Conceptual Plan that identifies the number of dwelling units and proposed square footage of office space.
- 6. Provision of a contextually appropriate Ingersoll Avenue Streetscape to satisfaction of Planning Administrator.
- 7. All overhead utility and electrical service lines adjoining and within the Phase 2 area shall be undergrounded except for the overhead transmission lines along Ingersoll Avenue.
- 8. Bike racks shall be provided.
- 9. Foundation plantings shall be provided around the perimeter of the mixed-use building in addition to providing site plantings that comply with the "R-3" District Landscaping Standards.
- 10. A tree protection and mitigation plan shall be submitted for administrative review by City staff pursuant to Chapter 42, Article X of the City Code.
- 11. Any building mounted utility meters shall not face public streets. All building mounted utility meters shall be located within the building or face off-street parking areas and be screened from view of public streets to the satisfaction of the Planning Administrator.
- 12. Any transformers shall be located within the buildings or within off-street parking areas and screened from view of public streets to the satisfaction of the Planning Administrator.
- 13. All mechanical and HVAC equipment shall be screened and/or architecturally compatible with the building and be designed to the satisfaction of the Planning Administrator.
- 14. All building mounted signage shall comply with the "C-1" District standards.

- 15. The PUD Conceptual Plan shall demonstrate the location of any outdoor refuse collection container enclosure and provide a statement that any such structure will be constructed with brick that match the masonry materials used on the proposed mixed-use building and 100% opaque steel gates. Any enclosure structure should also include non-gated pedestrian entrance and be sized to accommodate recycling containers. If no outdoor enclosures are proposed, then a note shall be added to state that all refuse collection containers must be located within a building.
- 16. Any pole mounted lighting along private walkways shall not exceed 15 feet in height and any pole mounted lighting in a parking area shall not exceed 20 feet in height. Private light poles and pole mounted light fixtures are to be similar in style to a KIM Archetype light fixture, an AEL Autobahn LED Series ATBO light fixture, or of other similar esthetic quality as approved by the Planning Administrator.
- 17. Any other changes proposed for the three historic building not shown on the PUD plan would comply with the US Secretary of the Interiors' Standards for Rehabilitation. In addition, the applicant shall apply for designation of the Stockdale House (4018/4020 Ingersoll) as a Local Landmark with support of the current property owner and North of Grand Neighborhood Association.
- 18. Signage and lighting to comply with R-3 requirements.
- 19. Time of operation for the offices on the first floor of the apartment building to be professional business hours. First floor office space of the mixed use/apartment building shall be limited to professional office uses and hours.

### STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed rezoning be found in conformance with the PlanDSM Comprehensive Plan.

Part B) Staff recommends approval of the request to rezone the property at 550 and 536 40th Street from "R-3" Multiple-Family Residential District to "PUD" Planned Unit Development.

Part C) Staff recommends approval of the proposed amendment to the Plymouth Congregational Church PUD Conceptual Plan subject to the following conditions:

- 1. The applicant shall work with DART to find a place for two new bus shelters on the south side of Ingersoll Avenue: the first, east of 42nd Street, and the second, west of 40th Street.
- 2. Sidewalks at new driveways shall be constructed to give pedestrians the priority over vehicles. Sidewalks should stay at consistent elevation thru the driveway opening.
- 3. Abandoned driveway approaches shall be removed with the curb and the area in the street right-of-way restored.

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- 4. A note shall be provided that identifies the proposed metal balcony material for the mixed-use building.
- 5. A note shall be added to the Conceptual Plan that identifies the number of dwelling units and proposed square footage of office space.
- 6. Provision of Ingersoll Avenue streetscape improvements from 40<sup>th</sup> Street to the driveway for the existing parking ramp as reviewed and approved by the Planning Administrator..
- 7. All overhead utility and electrical service lines adjoining and within the Phase 2 area shall be undergrounded except for the overhead transmission lines along Ingersoll Avenue.
- 8. Bike racks shall be provided.
- 9. Foundation plantings shall be provided around the perimeter of the mixed-use building in addition to providing site plantings that comply with the "R-3" District Landscaping Standards.
- 10. A tree protection and mitigation plan shall be submitted for administrative review by City staff pursuant to Chapter 42, Article X of the City Code.
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- 14. All building mounted signage shall comply with the "C-1" District standards.
- 15. The PUD Conceptual Plan shall demonstrate the location of any outdoor refuse collection container enclosure and provide a statement that any such structure will be constructed with brick that match the masonry materials used on the proposed mixed-use building and 100% opaque steel gates. Any enclosure structure should also include non-gated pedestrian entrance and be sized to accommodate recycling containers. If no outdoor enclosures are proposed, then a note shall be added to state that all refuse collection containers must be located within a building.
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### Written Responses

8 In Favor

4 In Opposition

### STAFF REPORT TO THE PLANNING COMMISSION

### I. GENERAL INFORMATION

- 1. Purpose of Request: The applicant is proposing to construct a 4-story mixed use building at the southwest corner of the Ingersoll Avenue and 40<sup>th</sup> Street intersection and to renovate three historic residential structures. This includes the double-house at 4018-20 Ingersoll Avenue, the house at 4050 Ingersoll Avenue and the house at 526 40<sup>th</sup> Street. The houses at 550 and 536 40<sup>th</sup> Street would be torn down to make space for the proposed building. These two lots must be rezoned from "R-3" District to "PUD" District for them to be incorporated into the Plymouth Congregational Church "PUD" Conceptual Plan.
- 2. Size of Site: The existing "PUD" Conceptual Plan contains 4.96 acres of land (43,560 square feet). The area proposed to be rezoned from "R-3" District to "PUD" District measures 0.42 acres (18,238 square feet). The proposed Conceptual Plan amendment encompasses 5.11 acres.
- **3. Existing Zoning (site):** Plymouth Congregational Church PUD District, "R-3" District and "FSO" Freestanding Sign Overlay District.
- **4. Existing Land Use (site):** Plymouth Congregational Church campus, four single-family dwellings and one duplex dwelling.

### 5. Adjacent Land Use and Zoning:

East - "NPC"; Uses are office and multiple-family residential.

West - "PUD"; Use is the Plymouth Congregation Church campus.

North - "R-3"; Uses are single-family dwellings.

- **South** "R-3"; Uses are the St. Augustin's Church campus and a multiple-family residential building owned by St. Augustin's Church.
- **6. General Neighborhood/Area Land Uses:** The subject property fronts the Ingersoll mixed use corridor and is within the North of Grand Neighborhood, which contains a mix of retail, office, restaurant, multi-family residential and single-family residential uses.
- 7. Applicable Recognized Neighborhood(s): The subject property is located within the North of Grand Neighborhood and within 250 feet of the Ingersoll Park Neighborhood and the Salisbury Oaks Neighborhood. All neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on August 12, 2016. Additionally, separate notifications of the hearing for this specific item were mailed on August 12, 2016 (20 days prior to the hearing) and August 22, 2016 (10 days prior to the hearing)

to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the requested rezoning and to the neighborhood contracts for the three neighborhood associations. A Final Agenda for the meetings were mailed to all the recognized neighborhood associations on August 26, 2016.

The North of Grand Neighborhood mailings were sent to Justin Gross, 633 39<sup>th</sup> Street, Des Moines, IA 50312. The Ingersoll Park Neighborhood mailings were sent to Paul Goodwin, 648 Harwood Drive, Des Moines, IA 50312. The Salisbury Oaks Neighborhood mailings were sent to John Schmidt, 3900 John Lynde Road, Des Moines, IA 50312.

- **8. Relevant Zoning History:** The existing Plymouth Congregational Church "PUD" was approved by the City Council on August 20, 2001, by Roll Call Number 01-2583 and Ordinance Number 13,981.
- 9. PlanDSM Land Use Plan Designation: The proposed project area is designated as "Community Mixed-Use" on the Future Land Use Map. The western half of the Plymouth Congregational Church campus is designated as "Medium Density Residential" on the Future Land Use Map.
- 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.

