



Date September 9, 2019

RESOLUTION HOLDING HEARING ON REQUEST FROM CHRISTENSEN PROPERTIES 1, LLC TO REZONE PROPERTY LOCATED AT 610 16TH STREET AND 1613 AND 1619 HIGH STREET

WHEREAS, on August 19, 2019, by Roll Call No. 19-1314, the City Council received a recommendation from the City Plan and Zoning Commission advising that at a public hearing held on August 1, 2019, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from Christensen Properties 1, LLC (owner), represented by Jake Christensen (officer), to rezone property located at 610 16th Street and 1613 and 1619 High Street (collectively "Property") from "C-2" General Retail and Highway-Oriented Commercial District to Limited "NPC" Neighborhood Pedestrian Commercial District, to allow for development of six single-family dwellings, subject to the following conditions:

1. Permitted uses shall only be uses permitted in the "R1-80" One-Family Residential District subject to Site Plan review by the Plan and Zoning Commission in accordance with design guidelines in "NPC" Districts.
2. Signage upon the Property shall be limited to that allowed in the "R1-80" One-Family Residential District; and

WHEREAS, on August 19, 2019, by Roll Call No. 19-1314, it was duly resolved by the City Council that the application from Christensen Properties 1, LLC to rezone the Property be set down for hearing on September 9, 2019 at 5:00 P.M., in the Council Chamber at City Hall; 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 Zoning Ordinance; and

WHEREAS, in accordance with said notice, those interested in said proposed rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property located at 610 16th Street and 1613 and 1619 High Street, legally described as:

LOTS 5, 6, 7, AND 8 OF BLOCK A IN PURSELY ESTATE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

from "C-2" General Retail and Highway-Oriented Commercial District to Limited "NPC" Neighborhood Pedestrian Commercial District, to allow for development of six single-family dwellings, subject to the conditions set forth above.



Roll Call Number

Agenda Item Number

68

Date September 9, 2019

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 and all statements of interested persons and arguments of counsel, any objections to the proposed rezoning of the Property to Limited "NPC" Neighborhood Pedestrian Commercial District, with conditions as set forth above, are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, to Limited "NPC" Neighborhood Pedestrian Commercial District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to conditions set forth above and subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY _____ TO ADOPT.

FORM APPROVED:

Glenna K. Frank
 Glenna K. Frank, Assistant City Attorney

(ZON2019-00128)

