

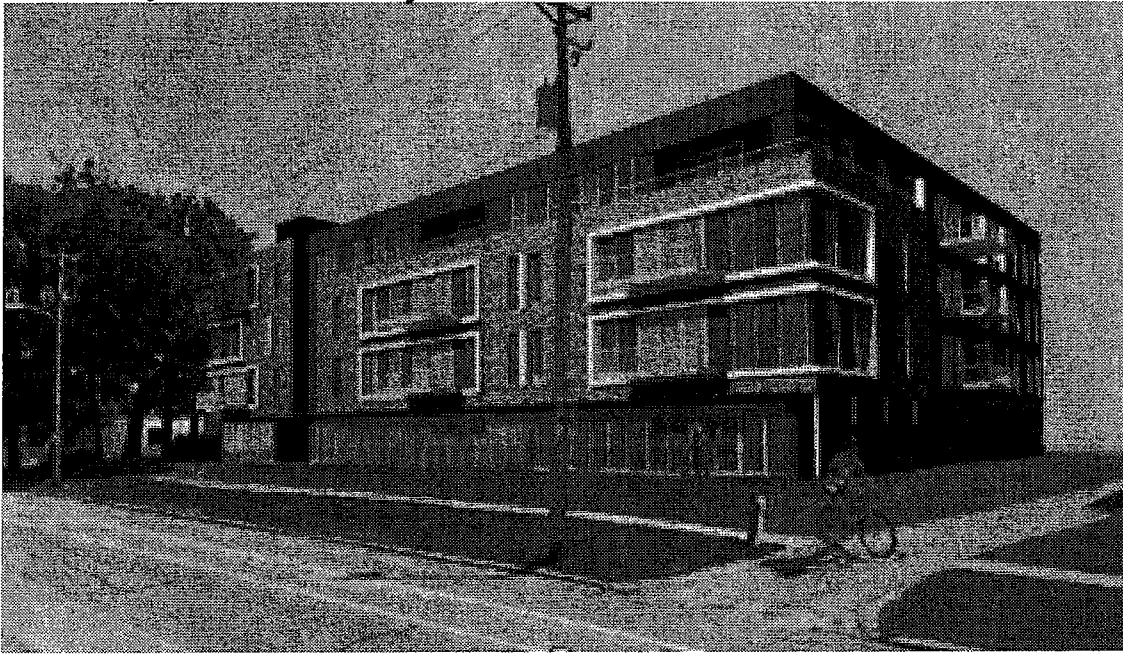
47

Oct. 19, 2016

Dear Mayor Cownie and City Council members,
I am writing as an individual. Please help make this a better project and complete zoning document. **Please do not waive 3rd reading.** Consider language below.
Thank you, Colleen Kinney 632 40th Street Des Moines, IA 50312

*Rec'd in the
City Clerk Office
10/19/16*

Minuties



These suggestions (underlined>) were captured during

- Applicant's Powerpoint presentation June 20, 2016 (Appendix A)
- Plan and Zoning Commission discussion, Agenda item #8, Sept. 1, 2016, specifically listen to Minutes 69 to 112
<http://vp.telvue.com/player?id=T03081&video=186188>
- City Council discussion, Agenda item #42, Sept. 12, 2016, specifically listen to Minutes 26 to 41 <http://vp.telvue.com/player?id=T03081&video=186188>
- As per correspondence from concerned businesses, homeowners, neighborhood in City Council packet for Agenda Item #61, Oct. 10, 2016, specifically listen to minutes 83 to 111 of City Council discussion
<http://vp.telvue.com/player?id=T03081&video=186188>
- Correspondence during rezoning in 1998-99 and 41st Street lease agreement, etc. (Appendix B)
- Landmark Status application for Stockdale Double House 4018/4020 Ingersoll Avenue (Appendix C)
- Documentation for Brereton bungalow 526 40th Street (Appendix D)

On Sept. 1st, Plan and Zoning Commissioners 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:

Condition 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.



*Concern: Lack of communication and justification for new bus shelters. As proposed, there'd be **SIX** bus stops between 40th-42nd, and Harwood-Ingersoll.*

Suggested solution: Either strike Condition 1 completely, or revise PUD language – 1. DART shall work with applicant and neighborhood stakeholders on the context-appropriate design and placement of public transportation facilities near 40th and Ingersoll.

Condition 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.

Condition 3. Abandoned driveway approaches shall be removed with the curb and the area in the street right-of-way restored.

