

Agenda Item Number

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Date October 14, 2019

RESOLUTION SETTING HEARING ON REQUEST FROM KUM & GO, LC TO REZONE PROPERTY LOCATED AT 3104 UNIVERSITY AVENUE AND 1134 31ST STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 19, 2019, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Kum & Go, LC (owner), represented by Dan Garneau (officer), to rezone property located at 3104 University Avenue and 1134 31st Street ("Property") from "C-1" Neighborhood Retail Commercial District, "R-3" Multiple-Family Residential District, and "C-0" Commercial-Residential District to Limited "NPC" Neighborhood Pedestrian Commercial District, to allow for redevelopment of Property with a new 5,661-square foot fueling station with retail sales of convenience items and with eight fueling locations, subject to the condition that the Property be developed in substantial conformance with the submitted rezoning sketch; and

WHEREAS, the Property is legally described as follows:

LOTS 1, 2, 3 AND 4 AND THE NORTH 75 FEET OF LOTS 5, 6, 7 AND 8 IN JAMES H LOPERS 1ST ADDITION, AN OFFICIAL PLAT, ALL BEING IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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

- 1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
- 2. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held at the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on November 4, 2019, at which time the City Council will hear both those who oppose and those who favor the proposal.
- 3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

FORM APPROVED:

MOVED BY TO ADOPT.

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Glenna K. Frank, Assistant City Attorney

COUNCIL ACTIONYEASNAYSPASSABSENTCOWNIEBOESENCOLEMANGATTOGRAYMANDELBAUMWESTERGAARDTOTALMOTION CARRIEDAPPROVED

(ZON2019-00165)

CERTIFICATE

I, Laura Buungarhar, Ading Clarkof 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



Date Agenda Item Roll Call #

October 1, 2019

Honorable Mayor and City Council City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their September 19, 2019 meeting, the following action was taken regarding a request from Kum & Go, LC (owner) represented by Dan Garneau (officer) to rezone property located at 3104 University Avenue and 1134 31st Street from "C-1" Neighborhood Retail Commercial District, "R-3" Multiple-Family Residential District, and "C-0" Commercial-Residential District to "NPC" Neighborhood Pedestrian Commercial District to allow redevelopment of existing fuel station and 8-unit apartment building for a new 5,661-square foot fueling station with retail sales of convenience items and with eight (8) fueling locations.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 as follows:

Commission Action:	Yes	Nays	Pass	4 	Absent
Francis Boggus					Х
Dory Briles					Х
Abby Chungath	Х				
David Courard-Hauri	Х				
Jacqueline Easley	Х				
Jann Freed					Х
John "Jack" Hilmes	Х				
Lisa Howard	Х				
Carolyn Jenison					Х
Greg Jones	Х				
William Page	X				
Rocky Sposato	Х				
Steve Wallace	Х				
Greg Wattier	X				
Emily Webb	Х				

In addition to the approval of Right-of-Way, the commission recommended **APPROVAL** of Part B) the Commission find the requested rezoning to "NPC" District is **not** in

Date______ Agenda firm______ Roll call ? conformance with the PlanDSM: Creating Our Tomorrow land use plan, **APPROVAL** of Part C) the Future Land Use designation for PlanDSM Creating Our Tomorrow be revised from Neighborhood Mixed Use and Low-Medium Density Residential to Community Mixed Use and Part D) **APPROVAL** of the requested rezoning to the "NPC" District subject to the site being developed in substantial conformance with the submitted rezoning sketch. (21-2019-4.17) & (ZON2019-00165)

Written Responses 2 in Favor 0 in Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part B) Staff recommends that the Commission find the requested rezoning to "NPC" District is not in conformance with the PlanDSM: Creating Our Tomorrow land use plan.

Part C) Staff recommends that the Future Land Use designation for PlanDSM Creating Our Tomorrow be revised from Neighborhood Mixed Use and Low-Medium Density Residential to Community Mixed Use.

Part D) Staff recommends approval of the requested rezoning to the "NPC" District subject to the site being developed in substantial conformance with the submitted rezoning sketch.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

- 1. Purpose of Request: The applicant has acquired the property to the south of their existing convenience store site under a separate entity. These two parcels are divided by alley right-of-way. The proposed action would allow the existing convenience store site to be cleared and combined with the alley and the southern parcel. The multi-family residential building on the southern lot would be demolished. The submitted site sketch indicates a new convenience store building would be constructed in the northeast corner at the intersection of University Avenue and 31st Street. The fuel pumps and canopy would be constructed to the west of the building.
- 2. Size of Site: 209 feet by 216 feet (45,144 square feet or 1.04 acres)
- Existing Zoning (site): "C-1" Neighborhood Retail Commercial District, "R-3" Multiple-Family Residential District, "C-0" Commercial-Residential District and "FSO" Freestanding Sign Overlay District.
- **4. Existing Land Use (site):** Convenience store with fuel sales and a multi-family residential building with 8 dwelling units.

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5. Adjacent Land Use and Zoning:

North – "R-3", Uses are multiple-family residential.

South - "R1-60", Use is a single-family dwelling.

East – "C-1", Use is a Walgreens pharmacy.

West – "R1-60", Use is an office building.

- 6. General Neighborhood/Area Land Uses: The subject property is located on University Avenue commercial corridor west of the Drake University campus at the southwest corner of the intersection with 31st Street.
- 7. Applicable Recognized Neighborhood(s): The subject property is located in the Drake Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on August 30, 2019 and the Final Agendas on September 13, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on August 29, 2019 (20 days prior to the public hearing) and September 9, 2019 (10 days prior to the public hearing) to the Drake Neighborhood 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 Drake Neighborhood Association notices were mailed to Jennifer Sayers, 1129 28th Street, Des Moines, IA 50311.