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

MOTION CARRIED APPROVED

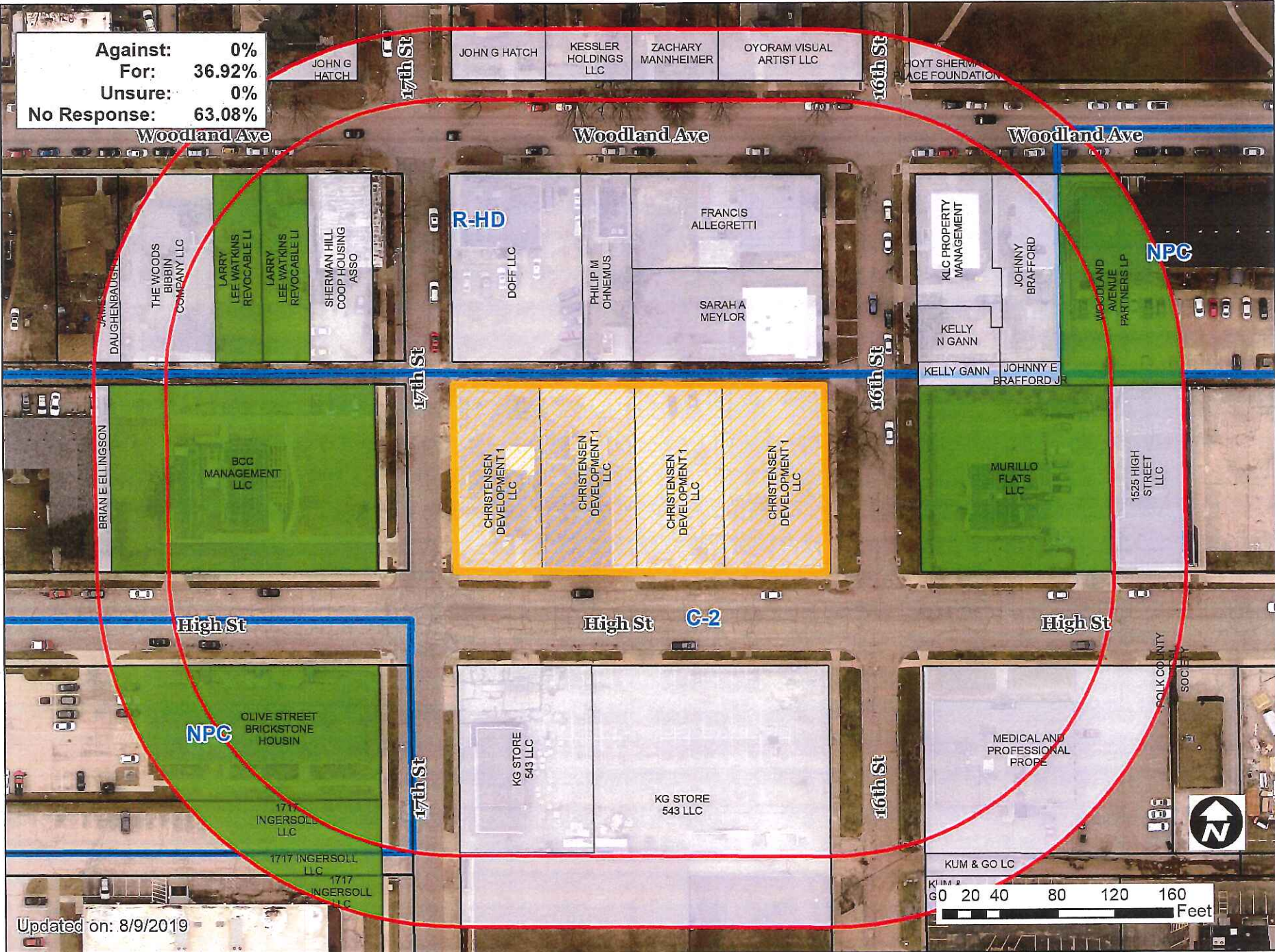
CERTIFICATE

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

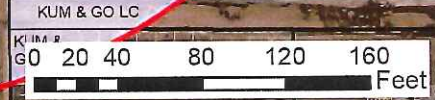
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Mayor

City Clerk



Updated on: 8/9/2019



68

1 inch = 89 feet

ZON2019-00128

Item

Date 7/26/2019

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

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT

AUG 09 2019

Print Name LARRY WATKINS

Signature Larry Watkins

Address 1706 WOODLAND AVE, DSM

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

Item ZON2019-00128

Date 11/27/2019
OLIVE STREET BRICKSTONE HOUSING

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

(Circle One)
RECEIVED
COMMUNITY DEVELOPMENT

Print Name Ryan Galloway
Signature Ryan Galloway
Address 1710 High St.

JUL 29 2019

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

It'd be foolish to oppose this project.

Item ZON2019-00128

Date 7/25/2019
WOODLAND AVENUE PARTNERS LP

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

(Circle One)
RECEIVED
COMMUNITY DEVELOPMENT

Print Name Ryan Galloway
Signature Ryan Galloway
Address 1500 Woodland Ave

JUL 29 2019

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

Great project for the neighborhood
and street.

