



Roll Call Number

Agenda Item Number

66A

.....
Date September 9, 2019

RESOLUTION REMANDING THE DECISION OF THE HISTORIC PRESERVATION COMMISSION TO GRANT AN APPLICATION FOR CERTIFICATE OF APPROPRIATENESS SUBJECT TO CONDITIONS FOR PROPERTY AT 1308 9TH STREET AND ORDERING ADVERTISING OF NOTICE TO POTENTIAL PURCHASERS.

WHEREAS, on May 16, 2019, Mr. Mitch Coluzzi submitted an application for a Certificate of Appropriateness (COA) to the Historic Preservation Commission (HPC) seeking authority to allow the demolition of fencing and the carriage house at 1308 9th Street; and,

WHEREAS, on June 19, 2019, the HPC approved the portion of the request pertaining to fencing and continued the hearing on the carriage house to the July 17, 2019 meeting and further requested that staff coordinate a tour of the property before the July meeting for interested Commissioners; and,

WHEREAS, on July 10, 2019, several Commission Members and Jason Van Essen, Senior City Planner, toured the property with Mr. Coluzzi; and,

WHEREAS, on July 17, 2019, the HPC concluded the continued hearing and issued COA 20-2019-9.15 allowing the demolition of fencing and denying the request to demolish the carriage house; and,

WHEREAS, the HPC identified that the carriage house is identified as a "Contributing Structure" by the district's National Register nomination and found that it is repairable and should be retained to support the historic integrity of the historic district; and,

WHEREAS, section 58-31 of the City's Historical Preservation Ordinance provides a process to be followed prior to the issuance of a COA for the demolition of a building defined by the district's National Register nomination as either a pivotal or contributing structure.

Sec. 58-31. Certificate of appropriateness required.

- (d) *When an application involves the proposed demolition of a building which is defined by the district's National Register nomination to be either a pivotal or contributing structure, the commission shall not issue a certificate of appropriateness until the following conditions have been satisfied:*
- (1) *The city shall advertise that the owner will entertain offers from any person or governmental agency desiring to purchase such building and the lot upon which it stands, provided the prospective purchaser agrees to preserve and rehabilitate the building in accordance with the recommended procedures in the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.*
 - (2) *When it has been determined by the commission that such building must be moved to mitigate adverse impact, in lieu of the requirements of subsection (d)(1) of this*



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section, the city shall advertise that the owner will entertain offers from any person or governmental agency desiring to purchase such building, provided the prospective purchaser agrees to cause such building to be moved by a professional mover in accordance with the recommended approaches in the Department of the Interior's "Moving Historic Buildings."

- (3) *The city shall publish such advertisement in a newspaper of general circulation within the city, in both a legal notice and a classified advertisement, once a month for three months for contributing structures and once a month for six months for pivotal structures.*
- (4) *Upon the affirmative vote of a majority of the full membership of the commission, the advertising requirements of this subsection (d)(3) of this section may be waived when such waiver is determined to be in the public interest.*

If the conditions of this subsection have been satisfied and no entity has purchased the building for the purpose of rehabilitating or moving it, the commission shall consider the demolition proposal at its next regularly scheduled meeting.

WHEREAS, Mr. Coluzzi, the owner of the affected property, has appealed the Commission's decision to the City Council pursuant to Section 303.34(3) of the Iowa Code and Section 58-31(f) of the Des Moines Municipal Code and seeks to have the decision reversed, removing the conditions; and

WHEREAS, on August 19, 2019, by Roll Call No. 19-1317, it was duly resolved by the City Council that the appeal be set down for hearing on September 9, 2019 at 5:00 p.m. in Council Chambers; and

WHEREAS, due notice of the hearing was published in the Des Moines Register on August 28, 2019 and due notice was provided to the applicant-appellant; and

WHEREAS, in accordance with the notice, those interested in the issuance of the Certificate of Appropriateness, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council; and

WHEREAS, City Staff recommends that the City solicit proposals for the purchase and renovation of the property including the carriage house or proposals for the relocation and preservation of the carriage house to a different property; and then resubmitting the issue to the HPC following the close of the advertisement period; and,

WHEREAS, Section 303.34(3) of the Iowa Code and Section 58-31(f) of the Des Moines Municipal Code provide that on an appeal from action of the Historic Preservation Commission, "the city council shall consider whether the commission has exercised its powers and followed the guidelines established by law and ordinance and whether the commission's action was patently arbitrary or capricious."



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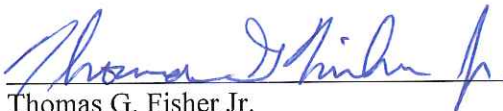
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

1. The public hearing on the appeal is hereby closed.
2. The City Council hereby finds that the Commission was unreasonable in deciding not to order that an advertisement be placed pursuant to Municipal Code section 58-31 to determine interest in potentially purchase or moving the property prior to deciding to deny the application for a Certificate of Appropriateness.
3. The City Council REMANDS Case Number 20-2019-9.15 to the Commission and directs staff to solicit proposals for the purchase and renovation of the property including the carriage house or proposals for the relocation and preservation of the carriage house to a different property pursuant to Municipal Code section 58-31 and then reconsider the application following the advertising period.

