

Date September 14, 2020

**RESOLUTION TO SET DATE OF HEARING TO REPEAL THE ORDINANCE ESTABLISHING THE SHERMAN HILL HISTORIC DISTRICT AND RE ENACT SAID DISTRICT TO ALIGN ITS BOUNDARIES WITH THE BOUNDARY OF THE SHERMAN HILL HISTORIC DISTRICT AS LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES**

**WHEREAS**, on January 25, 1979, Sherman Hill Historic District was entered in the National Register of Historic Places; and

**WHEREAS**, on October 4, 1982, by Roll Call number 82-4718, the City Council adopted Ordinance Number 10,219, establishing a local Sherman Hill Historic District and aligning its boundary with the boundary used in the National Register of Historic Places; and

**WHEREAS**, on March 7, 2012, the United States Department of the Interior National Park service accepted an amendment to the Sherman Hill Historic District resulting in an increase and decrease in the boundary of the District; and

**WHEREAS**, the Council, on July 15, 2019, by Council Communication number 19-319 and Roll Call number 19-1117, resolved to initiate the process for bringing the local Historic District Boundary into alignment with the amended national listing; and

**WHEREAS**, on January 15, 2020, the Historic Preservation Commission heard and considered this request, and voted 6-0 to forward a recommendation of approval of the realignment; and

**WHEREAS**, on February 6, 2020, the Plan and Zoning Commission heard and considered this request, and voted 11-0 to forward a recommendation of Approval to the City Council.

**WHEREAS**, the boundary of the property to be included in the Historic District established by the re-enactment is Legally Described as follows:

**Boundary Description:**

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF THE EAST/WEST ALLEY RIGHT OF WAY BETWEEN WOODLAND AVENUE AND HIGH STREET AND THE SOUTHERLY EXTENSION OF THE WEST LINE OF LOT 2, BLOCK A, WEST AND BURTON'S ADDITION TO DES MOINES, AN OFFICIAL PLAT; THENCE NORTH ALONG SAID SOUTHERLY EXTENSION AND ALONG THE WEST LINE OF SAID LOT 2 AND ALONG THE NORTHERLY EXTENSION OF SAID WEST LINE OF SAID LOT 2 TO THE CENTERLINE OF WOODLAND AVENUE RIGHT OF WAY; THENCE WEST ALONG SAID CENTERLINE OF WOODLAND AVENUE RIGHT OF WAY TO EAST RIGHT OF

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WAY LINE OF MARTIN LUTHER KING JR PARKWAY, SAID EAST RIGHT OF WAY ESTABLISHED BY PLAT OF SURVEY RECORDED IN BOOK 12736 PAGE 582 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA; THENCE NORTH ALONG SAID EAST RIGHT OF WAY LINE OF MARTIN LUTHER KING JR PARKWAY TO THE CENTERLINE OF COTTAGE GROVE AVENUE RIGHT OF WAY; THENCE SOUTHEAST ALONG SAID CENTERLINE OF COTTAGE GROVE RIGHT OF WAY TO THE CENTERLINE OF 19<sup>TH</sup> STREET; THENCE NORTH ALONG SAID CENTERLINE OF 19<sup>TH</sup> STREET TO THE CENTERLINE OF OLIVE AVENUE RIGHT OF WAY; THENCE EAST ALONG SAID CENTERLINE OF OLIVE AVENUE RIGHT OF WAY TO THE SOUTHERLY EXTENSION OF THE EAST LINE OF VACATED 18<sup>TH</sup> STREET RIGHT OF WAY; THENCE NORTH ALONG SAID SOUTHERLY EXTENSION OF VACATED 18<sup>TH</sup> STREET RIGHT OF WAY AND CONTINUING ALONG SAID EAST LINE OF VACATED 18<sup>TH</sup> STREET RIGHT OF WAY TO THE NORTH LINE OF LOT 12, BLOCK 1, GLENDALE, AN OFFICIAL PLAT; THENCE EAST ALONG SAID NORTH LINE OF SAID LOT 12 AND CONTINUING ALONG THE EASTERLY EXTENSION OF SAID NORTH LINE OF SAID LOT 12 TO THE CENTERLINE OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN SAID BLOCK 1; THENCE SOUTH ALONG SAID CENTERLINE OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN SAID BLOCK 1 AND ITS SOUTHERLY EXTENSION TO THE CENTERLINE OF OLIVE AVENUE RIGHT OF WAY; THENCE EAST ALONG SAID CENTERLINE OF OLIVE AVENUE RIGHT OF WAY TO THE CENTERLINE OF 17<sup>TH</sup> STREET RIGHT OF WAY; THENCE SOUTH ALONG SAID CENTERLINE OF 17<sup>TH</sup> STREET RIGHT OF WAY TO THE CENTERLINE OF CROCKER STREET RIGHT OF WAY; THENCE EAST ALONG SAID CENTERLINE OF CROCKER STREET RIGHT OF WAY TO ITS INTERSECTION WITH THE CENTERLINE OF 15<sup>TH</sup> STREET RIGHT OF WAY; THENCE SOUTHERLY ALONG SAID CENTERLINE OF 15<sup>TH</sup> STREET RIGHT OF WAY TO ITS INTERSECTION WITH THE EASTERLY EXTENSION OF THE CENTERLINE OF THE EAST/WEST ALLEY RIGHT OF WAY BETWEEN WOODLAND AVENUE AND HIGH STREET; THENCE WEST ALONG SAID CENTERLINE OF SAID EAST/WEST ALLEY RIGHT OF WAY BETWEEN WOODLAND AVENUE AND HIGH STREET TO THE POINT OF BEGINNING; ALL NOW INCLUDED IN AND 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.