Item ZON2019-00128

Date 7/25/2019

MURILLO PARTS LLC

(am) (am not) in favor of the request.
(Circle One)
RECEIVED
COMMUNITY DEVELOPMENT

Print Name Ryan Galloway
Signature Ryan Galloway
Address 611 16th St., DSM

JUL 29 2019

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

This will be a transformative housing development
for High Street, I'm very supportive as I
lived at 611 16th for 5 years and the surrounding
parcels were all depressing to look at.
Joker's project will bring much needed life to the
street.

Item ZON2019-00128 Date 7-25-19
 I (am) (am not) in favor of the request. BCC MANAGEMENT LLC
 (Circle One)
 Print Name Steve Jacobs
 Signature [Signature]
 Address 1707 High St. 201

RECEIVED
 COMMUNITY DEVELOPMENT
 JUL 29 2019

Reason for opposing or approving this request may be listed below:
Christensen's proposed use of 1610-16TH
+ 1613 + 1619 High St. is very positive
to the neighborhood. We are 100% to
supportive of his project. [Signature]

Item ZON2019-00128 Date 7-29-19
 I (am) (am not) in favor of the request. SUBJECT PROPERTY
 (Circle One)
 Print Name Jack Christensen
 Signature [Signature]
 Address 1613 High St.

RECEIVED
 COMMUNITY DEVELOPMENT
 JUL 31 2019

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

Item ZON2019-00128 Date 7/25/19
 I (am) (am not) in favor of the request.
 (Circle One)
 Print Name Mike Christensen
 Signature [Signature]
 Address 1717 Christensen
 JUL 29 2019
 Reason for opposing or approving this request may be listed below:

RECEIVED
 COMMUNITY DEVELOPMENT

ZON2019-00128

Item

Date

7/31/19

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

SHERMAN HILL NEIGHBORHOOD ASSOCIATION

(Circle One)

Print Name SHERMAN HILL ASS.

Signature [Signature] - PRES.

Address 1620 PLEASANT.

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

SHA BOARD UNANIMOUSLY SUPPORTS
REQUEST TO CHANGE ZONING. OWNERS
WORKED WITH SHA TO INVITE ENTIRE
NEIGHBORHOOD TO Q+A SESSION.

July 31, 2019

City Planning and Zoning Commission
c/o Erik Lundy, Jason Van Essen, or Bert Drost
City of Des Moines
602 Robert D. Ray Drive
Des Moines, IA 50309-9603



RE: ZON2019-00128 – Zoning Request from Christenson Properties 1, LLC

Dear Commissioners:

This letter is on behalf of the Sherman Hill Association, Inc. (“SHA”) to state our support for the rezoning request by Christensen Properties 1, LLC for the property located at 610 16th Street/1613/1619 High Street to NPC (“Christensen Request”). Specifically, SHA asks the Commission to grant the Christensen Request which is on the August 1, 2019 Agenda. SHA enthusiastically supports the Christensen Request to allow the development of six single family homes in Sherman Hill.

The property owners have met with and shared their plans with us for single family homes. The owner has a track record of high-quality projects in Des Moines and this one will be no different. Further, the owners worked with SHA to organize and advertise an open meeting for the entire neighborhood to ask questions about the project and rezoning. This meeting took place at the Mickle Center earlier this week.

The current C-2 zoning conflicts with the neighborhood plan and the best interest of the neighborhood. NPC will allow density infill that is appropriate and consistent with Sherman Hill’s long-term goals and neighborhood planning. SHA feels that it is in the best interest of the neighborhood and the City to support this project. In addition to the unanimous support of the SHA Board, we have heard from several neighbors supportive of this rezoning and are aware of zero opposition or reason to oppose this request.

Thank you for your consideration of the SHA’s input on this and other development related to Sherman Hill. Please let me know if you have any questions regarding this letter of support.