The application, accompanying evidence and conceptual plan required shall be considered by the Plan and Zoning commission at a public hearing. The Commission shall review the conformity of the proposed development with the standards of this division and with recognized principles of civic design, land use planning, and landscape architecture. At the conclusion of the hearing, the Commission may vote to recommend either approval or disapproval of the conceptual plan and request for rezoning as submitted, or to recommend that the developer amend the plan or request to preserve the intent and purpose of this chapter to promote public health, safety, morals and general welfare. The recommendations of the commission shall be referred to the City Council.

### II. ADDITIONAL APPLICABLE INFORMATION

1. PlanDSM Creating Our Tomorrow: The PlanDSM Comprehensive Plan was approved on April 25, 2016. The future land use designation for the portion of the property proposed for rezoning is Community Mixed Use, which is defined as areas developed primarily with 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 service establishments designed to attract customers from a large service area encompassing multiple neighborhoods and may include specialty retail that attracts regional

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customers. The PUD Conceptual Plan is supported by numerous PlanDSM Goals and Policies including:

### Land Use Goal 2

Direct new growth and redevelopment to areas with existing infrastructure and nodes and corridors based on proximity to transit, shopping, services, and public amenities.

LU9: Identify new neighborhood nodes and proposed land uses considering the following criteria:

The ability to create a compact, walkable structure within the identified node;

The capacity for employment and economic vitality;

The ability to provide housing in close proximity to jobs; and

Access via transit and other alternative modes of transportation.

LU10: Prioritize new mixed use development and redevelopment along proposed high capacity transit corridors and nodes.

LU13: Encourage high-density housing in identified nodes and along corridors that provide convenient access to public transit, public amenities and services, schools and open space, and are in close proximity to job centers.

LU15: Prioritize development and redevelopment in areas with existing infrastructure and properties included in adopted Urban Renewal Plans.

### Land Use Goal 3

Prepare corridor plans for significant North-South and East-West transit routes to identify development and redevelopment opportunities aligning with the goals and policies of PlanDSM.

LU19: Identify alternative land uses and adaptive reuses for commercial properties that are both functionally and locationally obsolete as part of a corridor plan.

LU20: Revitalize or repurpose retail centers and commercial areas that are locationally or functionally obsolete or in decline.

LU22: Identify landscape enhancements, including green infrastructure, to beautify corridors and encourage private investment.

### Land Use Goal 4

Continue to embrace the distinct character of Des Moines' neighborhoods while allowing for new development and redevelopment.

LU23: Create opportunities for a mixture of land uses within neighborhoods including mixed use centers, diverse housing products, recreational opportunities, public spaces, and schools.

LU24: Provide safe and pleasant walking and biking routes to neighborhood features including commercial areas, public spaces, recreational facilities, and schools.

LU25: Require new development and redevelopment to be compatible with the existing neighborhood character.

LU26: Strengthen the walkability and connectivity within and between neighborhoods focusing on completing and connecting the sidewalk network.

### **Transportation Goal 3**

Provide opportunities for healthy lifestyles through walking as a primary mode of transportation.

T11: Design safe and accessible pedestrian ways connecting major destinations throughout the City including transit corridors.

T13: Increase the mileage of continuous sidewalks throughout the City by prioritizing segments that fill in gaps and provide connections to destinations and transit corridors.

T15: Include sidewalks as required infrastructure for high-density multifamily development.

### **Transportation Goal 4**

Make transit a more attractive option for all City residents.

T18: Increase neighborhood connectivity to transit corridors and bus stops.

T22: Encourage higher densities and mixed-use transit oriented development (TOD) to locate on transit corridors.

T24: Maintain, add, and improve bus shelters, particularly in the neighborhoods. Coordinate their placement with the City.

### Housing Goal 1

Provide a diversity of housing options to accommodate residents of all ages, income levels, household sizes, and cultural backgrounds.

H1: Ensure an adequate supply of housing through a mix of new development, infill development, and redevelopment of existing properties.

H3: Achieve a balanced mix of subsidized rental housing, income restricted, and market rate rentals in all neighborhoods and across the city.

### **Housing Goal 3**

Promote sustainable housing development that utilizes existing resources and supports compact, walkable, and bikeable neighborhoods.

H17: Encourage the use of existing public infrastructure by focusing housing development on infill, vacant, and under-developed land.

H19: Encourage mixed use development that incorporates affordable and market rate housing along transit corridors and in neighborhood nodes.

H20: Prioritize housing development at an increased density in locations that are close to public transit, shopping, public amenities, schools, and open spaces.

**Economic Development Goal 2** 

Focus economic development efforts in strategic locations for continued vitality and growth.

ED6: Support revitalization of obsolete commercial locations and identify alternative land uses and adaptive reuses for commercial properties that are both functionally and locationally obsolete.

ED7: Focus economic development efforts in neighborhood, community, and regional nodes and corridors served by transit.

### **Economic Development Goal 3**

Recognize livability as a key aspect to economic development.

ED15: Expect quality in the creation of public places and private development.

# Economic Development Goal 4 Foster a sustainable economy.

ED18: Assist redevelopment and infill development on sites with adequate infrastructure through incentives, intergovernmental coordination, and facilitated processes.

### Public Infrastructure and Utilities Goal 1

Provide safe and reliable public infrastructure and utilities for current residents as well as future development needs.

PIU6: Work with utility companies to continue the burial and consolidation of overhead utility lines during street improvement projects, along new streets, and redevelopment proposals.

### **Public Infrastructure and Utilities Goal 4**

In conjunction with local utility providers, ensure lighting standards and policies provide all residents with safe urban environments day and night while protecting views of the night sky.

PIU29: Require full cutoff, down-directional lighting in all new developments to minimize both upward and sideways light pollution.

## Community Character and Neighborhood Goal 1 Embrace the distinct character offered in each of Des Moines' neighborhoods.

CCN1: Celebrate the City's culture and diversity through the creation of vibrant neighborhood nodes and corridors.

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CCN2: Ensure a diverse mix of housing types, styles, scales, density, and affordability that complement existing neighborhood character.

CCN5: Ensure infill development is sensitive to the existing character of the neighborhood.

Community Character and Neighborhood Goal 2 Further Des Moines' revitalization efforts to improve the strength, stability, and vitality of all neighborhoods.

CCN9: Realize neighborhood potential through focused planning efforts that bring residents, community stakeholders, and partners together to make a greater impact. CCN14: Ensure neighborhood edges and corridors are attractive and inviting through effective planning and revitalization strategies.

### Community Character and Neighborhood Goal 3 Promote the redevelopment and revitalization of neighborhood nodes and corridors.

CCN18: Promote compact, mixed-use development to provide adequate density to support neighborhood commercial viability.

CCN19: Utilize incentives and economic development tools such as urban renewal plans, TIF, tax abatement, and façade improvement programs to encourage rehabilitation and/or redevelopment in targeted neighborhood nodes and corridors.

CCN22: Encourage neighborhood nodes that are accessible by pedestrians, bicyclists, and transit users, as well as motorists.

### Community Character and Neighborhood Goal 6 Strengthen the walkability and connectivity within and between neighborhoods.

CCN32: Connect the existing sidewalk network.

CCN35: Emphasize transit usage in street design and land use on corridors with bus routes.

### Social Equity Goal 2

Ensure that all residents have convenient access to healthy food, health care, safe environments, and choices for an active lifestyle.

SE9: Ensure healthy, safe, and sanitary housing for all residents.

2. North of Grand Neighborhood Plan: The North of Grand Neighborhood Plan was adopted in 1998. It identifies the subject property as "Medium Density Residential" on its future land use map. The plan includes goals of preserving the neighborhood's historic architectural character, retaining and supporting neighborhood sensitive commercial development, and enhancing the Ingersoll Avenue commercial district. Staff believes the proposed renovation of three architecturally valuable buildings along with the sensitive design and scale of the proposed mixed use building achieves these goals. The amount of space dedicated to office use would be minimal, giving the

proposed development a predominately residential character in conformance with the "Medium Density Residential" designation found in the North of Grand Neighborhood Plan.