8. Relevant Zoning History: The applicant withdrew a rezoning request in June of 2006 that would have amended the subject property to a "C-2" District allowing for a substantial expansion of the site and reconstruction of the existing store and pump island.

On October 27, 2010, the Zoning Board of Adjustment granted a Variance to allow offstreet parking within the front yard setback are of the "C-0" District within five feet of the front property line along University Avenue.

On November 18, 2010, the Plan and Zoning Commission conditionally approved a Site Plan under design guidelines for extension of parking and design guidelines for gas stations/convenience stores to allow for a 12-stall expansion of the existing paved parking area into the adjoining "C-0" zoned property to the west.

- **9. PlanDSM Future Land Use Plan Designation:** Neighborhood Mixed Use and Low-Medium Density Residential.
- 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 vacate land dedicated for a specific public purpose, such as for streets and parks, to determine whether the land is still needed for such purpose or may be released (vacated) for other use. The recommendation of the Commission is forwarded to the City Council. 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

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comprehensive plan for the City and designed to meet the criteria in 414.3 of the lowa 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

 PlanDSM Creating Our Tomorrow: The applicant is requesting that the future land use designation for the subject property be amended from "Low-Medium Density Residential" and "Neighborhood Mixed Use" to "Community Mixed Use". Plan DSM describes these designations as follows:

<u>Low-Medium Density Residential:</u> Areas developed with a mix of single family, duplex and small multi-family units up to 12 units per net acre.

<u>Neighborhood Mixed Use:</u> Small scale mixed use development typically located at the intersection of collector and/or arterial streets and along transportation corridors. Non-residential development is designed to serve the immediate neighborhood and include small retail, offices, restaurants, and service oriented development. Low-medium density residential may be included in mixed use development.

<u>Community Mixed Use:</u> Small- to medium-scale mixed-use development, located on high capacity transit corridor or at intersection of transportation corridors. Community mixed use areas include both a mix of medium density residential and a mix or retail and service establishments designed to attract customers from a large service area encompassing multiple neighborhoods and may include specialty retain that attracts regional customers.

- 2. NPC Design Guidelines: Should the rezoning be approved, any site plan and building elevations submitted prior to the effective date of the proposed Zoning Ordinance would be subject to review and approval by the Plan and Zoning Commission 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.
- 3. Site Plan Requirements: Any development would require compliance with all applicable site plan requirements. Applicable requirements include stormwater management, landscaping, and screening of adjoining residential properties. Any grading is subject to an approved grading permit and soil erosion control plan, as well as a Stormwater Pollution Protection Plan (SWPPP) approved by the Iowa DNR. Tree removal and mitigation calculations must be submitted with any site plan in accordance with Section 42-550 of the Municipal Code.

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- 4. Utilities: No utilities have been identified that would be impacted by the proposed vacation. The applicant would be required to relocate any existing utilities as part of any development of the site.
- 5. Alley System: The subject east/west alley is a dead-end segment of right-of-way that provides access to a parking lot that serves the multiple-family building on the subject site. The proposed vacation would not impact the ability to provide adequate access to any adjoining properties.
- 6. Historic Preservation Ordinance: The proposed project includes the demolition of a brick apartment building (Mirell Flats) that was constructed in 1912. Demolition of this building is subject to review in accordance with Article IV of the Historic Preservation Ordinance.

The applicant has submitted a report summarizing the findings of their preservation consultant (Bear Creek Archeology, Inc) on the significance of the building and their effort to explore moving the building. The Mirell Flats building was identified as a Contributing Structure in a potential historic district eligible for the National Register of Historic Place in a 2011 survey (Architectural and Historical Survey of the Drake University Neighborhood). This report was prepared by James Jacobsen, History Pays on behalf of the Drake Neighborhood Association and the City of Des Moines. The report prepared by Bear Creek Archeology supports the finding of the 2011 survey.

The City's Landmark Review Board (LRB) must be notified as part of the process of reviewing the proposed demolition of historic structures that are not located in a Local Historic District. A copy of this staff report and the support documentation will be provided to the LRB. The applicant has provided information on their efforts to identify a building mover and to get a sense of the cost to move the building. If no other alternatives are brought forward during the review process that staff deems as reasonable, the applicant will be required to prepare a salvage plan to be approved by the Community Development Director or designee before a demolition permit can be issued. The information prepared by Bear Creek Archeology, Inc. satisfies the documentation requirement of the demolition review process.

7. Liquor Sales: The sale of beer, wine and liquor must be conducted in conformance with Section 134-954 of the Zoning Ordinance. Gas station/convenience stores are allowed to sell beer and wine without a Conditional Use Permit so long as they are not within 150 feet of a church, school, public park or licensed child care facility. The sale of liquor at a gas station/convenience store requires a Conditional Use Permit from the Zoning Board of Adjustment (BOA) and has a separation requirement of 500 feet.

SUMMARY OF DISCUSSION

<u>Jacqueline Easley</u> noted that the applicant for item #5 has agreed to the staff recommendations. She asked if any members of the audience or the Commission requested to speak regarding moving the item to the consent agenda. None were present or requested to speak.

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<u>Dory Briles</u> made a motion to move item #5 to the consent agenda. Motion Carried 10-0.

COMMISSION ACTION:

<u>Emily Webb</u> made a motion for approval of Part B) the Commission find the requested rezoning to "NPC" District is **not** in conformance with the PlanDSM: Creating Our Tomorrow land use plan, **APPROVAL** of Part C) the Future Land Use designation for PlanDSM Creating Our Tomorrow be revised from Neighborhood Mixed Use and Low-Medium Density Residential to Community Mixed Use and Part D) **APPROVAL** of the requested rezoning to the "NPC" District subject to the site being developed in substantial conformance with the submitted rezoning sketch.