Moved by _____ to adopt.

(Council Communication No. 19- 390)

APPROVED AS TO FORM:



 Thomas G. Fisher Jr.
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

_____ Mayor

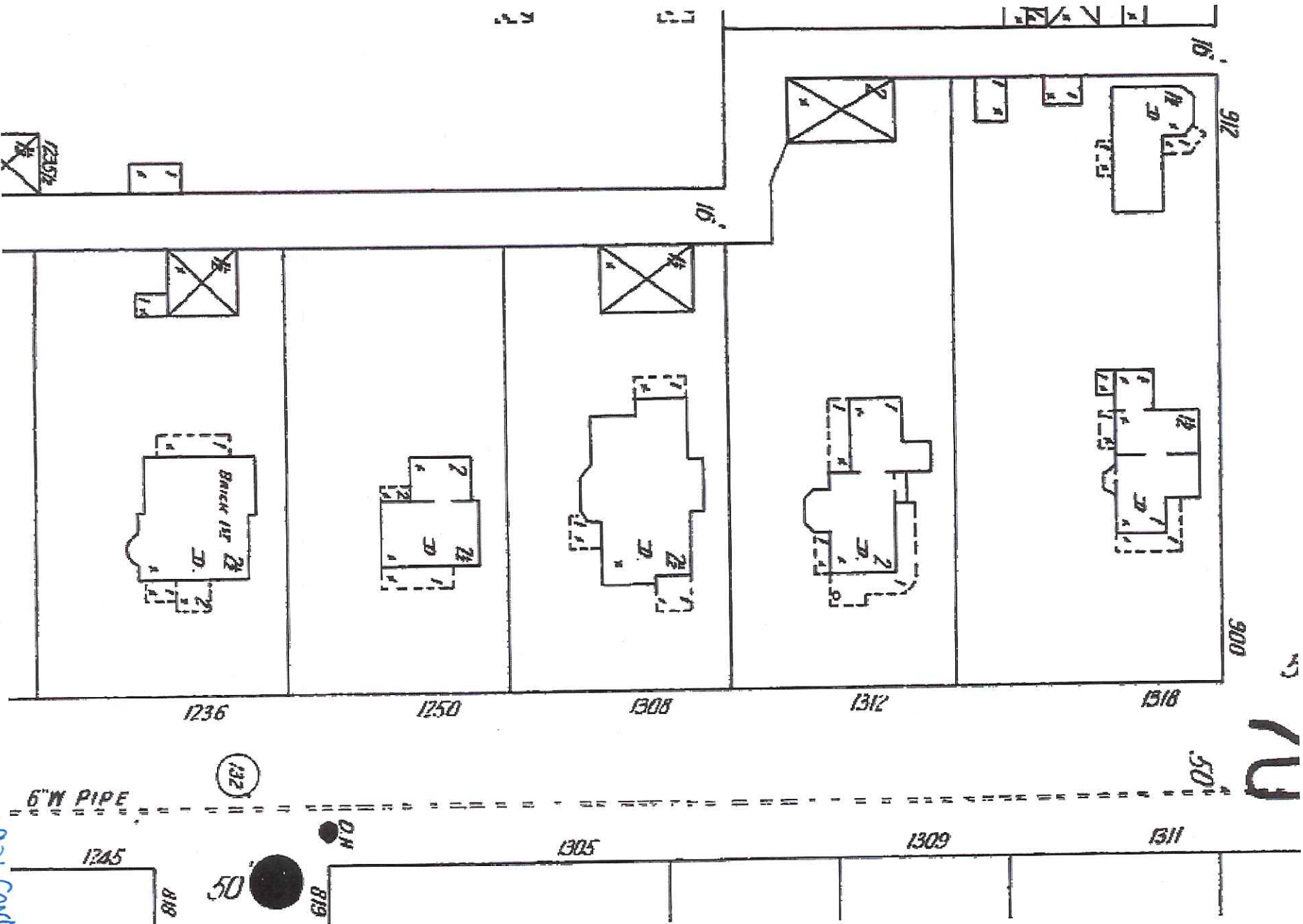
CERTIFICATE

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.