Condition 4. A note shall be provided that identifies the proposed metal balcony material for the mixed-use building.

Concerns: Protect community fabric and provide buffering for residents and pedestrians.

Suggested solution: Revise language to PUD – 4. roposed metal balconymaterial 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.

Concern: Project lacks timeframe. Removal of contributing resources to historic district. Ensure preservation of residential character and context. If federal undertaking, applicant will comply with Section 106 process.

Suggested solution: Revise language to PUD – 5. A note shall be added to the Conceptual Plan that identifies the number of dwelling units and proposed square footage of office space. Issuance of 4000 Ingersoll occupancy permit contingent

on issuing and maintaining single family residential rental occupancy permits for 526 40th Street, 4018/4020 Ingersoll + garage, and 4050 Ingersoll.

6. Provision of a contextually appropriate Ingersoll Avenue Streetscape to satisfaction of Planning Administrator.

Concern: Streetscape and sidewalk design transitions from intense commercial retail to residential pedestrian historic area from 38th to 42nd Streets.

Suggested solution: Revised language to page 2A of Conceptual Site Plan PUD – replace existing streetscape language with a context appropriate transitional landscape design to the satisfaction of applicant, neighborhood stakeholders and 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.

Concern: Mature tree protection and preserve residential character.

Suggested solution: Revised PUD language – 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.

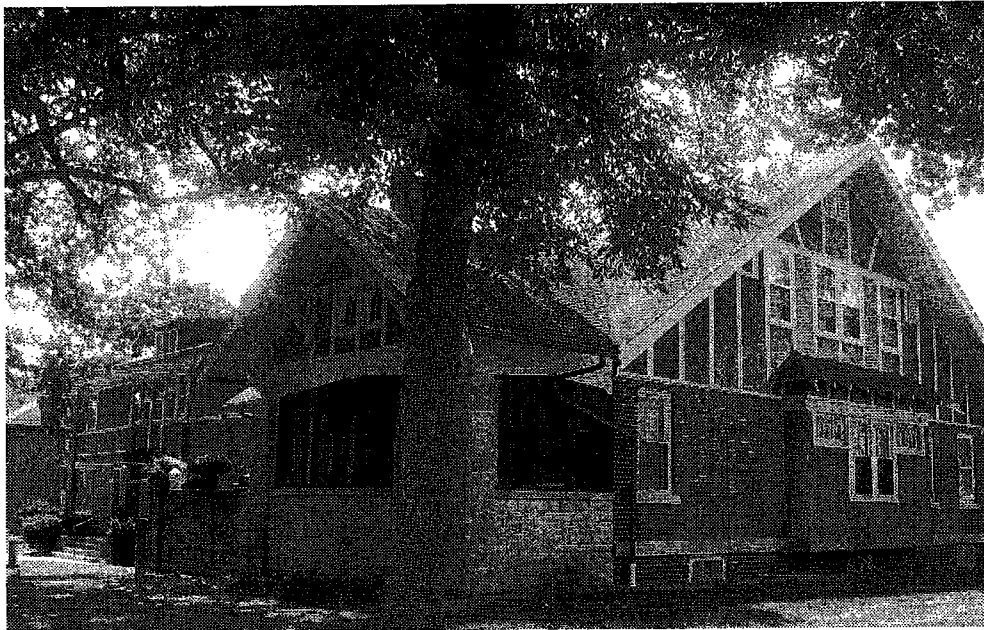
12. Any transformers shall be located within the buildings or within off-street parking areas and screened from view of public streets to the satisfaction of the Planning Administrator.

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. 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.

15. 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.



16. 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.

Concern: Should rezoning request be approved contingent upon owners applying for local landmark designation of 526 40th St. (Brereton bungalow)? More details about Brereton bungalow provided below.

Suggested solution: Revised PUD language – 16. 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 and garage (4018/4020 Ingersoll) and Brereton bungalow at 526 40th Street as Local Landmarks.

17. Signage and lighting to comply with R-3 requirements.

Concern: Increased commercialization of 42nd and Ingersoll will erode pedestrian experience and residential character.

Suggested solution: Revised PUD language – 17. Signage and lighting to comply with R-3 requirements.

18. First floor office space of the mixed use/apartment building shall be limited to professional office uses and hours.

Concern: Clarify use and hours.

Suggested Solution: Revised PUD language – 18. First floor office space of the mixed use/apartment building shall be limited to professional office uses and hours.



Unresolved Concern: Inadequate parking.