Motion Carried: 11-0

Respectfully submitted,

Michael Ludwig, AICP

Planning Administrator

MGL:tjh

Kum & Go I C	(owner)	ronros	ented h	v Dan Gai	mea	u (officer) for f	he propert	v		File #
Kum & Go, LC (owner) represented by Dan Garneau (officer) for the property located at 3104 University Avenue and 1134 31st Street. Additional property owned by Mirrel Property Investors, LLC.							2'	1-2019-4.17		
Description of Action	Amend from Ne	the Pla eighbor	anDSM Creating Our Tomorrow to revise existing Future Lar rhood Mixed Use and Low-Medium Density Residential to Co					and Us Commu	e designation nity Mixed Use.	
PlanDSM Futu	ure Land Use Current: Neighborhood Mixed Use and Low-Medium Density Resident Proposed: Community Mixed Use.						sidential.			
Mobilizing Ton Transportation					nents.					
Current Zoning	g Distric	t	Reside	"C-1" Neighborhood Retail Commercial District, "R-3" Multiple Family Residential District, "C-0" Commercial-Residential District and "FSO" Freestanding Signs Overlay District.						
Proposed Zon	ing Dist	rict	"NPC" Neighborhood Pedestrian Commercial District and "FS Signs Overlay District.					d "FSO'	' Freestanding	
Consent Card Responses Outside Area (200 feet) Within Subject Property			In Favor No 0 0			ot In Favor	Undeterm	ined	% Ор	position
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Commission A	ction	Denia	1			the City Council		No		Х

Kum & Go, LC, 3104 University Avenue and 1134 31st Street

21-2019-4.17



1 inch = 103 feet

Kum & Go, LC (owner) represented by Dan Garnea					au (officer) for the property Street, Additional property				File #	
located at 3104 University Avenue and 1134 31st Street. Additional property owned by Mirrel Property Investors, LLC.							ZO	N2019-00165		
of Action							orhood Ind 8-unit of convenience			
PlanDSM Futur	DSM Future Land Use Current: Neighborhood Mixed Use and Low-Medium Density Residential. Proposed: Community Mixed Use.					esidential.				
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Within Subject	Proper	ty		0						0
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Commission A	ction	Denia	l			the City Cour	ncil	No	_	Х

Kum & Go, LC, 3104 University Avenue and 1134 31st Street

ZON2019-00165



1 inch = 103 feet

Kum & Go, LC, 3104 University Avenue and 1134 31st Street

21-2019-4.17



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Kum & Go, LC, 3104 University Avenue and 1134 31st Street

ZON2019-00165

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ZUNZU19-00165 9-13-19 Date ite DAKE NEGHBORHODD ASSOCIATIO 1 (am) (am not) in favor of the request. **Print Name** COMMUNITY DEVELOPMENT Signature SEP 1.6 2019 50311 Address Reason for opposing or approving this request may be listed below: Wake pleighborhood Association board The ZON2019-00165 10 Date Item I (am) (am not) in favor of the request. (Circle One) Print Name VOHN /WARDOS RECEIVED IMUNITY DEVELOPMENT Signature SEP 202019 Erove 31 FARE GA Address Reason for opposing or approving this request may be listed below: Cm 7 EO is 000 PArtwei NEIGHBOR and Communit

ANALYSIS ON FEASIBILITY OF RELOCATION OF MIRELL FLATS APARTMENT BUILDING

Prepared in conjunction with application for redevelopment of Kum & Go store located at 3104 University Avenue in Des Moines.

BACKGROUND

About ten years ago, Kum & Go attempted to redevelop the store located at 3104 University by acquiring multiple adjacent parcels in order to construct a 2+ acre, 10-pump store in place of the current 2-pump store. Kum & Go was unable to acquire all the land necessary to redevelop the property in the way Kum & Go wished and the project was shelved.

Two years ago, Kum & Go decided to revisit the project, this time reducing the scope to a more appropriate scale that would be acceptable to the Drake Neighborhood Association, Lutheran Services (the tenant to the West), and that would comply with all city standards. By reducing the planned number of pumps to four and by moving the building to the corner of the site at the intersection, the amount of property needed was decreased significantly and thus remained financially viable.

EVALUATION OF MIRELL FLATS AS A HISTORIC STRUCTURE

In an effort to learn as much as possible about the history of the Mirell Flats building and to prepare for navigation through the municipal approval process, Civil Design Advantage (CDA), Kum & Go's Civil Engineering Consultant, contracted with Bear Creek Archaeology to conduct an evaluation and documentation of the Mirell Flats building. Bear Creek visited the site on September 17, 2017 and sent their report to CDA in October 2017.

Bear Creek's principle finding was that Mirell Flats would be eligible for inclusion on the National Register of Historic Places in one category: "Property contributes to a potential historic district." They were unable to determine who the architect and builders were, found no historic or important people having lived in the apartment, and noted that many changes had been made to the interior,

exterior, and structure of the building, as would be typical for an apartment building of this vintage. These changes include:

- Brickwork in the center of the building was removed and rebuilt to accommodate new doorways
- All of the original doors and windows have been replaced (with the possible exception of one transom)
- A portion of the brick foundation has been replaced with poured concrete
- Metal framing that is topped with plexiglass has been added to the basement entryways
- The original roof has been replaced with a rubber membrane
- Decks and exterior staircases have been added to the rear (West) elevation
- Doors leading to these decks are not original and have been added
- The interior has been gutted and remodeled, including original plaster and lathe interior walls which have been replaced with drywall
- Hardwood floors were installed recently and are not original
- There are two garages on the property, neither of which are original to the building

The parts of Mirell Flats that are assumed to be original include:

- The front (East) elevation, with the exception of the windows, doors, and some openings (which have been widened as noted above)
- Some of the tile in the entry and possibly in some bathrooms
- The transom window above the security door
- The staircase on the west side of the entry, although carpeting which has been applied since construction would need to be removed

So while the building is over 100 years old, it is relatively unadorned, particularly when compared to the Norman, an apartment building across University Avenue from Kum & Go and which is on the National Register of Historic Places. Although much of Mirell Flats has been modified since originally constructed, there are several pieces within it that are original to the building and which could potentially be salvaged.

