



Date February 20, 2017

RESOLUTION HOLDING HEARING ON REQUEST FROM 4000 INGERSOLL PARK HOUSES, L.P. TO AMEND THE PLYMOUTH CONGREGATIONAL CHURCH PUD CONCEPTUAL PLAN FOR PROPERTY LOCATED AT 4016-4126 INGERSOLL AVENUE, 526-550 40TH STREET, AND 527-535 41ST STREET

WHEREAS, on February 6, 2017, by Roll Call No. 17-0188, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on January 19, 2017, its members voted 12-0-1 in support of a motion to recommend **APPROVAL** of a request from 4000 Ingersoll Park Houses, L.P. (developer), represented by Frank Levy (officer), regarding property located at 4016-4126 Ingersoll Avenue, 526-550 40th Street, and 527-535 41st Street (collectively "Property"), to allow approval of a 3rd Amendment to the Plymouth Congregational Church PUD Conceptual Plan to remove the proposed 2,284-square feet of office space on the ground floor of the building on the Property and to increase the number of dwelling units within the building from 24 units to 26 units, subject to the following revisions to the plan amendment:

- 1) Provision of a note that states "contextually appropriate Ingersoll Avenue Streetscape improvements shall be provided to the satisfaction of the Planning Administrator."
- 2) Provision of a note that states "any changes proposed for the three historic building not shown on the PUD Conceptual Plan shall 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."
- 3) All references to "C-1" signage shall be deleted. Signage shall be allowed pursuant to "R-3" District standards.
- 4) Provision of a note that states "the North of Grand Neighborhood Association shall be notified of any proposed minor plan amendments (typically subject to administrative review) or major plan amendments (subject to Plan and Zoning Commission and Council review)."
- 5) Provision of all necessary cross access easements and a formal shared parking agreement to the satisfaction of the Planning Administrator.
- 6) Provision of a note that the existing garage for the double house at 4018/4020 Ingersoll Avenue shall be retained.
- 7) Provision of a note that pervious paving materials shall be used for the patios.
- 8) Shared parking spaces will be specifically identified on the PUD Conceptual Plan and within the shared parking agreement by Plymouth Congregational Church and 4000 Ingersoll Park Houses, L.P.
- 9) Provision of a note that a tree mitigation plan shall be submitted for review and approval by the Planning Administrator.
- 10) Provision of a note that the landmark application for the Stockdale House (4018/4020 Ingersoll) shall be submitted with the consent of Plymouth Congregational Church and 4000 Ingersoll Park Houses, L.P./Newbury Development.
- 11) A copy of the private covenants created for the use of the patios shall be provided for reference to the North of Grand Neighborhood Association President; and

Date February 20, 2017

WHEREAS, on February 6, 2017, by Roll Call No. 17-0188, it was duly resolved by the City Council that the application of 4000 Ingersoll Park Houses, L.P. for review and approval of the proposed 3rd Amendment to the Plymouth Congregational Church PUD Conceptual Plan for the Property, as legally described below, be set down for hearing on February 20, 2017, at 5:00 p.m. in the City Council Chambers at the Municipal Services Center; and

WHEREAS, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said proposed amendment to the approved Plymouth Congregational Church PUD Conceptual Plan; and

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

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. Upon due consideration of the facts and any statements of interested persons and arguments of counsel, any and all objections to the proposed 3rd Amendment to the Plymouth Congregational Church PUD Conceptual Plan for the Property, locally known as 4016-4126 Ingersoll Avenue, 526-550 40th Street and 527-535 41st Street and legally described as follows, are hereby overruled, and the hearing is closed:

EXCEPT THE NORTH 17.5 FEET, THE NORTH HALF OF LOTS 4, 5, AND 8, GREENWOOD PARK, AN OFFICIAL PLAT; AND

EXCEPT THE NORTH 17.5 FEET, ALL THAT PART OF THE VACATED 41ST STREET RIGHT OF WAY LYING EAST OF AND ADJOINING THE NORTH HALF OF SAID LOT 5; AND

THE WEST 66.3 FEET OF THE SOUTH 67.5 FEET OF THE NORTH 85 FEET OF LOT 9, IN SAID GREENWOOD PARK; AND

THE NORTH 150 FEET OF THE SOUTH 450 FEET OF SAID LOT 9; AND
EXCEPT THE WEST 66.3 FEET, THE SOUTH 67.5 FEET OF THE NORTH 85 FEET OF SAID LOT 9; AND

THE NORTH 65 FEET OF THE SOUTH 515 FEET OF SAID LOT 9;

ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.