Sincerely,

Ryan P. Howell
Sherman Hill Association, Inc.
President 2019
(434) 409-3474 (mobile)
ryanphowell@gmail.com



August 13, 2019

Date September 9, 2019
 Agenda Item 68
 Roll Call # _____

Honorable Mayor and City Council
 City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their August 1, 2019 meeting, the following action was taken regarding a request from Christensen Properties 1, LLC (owner) represented by Jake Christensen (officer) to rezone the property located at 610 16th Street, 1613 and 1619 High Street from "C-2" General Retail and Highway-Oriented Commercial District to "NPC" Neighborhood Pedestrian Commercial District to allow development of six (6) single-family dwellings.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 14-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	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			
Emily Webb	X			

APPROVAL of Part A) the Commission find the requested rezoning in conformance with PlanDSM: Creating Our Tomorrow Plan future land use designation of Downtown Mixed Use and Part B) **APPROVAL** of rezoning the subject property to a Limited "NPC" District, subject to the following conditions:

- A. Permitted uses shall only be uses permitted in the “R1-80” One-Family Residential District subject to Site Plan review by the Plan and Zoning Commission in accordance with design guidelines in “NPC” Districts.
- B. Signage upon the Property shall be limited to that allowed in the “R1-80” One-Family Residential District. (ZON2019-00128)

Written Responses

7 in Favor
0 in Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the Commission find the requested rezoning in conformance with PlanDSM: Creating Our Tomorrow Plan future land use designation of Downtown Mixed Use.

Part B) Staff recommends approval of rezoning the subject property to a Limited “NPC” District, subject to the following conditions:

- A. Permitted uses shall only be uses permitted in the “R1-80” One-Family Residential District subject to Site Plan review by the Plan and Zoning Commission in accordance with design guidelines in “NPC” Districts.
- B. Signage upon the Property shall be limited to that allowed in the “R1-80” One-Family Residential District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed rezoning would allow the appellant to develop the property under design guidelines in “NPC” Districts. This would include flexible storm water management provisions that give credit for storm water runoff from existing development.
2. **Size of Site:** 258 feet by 132 feet (34,056 square feet or 0.78 acres).
3. **Existing Zoning (site):** “C-2” General Retail and Highway-Oriented Commercial District, “GGP” Gambling Games Prohibition Overlay District, “D-O” Downtown Overlay District, and “FSO” Freestanding Sign Overlay District.
4. **Existing Land Use (site):** The existing property contains a single-family dwelling, a vacant autobody shop most recently used for warehousing, and semi-improved land with pavement that is in disrepair. The property is immediately adjoining the Sherman Hill Local Historic District to the south.

5. Adjacent Land Use and Zoning:

North – “RH-D”, Uses include Carl’s Place tavern, a one-family dwelling and two-family dwellings.

South - “C-2”, Uses are vacant sales office, display lot, service shop and showroom for the former Crescent Chevrolet dealership.

East – “C-2”, Use is Murillo Flats multiple-family dwelling.

West – “C-2”, Use is an office building.

6. **General Neighborhood/Area Land Uses:** The subject property is located in a transitional area between the Sherman Hill Local Historic District and the Ingersoll Avenue commercial corridor.

7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Sherman Hill Neighborhood. This neighborhood associations were notified of the public hearing by mailing of the Preliminary Agendas on July 12, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on December July 12, 2019 (20 days prior to the public hearing) and July 22, 2019 (10 days prior to the public hearing) to the Sherman Hill Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Sherman Hill Association notices were mailed to Ryan Howell, 831 16th Street, Des Moines, IA 50314.

The applicant is required to hold a neighborhood meeting. They will be available to provide a summary at the public hearing.