FEASIBILITY OF RELOCATING THE MIRELL FLATS APARTMENT BUILDING

As part of due diligence conducted for this redevelopment, Kum & Go and CDA attempted to determine whether it would even be possible to relocate the Mirell Flats apartment building. To that end, Kum & Go looked to whether a similar move had occurred in Des Moines and found that the Murillo Flats building had been moved from 531 14th Street to its current location on 16th Street in 2008. Wellmark was able to find a financier who was given the building along with a portion of the money saved from demolishing it, in order to take on the work of relocating the building.

Kum & Go reached out to the current owner and obtained the contact information for the company that had completed the move, Patterson Structural Movers based out of Patterson, Iowa. In order to move Murillo, Patterson had to cut the building from its foundations using water-lubricated chainsaws, then raised it using hydraulic equipment before finally placing it on dollies with a total of 192 wheels, each of which was individually powered. Kum & Go contacted Patterson Structural Movers and were informed that Patterson was no longer moving buildings such as Mirell Flats.

Kum & Go, working through contacts provided by our network of General Contractors, obtained the names of two additional companies who agreed to take a look the project and provide some preliminary pricing. The first of these companies was Wolfe House Movers, a residential home mover based out of North Manchester, Indiana. They were only able to price the actual moving of the building, and it was fairly quickly ascertained that they did not have the specialized equipment or experience necessary to successfully remove the building from its foundations or to re-attach it once moved. The second company, Thein Moving of Minneapolis, Minnesota, visited the site with CDA and Kum & Go and was able to provide some preliminary pricing. That estimate, exclusive of the cost of the land to which the building could be relocated, was \$750,000+. Such a cost would make the entire project financially unviable.

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INVESTIGATING THE POSSIBILITY OF LOCATING A FINANCIER AND FINDING AN ALTERNATIVE SITE

Kum & Go also investigated the possibility of locating a party that would be willing to take the building at no cost in exchange for performing the relocation in the manner that the Murillo Flats apartment building was moved. At this time, we have been unable to find such a partner.

CONCLUSION

Kum & Go, over the course of the last two years, has investigated both the historic nature of the Mirell Flats building as well as the feasibility of relocating it to another site. Due to the extreme financial hardship that moving the building would create and the lack of available qualified moving contractors, financiers, and available sites for relocation, Kum & Go is proposing saving those parts of the original building possible for reuse (either by donation to Drake, through architectural salvage, by reuse in a future building project, or through some other manner prescribed by the city) and demolishing the building. Those items which we believe can be salvaged include some of the ornamentation from the front of the building, the interior staircase, and the original transom. We also propose completing an architectural survey of the building for documentary purposes and for determining whether there are any other additional original features from the building which can be salvaged.

Kum & Go will also work closely with the tenants of the apartment building to make sure that they have sufficient notice and assistance with finding new residences, and we have made this assurance to the Drake Neighborhood Association. Both Drake University and Lutheran Services have voiced their support for the project as currently constituted.

ARCHITECTURAL DOCUMENTATION OF MIRELL FLATS, DRAKE NEIGHBORHOOD, CITY OF DES MOINES, POLK COUNTY, IOWA

Section 6, T78N, R24W

BCA #2339

Prepared for Civil Design Advantage, LLC 3405 Southeast Crossroads Drive, Suite G Grimes, Iowa 50111

> Prepared by Branden K. Scott Principal Investigator

Bear Creek Archeology, Inc. P.O. Box 347 Cresco, Iowa 52136 David G. Stanley, Director

October 2017

MANAGEMENT SUMMARY

Bear Creek Archeology, Inc. of Cresco, Iowa, was contracted by Civil Design Advantage, LLC of Grimes, Iowa, to complete an Iowa Site Inventory Form for Mirell Flats, a three-story apartment building located at 1134 31st Street in Des Moines, Iowa (77-04888). Previous documentation of this building was minimal and provided very little information. At present, it is unclear if or what the plans to this building are or if this project involves a federal undertaking. This investigation sought to document the building and offer recommendations for National Register of Historic Places eligibility. Bear Creek Archeology, Inc. personnel conducted a site visit of Mirell Flats on September 27, 2017.

The site visit consisted of photographing the building and documenting aspects of the design that might be useful in determining its National Register of Historic Places eligibility. Floor plans were obtained from the Mirell Flats website. Alissa Whitmore at the State Historical Society of Iowa was contacted for past site inventory forms. Archival research was conducted using Polk County Assessor data, historic maps and aerial photographs, published histories, census data, and city directories. These data were used to determine changes to the building as well as to develop a historic context to evaluate the property. These data were incorporated into the Iowa Site Inventory Form. Bear Creek Archeology, Inc. personnel and the property manager, Ashley Lord, accessed the interior of one of the first-floor apartments on September 27, 2017. Documentation of the exterior also occurred during this visit.