**Date** September 14, 2020

2. That the City Council consider approving the application for the repeal and re-amendment to the boundaries of the Sherman Hills Historic District at a hearing to be held at 5:00 p.m. on October 5, 2020, by electronic means to encourage and maintain social distancing to curb the spread of COVID19 in the community, without public access to the meeting location, 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 required in Iowa Codes Sections 362.3 and Section 386.3(4).

**MOVED** by \_\_\_\_\_ to adopt.

FORM APPROVED:

  
 Judy K. Parks-Kruse, Assistant City Attorney

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

MOTION CARRIED

APPROVED

\_\_\_\_\_ Mayor

**CERTIFICATE**

I, P. Kay Cmelik, 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



August 11, 2020

Date September 14, 2020  
Agenda Item 36  
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 February 6, 2020 meeting, the following action was taken regarding a City initiated request for amendment to the boundary of the Sherman Hill Local Historic District.

**COMMISSION RECOMMENDATION:**

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

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

**APPROVAL** of the Plan and Zoning Commission forwarding a recommendation of approval to the City Council.

## **STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Staff recommends that the Plan and Zoning Commission forward a recommendation of approval to the City Council.

## **STAFF REPORT TO THE PLANNING COMMISSION**

### **I. GENERAL INFORMATION**

On July 15, 2019, by Roll Call Number 19-1117, the City Council initiated the process to amend the boundary of the Sherman Hill Local Historic District so that it more closely aligns with the boundary of the district as listed on the National Register of Historic Places. The district was established in 1983 and amended in 1985 to add the properties along 20<sup>th</sup> Street. This was prior to the reconstruction of Martin Luther King, Jr. Parkway. Traffic and development patterns have changed since the mid-1980's. In 2012, an amended National Register of Historic Places Registration Form was approved, which updated the boundary set in 1979 when the district was first listed on the National Register.

A notice was mailed on December 30, 2019 to all property owners within the existing district and proposed expansion areas advising of the proposal. The notice also advised of the January 15, 2020 hearing before the Historic Preservation Commission and the February 6, 2020 hearing before the Plan and Zoning Commission. Following review by the Commissions, the proposal will be forwarded to the Iowa Department of Cultural Affairs for comment in accordance with Section 303.34 of the State Code and Section 58-28(c) of the Des Moines City Code. The recommendations of the State and the Commissions will be forwarded to the City Council for consideration.

The Historic Preservation Commission heard the request on January 15, 2020 and voted 6-0 to recommend approval of the amendment to the Plan and Zoning Commission and the City Council.

### **II. APPLICABLE SECTIONS OF THE CITY CODE**

#### **Sec. 58-28. Designation criteria.**

- (a) For the purpose of this article, a historic district designation may be placed upon any area containing contiguous pieces of real estate under diverse ownership which:
- (1) Are significant in American history, architecture, archaeology and culture; and
  - (2) Possess integrity of location, design, setting, materials, workmanship, feeling and association; and
  - (3) Are associated with events that have been a significant contribution to the patterns of our history; or
  - (4) Are associated with the lives of persons significant in our past; or
  - (5) Embody the distinctive characteristics of a type, period, or method of construction or represent the work of a master or possess high artistic values or represent a significant and distinguishable entity whose components may lack individual distinction;

- (6) Have yielded or may be likely to yield information important in prehistory or history.
- (b) Designation of an area as a historic district shall be proposed either by the city council on its own motion or by the filing of a petition with the community development department, on a standard form approved by that department, which shall be furnished by that department upon request. Each such petition shall include but not be limited to the following:
- (1) Signatures of the owners of 51 percent of the total number of parcels of real estate within the proposed district, excluding parcels owned by governmental bodies, provided that each parcel, within the meaning of this subsection, shall constitute a separate parcel for property tax assessment purposes, as shown in the records of the county assessor on the date of the filing of the petition.
  - (2) A vicinity map showing the general location of the proposed district.
  - (3) The legal description of the boundary of the proposed district.
  - (4) A statement documenting the area's historical, architectural and cultural significance.
  - (5) A plat, at a scale of not more than 400 feet to the inch, showing the existing uses of all properties within the proposed district.
- (c) The community development department shall submit a description of the proposed district or the petition describing the proposed district, if a petition has been filed, to the historical division of the state department of cultural affairs for its report and recommendations. If the historical division determines that the proposed district does not meet the requirements of state law for designation as a historic district, no further action shall be taken toward designation of the proposed district. The report and recommendations of the historical division shall be made available for public viewing at the office of the community development department.