8. **Relevant Zoning History:** On July 25, 2018 the Zoning Board of Adjustment granted an Exception to the design guidelines that require the main part of a single-family dwelling to have a minimum roof pitch of 3:12 and a roof overhang around the entire perimeter, an Exception of up to 12.5 feet less than the minimum required 25-foot front yard setback along High Street, a Variance of up to 21.5 feet less than the minimum required 25-foot front yard setback along both 16th Street and 17th Street, as required for the dwellings, garages, and solid fences over 3 feet in height, an Exception of 1.5 feet less than the minimum 5-foot side yard setback required for a single-family dwelling, and an Exception of 3 feet less than the minimum 10 feet of total side yard setback required for a single-family dwelling, to allow reconfiguration of four (4) existing parcels as six (6) lots, each measuring 43 feet wide by 132 feet deep (5,676 square feet) for development of single-family dwellings, to allow the reconfiguration of the block face for six (6) lots for single-family dwellings:

- A) Construction of any dwelling or garage shall be in substantial compliance with the submitted building designs, site sketch and identified building materials to the satisfaction of the Planning Administrator.
- B) Full dimension brick shall be used where brick is specified as a building material on the submitted design information.

- C) Corner units shall have an entry presence to the side streets in addition to High Street to the satisfaction of the Planning Administrator. This may consist of a second set of steps to a front porch, a corner entrance or other comparable technique.
- D) Each dwelling unit shall have an attached or detached garage in the rear yard with a paved driveway as illustrated by the submitted design information to the satisfaction of the Planning Administrator.
- E) Any building or site improvement constructed shall be in compliance with all applicable Site Plan policies.
- F) Any buildings constructed shall be in compliance with all applicable Building and Fire Codes, with issuance of all necessary permits by the Permit and Development Center

On September 20, 2018 the Plan and Zoning Commission approved a preliminary plat for "Sherman Flats Plat 1" for the proposed lot configuration. This required the property to meet general storm water management provisions.

- 9. **PlanDSM Future Land Use Plan Designation:** Downtown Mixed Use, which is defined as "Allows mixed-use, high density residential uses, and compact combinations of pedestrian-oriented retail, office, residential, and parking in downtown. Should include active uses (e.g. retail) on ground floor, particularly at key intersections."
- 10. **Applicable Regulations:** Taking into the consideration of the criteria set forth in Chapter 18B of the Iowa Code, 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. The Commission may make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

- 1. **NPC Design Guidelines:** Should the rezoning be approved, any future redevelopment of the property would be subject to review and approval by the Plan and Zoning Commission of a Site Plan and building elevations in accordance with the following NPC District Design Guidelines:
 1. *Buildings should frame the street and maintain a minimal setback from the street.*
 2. *The front facade of the first floor of the building on the primary commercial street should have a ratio of at least 40 percent window and window display area to total street facade.*
 3. *The front entrance should be oriented to the street. On a corner lot, the building should have a well-defined entrance on the primary commercial street.*
 4. *Materials should be brick, stone, tile, stucco, or horizontal wood clapboard with a maximum width of six inches. Two-story buildings are encouraged.*
 5. *Commercial buildings with over 50 feet of building frontage should have the appearance of being broken into separate bays of between 20 to 35 lineal feet*