Mirell Flats is a three-story brick Colonial Revival apartment building that was constructed in 1912. The building has limited ornamentation, with the most defining aspects being the alternating patterns of brick coursing and the entry adorned with pilasters, an engraved entablature, and an unadorned pediment. Alterations to the exterior include the placement of decks and stairs on the rear of the building and minimal foundation repair using poured concrete. Much of the interior area has changed through remodeling efforts. Archival research did not yield the name of the architect/builder. Furthermore, no significant individuals appear to be directly related to the building's construction or use. Previous investigations of the neighborhood recommended Mirell Flats as a contributing property to the proposed University Place Residential Historic District under National Register of Historic Places Criterion C.

Mirell Flats is one of few apartment buildings in the Drake Neighborhood that was constructed in the early twentieth century. The building is an excellent example of Colonial Revival architecture in small apartment buildings. The plainness of the building corresponds to other early buildings in the Drake Neighborhood. Bear Creek Archeology, Inc. recommends that Mirell Flats is eligible for the National Register of Historic Places under Criterion C. Past researchers also recommended that Mirell Flats contributes to the significance of the University Place Residential Historic District under Criterion C.

1 :-

Iowa Site Inventory Form State Historic Preservation Office (July 2014)

State Inventory Number: 77-04888
New Supplemental 9-Digit SHPO Review & Compliance (R&C) Number: Non-extant Year:

Read the lowa Site Inventory Form Instructions carefully, to ensure accuracy and completeness before completing this form. The instructions are available on our website: http://www.iowahistory.org/historicpreservation/statewide-inventory-and-collections/iowa-site-inventory-form.html

Property Name

A) Historic name: Mirell Flats

B) Other names: Mirell Building; Usher Building

Location

A) Street address: 1134 31st Street

County: Polk (Vicinity) B) City or town: Des Moines

C) Legal description:

Rural: Township Name: Des Moines_Township No.:78N Range No.:24W_Section: 6 Quarter: NW of Quarter: NE Block(s): Lot(s): 5-8 Urban: Subdivision: James H. Lopers 1st Add.

Classification

A) Property category: Check only one	B) N	umber of r	esources (w	ithin prope	erty):		
Building(s)	, If	eligible pro	perty, enter r	number of:	lf non-	eligible property, number of:	
☐ District □ Site	- 7	01	ng Noncon Buildings	<u>02</u>	<u></u>	Buildings	
Structure	2 13	. <u>.</u> .	Sites	_		Sites Structures	0 0 98
Object		<u> </u>	Structures Objects	· · · · ·		Objects	ta ta
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C) For properties listed in the National Register:

National Register status: I Listed I De-listed NHL NPS DOE

D) For properties within a historic district:

Property contributes to a National Register or local certified historic district. Property contributes to a potential historic district, based on professional historic/architectural survey and evaluation.

Property does not contribute to the historic district in which it is located.

Historic district name: University Place Residential Historic District Historic district site inventory number: 77-10970

E) Name of related project report or multiple property study, if applicable:	
MPD title	Historical Architectural Data Base
An Architectural and Historical Survey of the Drake University Neighborhood	<u>Unknown</u>

Function or Use Enter categories (codes and terms) from the Iowa Site Inventory Form Instructions

A) Historic functions

B) Current functions

01B02: Apartment Building

01B02: Apartment Building

• Description Enter categories (codes and terms) from the	e Iowa Site Inventory Form Instructions B) Materials
A) Architectural classification	
<u>06B: Còlonial Revival</u>	Foundation (visible exterior): <u>03: Brick</u>
<u>09D01: Flat Roof</u>	Walls (visible exterior): <u>03: Brick</u>
	Roof: <u>15C01: Rubber Membrane</u>
	Other:
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C) Narrative description SEE CONTINUATION SHEETS, WHICH MUST BE COMPLETED

Site Number: 77-04888 Address: 1134 31 st Street City: D	es Moines County: Polk District Number: 77-10970
Statement of Significance	
A) Applicable National Register Criteria: Mark your opt Criterion A: Property is associated with significant events. Criterion B: Property is associated with the lives of significant p Criterion C: Property has distinctive architectural characteristic Criterion D: Property yields significant information in archaeolog	s. Xes No More research recommended
 B) Special criteria considerations: Mark any special cor A: Owned by a religious institution or used for religious purp B: Removed from its original location. C: A birthplace or grave. D: A cemetery 	 biderations; leave blank if none boses. E: A reconstructed building, object, or structure. F: A commemorative property. G: Property less than 50 years of page or achieved significance within the past 50 years.
C) Areas of significance Enter categories from instructions 02: Architecture	D) Period(s) of significance <u>1912</u>
·	
E) Significant dates Construction date <u>1912</u> Check if circa or estimated date Other dates, including renovations <u>2006: Remodel</u>	F) Significant person Complete if Criterion B is marked above
G) Cultural affiliation Complete if Criterion D is marked above	H) Architect/Builder Architect <u>Unknown</u> Builder/contractor <u>Unknown</u>
I) Narrative statement of significance 🖾 SEE CONTIN	ILIATION SHEETS WHICH MUST BE COMPLETED
Bibliography See continuation sheets for the list rese	
Geographic Data Optional UTM references □ See con Zone Easting Northing NAD Zone <u>15 445020 4605552 83 2</u> <u>3 44</u>	Environ sheet for additional UTM or comments Easting Northing NAD
Form Preparation	
Name and Title: Branden K. Scott, Principal Investigator	Date:10/02/2017
Organization/firm: Bear Creek Archeology, Inc.	E-mail:
Street address: PO Box 347	Telephone: 563-547-4545
City or Town: <u>Cresco</u>	State: <u>IA</u> Zip code: <u>52136</u>
ADDITIONAL DOCUMENTATION Submit the follow	no items with the completed form
 A) For all properties, attach the following, as specified 1. Map of property's location within the community. 	operty/building name, address, date taken, view shown, and
 Photo key showing each photo number on a manumber to indicate the location and directional view. Site plan of buildings/structures on site, identifying 	boundaries, public roads, and building/structure footprints
B) For State Historic Tax Credit Part 1 Applications, h See lists of special requirements and attachments in	istoric districts and farmsteads, and barns:
State Historic Preservation Office (SHPO) Use Only B	elow This Line
The SHPO has reviewed the Site Inventory and concurs with ab	
Yes No More research recomme. This is a locally designated property or part of a loc	ove survey opinion on National Register eligibility: nded
☐ Yes ☐ No ☐ More research recomment ☐ This is a locally designated property or part of a loc	ove survey opinion on National Register eligibility: nded
🗋 Yes 📋 No 🔄 More research recomme	ove survey opinion on National Register eligibility: nded
☐ Yes ☐ No ☐ More research recomment ☐ This is a locally designated property or part of a loc	ove survey opinion on National Register eligibility: nded