19. Suggested Solution: Add new clarifying condition.

Unresolved Concern: Traffic safety, speeding, congestion in residential areas

Solution: Add new clarifying condition

20. Applicant will work with neighborhood stakeholders and Traffic and Transportation staff and be responsible for installing traffic calming measures near 40th to 42nd Streets.

Unresolved Concern: Storm water runoff continues to be a problem, despite significant investments made along Tonawanda.

Suggested Solution: Add new clarifying condition

21. Applicant will work with neighborhood stakeholders and City Engineering staff members and be responsible for installing storm water elimination measures.

Unresolved Concern: PUD lacks enforcement. What if there is a change of ownership? Will there be opportunities for public notification and input if applicant makes changes to what was presented at Plan and Zoning on Sept. 1st?

Suggested Solution: Add new clarifying condition 22. Applicant shall make public presentation of Development Plan prior to submittal to Planning Administrator consistent with 1998-99 rezoning discussion. Amendments to Conceptual Plan and /or Development Plan related to use, subdivision of single family homes, unit capacity, building materials, landscaping, parking ratio, set backs, etc. will not be approved administratively but rather shall trigger Plan and Zoning Commission hearing process. If conditions are not met, properties will revert to R-3 zoning (Section 134-708) and occupancy permits will not be issued.

----- additional information related to 526 40th Street

William H. Brereton and family

"William H. Brereton was a contractor of some note. It appears that he followed in the footsteps of his father, William Brereton (1814-1896) who appears in the Des Moines city directories beginning in 1882 where he is noted as a contractor and a brick layer (*Des Moines, Iowa City Directory*, 1882, 147 and 1884, 210). The elder Brereton's obituary indicates that at the time of his death at the age of 82 he had resided in the city for 27 years; at the time his home being located at 1404 E. Walnut Street (*Daily Iowa Capital*, July 6, 1896).

By 1894 William H. Brereton was in business with Daniel Storey, the pair operating a brick contracting business, "Brereton & Storey," which was located at the corner of East 6th and Walnut Streets (*Des Moines, Iowa City Directory*, 1894, 194). By 1900 Brereton was in the business of brick manufacturing as Bailey & Brereton. The company was located on the north side of Court Avenue one block east of 23rd Street (*Des Moines, Iowa City Directory*, 1900, 932). Brereton is attributed with completing all of the brick work on the city railway company's buildings and also extensive contracts from Edison Electric Light Company (*Des Moines Daily News*, January 30, March 17, 19, 1906.)

Brereton was very politically engaged, having served as a city alderman from about 1901-1910. News accounts portray him as a union man and staunch proponent of laws restricting the sale of liquor. He is colorfully described as "Bill Brereton, the thick-necked alderman-contractor" ("Democracy's Own Election," *McClure's Magazine*, Vol. 35, 100).

William H. Brereton (1859-1921) married Alice Kate Prees (1865-1930) in Des Moines on November 1, 1882. The couple had two children to survive into adulthood, Edith M. and E. Gertrude; two children - Lillian S. and Kenneth M. (1897-1899) - died in their youth (*Ancestry.com, Iowa, Select Marriages, 1809-1992* and *FindAGrave.com*. Accessed 02/20/2015). U.S. Census records document the family - William H., Alice, Edith, and Gertrude - residing in Des Moines from 1910-1930.

The Brereton family remained in the home through 1938. William H. having died in 1921, the house was occupied by Mrs. A.K. (Alice K.) Brereton in 1930 and by Edith and Gertrude Brereton through 1938. Occupants changed with some regularity in subsequent years" (excerpts from pp. 5, 25, 2015 ISIF 526 40th Street)

CANDIDATE FOR Alderman-at-Large

Always
Fought
Hard In
Council For
His Rights



A Good
Speaker
and one whose
Influence
will be
Felt

WILLIAM H. BRERETON

WILLIAM H. BRERETON announces himself a candidate for alderman-at-large of Lee township, subject to the republican primary Feb. 27. Brereton would add zest to any campaign as he is a good fighter.

Mr. Brereton says: "If I am elected alderman-at-large I will fight in the council for the interests of the people just as I have done before. I was defeated once for alderman-at-large and took my medicine like a man. I have waited for my opponent to have his two terms and now I feel that I can honorably come before the people again and ask for their votes. I will be a representative of all the people, if elected, and I will use my best business judgment on all questions."