- using structural elements, fenestration patterns, protruding or recessed bays, or architectural details.*
6. *Building frontage should occupy at least 50 percent of the primary street frontage.*
 7. *Off-street loading and parking spaces should be provided in compliance with sections 134-1376 and 134-1377 of the zoning chapter, subject to the following modifications:*
 - a. *The minimum number of off-street parking spaces is 60 percent of the number of spaces otherwise required by subsection 134-1377(a).*
 - b. *Parking should not exceed the amount otherwise required by section 134-1377 of this Code.*
 - c. *Parking should not use the front yard but should be concentrated along the side and in back of the building in the predominant pattern of character defining buildings.*
 - d. *Shared parking among businesses or between business and residential projects will be allowed, provided a shared parking plan is presented at the time of application, signed by the property owners, ensuring non-duplication of parking. The shared parking must be within 300 feet of the business or dwelling.*
 - e. *On-street parking directly adjacent to the occupant frontage shall count toward the minimum off-street parking requirement. Elimination of such on-street parking by the city shall have no effect on an approved Site Plan.*
 - f. *Tandem parking spaces shall count toward the minimum off-street parking requirement if a parking plan demonstrates that the parking will be for employees and will be occupied for over four hours between changes.*
 - g. *An emphasis of trees, shrubs and other plantings should be placed around the perimeter of any parking area and within large parking lots to create a more attractive area. The landscape plan should generally enhance the visual appearance of the building, parking area and any pedestrian areas.*
 8. *The following bulk regulations should be observed:*
 - a. *Minimum lot area Mixed-use project, 10,000 square feet, No minimum requirement for permitted nonresidential uses.*
 - b. *Minimum lot area per dwelling unit multiple dwellings, 2,000 square feet.*
 - c. *Front yard: minimum of zero feet.*
 - d. *Side yards: minimum of zero feet.*
 - e. *Rear yard: None required, except when adjoining any R or C-0 district or portion of a PUD designated for residential use, in which case ten feet.*
 - f. *Height: minimum of 15 feet, maximum of 45 feet.*
 - g. *Number of stories:*
 - *Residential uses, a maximum of four stories.*
 - *All other permitted uses, a maximum of two stories.*
 - h. *Signs, which are attached or projecting from the building and designed for the character of the building, are preferred. Monument signs are allowed.*
 - i. *Any extension of parking into an adjoining residential district shall support the intent of the NPC neighborhood pedestrian commercial district and conform with the guidelines in this section.*

2. **Permit & Development Center Comments:** Construction on the property shall be in compliance with applicable Building and Fire Codes, with issuance of any necessary permits by the Permit and Development Center. The subdivision of the property shall be in accordance with review of a Subdivision Plat in accordance with the requirements in Chapter 106 of the City Code.
3. **Utilities:** The subject property has access to a Des Moines Water Works water main and public sanitary sewer in High Street. The developer would be proposing a new sanitary sewer construction on the north side of High Street to better facilitate depths for the services to each dwelling. The storm water collection in the surrounding public street network is part of a combined sanitary/storm sewer. Because of the proximity of a large trunk, connection of storm sewer to the combined system is not anticipated to generate any adverse impact to the sanitary system greater than the existing condition.
4. **Drainage/Grading:** Should the rezoning be approved, the development of the property would be reviewed under a Site Plan in accordance with the design guidelines in "NPC" Districts. This allows for the existing predeveloped impervious surfaces on the property to be considered for the stormwater management provisions giving credit for the existing runoff.

SUMMARY OF DISCUSSION

Jacqueline Easley asked if any member of the audience or the commission desired to speak regarding the item. None were present or requested to speak.

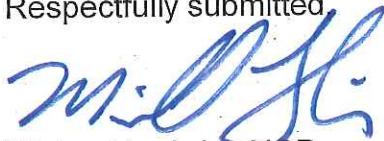
COMMISSION ACTION:

Will Page made a motion for **APPROVAL** of Part A) the Commission find the requested rezoning in conformance with Plan DSM: Creating Our Tomorrow Plan future land use designation of Downtown Mixed Use and Part B) **APPROVAL** of rezoning the subject property to a Limited "NPC" District, subject to the following conditions:

- A. Permitted uses shall only be uses permitted in the "R1-80" One-Family Residential District subject to Site Plan review by the Plan and Zoning Commission in accordance with design guidelines in "NPC" Districts.
- B. Signage upon the Property shall be limited to that allowed in the "R1-80" One-Family Residential District.