Roll Call Number

Agenda Item Number

51

Date February 20, 2017

-3-

2. The proposed 3rd Amendment to the Plymouth Congregational Church PUD Conceptual Plan, as on file in the Community Development Department, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is hereby approved.

MOVED BY _____ TO ADOPT.

FORM APPROVED:


Glenna K. Frank, Assistant City Attorney

(ZON2016-00221)

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

MOTION CARRIED

APPROVED

Mayor

CERTIFICATE

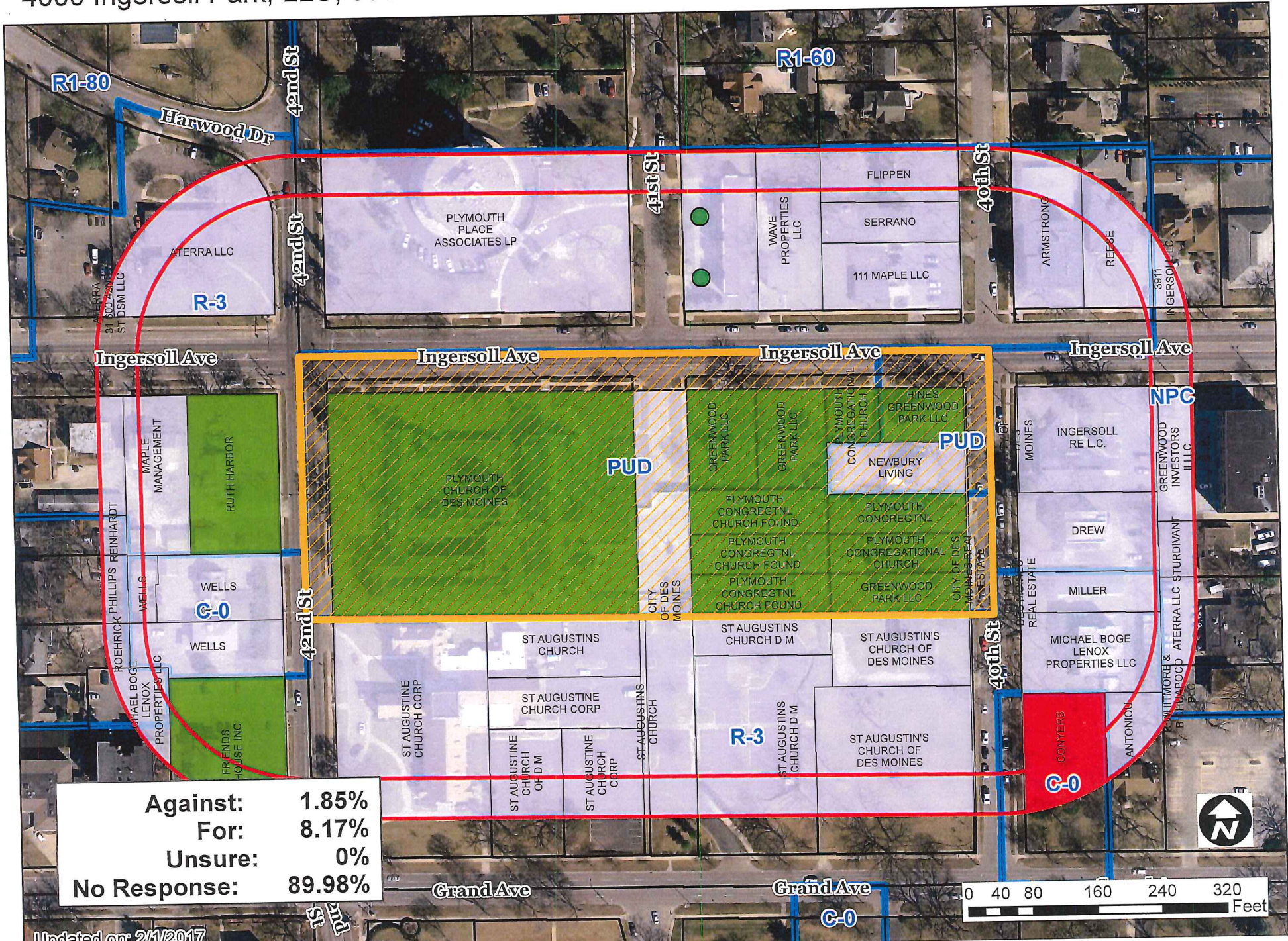
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