Date:

Site Number: <u>77-04888</u> Related District Number: <u>77-10970</u>

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Mirell Flats is a three-story brick apartment building located at 1134 31st Street in Des Moines. This building is just south of University Avenue near Drake University. Mirell Flats was constructed in 1912 by an unknown builder. The original owners were Leah Durand Jones and Reson S. Jones (an area lawyer), with additional financial backing by Sidney Mandelbaum and Estelle Wilchinski Mandelbaum (Mirell Flats 2017). The neighborhood surrounding the apartment building has a mixed commercial and residential feel. South of the apartment is a residential neighborhood with many two-story and two and a half-story homes. East of the apartment is a modern Walgreens drug store. North of the building is a Kum and Go gas station, Drake University (a National Register of Historic Places [NRHP] district), and the Norman apartment building (NRHP listed). Additional commercial buildings associated with Lutheran Services in Iowa are present immediately west of the apartment. The apartment building encompasses 883 m² (9,504 ft²), with a ground floor area of 220.7 m² (2,376 ft²; Polk County Assessor 2017). There are currently eight apartments in the building, with two apartments on each floor (including the basement). Mirell Flats has very little exterior ornamentation and it is classified as Colonial Revival because of the minimal decoration that surrounds the entry and the use of symmetrical fenestration. Little has changed to the exterior of this building since it was originally recorded by Steven Elmets (1974).

The front of Mirell Flats faces east toward 31st Street. The front façade lacks the ornamentation exhibited on nearby buildings such as the Norman, but then again, the buildings were constructed using different styles. Mirell Flats does have brick patterns that add some intriguing ascetics to the building. The lowest brick courses are the typical running (stretcher) bond. However, a course of soldier bricks separates the lower running bond from the common bond courses located below the first floor windows. A limestone stretcher is present below the first floor windows and it wraps onto the north and south sides, where it then becomes a stretcher of brick. Above the limestone stretcher course, the brick pattern returns to a running bond until it meets yet another limestone stretcher located above the third floor windows. Running bond brick is used above the limestone for a few more rows. The cornice is corbelled in a running bond with soldier-lain brick accents. The bond patterns divide horizontal space on the outside that is consistent with interior floor and roof placements. The lower courses (below the first floor windows) continue on the north and south sides. However, limestone stretchers are replaced with brick stretchers on these sides. The corbelled cornice continues on the north and south sides. The rear of the building (west side) is covered with running bond brick courses with no decorative details or fluctuations in brick bond patterns. However, quoins are used at the corners on the building's west side.

Fenestration is well balanced on all sides of Mirell Flats. On the east side, the windows are set with three grouped windows on the outside, two window groups toward the inside, and two sets of smaller double windows above the entry. Windowsills on the front are made from limestone while the lintels are brick. The larger windows have 8/1 lights. The center, smaller windows have eight lights. Half-bat bricks are placed around the smaller windows as a decorative touch. A similar arrangement of windows occurs on the south and north sides, with windows grouped as two larger windows, two smaller center windows, and one larger window towards the west. The west side (rear) also has symmetrical window placements, except dining areas are lit by a set of three 1/1 windows.

The most stylized aspect of the east façade is the front door. The wooden door has a large glass panel and a transom window with four lights above. The door is flanked by simple limestone pilasters that have a square base; square column, and no capital. Instead, the pilasters reside below a limestone entablature with the engraving " ∇ MIRELL ∇ ". The pilasters and entablature are topped with an unadorned pediment.

It was difficult to evaluate the roof. However, it appears that Mirell Flats has a flat roof covered with a rubber/synthetic membrane.

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There have been a few alterations to the exterior of this building. The most noticeable alteration is on the west side where decks and exterior staircases have been added. Additionally, it appears that the brickwork in the center of the building was removed and rebuilt to accommodate new doorways. A small portion of the brick foundation on the southwest side has been replaced with poured concrete. Finally, metal framing that is topped with a synthetic acrylic covering or Plexiglas has been added to the basement entryways. The covered entries and small changes to the foundation do not greatly affect the building's integrity.