- 3. Ingersoll and Grand Avenue Revitalization Strategy: The Ingersoll and Grand Avenue Revitalization Strategy was approved by City Council in June of 2012. The Plan was funded by Restoration Ingersoll. Restoration Ingersoll worked closely with representatives of the West Side Chamber, Ingersoll Business Committee, Neighborhood Associations (North of Grand, Woodland Heights Organization, Ingersoll Park, Downtown, Sherman Hill, Salisbury Oaks, Linden Heights, Greenwood Historic, Westwood and Waterbury), the Downtown Community Alliance, DART and City of Des Moines. The plan recognizes the symbiotic relationship between the housing density, commercial uses along the Ingersoll and Grand Avenue corridors and the transportation network. If also recognizes that if the corridor is strengthened and beautified, the great neighborhoods adjoining the corridor will be become even more desirable. Direct results of this strategy include creation/expansion of the Ingersoll Grand SSMID District; creation of an Ingersoll Grand Urban Renewal Plan and TIF District; extension of targeted multi-family residential tax abatement to properties fronting Ingersoll Avenue; installation of maintenance of streetscape; installation of public art; and marketing activities that promote the corridors and surrounding neighborhoods.
- **4. PUD Standards:** The following are standards from Section 134-704 of the City Code that provide the foundation that all PUD Conceptual Plans should be based on.
  - A) All uses proposed in a PUD planned unit development district plan shall be in harmony with the existing or anticipated uses of other properties in the surrounding neighborhood and shall generally be in conformance with the city's land use plan. The design of a PUD development shall be based on harmonious architectural character; compatible materials; orderly arrangement of structures and open space; and conservation of woodlands, streams, scenic areas, open space and other natural resources.

The proposed rezoning and PUD Conceptual Plan amendment would allow the construction of a 4-story mixed use building at the southwest corner of the Ingersoll Avenue and 40th Street intersection, the renovation of 3 historic residential structures and the expansion of the southern row of parking in the 40th Street parking lot.

The first floor of the mixed use building would contain parking and office space. The upper floors would contain 24-dwelling units. The building's exterior would consist of a mix of brick, cement fiber board and cast-in-place concrete. The dwelling units would have metal balconies with a glass railing system. The applicant is proposing to renovate the double-house at 4018-20 Ingersoll Avenue, the house at 4050 Ingersoll Avenue and the house at 526 40th Street while preserving the historic character of these buildings.

Staff believes the proposed uses, building designs and general layout of the site are appropriate for the area.

- B) Setbacks and other appropriate screens shall be provided around the boundary of a PUD development to protect the adjoining district properties. Only in exceptional circumstances shall such a setback be less than the amount of the setback which the adjoining district is required to maintain from the PUD development.
  - The proposed mixed-use building would setback from Ingersoll Avenue and 40<sup>th</sup> Street a comparable distance to the historic buildings to the west and south that the applicant is proposing to renovate. These setbacks are typical of the character found along this portion of the Ingersoll Avenue corridor.
- C) A PUD development shall comply with all applicable city ordinances, specifications and standards relating to all dedicated street, sanitary sewer and storm sewer facilities and to surface drainage and floodwater retention.
  - All grading is subject to an approved grading permit and soil erosion control plan. The applicant is required to demonstrate compliance with the City's Storm water Management requirements to the satisfaction of the City's Permit and Development Center. This would be reviewed at the PUD Development Plan (site plan) stage should the rezoning be approved.
- D) The streets surrounding a PUD development must be capable of accommodating the increased traffic that would be generated by the new development. The development shall be designed to provide maximum feasible separation of vehicular traffic from pedestrian ways and recreational areas. If turning lanes or other forms of traffic controls within or adjacent to the development are deemed necessary by the city council, the developer shall provide the necessary improvements.

The site is located on the Ingersoll Avenue corridor and is in close proximity to the Grand Avenue and 42<sup>nd</sup> Street corridors. All three streets are classified as minor arterial streets. The additional vehicle trips generated by the proposed development would be negligible in comparison to the available capacity and existing traffic. Mass transit and bike lanes are provided on Ingersoll Avenue to provide additional means of transportation.

The City's Traffic and Transportation Division has reviewed the proposal and has the following comments:

- The applicant needs to work with DART to find a place for two new bus shelters on the south side of Ingersoll Avenue: the first, east of 42nd Street, and the second, west of 40th Street.
- Sidewalks at new driveways should be constructed to give pedestrians the priority over vehicles. Sidewalks should stay at consistent elevation thru the driveway opening.
- Abandoned driveway approaches are to be removed with the curb and the area in the street right-of-way restored.

These comments have been incorporated in the staff recommendation found in Section III of this report.

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E) Off-street parking and loading spaces shall be provided as appropriate to the size and character of the development. Each off-street loading space shall be not less than ten feet in width and 25 feet in length. All off-street parking spaces shall be provided in accordance with the requirements of subsection 134-1377(g).

The Zoning Ordinance normally requires a minimum of 1.5 spaces per multi-family dwelling unit, and 1 parking space per 400 square feet of office use. Based upon 24 dwelling units and 2,284-square feet of office space, a total of 42 off-street parking spaces would normally be required by Section 134-1377(g). However, most of the Ingersoll Avenue corridor is zoned "NPC" District, which allows a 40% reduction in the minimum required parking standard and allows on-street parking immediately adjoining the site to be counted towards the provided parking. As a result of this code provision, a minimum total of 26 parking spaces would be required for the proposed mixed-use building. The building would include 25 spaces within the building. In addition, the existing surface parking lot to the south is proposed to be reconfigured and expanded with a net increase of 2 parking spaces. The Plymouth Congregational Church campus includes a parking structure and on-street parking is available along Ingersoll Avenue and 40th Street. Given these factors and the immediate proximity of transit services to the site, staff believes the proposed parking is sufficient.

F) Where appropriate to the size and character of a PUD development, provision shall be made therein for open space for recreation and other outdoor uses, and for places of worship, convenience shopping and other community services.

This standard is not applicable as the proposed PUD is not a new neighborhood or district.

- 5. Landscaping & Buffering: The submitted Conceptual Plan includes a note that landscaping will be provided in accordance with the City's standards for residential zoning and that Ingersoll Avenue streetscape improvements will be installed. Staff recommends that foundation plantings be provided as well.
- **6. Signage:** The PUD Conceptual Plan includes a monument sign for the mixed use building. It would measure 9.5 feet wide by 6 feet tall and include a 3-foot tall base consisting of cast-in-place concrete. Building signage is not identified. Staff recommends approval subject to all building mounted signage complying with the standards for the "C-1" District.
- 7. Refuse Collection: The proposed PUD Conceptual Plan does not indicate the locations of refuse collection containers. Staff recommends that the PUD Conceptual Plan demonstrate the location of any outdoor refuse collection container enclosure and provide a statement that any such structure will be constructed with masonry materials that match the masonry materials used on the mixed use building and 100% opaque steel gates. Any enclosure structure should also include non-gated pedestrian entrance and be sized to accommodate recycling containers. If no outdoor enclosures are proposed, then a note should be added to state that all refuse collection containers must be located within a building.

8. Site Lighting: Staff recommends that a note be added to state that any pole mounted lighting along private walkways shall not exceed 15 feet in height and any pole mounted lighting in a parking area shall not exceed 20 feet in height. Private light poles and pole mounted light fixtures are to be similar in style to a KIM Archetype light fixture, an AEL Autobahn LED Series ATBO light fixture, or of other similar esthetic quality as approved by the Planning Administrator.

### **SUMMARY OF DISCUSSION**

Jason Van Essen presented the staff report and recommendation.

<u>Will Page</u> questioned that the plan does not note mandatory compliance with the Secretary of Interior standards for historic preservation of the three homes.

Jason Van Essen indicated historic preservation measures are noted on the plan set.

Will Page asked that this be added as condition #17 of the staff recommendation.

### CHAIRPERSON OPENED THE PUBLIC HEARING

<u>Frank Levy</u> 736 Foster Drive representing Newbury Living. Follow up that a generic reference that they would be following standards of SHPO but that they would not being doing everything possible in the restoration as what they are doing is already extensive. Just making clear the point.

<u>Will Page</u> stated standard for rehabilitation and restoration are two different things. Asking that they define with assurances that they will follow these guidelines closely. Please reference the standards for rehabilitation as they are much more flexible and pay close attention to each property to follow these guidelines very carefully.