4000 Ingersoll Park, LLC, 550 & 536 40th Street

ZON2016-00221



Against:	1.85%
For:	8.17%
Unsure:	0%
No Response:	89.98%

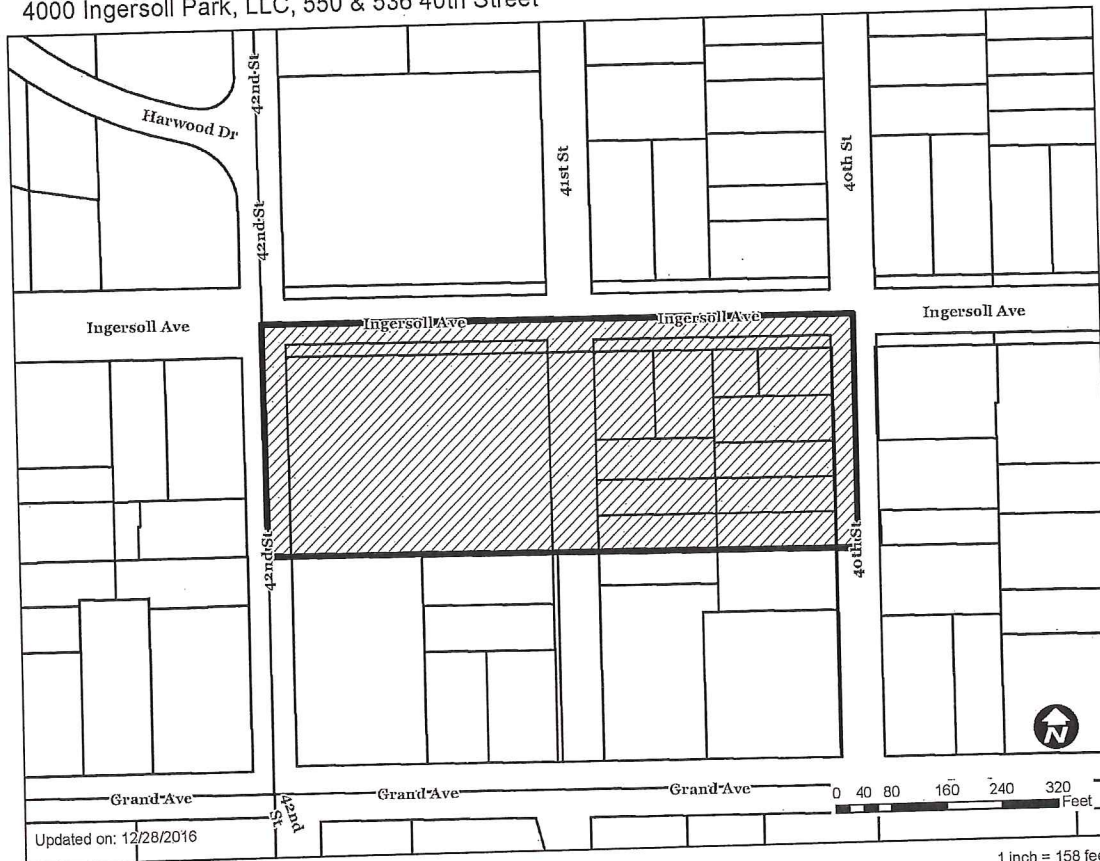
Updated on: 2/1/2017

51

Request from 4000 Ingersoll Park Houses, L.P. (developer) represented by Frank Levy (officer) 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.				File # ZON2016-00221
Description of Action	3rd Amendment to the Plymouth Congregational Church PUD Conceptual Plan. The amendment would revise the existing approved Conceptual Plan by removing the proposed 2,284-square feet of office space on the ground floor of the building and increasing the number of dwelling units within the building from 24 units to 26 units			
PlanDSM Future Land Use	Current: Community Mixed Use and Medium Density Residential. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"PUD" Planned Unit Development and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	2	0	0	0%
Outside Area	4	1	0	1.85%
Plan and Zoning Commission Action	Approval	12-0-1	Required 6/7 Vote of the City Council	Yes
	Denial			No