The interior is divided into two apartment buildings per floor that are separated by a central hallway and a staircase positioned on the west side of the building. Upon entering the front door, visitors are greeted by original hexagon and square floor tiles. Entryway woodwork also appears to be greater than 50 years old. A security door is present on the west side of the entry. This door has a transom window above and it seems original to the property. Because the building is entered at ground level, steps occur within the hallway to gain elevation to the first floor. Hallways in the building are covered with hardwood flooring that appears to have been laid during recent remodeling episodes. The staircase on the west side appears to be original and the steps are covered with carpet to decrease slip. One tenant was gracious enough to allow access to her apartment as part of this documentation. The apartment interiors have been gutted and remodeled. Original plaster and lath walls have been replaced with drywall. Modern hardwood floors and trim have also been installed. The bathrooms have hexagon tile that looks original to the building and it might have existed in situ or been borrowed from a different location in the building. It is unclear how apartments were arranged when Mirell Flats was constructed in 1912. By the mid-1930s, however, there were 15 apartments in the building (Mirell Flats 2017). Information from historic city directories up to 1922 indicates no more than eight families living in the building at any given time (R. L. Polk and Company 1914-1922). Contemporary floor plans were borrowed from Mirell Flats (2017) and they are presented as a figure on this inventory form. The existing apartments have fairly open living room, kitchen, and dining room floor plans with bedrooms segregated to the south and north sides. Overall, the Mirell Flats interior does not reflect its design as it existed in 1912. However, apartment buildings regularly go through remodel episodes and it is increasingly difficult to find one that fully reflects the original design.

There are two garages on the property. Garage 1 is on the northwest corner of the lot. This garage is built from brick and has a gable roof covered with asphalt shingles. The foundation is also made of brick. The foundation appears to be older than the rest of the building, suggesting that Garage 1 was built atop an older building. It is unclear when the foundation was laid, but the majority of the garage was constructed less than 50 years ago. Garage 2 is on the southwest corner of the property. It is unclear when this garage was constructed but it is less than 50 years old. Garage 2 resides on a poured concrete foundation, was erected with 2" x 4" or 2" x 6" framing, is covered with plywood, and has a gable roof covered with asphalt shingles.

The history of the Drake Neighborhood is directly tied with the development and evolution of Drake University and contexts for both have been developed by Beving Long (1988) and Jacobsen (2011). The Drake Neighborhood began in the 1880s when the Disciples of Christ Church decided to move Oskaloosa College to a new location outside of Des Moines (Christian n.d.). The area around Drake University began as University Place, which then became incorporated as its own town in 1887. University Place was annexed by Des Moines in 1890 (Jacobsen 2011). During the early development years, most land surrounding Drake University was owned by the University Land Company, which was charged to sell lots and additions around the school. University Land Company had strong ties to the Disciples of Christ Church and exerted significant influence over buyers and builders, and they dictated what types of structures could be constructed in the neighborhood (Jacobsen 2011). Development began to boom around the college, and to encourage urban migration to the University Place suburb, University Land Company worked to get horse-drawn streetcar service to the area in the 1880s. Service

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began in the neighborhood in 1887, a year after the land company was dissolved (Christian n.d.; Jacobsen 2011). With the dissolution of the Drake University-influenced land company, Drake University itself took up real estate ventures in the area. In 1889, electric streetcars were installed in the neighborhood, making it one of the first suburbs to have this service. Easy, dependable transportation service to downtown Des Moines led to a relative population boom for the neighborhood. Most of the area consisted of single-family homes. Commercial areas were few and most businesses were segregated to an area east of Drake University called "Dogtown" (it is unclear when it was named Dogtown because the first Drake teams were called "The Drakes"). The lot containing Mirell Flats was part of the Lyons Park Addition and it was sold in 1883 (Jacobsen 2011). Drake University provided few housing opportunities for students and many students lived off campus in rented rooms or with families. There were two major episodes of apartment building construction in the Drake Neighborhood. The first consisted of two-story, four-unit brick apartment buildings generally built between 1890 and 1905. The second phase of apartment building construction consisted of three to four-story brick apartment blocks built between 1905 and 1929 (Jacobsen 2011). Although there were phases for apartment construction, the neighborhood as a whole saw few buildings erected. Many of the existing apartments in the neighborhood consist of single-family residences converted to multi-family dwellings, a trend that boomed in the post-World War II era (Drake Neighborhood Association 1983).

Historic plat maps, Sanborn Fire Insurance maps, and aerial photographs were used to document changes that might have occurred to this property. Most maps provided little or no information, including the Sanborn maps, which inconveniently did not include the area at Mirell Flats (Library of Congress 2017): Prior to development, the lot on which Mirell Flats was constructed belonged to J. E. Fagen (Andreas 1875). In 1902 and 1907, historic plat maps document significant urban development in the area surrounding Drake University but the land on which Mirell Flats occurs was not yet developed and it is in "Lyon Park", a small development area located south of University Avenue and east of 31st Street (Hovey 1902; Jacobsen 2011; Northwest Publishing Company 1907). Tree cover prohibits accurate interpretation of historic aerial photographs.

Historic city directories (R. L. Polk and Company 1914–1922) and U.S. Census (1920, 1930, 1940) data were used to determine who lived in the building. As can be imagined, there were many tenants in this building during the evaluated period. Most only stayed a few years. A couple of residents, however, stayed numerous years such as Marshal Ashworth (a custodian) and John Morgan. None of the residents of the building appear to have been a significant individual. Most people that occupied the building during the early twentieth century were working class individuals and their families. Some worked in white-collar positions such as insurance and publishing. In 1915 the building boasted a doctor (Dr. J. T. Fellows) and an attorney (Theodore Hochuly). Mirell Flats also served the housing needs of many students (primarily female) that attended Drake University.