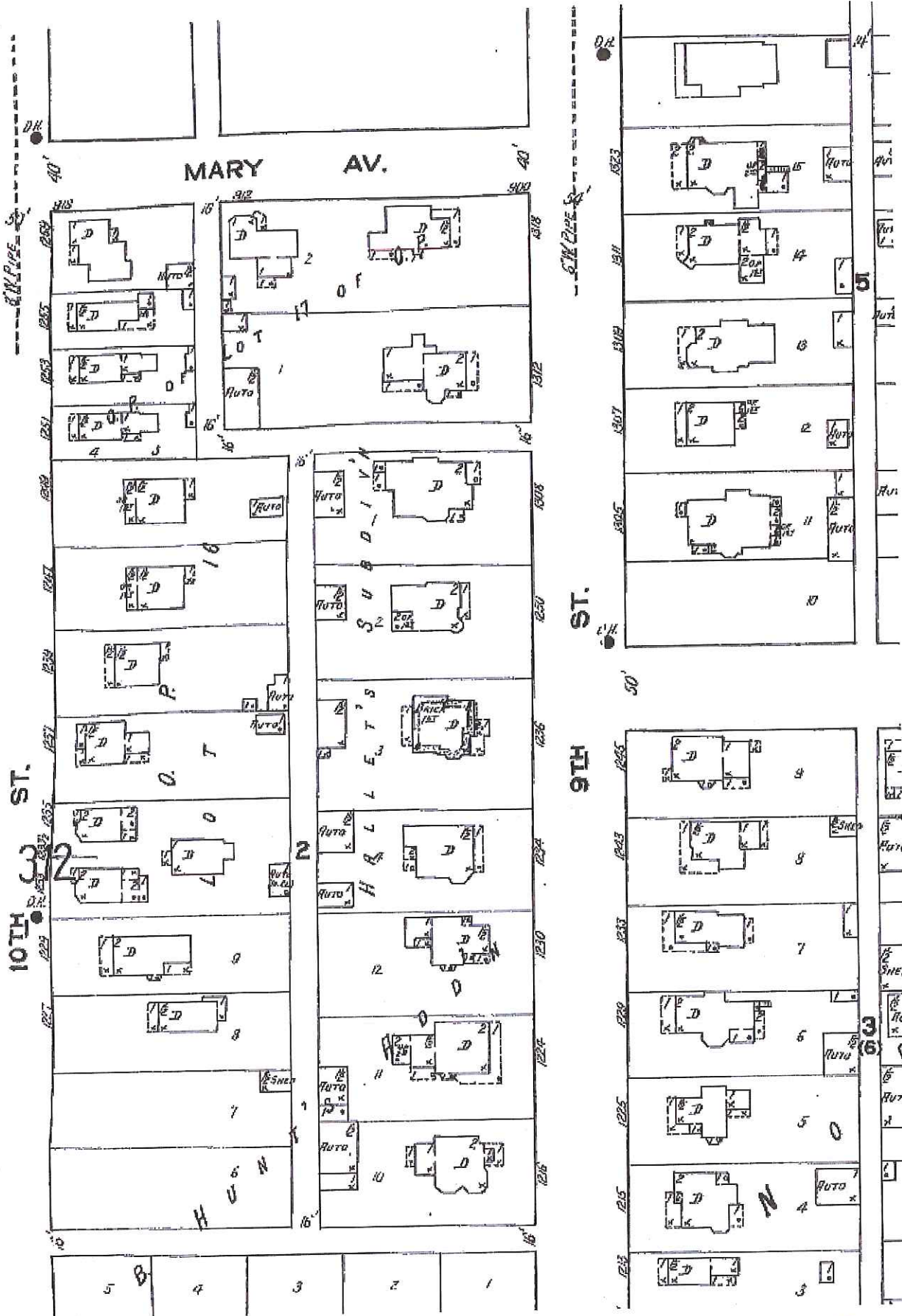
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