4000 Ingersoll Park, LLC, 550 & 536 40th Street

ZON2016-00221



1 inch = 158 feet



January 31, 2017

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission regarding a request 4000 Ingersoll Park Houses, L.P. (developer) represented by Frank Levy (officer) regarding property located at 4016-4126 Ingersoll Avenue, 526-550 40th Street, and 527-535 41st Street, to allow approval of a 3rd Amendment to the Plymouth Congregational Church PUD Conceptual Plan. The amendment would revise the existing approved Conceptual Plan by removing the proposed 2,284-square feet of offices space on the ground floor of the building and increasing the number of dwelling units within the building from 24 until to 26 units. 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 12-0-1 as follows:

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

APPROVAL of the proposed amendment to the Plymouth Congregational Church PUD Conceptual Plan subject to the following conditions:

- 1) Provision of a note that states "contextually appropriate Ingersoll Avenue Streetscape improvements shall be provided to the satisfaction of the Planning Administrator.
- 2) Provision of a note that states "any changes proposed for the three historic building not shown on the PUD Conceptual Plan shall 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.
- 3) All references to "C-1" signage shall be deleted. Signage shall be allowed pursuant to "R-3" District standards.
- 4) Provision of a note that states "the North of Grand Neighborhood Association shall be notified of any proposed minor amendments (typically subject to administrative review) or major amendments (subject to Plan and Zoning Commission and Council review).
- 5) Provision of all necessary cross access easements and a formal shared parking agreement to the satisfaction of the Planning Administrator.
- 6) The existing garage for the double house at 4018/4020 Ingersoll Avenue shall be retained and noted as such on the PUD Conceptual Plan.
- 7) Pervious paving materials shall be used for the patios.
- 8) Shared parking spaces will be specifically identified in on the PUD Conceptual Plan and within the shared parking agreement between church and developer.
- 9) A tree mitigation plan shall be submitted for review and approval by the Planning Administrator.
- 10) The Landmark application for the Stockdale House (4018/4020 Ingersoll) shall be submitted with the consent of Plymouth Church and Newbury Development.
- 11) The developer shall provide the North of Grand Neighborhood Association president a copy of private covenants for the use of the patios.

Written Responses

6 in Favor

1 in Opposition

STAFF RECOMMENDATION

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

- 1) Provision of a note that states "contextually appropriate Ingersoll Avenue Streetscape improvements shall be provided to the satisfaction of the Planning Administrator.
- 2) Provision of a note that states "any changes proposed for the three historic building not shown on the PUD Conceptual Plan shall 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.
- 3) All references to "C-1" signage shall be deleted. Signage shall be allowed pursuant to "R-3" District standards.
- 4) Provision of a note that states "the North of Grand Neighborhood Association shall be notified of any proposed minor amendments (typically subject to administrative review) or major amendments (subject to Plan and Zoning Commission and Council review).
- 5) Provision of all necessary cross access easements and a formal shared parking agreement to the satisfaction of the Planning Administrator.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

- 1. **Purpose of Request:** The proposed amendment would eliminate the commercial office space from the proposed 4-story building and replace it with two dwelling units. This would increase the total number of dwelling units within the building from 24 units to 26 units. Indoor parking and a community room would encompass the remaining portion of the main level. Patio space would be provided along the front of the building for the ground floor units and the community room. No additional changes are proposed to the site layout, the approved landscaping or the proposed renovations of the double-house at 4018-20 Ingersoll Avenue, the house at 4050 Ingersoll Avenue and the house at 526 40th Street.
- 2. **Size of Site:** The entire Plymouth Church PUD measures 5.11 acres. The portion of the PUD impacted by the proposed amendment measures 0.42 acres (18,238 square feet).
- 3. **Existing Zoning (site):** Plymouth Congregational Church PUD 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. All neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on December 30, 2016. Additionally, separate notifications of the hearing for this specific item were mailed on December 30, 2016 (20 days prior to the hearing) and January 9, 2017 (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 January 13, 2017.

The North of Grand Neighborhood mailings were sent to Justin Gross, 633 39th Street, Des Moines, IA 50312. The Ingersoll Park Neighborhood mailings were sent to Paul Goodwin, 648 Harwood Drive, Des Moines, IA 50312.

8. Relevant Zoning History: The 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. The most recent amendment was approved by the City Council on October 24, 2016, by Roll Call Number 16-1846 and Ordinance Number 15,522. Section II, subparagraph 5 of this report contains the list of zoning conditions from the October 24, 2016 action of the City Council.