<u>Brent Schipper</u> 1716 Ingersoll stated there are many things that don't need repaired and they are only addressing these things that do. They do not want to make references to a generic standard of things they are not doing and misrepresent a plan. They have pointed to the work that they are going to do. Do not refer to the entirety, refer only to the scope they have included.

Will Page asked that they follow the standards of Secretary of Interior for proposed changes.

Brent Schipper noted they had agreed to Park Service Standards.

<u>Frank Levy</u> followed up with an overview of the apartment complex stating it is contemporary in design and will serve a higher end market share and will blend with the neighborhood. The office space on first floor frontage will mesh with the Ingersoll area well and parking has been provided in agreement with Plymouth Congregational Church in their south lot.

<u>Richard Lozier</u> 2900 SW 30<sup>th</sup> St stated he is a long time member of Plymouth Church and gives full support from the church.

Justin Gross 633 39<sup>th</sup> St. representing as President of the North of Grand Association provided a statement of approval as approved by their board. They are pleased to see the area grow and appreciate the attention to the historic preservation as well as adding the modern look. They ask for the following: 1) Zoning requirements should provide for the office space to limited to professional uses and hours and signage should comply with R-3 district. 2) Landmark Status for the Stockdale home should be applied for with full support from the association to do the "heavy lifting" in the application process along with the current owners. 3) Requesting a traffic study be conducted at 42<sup>nd</sup> and Ingersoll. Furthermore they look forward to working with the City, applicant and the church.

<u>Greg Kenyon</u> 755 Southbridge Rd, Waukee, long time member of Plymouth Church offers his support along with the consensus of members with in the church.

<u>Colleen Kinney</u> 632 40<sup>th</sup> Street stated she supports the project with a reference of following standards from the Secretary of Interior. She also noted that PlanDSM calls for the protection of historic areas, specifically Land Use Goal 6 and Community Character Goal 4.

Mark Siegfried 4105 Woodland Avenue stated he is speaking as a private citizen and not as a member from the North of Grand Neighborhood Association. He is in support, but wanted to bring up the following concerns. He believes this project is an influential change of the context and the character of the neighborhood. He has great concerns going forward that other infill properties will go for the contemporary look compromising the historic character of the area. He is happy about going for the National Landmark status. He asks that the PUD include the following: No digital signage on the office space or off premise signage. New DART transit sign designed to the historic character of the neighborhood, does not support planters in this area proposed. Has concerns that the owners of historic homes have put in writing their intentions to cooperate to in going for Landmark status. Going forward he is hoping the last four blocks of the corridor are not over taken by contemporary or commercial properties, rather maintain the historic neighborhood integrity.

### Rebuttal

Frank Levy stated he agrees to all conditions requested by the neighborhood association board. He can't speak for the Plymouth Church Board. In previous discussions he had with the Board they indicated they would support an application to designate the Stockdale House as a Local Landmark. He was ok with a City Traffic study as long as he didn't have to pay for it. He is willing to support a more contextual streetscape for the subject property. He also agreed that offices will be run on normal working hours.

Jan Freed confirmed that asked if he agreed to all amendments.

Mike Ludwig noted that the developer, Ingersoll Grand SSMID Board and neighborhood would be consulted on a modified streetscape design. Suggested that condition #6 be amended to require provision of Ingersoll Avenue Streetscape to satisfaction of Planning Administrator.

### CHAIRPERSON CLOSED THE PUBLIC HEARING

# 47

### **COMMISSION ACTION:**

Will Page moved approval of Part A) that the proposed rezoning be found in conformance with the PlanDSM Comprehensive Plan, approval of Part B) the request to rezone the property at 550 and 536 40th Street from "R-3" Multiple-Family Residential District to "PUD" Planned Unit Development, approval of Part C) the proposed amendment to the Plymouth Congregational Church PUD Conceptual Plan subject to the following conditions:

- 1. The applicant shall work with DART to find a place for two new bus shelters on the south side of Ingersoll Avenue: the first, east of 42nd Street, and the second, west of 40th Street.
- 2. Sidewalks at new driveways shall be constructed to give pedestrians the priority over vehicles. Sidewalks should stay at consistent elevation thru the driveway opening.
- 3. Abandoned driveway approaches shall be removed with the curb and the area in the street right-of-way restored.
- 4. A note shall be provided that identifies the proposed metal balcony material for the mixed-use building.
- 5. A note shall be added to the Conceptual Plan that identifies the number of dwelling units and proposed square footage of office space.
- 6. Provision of a contextually appropriate Ingersoll Avenue Streetscape to satisfaction of Planning Administrator.
- 7. All overhead utility and electrical service lines adjoining and within the Phase 2 area shall be undergrounded except for the overhead transmission lines along Ingersoll Avenue.
- 8. Bike racks shall be provided.
- 9. Foundation plantings shall be provided around the perimeter of the mixed-use building in addition to providing site plantings that comply with the "R-3" District Landscaping Standards.
- 10. A tree protection and mitigation plan shall be submitted for administrative review by City staff pursuant to Chapter 42, Article X of the City Code.
- 11. Any building mounted utility meters shall not face public streets. All building mounted utility meters shall be located within the building or face off-street parking areas and be screened from view of public streets to the satisfaction of the Planning Administrator.
- 12. Any transformers shall be located within the buildings or within off-street parking areas and screened from view of public streets to the satisfaction of the Planning Administrator.

- 13. All mechanical and HVAC equipment shall be screened and/or architecturally compatible with the building and be designed to the satisfaction of the Planning Administrator.
- 14. All building mounted signage shall comply with the "C-1" District standards.
- 15. The PUD Conceptual Plan shall demonstrate the location of any outdoor refuse collection container enclosure and provide a statement that any such structure will be constructed with brick that match the masonry materials used on the proposed mixed-use building and 100% opaque steel gates. Any enclosure structure should also include non-gated pedestrian entrance and be sized to accommodate recycling containers. If no outdoor enclosures are proposed, then a note shall be added to state that all refuse collection containers must be located within a building.
- 16. Any pole mounted lighting along private walkways shall not exceed 15 feet in height and any pole mounted lighting in a parking area shall not exceed 20 feet in height. Private light poles and pole mounted light fixtures are to be similar in style to a KIM Archetype light fixture, an AEL Autobahn LED Series ATBO light fixture, or of other similar esthetic quality as approved by the Planning Administrator.
- 17. Any other changes proposed for the three historic building not shown on the PUD plan would comply with the US Secretary of the Interiors' Standards for Rehabilitation. In addition, the applicant shall apply for designation of the Stockdale House (4018/4020 Ingersoll) as a Local Landmark with support of the current property owner and North of Grand Neighborhood Association.
- 18. Signage and lighting to comply with R-3 requirements.
- 19. Time of operation for the offices on the first floor of the apartment building to be professional business hours. First floor office space of the mixed use/apartment building shall be limited to professional office uses and hours.

Motion carried 8-0.

Respectfully submitted,

Michael Ludwig, AICP Planning Administrator

MGL:clw

Attachment



4000 Ingersoll Park Houses, L.P. (developer) represented by Frank Levy (officer) File# for property located at 4016-4126 Ingersoll Avenue, 526-550 40th Street, and 527-ZON2016-00153 535 41st Street. The subject property is owned by Greenwood Park, LLC; Newbury Management Company; Plymouth Congregational United Church in Christ; and City of Des Moines. Approval of request to rezone property at 550 and 536 40th Street from "R-3" Multiple-Family Description Residential District to "PUD" Planned Unit Development. of Action Approval of request for 2nd Amendment to the Plymouth Congregational Church PUD Conceptual Plan to allow expansion of the PUD area by 18,283 square feet; the demolition of the existing structures at 550 and 536 40th Street for redevelopment with a three-story mixed use building with indoor parking and 2,284-square feet of office space on the ground floor and 24 dwelling units on the upper floors; and the expansion of the existing 40th Street surface parking lot subject to conditions. Current: Community Mixed Use and Medium Density Residential. PlanDSM Future Land Use Proposed: N/A. No planned improvements. **Mobilizing Tomorrow** Transportation Plan "R-3" Multiple-Family Residential District, "PUD" Planned Unit Development and **Current Zoning District** "FSO" Freestanding Signs Overlay District. PUD" Planned Unit Development and "FSO" Freestanding Signs Overlay District. **Proposed Zoning District** % Opposition Not In Favor Undetermined **Consent Card Responses** In Favor 8 Inside Area Outside Area Required 6/7 Vote of Yes 8-0 Plan and Zoning Approval the City Council **Commission Action** X No Denial