Mr. Brereton has always lived in Des Moines. He is a self-made man, having worked up from the bottom of the ladder as a bricklayer, etc., until he has become one of the prominent builders and contractors of the city. No one has ever accused him of being anything but a republican.

Senator and Mrs. W. H. Arney of Marshalltown were the guests of honor at a prettily appointed 6 o'clock dinner given by Mr. and Mrs. W. H. Brereton Sunday at their home 400 East Eleventh street. A large bouquet of daffodils decorated the table. Covers being laid for twelve.

April 16, 1913 p. 6, c. 4 Des Moines Daily News

Buildings Erected By

W. H. BRERETON Contractor

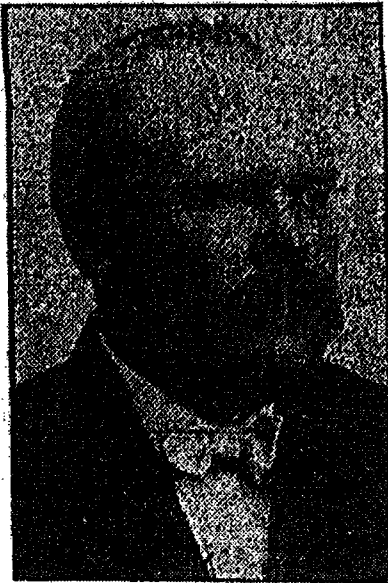
During the Past Twenty-Five Years

Des Moines Municipal Market.
Polk County Jail and Tunnel.
Drake University Library.
Drake University Bible College.
Drake University Gymnasium.
Drake University Apartment House.
Des Moines Casket Factory.
Yunker Building, Sixth and Mulberry.
Merchants' Transfer Ware House.
Garrison's Livery Barn.
Des Moines Electric Company Addition and Stack.
Des Moines City Railway Car Shops.
Des Moines City Railway Power House Addition & Stack
Des Moines City Railway Car Barns, W. 2nd & 24th Sts.
East Des Moines Union Station.

Office: 507 East Sixth; Phone Maple 373

June 18, 1913 Des Moines Capital

**DES MOINES BUILDER
PASSED AWAY TUESDAY**



WILLIAM H. BRERETON.

Funeral arrangements for William H. Brereton, pioneer building contractor who died Tuesday afternoon of apoplexy, will not be made until the arrival of his daughter, Mrs. Walter M. Pratt of Detroit, who is expected to reach Des Moines tonight.

Mr. Brereton who was 62 years old was well known in Des Moines and had lived here since 1884, coming directly from England, where he was born.

He was a member of St. Mark's church and was a member of the Masonic and Odd Fellow orders.

He served as a councilman from Lee township and its ward during several administrations.

During his long term of residence here Mr. Brereton lived on East Eleventh street until the past five years when he constructed a home at 526 Fortieth street where he died.

The Des Moines electric power station and the Des Moines union station as well as other buildings are the work of his hand.

He also supervised much of the work at Camp Dodge in 1918 and it was during this time that he was seriously injured when he fell backward from a ladder. It is believed that this accident hastened his death.

Mr. Brereton was married to Alice Press in 1880 and she and their three daughters, Mrs. Walter M. Pratt of Detroit and Gertrude and Edith Brereton both of this city, survive him.

Alice Press Brereton born 9-25, 1865, died 10-4-1930

Lillian Brereton Pratt born 10-59-83, died 8-24-60 Michigan

E. Gertrude Brereton born about 1890, buried 6-26-71

Edith M. Brereton born about 1897, buried 9-23-77

BRERETON KNOWS BUILDING BUSINESS

The name William H. Brereton has become familiar in Des Moines to all builders. Mr. Brereton has been a contractor and builder for many years and has erected many of the most prominent and substantial buildings in Des Moines. Mr. Brereton's success has been due to the fact that he is thoroughly familiar with the art of building and the selection of materials. He has been in the building business from the ground up, having handled every department. When he gets on the job he personally understands every department of the work.

Having had experience for a number of years as a city official, being one of the valued members of the old city council, Mr. Brereton has also become familiar with street work, cement and concrete work, paving, etc. While he still confines his work to the building line, the information and experience which he has gained in these varied lines has been very valuable to him.

Mr. Brereton has been always a public spirited citizen, aiding in all booster enterprises and being especially interested in the development of East Des Moines. The strongest single factor in his business has been his close attention to any job which he takes and his personal knowledge of contracting and materials.

June 18, 1913 p. 13 The Des Moines Capital