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 customers. The PUD Conceptual Plan amendment 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 ability to provide housing in close proximity to jobs; and
- Access via transit and other alternative modes of transportation.

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.

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.

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.

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.

51

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.

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.

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 4
Protect Des Moines' historic and cultural assets that contribute to neighborhood and community identity.

CCN26: Partner with the historic preservation community to identify historic districts also ensuring context sensitive infill and redevelopment.

CCN27: Development policies that prioritize rehabilitation over demolition of historic structures and in historic districts.

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.

51

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 multiple-family building achieves these goals.
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. It also recognizes that if the corridor is strengthened and beautified, the great neighborhoods adjoining the corridor will 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 PUD Conceptual Plan amendment would allow the ground floor commercial office space within the proposed 4-story building to be replaced with two dwelling units. This would increase the total number of dwelling units within the

51
building from 24 units to 26 units. Indoor parking and a community room would encompass the remaining portion of the main level. The glass store front appearance of the main level on the north facade would be altered to reflect the change in use. Patinated copper panels and zinc shingles are proposed as additional accent materials for the front and side facades. Patio space would be provided along the front of the building for the ground floor units and the community room. Short screen walls, hedges and ornamental grasses would be used to screen the patios.

No additional changes are proposed to the site layout, the approved landscaping or the proposed renovations of the double-house at 4018-20 Ingersoll Avenue, the house at 4050 Ingersoll Avenue and the house at 526 40th Street. 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.

No changes are proposed to the approved building or parking lot setbacks.

- 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 amendment 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 42nd 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.

- 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 typically requires a minimum of 1.5 spaces per multi-family dwelling unit. This equates to 39 parking spaces for 26 dwelling units. 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 24 parking spaces would be required for the 26 dwelling units. This is 2 less than the 26 parking spaces the "NPC" District parking standards would require for the currently approved configuration of 2,284-square feet of office space and 24 dwelling units.

The project 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. Staff recommends approval subject to the provision of all necessary cross access easements and a formal shared parking agreement to the satisfaction of the Planning Administrator.

- 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. Zoning Conditions: The following conditions of approval were a part of the City Council's motion to approve the previous PUD Conceptual Plan amendment. Below each condition is a summary of how the proposed amendment is addressing it.

- 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.

The proposed Conceptual Plan amendment includes this language.

- 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.

The proposed Conceptual Plan amendment includes this language.

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

The proposed Conceptual Plan amendment includes this language.

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

The proposed Conceptual Plan amendment includes this information.

- 5) A note shall be added to the Conceptual Plan that identifies the number of dwelling units and proposed square footage of office space.

The proposed Conceptual Plan amendment identifies that the building would have 26 dwelling units. No commercial office space is proposed.

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

The proposed Conceptual Plan amendment includes a note that is similar to this language but does not include the statement "contextually appropriate." Staff recommends that providing this actual language be a condition of approval. Staff is currently working with representatives of the North of Grand Neighborhood Association and Restoration Ingersoll on developing a design that is context sensitive.

- 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.

The proposed Conceptual Plan amendment includes this language.

- 8) Bike racks shall be provided.

The proposed Conceptual Plan amendment includes this language.

- 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.

The proposed Conceptual Plan amendment includes this 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.

The proposed Conceptual Plan amendment includes this language.

- 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.

The proposed Conceptual Plan amendment includes this language.

- 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.

The proposed Conceptual Plan amendment includes this language.

- 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.

The proposed Conceptual Plan amendment includes this language.

- 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.

The proposed Conceptual Plan includes a note that states "all refuse collection containers for the multi-family building must be located within the building." This complies with the zoning condition.

- 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.

The proposed Conceptual Plan amendment includes this 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 (4018/4020 Ingersoll) as a Local Landmark with support of the current property owner and North of Grand Neighborhood Association.

The proposed Conceptual Plan amendment includes the first sentence from this condition. Staff recommends that providing all of this language be a condition of approval.

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

The proposed Conceptual Plan amendment includes this language as well as a note that references "C-1" District signage. Staff recommends that deleting the reference to the "C-1" District signage be a condition of approval.

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

This condition is not relevant as the proposed amendment does not include any commercial space. As such, it was deleted from the submitted Conceptual Plan.