# 4000 Ingersoll Park Houses, L.P., 4126 Ingersoll Avenue ZON2016-00153 Ingersoll Ave Ingersoll Ave Grand: Ave Grand: Ave Updated on: 8/9/2016 Ingersoll Ave Grand: Ave Grand: Ave Ingersoll Ave Grand: Ave Grand: Ave Grand: Ave Ingersoll Ave Ingersol

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COMMUNITY DEVELOPMENT Print Name Robert L BENEVENTI REGERAFD

AUG 3 0 2016 Address 663 - 41st St, La Mosses, Ia 5021

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

### Ludwig, Michael G.

From:

Edward Behrman <edwardhbehrman@aol.com>

Sent:

Cc:

Tuesday, September 06, 2016 11:30 AM

To:

Cownie, Frank; Gray, William S.; Gatto, Joe P.; Westergaard, Linda C.; Coleman, Chris; Hensley, Christine L.; Moore, Skip

Lundy, Erik M.; Ludwig, Michael G.; Van Essen, Jason M.

Subject:

4000 Ingersoll Park Development Plan

City of Des Moines Members of Plan and Zoning Commission Members of City Council 400 Robert D. Ray Drive Des Moines, IA 50309

Re: 4000 Ingersoll Park Houses

Dear Sirs and Madams:

As an affected property owner, I am writing to protest the pending development plan for 4016-4126 Ingersoll Avenue, 526-550 40th Street, and 527-535 41st Street, submitted by 4000 Ingersoll Park Houses, L.P. (ZON2016-00153).

Although the commission meeting was scheduled for September 1, staff recommendations were not made publicly available until August 30. Providing less than 48 hours for the public to review and respond to a major development appears inconsistent with the intent for public input. Hopefully it is not too late for you to consider my objections outlined below:

1. Overall height of the project should be in keeping with the neighborhood character. The developer proposes to tear down three historic houses and replace them with a four-story mixed-use building including offices and 24 apartments. However, no neighboring buildings are taller than three stories. For example, nearby multifamily buildings at 3927 Ingersoll (Alta Casa) and our building at 527 40<sup>th</sup> Street (Winona) are both three stories plus a partially below-grade garden level; while 520 40<sup>th</sup> Street (St. Augustine's) and 3921 Ingersoll (Ingersoll Oaks) are two stories. Therefore, the developer should be required to limit the height of the entire structure so that overall height is no taller than Alta Casa and Winona.

2. Architecture should be within historic character of the neighborhood.

The historic houses that this project replaces were built in 1904 and 1917 with architectural motif typical of the period. Neighboring structures include the multi-family building we own at 527 40<sup>th</sup> Street, constructed in 1910 with the charm of an all-brick façade. 535 40<sup>th</sup> Street is the old firehouse that was beautifully converted to offices while preserving the brick-and-masonry facade. Unfortunately, the developer proposes an exterior façade including metal, glass, and cement board that would give the structure a decidedly modern aspect. On the other hand, brick, masonry, and stone would be more in keeping with the historic architecture of 40<sup>th</sup> Street. In addition, the developer should be required to use color shades and textures similar to those existing in the immediate neighborhood. Further, the developer should be required to achieve similarity in mass and scale to other buildings on 40<sup>th</sup> Street, through articulation, setback, and subdivision of massing elements.

- 3. Adequate off-street parking should be provided. Zoning would normally require 40 off-street spaces for a project of this size, but the developer is proposing only 25 off-street spaces, depending upon on-street parking for the balance. The reality is that today many households have one car per adult resident, so there will almost certainly be a need for more than just 15 on-street spaces. Housing laws allow up to 3 residents in a 1BR unit and 5 residents in a 2BR unit. Suppose, for instance, that residents of 24 apartments own 40 vehicles, plus during the day the offices may require an additional 10-15 parking spaces. That total would require 25-30 off-street parking spaces. Ingersoll Avenue is a snow route and the portion of Ingersoll closest to 40<sup>th</sup> Street is a No Parking zone. Thus most of these 25-30 overflow vehicles proposed will likely need to park on 40<sup>th</sup> Street. Yet there is a real danger that there simply will not be sufficient parking on 40<sup>th</sup> Street. Please recognize that our tenants are already using 40<sup>th</sup> Street for parking of excess vehicles that do not fit into our off-street parking. And some of the on-street parking on 40<sup>th</sup> Street is restricted (two-hour limit). Therefore, the developer should be required to either include at least 40 off-street parking spaces or else reduce the number of apartments.
- **4. Traffic on 40th Street should be mitigated.** At present 40<sup>th</sup> Street is a wonderfully quiet and sparsely populated street. It receives virtually no through traffic and the neighborhood residents have grown to enjoy this feature. The proposed development has the potential to negatively impact the peaceful enjoyment of the block by forcing many vehicles onto it. Ingersoll Avenue, on the other hand, is already a heavily trafficked corridor. Therefore, the developer should be required to place all entrances and parking approaches on Ingersoll Avenue, not 40<sup>th</sup> Street.
- **5. Provisions for open space should be more generous**. The existing structures on 40<sup>th</sup> Street exhibit expansive lawn areas, established trees, and even parkland at the southwestern corner. Although the ratio of proposed developed space to overall lot size is not high, due to the overall size of the combined lots, prominent building mass, paving and hardscaping offer a crowded and imposing presence facing the street. The developer should be required to provide for improved open space, from an aesthetic as well as technical perspective, more in keeping with the nature of the immediate neighborhood.

Unless these changes are required, the proposed development would be out of compliance with Section 134-704 of the City Code, which stipulates that the design of a PUD (a) must be in harmony with existing or anticipated uses of other properties in the surrounding neighborhood, (b) must be based on a harmonious architectural character, and (c) as appropriate, should make provision for open space.

Sincerely,

Ed Behrman Managing Member Lenox Properties (Owner of 537 40<sup>th</sup> Street) Mailing Address: 2175 NW 86th Street, Suite 12 Clive, IA 50325 (805)845-5593

Cc: Erik Lundy, City of Des Moines



Mike Ludwig, City of Des Moines Jason Van Essen, City of Des Moines

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535 40тн ST. | P.O. BOX 12129 | DES MOINES, IA 50312-9403 P 515.323.5640 г 515.323.5643 | tdrew@drewlawfirm.com

Mayor Cownie and Members of City Council City of Des Moines 400 Robert D. Ray Drive Des Moines, IA 50309

October 5, 2016

Old Firehouse No. 12

Re: 4000 Ingersoll Park Houses

Dear Mayor Cownie and Members of City Council:

As an affected property owner, I am writing to join with Ed Behrman in **opposition** to the adoption of rezoning and approval of changes to the Plymouth Congregational Church PUD Conceptual Plan for the site designated as 4000 Ingersoll Park Houses. I join in his well written and reasoned opposition which is based on lack of conformity in the proposed development plans to *Section 134-704* of the City Code and to *PlanDSM Goals and Policies*. Therefore, I strongly urge Council to please:

Reject the recommendations of the Plan and Zoning Commission.

**Send** the rezoning request back to the Plan and Zoning Commission to address the unresolved concerns detailed below.

Do not waive the second and third readings of this agenda item.