_____ City Clerk

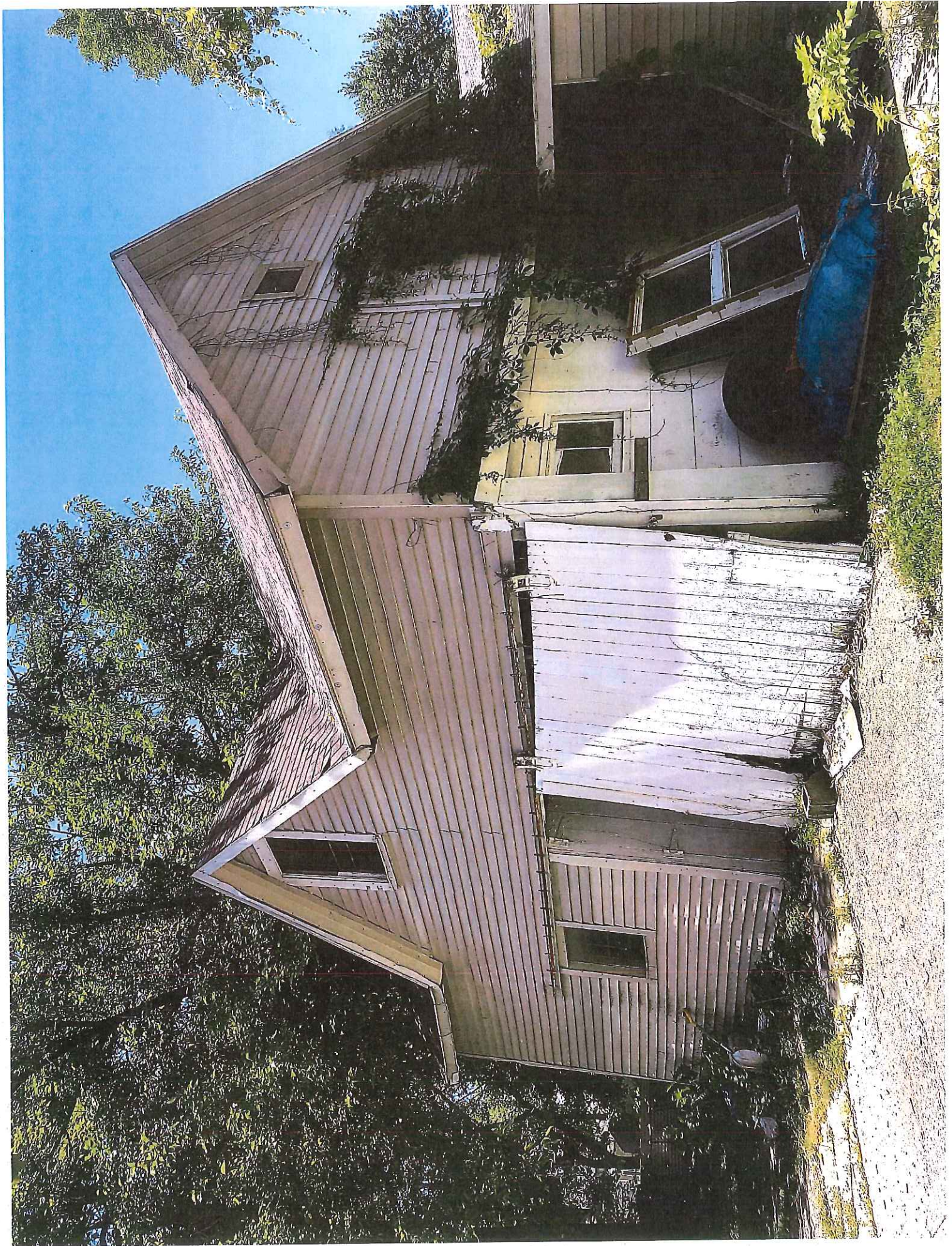
66A



901 SANDBORO



1920 SANBORN



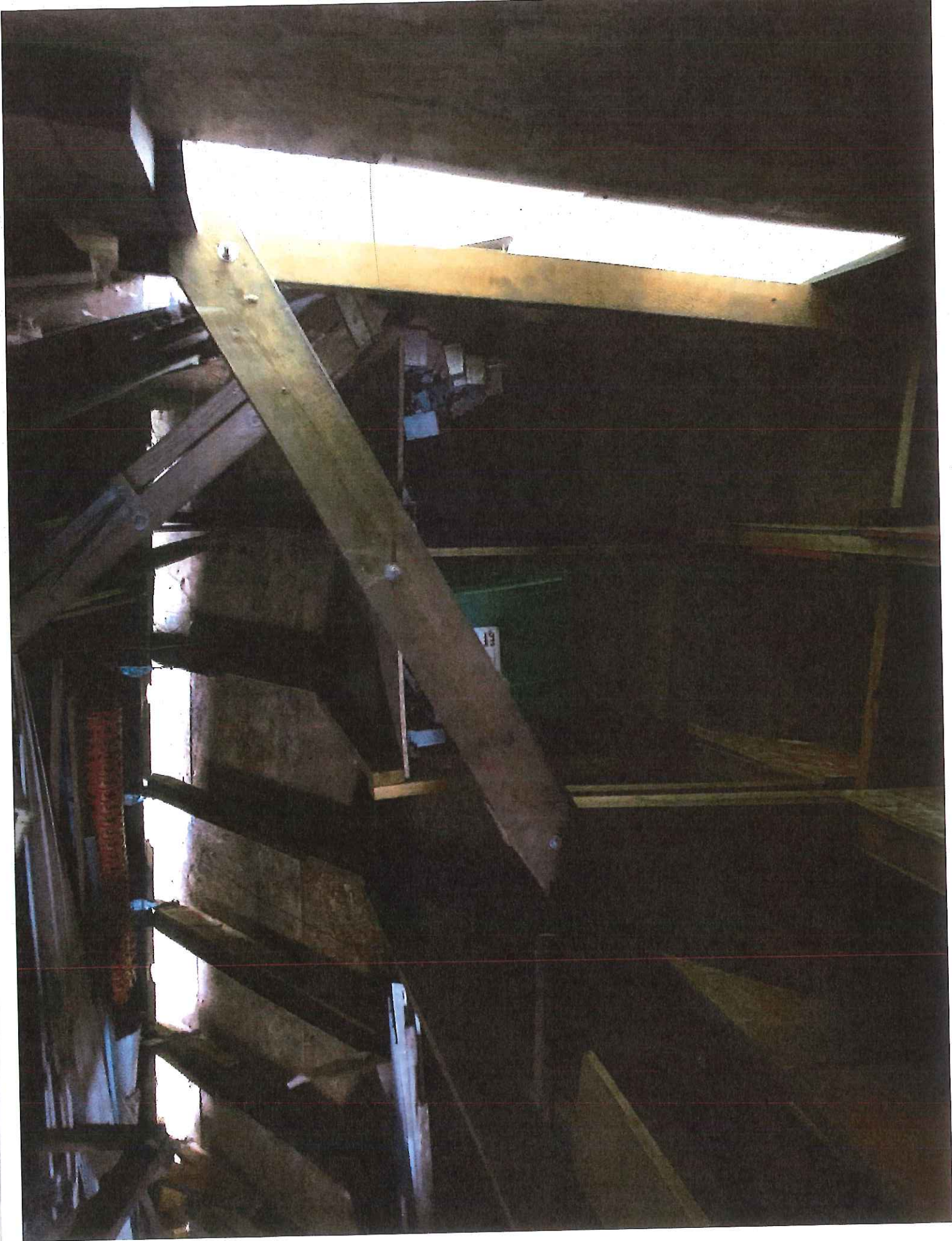




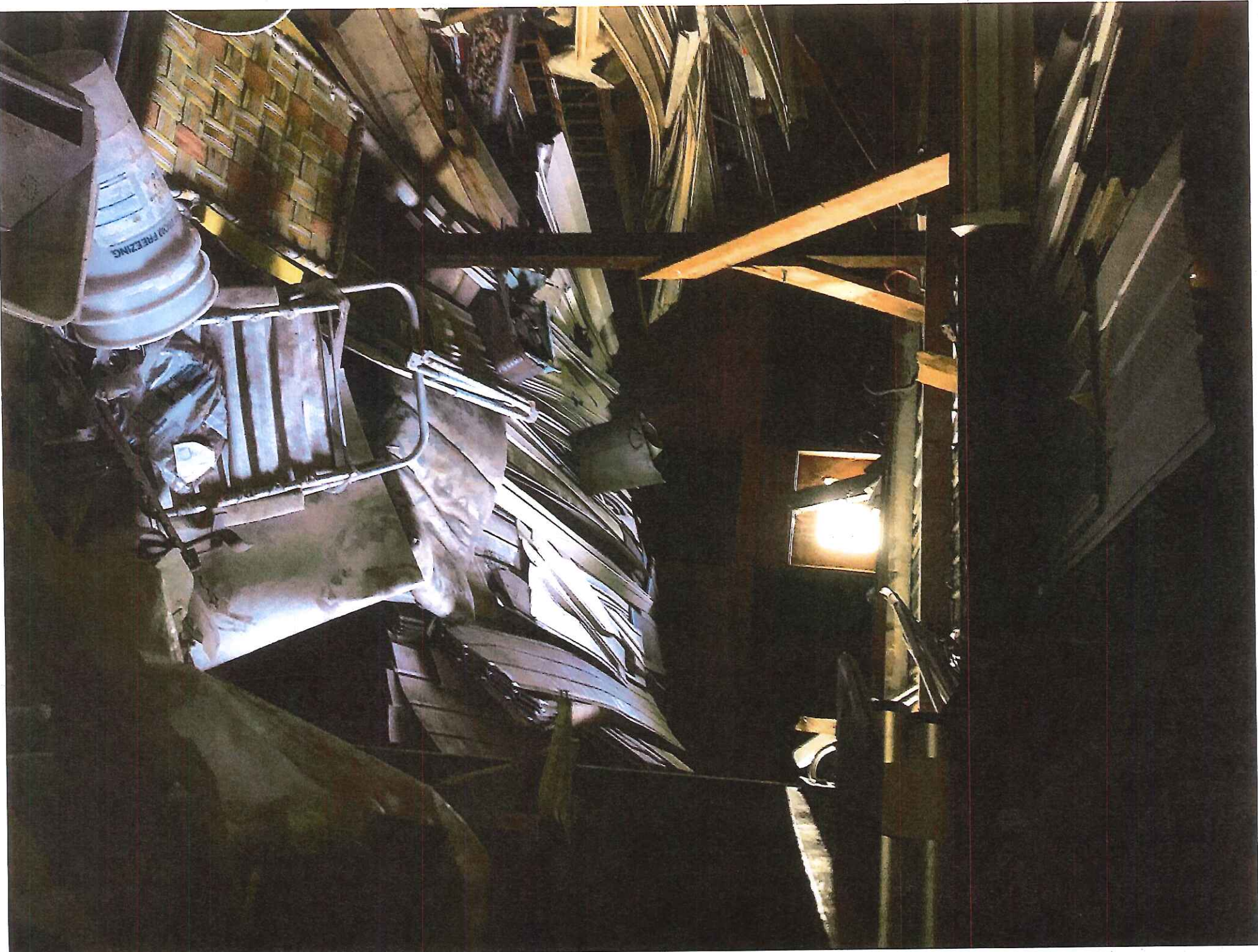












CITY OF DES MOINES
HISTORIC PRESERVATION COMMISSION
MEETING SUMMARY

DATE: July 17, 2019
TIME: 5:30 P.M.
PLACE: Board Room, Municipal Service Center
1551 East Martin Luther King, Jr. Parkway

COMMISSIONERS PRESENT: York Taenzer (Chair), Scotney Fenton (Vice Chair), Joel Aschbrenner, Sondra Ashmore, Patricia "Pat" Barry, Breann Bye, Maratha Green, Elaine Estes and James Trower.

COMMISSIONERS ABSENT: Mike Hildebrand, Pam Steffen and Aaron Todd.

STAFF PRESENT: Jason Van Essen, Senior City Planner

DISCUSSION SUMMARY OF AGENDA ITEM #4

Request from Coluzzi Construction, LLC (owner) represented by Mitch Coluzzi to allow demolition of an accessory structure and fencing at 1308 9th Street in the River Bend Local Historic District. (20-2019-9.15)

Chair York Taenzer: Read the agenda description for item #4.