- 19) The North of Grand Neighborhood Association shall be notified of any proposed minor amendments (typically subject to administrative review) or major amendments (subject to Plan and Zoning Commission and Council review).

This condition is not currently listed on the proposed Conceptual Plan amendment. Staff recommends that providing this language be a condition of approval.

SUMMARY OF DISCUSSION

Erik Lundy presented the staff report and recommendation.

Frank Levy, Newberry Development, 736 Foster Drive. He stated that they hadn't given the Neighborhood Association much time to consider their plans, so they had met two days ago to go over changes. In these constructive meetings, they were in agreement of the suggestions from the neighborhood associations which they felt were improvements. The first was to remove the monument sign. Given that they are no longer doing office space on the first floor, rather apartment units, they were agreeable to do a building mounted sign. They were also in agreement that they could move in the patio depth away from sidewalk to allow more green space. After reworking the design, they were able to move the building three feet inward and are now able to better meet the concerns of the neighborhood associations by changing the depth of the building and the distance to the curb.

Greg Jones ask if he was in agreement with the staff recommendations.

Frank Levy stated yes he was in agreement.

Will Page asked if they had applied for Historic Preservation Tax Credits.

Frank Levy stated they had already received the Part 2 awards. The neighborhood brought to their attention that they were not showing the double house garage on the PUD plan and they will be adding it. They also haven't received the Part 2 Award on 4050 Ingersoll but they will be using that for renovations. It will be a staggered construction start.

Will Page brought concerns about complying with the US Secretary of the Interiors' Standards and Rehabilitation if for some reason the tax credits had to be abandoned. He questioned who would be reviewing the design work if for some reason the project was not successful in its completion as it is not noted.

Frank Levy asked Mike Ludwig to respond.

Mike Ludwig stated the approved plan set identified measures that only included changes and repairs to certain features of the historic buildings. The plans noted what preservation briefs that were to be complied with and no other work being proposed to those buildings.

Frank Levy stated the original design did not include the garage on the double house and that would be added.

Greg Jones asked Will Page to explain his concern.

Will Page stated as it stands currently, it does not state specifically who would be reviewing these standards if for some reason they had to abandon the tax credits. They still should be held to some standards and it should be noted if it is the Planning Administrator or the Historic Preservation Commission that would enforce the standards.

Mike Ludwig stated the City's Historic Preservation staff would review it to confirm compliance with the briefs. Anything that goes beyond what is shown on the PUD would have to comply with the US Secretary of the Interior Standards. In the instance there was a loss of tax credits it would be reviewed by staff.

CHAIRPERSON OPENED THE PUBLIC HEARING

Justin Gross, 633 39th Street. President of the North of Grand Neighborhood Association. Mr. Gross stated they were in support of the staff recommendations with the amendments that had been mention by Frank Levy.

Mike Ludwig asked him to confirm that they are in agreement with the five conditions in the staff recommendation and submitted revisions. Also, making sure the wording meets the expectations of the neighborhood association.

Justin Gross stated they were in agreement.

Colleen Kinney, 632 40th St., recommended approval of the staff recommendations along with the Council approved conditions from October 24, 2015. She noted in the original conditions that 4B did not include the garage and he agreed to provide that on a new site plan. She brought up additional conditions she would like to see including less use of concrete rather stonework, a specific agreement with the church on which parking spaces would be considered shared parking, a tree mitigation plan that shows which trees are being saved, a signature on the Landmark application, and a plan that includes covenants as to what can be on the patios of the units.

Mike Ludwig asked the applicant to confirm if they are in agreement with the following additional conditions:

- 1) The existing garage for the double house at 4018/4020 Ingersoll Avenue shall be retained and noted as such on the PUD Conceptual Plan.
- 2) Pervious paving materials shall be used for the patios
- 3) Shared parking spaces will be identified in on the PUD Conceptual Plan and within the shared parking agreement between church and developer.
- 4) A tree mitigation plan shall be submitted for review and approval by the Planning Administrator.
- 5) The Landmark application shall be submitted with the consent of Plymouth Church and Newbury Development.
- 6) The developer shall provide the North of Grand Neighborhood Association president a copy of private covenants for the use of the patios.

Frank Levy agreed to these conditions.

51

Mike Ludwig noted that the City does not enforce covenants rather as a branch of zoning. He hesitates to add these on the PUD and confirmed with Colleen Kinney that it would not be a specific condition, but the developer would be providing them to the association.