### Rationale

- 1. The proposed plan violates Section 134-704 of the City Code, which stipulates that the design of a PUD:
- (a) Must be in harmony with existing or anticipated uses of other properties in the surrounding neighborhood. Comment: Existing uses of the surrounding neighborhood are single-family, multi-family, and office. Within this mixed use, main flows of traffic are directed toward major arteries (Grand, Ingersoll, 42nd Street), while traffic is mitigated on secondary arteries (40th Street). The new development proposes ingress and egress for the building on the secondary artery (40th Street). The new development proposes inadequate off-street parking that will further congest the secondary artery (40th Street).
- 2. The proposed plan also violates Section 134-704 of the City Code, which stipulates that the design of a PUD:

- (b) Must be based on a harmonious architectural character. **Comment:** The new development proposes an exterior façade including metal, glass, and cement board that would give the structure a decidedly modern aspect. On the other hand, brick, masonry, and stone would be more in keeping with the historic architecture of the neighborhood. The juxtaposition of such a modern building next to the proposed historical preservation of the Stockdale house is totally incompatible.
- 3. The proposed plan further violates Section 134-704 of the City Code, which stipulates that the design of a PUD:
- (c) Should make provision for open space. Comment: The new development eliminates existing open space and does not offer any open space to replace the loss. In addition, the building offers a dominant mass facing both Ingersoll and  $40^{\rm th}$  Street without any articulation that would provide space for mini-gardens or planting beds.
- 4. In addition, the proposed plan violates PlanDSM Goals and Policies LU25, which requires:

New development and redevelopment to be compatible with the existing neighborhood character. Comment: The historical and architectural heritage of the existing neighborhood has been confirmed in its designation by the National Parks Service as Greenwood Park Plats Historical District.

### Modifications to Plan

- 1. Revise plan so that setbacks for new building are equal to or farther back than setbacks for existing buildings (526 40th, 4018/4020 Ingersoll and 4050 Ingersoll).
- 2. Revise plan so that the overall architectural aspect of the new building is harmonious with historical neighboring buildings, including but not limited to use of historical building materials (brick, block, stone, black iron railings) instead of modern materials (glass, cement board, other metals).
- 3. Revise plan so that building articulation, particularly facing  $40^{\rm th}$  Street, reduces the building mass and creates pockets of open space.
- 4. Revise plan so that landscaping preserves the grass lawn and grass verge along the street-facing facades and includes foundation shrubs and trees.
- 5. Revise plan so that a total of 40 off-street parking spaces are provided. Any off-street parking on the Plymouth Church property must be a deeded easement from Plymouth Church in favor of 4000 Ingersoll Park Houses 7 days a week, 24 hours a day. \*\*\*Come drive down 40th street between Grand and Ingersoll and you will see there is no room for any more cars. This is going to cause a problem with cars being parked in adjoining property owners' parking lots.
- 6. Revise plan so that ingress to and egress from underground parking is only from Ingersoll and not from 40<sup>th</sup> Street. Eliminate curb cut for ingress/egress on 40<sup>th</sup> Street. \*\*\*Same point as above, there is no room on 40<sup>th</sup> street for an egress.

W/ W/

Sincerely,

10/6/2016

Tom L. Drew Attorney at Law 535 40th Street P.O. Box 12129 Des Moines, IA 50312-9403 Phone: 515-323-5640

Fax: 515-323-5643

Cc: Erik Lundy, City of Des Moines Mike Ludwig, City of Des Moines Jason Van Essen, City of Des Moines

### Van Essen, Jason M.

From:

Ludwig, Michael G.

Sent:

Thursday, September 01, 2016 12:27 PM

To:

Lundy, Erik M.; Van Essen, Jason M.; Whitfield, Cathy L.

Subject:

FW: 40 th street zoning

Plymouth Church PUD. Please copy for Commission.

Thanks.

Mike

----Original Message----

From: claudia addy [mailto:docky@msn.com] Sent: Thursday, September 01, 2016 12:24 PM

To: Ludwig, Michael G. Subject: 40 th street zoning

The project is suspect especially because of sequence of development. Why not try for the "cleared site" first. Also this guy has discussed the idea of bankruptcy openly. Not happy at all about this project. Redirect developers to areas that need "help".

Sent from my iPhone



### Van Essen, Jason M.

From:

Ludwig, Michael G.

Sent:

Thursday, September 01, 2016 12:27 PM

To:

Lundy, Erik M.; Van Essen, Jason M.; Whitfield, Cathy L.

Subject:

FW: Traffic congestion

In regards to Plymouth Church PUD. Please copy for Commission.

Thanks.

Mike

----Original Message----

From: claudia addy [mailto:docky@msn.com] Sent: Thursday, September 01, 2016 12:19 PM

To: Ludwig, Michael G. Subject: Traffic congestion

Just try to get to I 235 in am from Ingersoll either direction south to north is concern over this property. We love living here because we can get around. Redirect your efforts to other areas of town that need nice projects for instance to the Grandcirw college area. They have a significant investment that DM is not fully acknowledging. This traffic problem will be causing significant congestion on 42 nd street and probably require street widening. No No No please.

Sent from my iPhone

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To 4000 Ingersoll Park Houses, L.P. and Des Moines Planning and Zoning Commission:

The North of Grand Neighborhood Association was grateful to Newbury and Plymouth for the recent meeting with residents/homeowners and financial stakeholders and feel it is appropriate to communicate our position before going into the next phase of the process.

The residential character and livability around 42<sup>nd</sup> and Ingersoll, including our association area, are experiencing a sharp increase in desirability for not only first time millennial buyers, but also those responding to the experience of community and living fabric developed over the last 100 years, embodied by the homes and structures around the project site. The effort and money spent to create community through National Historic Districts are evidence that the fabric is of great, even irreplaceable, value. This residential, livable, pedestrian fabric is often at the core of our perspective on change and development. It is also the core of North of Grand Association mission statement.

The project presented today is a large, influential one, and which will have enormous long range impact on all future development on Ingersoll and Grand. Understanding that impact fully, and protecting irreplaceable "livability" fabric is our main concern as an Association and should not be interpreted as adversarial or in opposition to the project. There are a few items that align with our main concern and we ask the City of Des Moines, Des Moines Planning and Zoning Commission and 4000 Ingersoll Park Houses, L.P. to support the following;

1. Zoning requirements: The rezoning as it relates to the office space on site must contain specific use and hours of business. The use should be professional office space only and hours of operation should only be during normal business hours. Lighting and signage should complement the office space use and pedestrian environment. More specifically, we would like the R3 bulk regulations as it relates to lighting and signage.

2. <u>Landmark Status for the Stockdale House</u>: Members of our Association are willing and able to do the heavy lifting in applying for Landmark status for

the Stockdale House. We ask for verification from the property owners of their full support of the landmark status for the Stockdale House.

3. Traffic study: Changes on Ingersoll are having an increasing impact on traffic on Woodland through Woodland Heights Neighborhood Association and North of Grand Neighborhood Association and nearby neighborhood associations and must be addressed for the whole district. We ask the city to begin looking at Traffic patterns around 42<sup>nd</sup> and Ingersoll. Furthermore, we ask the study to be done before and after the project is completed to review the patterns and begin to analyze and address how the density of this project and upcoming projects will impact the residents of the neighborhood as well as the residents of the project.

Livability for the tenants of the project and the residents in our neighborhood are always on our minds and we look forward to working alongside the City, 4000 Ingersoll Park Houses, L.P., Newbury Management, and Plymouth Church to accomplish this goal for the project before the Planning and Zoning Commission.



Ingersoll & Grand Self-Supported Municipal Improvement District

September 1, 2016

Des Moines City Council & Des Moines P&Z Commission c/o Planning and Urban Design Division 602 Robert D Ray Drive Des Moines, IA 50309-1881

Dear Members of the Commission and City Council,

We are writing you today to indicate our support for the proposed project at 4000 Ingersoll Ave. by Newbury Living. It is our opinion that the project as proposed is appropriate in program and character for this property. Furthermore, the project appears consistent with the goals of the Ingersoll and Grand Revitalization Strategy as well as the PlanDSM comprehensive plan.

We applaud the efforts of the developer and land owner to include the surrounding neighborhood, business community, and other stakeholders in the conceptual phases of this project. The resulting project will be an excellent contribution to the corridor and neighborhood. We further applaud the commitment to revitalizing several adjacent historic structures as part of this project.

Sincerely,

Mathew C. Coen, AIA

Ingersoll and Grand SSMID

47 6H

October 5, 2016

Dear Mayor Cownie and Des Moines City Council Members:

We are writing, again, to express our concern over the use of  $40^{\text{th}}$  Street as a traffic short cut. Drivers attempting to avoid the  $42^{\text{nd}}$  Street/Ingersoll traffic light use the block of  $40^{\text{th}}$  street between Woodland and Ingersoll as the short cut. We are even more concerned about traffic safety now that an apartment building is under consideration for construction at southwest corner of  $40^{\text{th}}$  St. and Ingersoll.