Jason Van Essen stated last month we had 2 applications from Mitch for properties at 1308 9th Street and 1312 9th Street. These were essentially the same request. The Commission issued a COA for 1312 9th Street to allow demolition of an accessory structure and fencing at that property. The Commission approved a motion in June to allow the fencing to come down at 1308 9th Street, but continued the request for the outbuilding so we could have a better understanding of the condition of the building.

Noted that the building is listed as a Contributing Structure on the National Register nomination for the district. Pictures were taken of the site when Breann, Martha, York and Jason met there a week prior to the meeting with Mitch. Jason showed the pictures to the Commission via the overhead projector.

Chair York Taenzer: stated he believes the structure is salvageable. There likely is some shifting in the footings or slabs that it sits on, there is a lot of original material remaining and he is certain it could be retained.

Breann Bye stated she tends to agree. River Bend has lost a lot of original outbuildings by demolition, lack of maintenance or by being moved to different parts of the city. We have few historic outbuildings left and although this one needs some work, she believes it is salvageable when looking at its condition. When balancing the thoughts of the owners of the property with the interest of the neighborhood and historic district, she has a hard time voting to allow demolition. Ideally, every outbuilding would stay with the

original house but she would be open to allowing the outbuilding to be moved to a different property in the area.

Marth Green stated she supports Breann and York's comments about the building. Noted that a lot of the building's problems are due to the overloading caused by all of the material stored in the building. She cannot support issuing a demolition permit without advertising the property for 3 months to allow someone to purchase it.

James Trower asked what the applicant's intentions are, do they intend to build a new garage in this space, leave the area vacant or something else?

Mitch Coluzzi stated he would use the area for parking. The main building contains 6-units and the property has no on-site parking.

Sondra Ashmore asked if the building was cleared out and renovated if he could use it for parking.

Mitch Coluzzi stated if he removed the building he could pick up 5 parking spaces on-site, by keeping the outbuilding he could fit 1 car in it.

Chair York Taenzer asked about the property next door and the possibility for shared parking.

Mitch Coluzzi stated if he was to divide the properties that putting in a shared driveway would hinder his ability to do so. Noted that the previous owner had multiple properties in the area that he operated as a combined compound. He wants each property to operate independently. Noted that the garage door that is useable for a vehicle is on the north side of the building. It is only a 1-car garage given the way that the building is accessible.

Joel Aschbrenner asked how visible the structure is from the street.

Mitch Coluzzi stated it is set back against the alley and blocked by the main building.

Breann Bye stated that it is partially visible from the sidewalk when you are north of the main building.

Jason Van Essen asked the applicant how he felt about allowing someone to purchase the property or to move the accessory structure? Noted that it is a Contributing Structure in the National Register nomination of the district and that the City Code includes an advertising process before demolition can be approved unless waived by the Commission.

Mitch Coluzzi stated he is not opposed to someone taking the garage. Noted that he cannot start work on these properties until he has a decision on this outbuilding because he needs to do all of the demolition work at the same time because it is not cost effective.

Chair York Taenzer asked if he was aware that the property was located in a historic district at the time he bought it?

Mitch Coluzzi stated yes.

Chair York Taenzer asked how many units are in the building?

Mitch Coluzzi stated 6-units at 1308 9th Street and 2-units at 1312 9th Street.

Elaine Estes asked if that was the original number or have they been subdivide?

Mitch Coluzzi stated that is the existing number with an enforceable rental certificate. Stated he has work that has to be completed by March 2020 to keep the rental certificate.

Elaine Estes Noted that accessory buildings contribute to the overall character of a district and that we need to consider that.

James Trower asked staff if the applicant would need to come back to the Commission if the outbuilding is demolished and a parking lot is constructed?

Jason Van Essen stated yes, any pavement would need a COA.

Elaine Estes asked if the applicant has another property he could use the carriage house at?

Mitch Coluzzi stated no but he would be happy to let someone have it for free.

Sondra Ashmore stated it is preferable to keep the outbuilding on the same lot as the main structure. Moving it is better than demolition but leaving it in place is the best historic preservation option.

Chair York Taenzer asked if the applicant knew the exterior dimensions of the building?

Mitch Coluzzi stated he did not know.

Elaine Estes suggested that the building could be used to provide storage space for tenants.

Mitch Coluzzi stated there might be a need for storage but this building is not the right configuration for that.

Chair York Taenzer stated it is possible that additional overhead doors could be installed and that 2 to 3 vehicles could park in it.

Breann Bye stated the Polk County Assessor's website shows the building measuring 20 feet by 28 feet.

James Trower asked if there is on-street parking or is off-street parking required?

Mitch Coluzzi stated there is on-street parking on 9th Street, but it is relatively limited and the street is busy.

Elaine Estes asked if the applicant had considered reconfiguring the garage door so that more vehicles could be parked in the building.

Mitch Coluzzi stated that he has not considered it. The only way to access it would be from the alley and that would be a tight turn to try to get 3 overhead doors on the west side. There is not enough space between the building and the house to come in from the east side.

Angela Newhouse (1328 9th Street) stated parking on 9th Street is only allowed on the east side of the street. Noted that 9th Street is a snow route so there is no parking during snow events.