Apartment buildings listed to the NRHP in Iowa tend to be very large buildings housing numerous units. The designs of these buildings vary, but most fall within Victorian-influenced types, large utilitarian U-Shaped arrangements, or those built in a brownstone/greystone row house style. Another common type of apartment style is a commercial building with residential rental space located above the retail space. These types of buildings are common in downtown areas of Des Moines, Sioux City, and Davenport. In urban areas, many of these buildings borrow from Commercial Style/Chicago Style designs. In rural communities, commercial blocks with upstairs apartments usually have a Late Victorian design. Few are small apartment buildings with liftle ornamentation such as Mirell Flats. The only similar building currently listed to the NRHP that resembles Mirell Flats is the Hallett Flats building located on Locust Street in Des Moines (Page 2000). Jacobsen (2011) documented multiple apartment buildings and houses in the Drake Neighborhood, including Mirell Flats, and some of these buildings were also constructed using simplistic designs. Other notable apartment buildings in the Drake Neighborhood

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were built by Lou Prine in the Cottage Grove area and they included Cutler Flats, Nadine Apartments, Kingman Apartments, Pomona Apartments, and Prine Apartments (Drake Neighborhood Association 1983). Many of the previously documented apartment buildings were built from brick, had three to four stories, and had a basement that was elevated slightly from the ground surface; much like Mirell Flats. Jacobsen (2011) went on to document Mirell Flats as an excellent example of apartment architecture in the proposed University Place Residential Historic District and indicated that the building contributed to the significance of the historic district. After extensive research, Jacobsen (2011) was unable to identify the architect of Mirell Flats. The building design is similar to the building designed by Proudfoot and Bird (Beving Long and Christian 1988) as well as those constructed by Lou Prine (Drake Neighborhood Association 1983). The architect/builder remains unclear, however, because architects/builders all over the Des Moines area seem to have borrowed design elements from major regional architectural firms.

Mirell Flats resides in the same location as when it was constructed. Most of the exterior appears the same as when it was built in 1912. However, exterior doors leading to decks on the rear of the building have been added and these were not a part of the original design. The interior of the building has been gutted to meet residency needs. Overall, the exterior of the building maintains most of its original design. Mirell Flats is located in a bustling part of Des Moines and there have been changes to the neighborhood. When the building was constructed, the area surrounding Mirell Flats was primarily residential with few commercial buildings. Drake University and the Norman apartment building are still positioned to the north. Original residential housing is also present to the south. A few modern commercial buildings now exist in the neighborhood, but overall, the setting has not changed significantly. Materials used during construction have changed. The exterior has modern materials on the rear of the building (decks) and some of the brick foundation has been replaced with poured concrete. The brick exterior remains mostly the same and most changes in materials reflect brick upkeep such as tuck-pointing. The windows have also been replaced. The interior has been gutted and most of the original materials have been replaced. The exterior maintains its integrity of workmanship because there have not been many changes. Even the interior maintains some of its workmanship with the tile entryways and the staircase on the west side of the building. The interior of the apartments, however, reflect modern workmanship. Overall, much of the building does maintain qualities associated with original workmanship. Feeling is often a difficult aspect of integrity to define and evaluate. Although updates have been made to the interior, the building does feel like a building constructed near the turn of the century. The reflection of past time is definitely observed when exiting the building onto 31st Street, where the modern bustle of city life stands in contrast to the antiquated feeling of Mirell Flats. Finally, Mirell Flats maintains its association with early twentieth century apartment building styles, particularly those found within the proposed University Place Residential Historic District defined by Jacobsen (2011). Overall, Mirell Flats maintains its historic integrity.

Mirell Flats is recommended eligible for the NRHP under Criterion C because it is an excellent example of the second stage of early apartment construction in the Drake Neighborhood as well as during Drake's "Booming Years" between 1903 and 1922 as outlined by Jacobsen (2011). The simplistic design and adherence to symmetry also corresponds to neighborhood building goals dictated by the early University Land Company, Drake University, and the Disciples of Christ Church that had dominance over nearly all construction activities of the neighborhood in the years leading up to the Mirell Flats construction. Jacobsen (2011) previously made the case that Mirell Flats was a contributing property to the NRHP eligible University Place Residential Historic District under Criterion C.

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Location of Mirell Flats (77-04888).

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Scale map of Mirell Flats (77-0488).

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Floor plans of the Mirell Flats (77-04888; adapted from Mirell Flats 2017).

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East side of Mirell Flats (77-04888). View to the northwest (9/27/17).



North side of Mirell Flats (77-04888). View to the southwest (9/27/17).

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South side of Mirell Flats (77-04888). View to the west-northwest (9/27/17).



West side of Mirell Flats (77-04888). View to the east (9/27/17).

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Area surrounding Mirell Flats (77-04888). View to the east (9/27/17).



Area surrounding Mirell Flats (77-04888). View to the north (9/27/17).

Site Number: <u>77-04888</u> Related District Number: <u>77-10970</u>

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Area surrounding Mirell Flats (77-04888). View to the northeast (9/27/17).



Area surrounding Mirell Flats (77-04888). View to the south (9/27/17).

Site Number: 77-04888 Related District Number: 77-10970

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Area surrounding Mirell Flats (77-04888). View to the west (9/27/17).



Example of brick courses on east side of Mirell Flats (77-04888). View to the west (9/27/17).

Site Number: <u>77-04888</u> Related District Number: <u>77-10970</u>

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Entry of Mirell Flats (77-04888). View to the west (9/27/17).



Entryway tile at Mirell Flats (77-04888). View to the west (9/27/17).

Site Number: 77-04888 Related District Number: 77-10970

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Mirell Flats
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Stairway in Mirell Flats (77-04888). View to the west (9/27/17).



Example of apartment interior at Mirell Flats (77-04888). View to the east (9/27/17).

Site Number: <u>77-04888</u> Related District Number: <u>77-10970</u>

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Garage 1 at Mirell Flats (77-04888). View to the northwest (9/27/17).



Garage 2 at Mirell Flats (77-04888). View to the southwest (9/27/17).