At the high traffic hours of 7:30-8:30am and 4:30-5:30pm we have an unusual amount of traffic as commuters try to "beat the clock" by using this block of  $40^{th}$  St. to avoid the  $42^{nd}$  St. traffic light. Each morning and evening, people on our block witness cars speeding down this section of  $40^{th}$  St. as a 'short cut' downtown or to the I235. Commuters who use this short cut are always going above the speed limit of 25mph—often by what seems to be at least 15 miles over the speed limit.

We have **twenty-one children** who live on this block of 40<sup>th</sup> Street. **Sixteen of these twenty-one children are under the age of twelve; several are as young as three, five, and six.** Recently, there was a fatal crash near the corner of 35<sup>th</sup> and Woodland, so I do think our worries are warranted and should be taken quite seriously. We have had a neighborhood police officer clock speeds on Woodland, but people just slow down when they see the officer, and clocking speeds has happened only a few times since e moved here in 2003. The same goes for putting a radar speed sign on the street—drivers slowed down, yes, but only for the three days the city put it on our street. The last effort to check speeds occurred this past summer, which seems ineffective since traffic changes drastically around here when school is not in session. To get a real sense of the speeding that occurs, traffic studies need to happen during the academic school year.

The parents on this block do a wonderful job of looking out for all of the children, and crossing the small children safely from one side of the street to the other. However, it is just a matter of time before one of these speeding commuters, who is attempting to shave 1 minute off his/her travel time, injures someone. We, and many of my neighbors, have witnessed speeding commuters race through our neighborhood, seemingly oblivious to the children playing outside and/or crossing the street in order to play with each other. There is parking along one side and it is normally pretty full, narrowing the travel area further and adding even more risk to children from speed.

We are petitioning for the city to approve the use of traffic calming devices, such as speed bumps, street planters, and/or extended corner curbs as a way to dissuade commuters from using  $40^{\rm th}$  as a short cut to Ingersoll or the I-235. If we cannot dissuade them from continuing to use the street, at least these precautions will ensure these drivers slow down.

Thank you for considering our request. As a matter of safety, we think these changes are in the community's best interest.

Yasmina Madden and Craig Owens 637 40<sup>th</sup> St 515.554.7495 yasmina.madden@drake.edu craig.owens@drake.edu

The following residents of  $40^{th}$  Street between Woodland and Ingersoll share the concerns stated above and support the request for safety measures to be taken on  $40^{th}$  Street:

- Trisha and Emilio Serrano 610 40<sup>th</sup> St.
- 2. Fred and Katie Flippen 614 40<sup>th</sup> St.
- 3. Rick and Joyce Larson 620 40<sup>th</sup> St.
- 4. Megan Freise and Matt Tallman 627 40<sup>th</sup> St.
- 5. Colleen Kinney and Scott McFetridge 632 40<sup>th</sup> St.
- 6. Janee Harvey and Tobi Parks  $634 \ 40^{th}$  St.
- 7. Simon Barcelona and Jeana Studer  $639 \ 40^{th}$  St.



Mark Siegfried <marksally2@gmail.com>

## 4000 Ingersoll - Newbury/Plymouth project--Second Hearing at minimum is required from council

1 message

Mark Siegfried <marksally2@gmail.com>

Wed, Oct 5, 2016 at 3:34 PM

To: Colleen Kinney <mcfet6@mchsi.com>, "Ludwig, Michael" <mgludwig@dmgov.org>, Brent Schipper <br/> <bschipper@askstudio.com>, Justin Gross <jgross@communitylawyersofiowa.com>, Christine Hensley <hensley.chrissteve@gmail.com>

To Mike Ludwig, et al

In following up on details of the Planning and Zoning meeting and recommendations, many recent changes, improvements, questions from residents, and just plain grey areas have bubbled up that need to be made much clearer before they are chiseled in the stone of the PUD rezoning document. Some are small, but some are very significant as they will have impact well beyond the legal boundaries of the proposed PUD.

Some of the things not specified finally are the actual residential/professional character of the building, the final architectural character/appearance of the building, the very important specifications of the landscape/streetscape requirements, final parking solutions and agreements, verification of signage, and others, all of which must be clearly specified and available for stakeholders for examination before anyone can really understand what is being agreed to. Some details may be administrative clarifications, but many go far beyond that level and cry out for discussion.

I have been lucky to be in on many of the meetings and to I appreciate the degree applicant been open to communication/discussion. It is certain that these clarifications will benefit everyone including the applicant in the long run. PUD zoning has proven to often bring misunderstandings and unwelcome surprises as well as unenforceable details if everything is not worked out, in the open with plenty of sunshine, before demanding broad acceptance and commitment.

After years of planning, I understand the investors excitement and impatience - but the process has not yet yielded a clear contract that should be signed-two more weeks is not long. From the perspective of neighborhoods and property owners like myself there is really only **one chance** to get it right.

Second hearing at minimum is required here.

Mark Siegfried 4105 Woodland Avenue Des Moines, Iowa 50312 (One block north of the proposed rezoning) From: Yasmina Madden

Sent: Wednesday, October 5, 2016 10:20 AM

To: fcownie@dmgov.org; billgray@dmgov.org; lindaw@dmgov.org; clhensley@dmgov.org; joeg atto@dmgov.org; ccoleman@dmgov.org; skipmoore@dmgov.org; jlmccoy@dmgov.org; Craig

Owens

Subject: Regarding: multi-resident/mixed-use development Ingersoll/40th

Dear Mayor Cownie and members of the City Council:

Thank you for the care you have taken to ensure that the proposed multi-resident/mixed-use development on the southwest corner of 40<sup>th</sup> Street and Ingersoll Avenue meets the needs of its future occupants and owners and respects the character and needs of the established neighborhood.

Please do not wave the second and third readings. We would like more opportunity for discussion.

In the spirit of ongoing collaboration among current neighborhood residents, future occupants of the proposed building, developers, and city planners, I am writing respectfully to request that additional restrictions, safeguards, and protections be included in the final plan for the site.

- Parking: As a current resident of the North of Grand neighborhood, I am concerned that street parking, already at a premium in our neighborhood, will grow more in demand, and that occupants and visitors to the new site will wish to park their vehicles in areas currently being used by permanent owner-occupants and long-term residents for their own parking needs. I request that approval of the final site plan be contingent on the inclusion of plans to provide off-street parking to accommodate at least two vehicles per unit. These parking accommodations should be made through a permanently deeded easement.
- In view of the possibility that businesses whose purpose and clientele may be disruptive to the character of the neighborhood may wish to occupy units, I ask that the business space included in the plan be reserved solely for the use of non-retail (i.e., professional, medical, legal, dental, consultancy, etc.) enterprises and that the business hours of these establishments be restricted to weekdays from 8:00 am until 6:00 pm; moreover, no visible signage is to be permitted, except for lettering on entryway doors.
- Relatedly, I request that no construction be permitted to take place before 8:00 am or after 6:00 pm on weekdays, and that no weekend construction be permitted.
- Because traffic using 40<sup>th</sup> street as a cut-through from Ingersoll Avenue to 42<sup>nd</sup> street (to avoid the 42<sup>nd</sup> street light) already endangers residents because of the speed and volume, I ask that 40<sup>th</sup> street from Woodland Avenue to Grand Avenue be designated as one-way south, requiring traffic emerging from parking areas onto 40<sup>th</sup> street to use Grand Avenue to access 42<sup>nd</sup> street and to prevent traffic from driving north on 40<sup>th</sup> from Ingersoll to avoid the 42<sup>nd</sup>-street/Ingersoll controlled intersection.