James Trower stated he is not sure we have exhausted all options for providing parking without removing the building

Elaine Estes asked if the item should be continued?

Chair York Taenzer stated we probably need to move forward. Asked staff to repeat the staff recommendation.

Jason Van Essen noted that the June staff report was not updated for the July meeting. Stated staff recommended approval of the request in June. Clarified that was issued before the tour.

Martha Green: Moved to advertise the property for alternative proposals per Section 58-31(d) of the City Code with approval of demolition if no alternative proposals are received.

Scotney Fenton: Seconded the motion.

VOTE: A vote of 4-5-0 was registered as follows:

	Aye	Nay	Abstain	Absent
Aschbrenner	X			
Ashmore		X		
Barry		X		
Bye		X		
Green	X			
Hildebrand				X
Estes		X		
Fenton	X			
Steffen				X
Taenzer		X		
Todd				X
Trower	X			

The motion failed.

Breann Bye: Moved to issue a Certificate of Appropriateness to allow the carriage house to be moved to another property within the River Bend Neighborhood as approved by staff.

Elaine Estes: Asked if she would accept a friendly amendment allowing it to be moved to other historic districts in addition to River Bend.

Breann Bye: Replied that she would not accept the amendment. If the motion fails someone else can make that motion. River Bend has lost many of its original outbuildings.

Scotney Fenton: Seconded the motion.

VOTE: A vote of 4-5-0 was registered as follows:

	Aye	Nay	Abstain	Absent
Aschbrenner		X		
Ashmore		X		
Barry		X		
Bye	X			
Green		X		
Hildebrand				X
Estes		X		
Fenton	X			
Steffen				X
Taenzer	X			
Todd				X
Trower	X			

The motion failed.

Sondra Ashmore: Moved to deny the request to demolish the carriage house.

Elaine Estes: Seconded the motion.

VOTE: A vote of 5-4-0 was registered as follows:

	Aye	Nay	Abstain	Absent
Aschbrenner		X		
Ashmore	X			
Barry	X			
Bye	X			
Green		X		
Hildebrand				X
Estes	X			

Fenton		X	
Steffen			X
Taenzer	X		
Todd			X
Trower		X	

ACTION OF THE COMMISSION:

Denial of the application as it would not be in harmony with the historic character of the neighborhood and would not meet the requirements set out in the Historic District Ordinance, the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, and the City of Des Moines' Standard Specifications. The subject building is a "contributing" structure in the historic district. It is repairable and should be retained to support the historic integrity of the district.

**CITY OF DES MOINES HISTORIC PRESERVATION COMMISSION
STAFF REPORT AND RECOMMENDATION
Wednesday, July 17, 2019**

AGENDA ITEM #4

20-2019-9.15

Applicant: Coluzzi Construction, LLC (owner) represented by Mitch Coluzzi.

Location: 1308 9th Street (River Bend Local Historic District).

Requested Action: Demolition of an accessory structure and fencing.

Item 4 is continued from the June 19, 2019 meeting of the Commission. The following staff report is from the June meeting. Staff will provide an update at the July 17, 2019 meeting.

I. GENERAL INFORMATION

1. **Project Summary:** The applicant intends to demolish the garage and fence.
2. **Site Description:** The subject property is located on the west side of 9th Street north of Indiana Avenue. It consists of an original platted lot and half of the vacated alley on the northern portion of the lot that are oriented towards 18th Street. It is zoned "R1-60" One-Family Low-Density Residential District.

The property contains a two-and-a-half story eight-unit multiple family dwelling converted from a single-family dwelling built circa 1880. There is an existing 20-foot by 28-foot detached garage built circa 1920 at the rear of the property adjoining the north/south alley. There is also a 6-foot tall fence in the rear yard consisting of a variety of materials including siding material and particle board.
3. **Sanborn Map:** The 1901 and 1920 maps show the existing (1308 9th Street) house and an accessory building along the west rear north/south alley.
4. **Relevant COA History:** None.

II. DEMOLITION REVIEW CRITERIA

Section 58-31 of the City's Historical Preservation Ordinance provides a special process to be followed for the issuance of a Certificate of Appropriateness for the demolition of a building defined by the district's National Register nomination as either a pivotal or contributing structure.

Sec. 58-31. Certificate of appropriateness required.

- (d) When an application involves the proposed demolition of a building which is defined by the district's National Register nomination to be either a pivotal or contributing structure, the commission shall not issue a certificate of appropriateness until the following conditions have been satisfied:
- (1) The city shall advertise that the owner will entertain offers from any person or governmental agency desiring to purchase such building and the lot upon which it stands, provided the prospective purchaser agrees to preserve and rehabilitate the building in accordance with the recommended procedures in the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.
 - (2) When it has been determined by the commission that such building must be moved to mitigate adverse impact, in lieu of the requirements of subsection (d)(1) of this section, the city shall advertise that the owner will entertain offers from any person or governmental agency desiring to purchase such building, provided the prospective purchaser agrees to cause such building to be moved by a professional mover in accordance with the recommended approaches in the Department of the Interior's "Moving Historic Buildings."
 - (3) The city shall publish such advertisement in a newspaper of general circulation within the city, in both a legal notice and a classified advertisement, once a month for three months for contributing structures and once a month for six months for pivotal structures.
 - (4) Upon the affirmative vote of a majority of the full membership of the commission, the advertising requirements of this subsection (d)(3) of this section may be waived when such waiver is determined to be in the public interest.