Motion Carried: 14-0

Respectfully submitted,



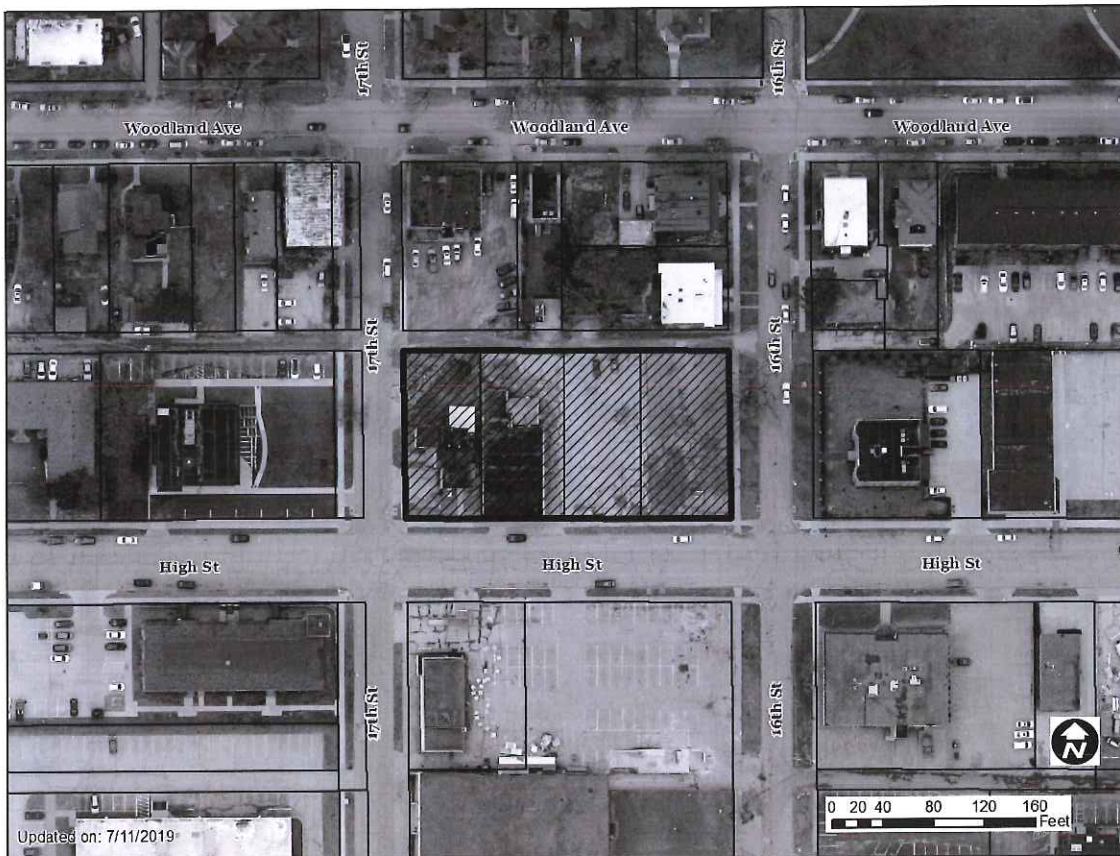
Michael Ludwig, AICP
Planning Administrator

MGL:tjh

Christensen Properties 1, LLC (owner) represented by Jake Christensen (officer) for the property located at 610 16th Street, 1613 and 1619 High Street.			File # ZON2019-00128	
Description of Action	Rezone property from "C-2" General Retail and Highway-Oriented Commercial District to "NPC" Neighborhood Pedestrian Commercial District to allow development of six (6) single-family dwellings.			
PlanDSM Future Land Use	Current: Downtown Mixed Use. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"C-2" General Retail and Highway-Oriented Commercial District, "GGP" Gambling Games Prohibition Overlay District, "D-O" Downtown Overlay District, and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District	"NPC" Neighborhood Pedestrian Commercial District, "GGP" Gambling Games Prohibition Overlay District, "D-O" Downtown Overlay District, and "FSO" Freestanding Signs Overlay District.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Outside Area (200 feet)	8	0		
Within Subject Property				
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes
	Denial			No

Christensen Properties 1, LLC, 610 16th Street, 1613 and 1619 High Street

ZON2019-00128



1 inch = 89 feet