- To preserve the area's character and attractiveness to current and future residents, I ask that the only income to be realized by developers and property owners be restricted to rental income on the residential and commercial units themselves. In other words, I ask that billboards, transmission towers, and sources of income other than on unit rental be prevented. Along the same lines, I request that residents be restricted from using outdoor spaces, such as balconies, for storage and from using balconies and windows to display artwork, advertisements, or anything reasonably considered unsightly (including interior furniture, satellite receivers, bicycles, outdoor games and toys, and the like) or distracting by resident-members of the North of Grand neighborhood.
- I ask that developers be required, as a condition of approval of the plan, to plant and maintain a variety of native trees along the parking easements along Ingersoll and 40<sup>th</sup> street.
- I ask that outdoor lighting around the planned development be restricted to low-profile, dim lighting along walkways alone. No area lighting, floodlights, or other highwattage lighting should be permitted at the site, including on rooftops.
- To provide an incentive for residents not to use balconies as multi-functional living spaces, I request that the rooftop be designated as a common outdoor recreation, cooking, and eating area for residents, and that grills, picnic tables, and the like, be restricted to the rooftop.
- To advance environmental sustainability, I request that all building materials and construction processes, as well as the final building itself, be 100% LEAD certified.
- I ask that the owner/developer be required to indemnify homeowners in the six blocks surrounding the site (the site's block, the block immediately north of the site, the block immediately north of Plymouth Church, the block immediately east of the site, and the block northeast of the site) against loss of property value (figured as a percentage, in comparison to, and adjusted for changes in, the median appraised value of homes elsewhere in the North of Grand Neighborhood) at the time of the next formal appraisal of any owner-occupied home in those blocks (not including valuation for the purpose of tax assessments), regardless of the actual sale price of any home sold.
- Finally, I ask that a provision for binding arbitration be included in the approved plan to resolve disagreements between the owner/developers (and all future owners) and permanent neighborhood residents, to be represented by the North of Grand Neighborhood association, and, further, that the costs of arbitration, which will be triggered by the request of the association or the owner/developers if no mutually satisfactory resolution to complaints is reached after good-faith efforts to do so, is to be at the cost of the owner/developer.

Thank you for considering these requests, which I submit in the hopes of preserving the character of the North of Grand Neighborhood, safeguarding residents, and ensuring the aesthetic integrity of new development in our area.

Sincerely, Yasmina Madden 637 40th St.

Letter drafted by: Craig N. Owens, PhD Professor of English Chair, Department of English

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2014 Madelyn M. Levitt Teacher of the Year Co-Coordinator for University Accreditation Drake University Howard Hall 322 (515) 271-3876

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Yasmina Madden, MFA Visiting Assistant Professor Coordinator, Susan Glaspell Writers & Critics Series Department of English Drake University Oct. 5, 2016

Dear Mayor Cownie and City Council members:

As a concerned individual and nearby property owner, it is critically important to clarify the following unresolved issues before rezoning is finalized. **Please do not waive 2<sup>nd</sup> and 3<sup>rd</sup> readings.** More discussions and written PUD language are needed:

- a) to address ongoing concerns
- b) to document in writing what was heard at meetings
- c) to avoid future misunderstandings, no matter who owns property.
  - · Concern: Protect community fabric
  - Suggested solutions: Provide clarifying PUD language
    - Use of all structures in both Phase 1 and proposed Phase 2 of PUD limited to residential and/or ministry purposes.
    - New construction placement, height, materials and design should be in harmony with surrounding area,
    - Use historic tax credits for rehabilitation of 526 40<sup>th</sup> Street, 4018/4020 Ingersoll+garage, and 4050 Ingersoll.
    - Issuance of 4000 Ingersoll occupancy permit contingent on issuing and maintaining single family residential rental occupancy permits for 526 40th St., 4018/4020 Ingersoll+garage, and 4050 Ingersoll.
    - Owner sign application and support designation of Stockdale Double House as a local landmark. City set hearing date with Landmark Review Commission in October 2016.
    - Comply with Section 106 process.
    - Prohibit all off-premise signage, transmission towers, and all other utility equipment that doesn't directly serve 4000 Ingersoll residents.
       Add this language to Phase 1 and Phase 2 PUD boundary.
    - Provide clarifying PUD language. Align set backs of new construction with primary building mass of adjacent structures at 4050 Ingersoll and 526 40<sup>th</sup> Street.
    - Require formal, written permanently deeded parking easement agreement. More discussion is needed with City's Traffic and Transportation Division and neighborhood stakeholders and adjacent property owners. Provide clarifying PUD language.
  - Concern: Proposed project likely exacerbates traffic and pedestrian safety
  - Suggested solution: More discussion is needed with City's Traffic and Transportation and neighborhood stakeholders. Provide clarifying PUD language.
  - Concern: Streetscape and sidewalk design transitions from intense commercial retail to residential pedestrian historic area from 38<sup>th</sup> to 42<sup>nd</sup> Streets.

- Suggested solution: More discussion is needed. Provide different PUD language on page 2A of Conceptual Site Plan, replace existing streetscape and sidewalk language with a context-appropriate landscape design to the satisfaction of applicant, neighborhood stakeholders and Planning Administrator.
- Concern: Stormwater runoff continues to be a problem, as evident when a manhole cover was compromised during recent rainstorms, and despite significant investments made along Tonawanda.
- Suggested solution: More discussion is needed with public and private engineers and neighborhood stakeholders. Provide clarifying PUD language.
- Concern: Lack of communication and justification for two new DART shelters. As proposed, there'd be  $\underline{\text{six}}$  bus stops between  $40^{\text{th}}\text{-}42^{\text{nd}}$ , and Harwood to Ingersoll.
- Suggested solution: DART shall work with applicant and neighborhood stakeholders on the context-appropriate design and placement of bus facilities near the project. Provide clarifying PUD language.

Thank you, Mullim P Colleen Kinney, 632 40th Street, Des Moines, IA 50312

Mrs. J. Locke Macomber · 630 Forty-First Street · Des Moines, lowa 50312

Der Mayor and Council Members:

I have owned and resided at his 30-4187 St

Since 1970. Before that my family owned and

resided at 4020 Ingersoll from 1919 to 1929 and

at 630-4187 87 from 1929 to 1970.

May I respect fully request that any 20ning

change at 40th & Ingersoll retain the residents

use and character of the project To allow

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of any 20ning reguest not be waived.

Thank you for your consideration.

Respect fully, Karwif S. Macamber

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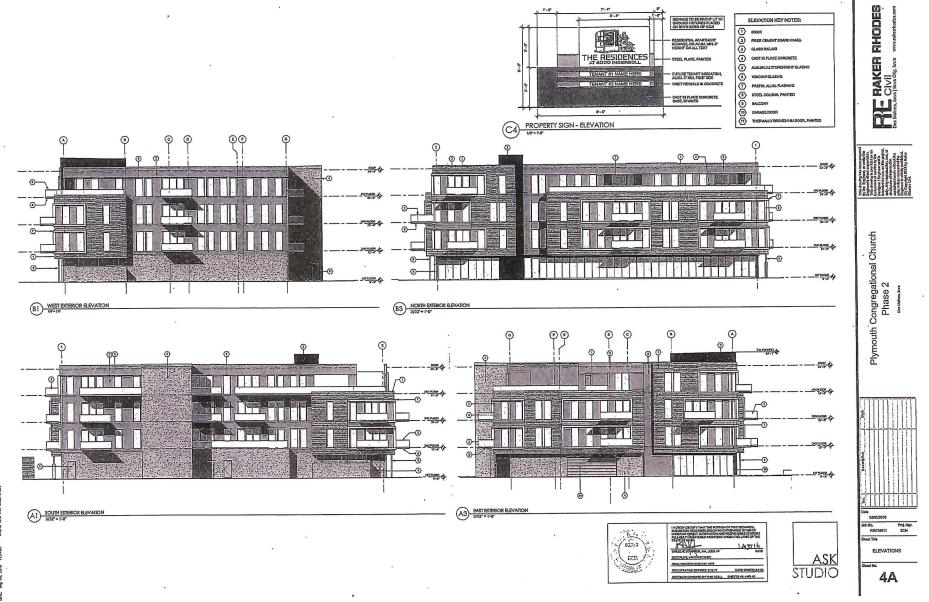
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EXCEPT THE WEST 63.2 PEET OF THE SOUTH 67.5 FEET NORTH 65 FEET LOT 6; THE NORTH 65 FEET SOUTH 515
FEET LOT 6; ALL IN GREENWOOD PARK.

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PLANNING ADMINISTRATOR



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STOCKDALE HOUSE - 4018 & 4020 INGERSOLL ELEVATIONS

ASK STUDIO Plymouth Congregational Church
Phase 2

PAKER RHODES CIVIL CIVIL CIVIL CONTRACTOR CO