If the conditions of this subsection have been satisfied and no entity has purchased the building for the purpose of rehabilitating or moving it, the commission shall consider the demolition proposal at its next regularly scheduled meeting.

The garage was identified as a contributing structure. Staff believes that removal of the garage is in the public interest based on its blighted condition. Staff recommends that the Commission waive the publication requirement per (d)(3) of this provision.

III. APPLICABLE DESIGN GUIDELINES

The applicant is not proposing to construct a new outbuilding at this time. The following design guidelines will be applicable if a new garage is proposed in the future.

- a. *The Sanborn maps should be consulted to determine the historical placement of outbuildings before considering any new construction.*
- b. *The typical pattern of outbuildings historically established in the neighborhood should be continued in any new construction.*
- c. *Additional curb cuts should be kept to a minimum and whenever possible avoided.*
- d. *New outbuildings should be subordinate to the primary structure.*
- e. *The height should typically be 1 to 1½ stories with a 10' floor-to-ceiling height.*

- f. New outbuildings should be simple in design while incorporating traditional elements of scale, roof form, and material.*
- g. The roof form of an outbuilding should be similar to the roof form of the principal structure. The pitch of a gable roof should be no less than 6:12.*
- h. A new garage or outbuilding should relate well to the principal structure in material. Brick, narrow lap siding or bard and batten may be appropriate.*
- i. New outbuildings should use a window pattern that follows that of the primary structure. Codes limiting window openings within 3' of the lot line and/or within 6' of other outbuildings must be satisfied.*
- j. Overhead panel doors or upward-acting doors may be used in a new outbuilding. Two car garages should have two single doors rather than a double-wide door to avoid a strong horizontal orientation.*

III. STAFF RECOMMENDATION

Staff recommends approval of the requested Certificate of Appropriateness subject to compliance with issuance of a demolition permit from the City's Permit and Development Center. Staff further recommends waiver of the publication requirement in 58-31 (d)(3).

HISTORIC PRESERVATION COMMISSION
CITY OF DES MOINES
CERTIFICATE OF APPROPRIATENESS
In the Following Matter

This Certificate of Appropriateness is valid for one year from the meeting date

REQUEST FROM:	:	CASE NUMBER: 20-2019-9.15
	:	
COLUZZI CONSTRUCTION, LLC	:	
	:	
PROPERTY LOCATION:	:	MEETING DATE: JULY 17, 2019
	:	
1308 9TH STREET	:	

This Decision of the Historic Preservation Commission does not constitute approval of any construction. All necessary permits must be obtained before any construction is commenced upon the Property. A Certificate of Occupancy must be obtained before any structure is occupied or re-occupied after a change of use.

SUBJECT OF THE REQUEST:

- A. Demolition of fencing. *(see Decision 1)*
- B. Demolition of an accessory structure. *(see Decision 2)*

Decision 1 – Part A

FINDING OF THE HISTORIC PRESERVATION COMMISSION:

Granting the application would be in harmony with the historic character of the neighborhood and would meet the requirements set out in the Historic District Ordinance, the Secretary of Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, and the City of Des Moines’ Standard Specifications.

VOTE: On June 19, 2019, a vote of 8-0-0 was registered as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Aschbrenner				X
Ashmore	X			
Barry	X			
Bye				X
Green	X			
Hildebrand	X			
Estes	X			
Fenton	X			
Steffen	X			
Taenzer	X			
Todd				X
Trower				X

Decision 2 – Part B

FINDING OF THE HISTORIC PRESERVATION COMMISSION:

Denial of the application as it would not be in harmony with the historic character of the neighborhood and would not meet the requirements set out in the Historic District Ordinance, the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, and the City of Des Moines' Standard Specifications. The subject building is a "contributing" structure in the historic district. It is repairable and should be retained to support the historic integrity of the district.

VOTE: On July 19, 2019, a vote of 5-4-0 was registered as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Aschbrenner		X		
Ashmore	X			
Barry	X			
Bye	X			
Green		X		
Hildebrand				X
Estes	X			
Fenton		X		
Steffen				X
Taenzer	X			
Todd				X
Trower		X		

Approved as to form:



Michael Ludwig, AICP
Planning Administrator



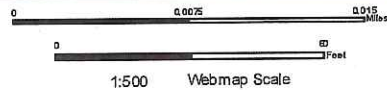
Chris Johansen
Community Development Director

Date Filed: 8/5/19 Filed By: JV



City of Des Moines Information Technology. GIS@dmgov.org, City of Des Moines

Description



Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere
Projection: Mercator
Auxiliary Sphere Datum: WGS 1984
False Easting: 0.0000
False Northing: 0.0000
Central Meridian: 0.0000
Standard Parallel 1: 0.0000
Auxiliary Sphere Type: 0.0000
Units: Meter

Author: Author

Date: 7/12/2019
Time: 1:09:24 PM

10/6/19