Mark Siegfried, 4105 Woodland. Mr. Siegfried stated his appreciation to staff for the hard work they have put in on this project. He also circled back to the original conditions regarding the contextually appropriate streetscape of this area. Plymouth Church commitment to this area as an anchor between 38th -42nd Street is something to be defended as their investment protects many historic properties in this area.

COMMISSION ACTION:

Mike Simonson moved staff recommendation for approval of the proposed amendment to the Plymouth Congregational Church PUD Conceptual Plan subject to the following conditions:

- 1) Provision of a note that states “contextually appropriate Ingersoll Avenue Streetscape improvements shall be provided to the satisfaction of the Planning Administrator.
- 2) Provision of a note that states “any changes proposed for the three historic building not shown on the PUD Conceptual Plan shall 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.
- 3) All references to “C-1” signage shall be deleted. Signage shall be allowed pursuant to “R-3” District standards.
- 4) Provision of a note that states “the North of Grand Neighborhood Association shall be notified of any proposed minor amendments (typically subject to administrative review) or major amendments (subject to Plan and Zoning Commission and Council review).
- 5) Provision of all necessary cross access easements and a formal shared parking agreement to the satisfaction of the Planning Administrator.
- 6) The existing garage for the double house at 4018/4020 Ingersoll Avenue shall be retained and noted as such on the PUD Conceptual Plan.
- 7) Pervious paving materials shall be used for the patios.
- 8) Shared parking spaces will be specifically identified in on the PUD Conceptual Plan and within the shared parking agreement between church and developer.
- 9) A tree mitigation plan shall be submitted for review and approval by the Planning Administrator.
- 10) The Landmark application for the Stockdale House (4018/4020 Ingersoll) shall be submitted with the consent of Plymouth Church and Newbury Development.

11) The developer shall provide the North of Grand Neighborhood Association president a copy of private covenants for the use of the patios.

51

Motion passed 12-0-1. Lisa Howard abstained.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:mrw

Attachment

ZON2016-00221

Item ~~1~~ _____ Date 1/10/17

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

(Circle One)

Greenwood Park LLC
Print Name Jennifer Hines
Signature Jennifer Hines
Address 4126 Ingersoll

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

ZON2016-00221

Item ~~1~~ _____ Date 1/10/17

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

(Circle One)

Greenwood Park LLC
Print Name Jennifer Hines
Signature Jennifer Hines
Address 4126 Ingersoll

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

ZON2016-00221

Item _____

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

(Circle One)

Date 01/11/2017

Thomas Baldwin & Curtis
Print Name Thomas Baldwin & Curtis
Signature Thomas Baldwin, AIA
Address 3939 Girard Av

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

Proposed project appears to demolish the
wonderful house at 526-40th street. As
an architect and owner of a historic
landmark property at 3939 Girard Av,
I object to the demolition of our property.

ZON2016-00221

Item

Date

Jan 19, 2017

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

(Circle One)

Print Name Sally Pederson

Signature Sally Pederson

Address 607 41st Street

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

Four blank horizontal lines for providing reasons.

ZON2016-00221

Item

Date

1-10-17

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

(Circle One)

Print Name Jon Krieg for Friends House

Signature Jon Krieg

Address 4211 Grand Ave, DM 50312

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

Four blank horizontal lines for providing reasons.

ZON2016-00221

Item

Date

1-11-17

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

(Circle One)

Print Name Ruth Harbor, Inc. (Mark McDougal)

Signature Mark McDougal

Address 534 42nd St

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

Four horizontal lines for providing reasons. The text 'Meets the needs of the requester and decreases the need for extra parking in that area' is written across the lines.

ZON2016-00221

Item _____ Date 1-10-17

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

(Circle One)

Print Name Plymouth Cong. Church
Jennifer Hines
Signature Jennifer Hines
Address 4126 Ingersoll Ave.

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

ZON2016-00221

Item _____ Date 1/10/17

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

(Circle One)

Print Name Plymouth Cong. Church Found^{ation}
Jennifer Hines
Signature Jennifer Hines
Address 4126 Ingersoll

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

ZON2016-00221

Item _____

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

(Circle One)

Print Name Robert L BENEVENTI
Signature Robert L BENEVENTI
Address 603-41st St, Broom, Pa 19008

Date _____

1-11-17

51

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