#### **Sec. 58-29. Procedures.**

- (a) The procedures of this section shall apply to all proposals for designation of historic districts, provided such proposals meet the criteria set forth in section 58-28 of this article. The procedures of this section shall also apply to all proposed amendments to the boundaries of existing historic districts, which amendments may be initiated by the city council, the historic preservation commission or the plan and zoning commission. The procedures of this section shall also apply to all proposals for repeal of an existing historic district, which may be proposed either by the city council on its own motion or by the filing of a petition signed by the owners of 51 percent of the total number of parcels of real estate within the proposed district, excluding parcels owned by governmental bodies, provided that each parcel, within the meaning of this subsection, shall constitute a separate parcel for property tax assessment purposes, as shown in the records of the county assessor on the date of the filing of the petition.
- (b) Each such proposal shall be scheduled for separate public hearings before the historic preservation commission and the plan and zoning commission, except that no such hearing shall be held before the historic preservation commission on the proposal for designation of the city's first historic district. The historic preservation commission shall

give prior notice of the time, date, place and subject matter of such hearing. Such notice shall be served by regular mail addressed to each property owner of land included within such proposal at his or her last known address, or if the address of any such property owner is unknown, such notice shall be served by regular mail addressed to "owner" at the street address of the property in question. After public hearing, the historic preservation commission and the plan and zoning commission shall each forward its report and recommendations concerning such proposal to the city council.

- (c) Upon receipt of such reports and recommendations, the city council shall schedule a public hearing to consider such proposal and shall provide notice of such hearing as required by law. After public hearing, the city council shall act to approve, approve with modification, or disapprove such proposal. In so acting the city council may delete area from the original proposal, but the council shall not add area which was not included in the original proposal. The designation, amendment or repeal of a historic district shall each be completed on the effective date of an ordinance relating thereto. A copy of each such ordinance shall be forwarded to the historical division of the state department of cultural affairs.

### **III. APPLICABLE SECTIONS OF THE STATE CODE**

#### **303.34 Areas of historical significance.**

The provisions of sections 303.20 to 303.33 do not apply within the limits of a city. However, in order for a city to designate an area which is deemed to merit preservation as an area of historical significance, the following shall apply:

1. An area of historical significance shall be proposed by the governing body of the city on its own motion or upon the receipt by the governing body of a petition signed by residents of the city. The city shall submit a description of the proposed area of historical significance or the petition describing the proposed area, if the proposed area is a result of the receipt of a petition, to the historical division which shall determine if the proposed area meets the criteria in subsection 2 and may make recommendations concerning the proposed area. Any recommendations made by the division shall be made available by the city to the public for viewing during normal working hours at a city government place of public access.
2. A city shall not designate an area as an area of historical significance unless it contains contiguous pieces of property under diverse ownership which meets the criteria specified in section 303.20, subsection 1, paragraphs "a" to "f".

#### **303.20 Definitions.**

As used in this subchapter of this chapter, unless the context otherwise requires:

1. "Area of historical significance" means contiguous pieces of property of no greater area than one hundred sixty acres under diverse ownership which:
  - a. Are significant in American history, architecture, archaeology and culture, and

- b. Possess integrity of location, design, setting, materials, skill, feeling and association, and
- c. Are associated with events that have been a significant contribution to the broad patterns of our history, or
- d. Are associated with the lives of persons significant in our past, or
- e. Embody the distinctive characteristics of a type; period; method of construction; represent the work of a master; possess high artistic values; represent a significant and distinguishable entity whose components may lack individual distinction.
- f. Have yielded, or may be likely to yield, information important in prehistory or history.

#### **IV. STAFF ANALYSIS**

The proposed amendment would remove a section of land from the district that was acquired and cleared for the Martin Luther King, Jr. Parkway project in the early 2000's. This land is not located within the National Register boundaries of the district. Areas being added include the land north of Center Street and west of 19<sup>th</sup> Place; the northern parcels of the block bound by Olive Avenue (north), 18<sup>th</sup> Street (east), Crocker Street (south) and 19<sup>th</sup> Street (west); and the parcel addressed as 900 17<sup>th</sup> Street. See Attachment "A" on page 5 of this report for a map identifying the proposed changes.

In 2012, an amended National Register of Historic Places Registration Form as approved, which updated the boundary set in 1979 when the district was first listed on the National Register. The nomination form indicates that the district meets the National Register Criteria "A" and "C".

#### **National Register Criteria**

- A. Property is associated with events that have made a significant contribution to the broad patterns of our history.
- B. Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- C. The area within the proposed amended boundary meets the criteria necessary for designation as a local historic district. The Historic Preservation Commission heard the request on January 15, 2020 and voted 6-0 to recommend approval of the amendment.

## **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:**

Jann Freed made a motion that the Plan and Zoning Commission forward a recommendation of **approval** to the City Council.

Motion passed: 11-0

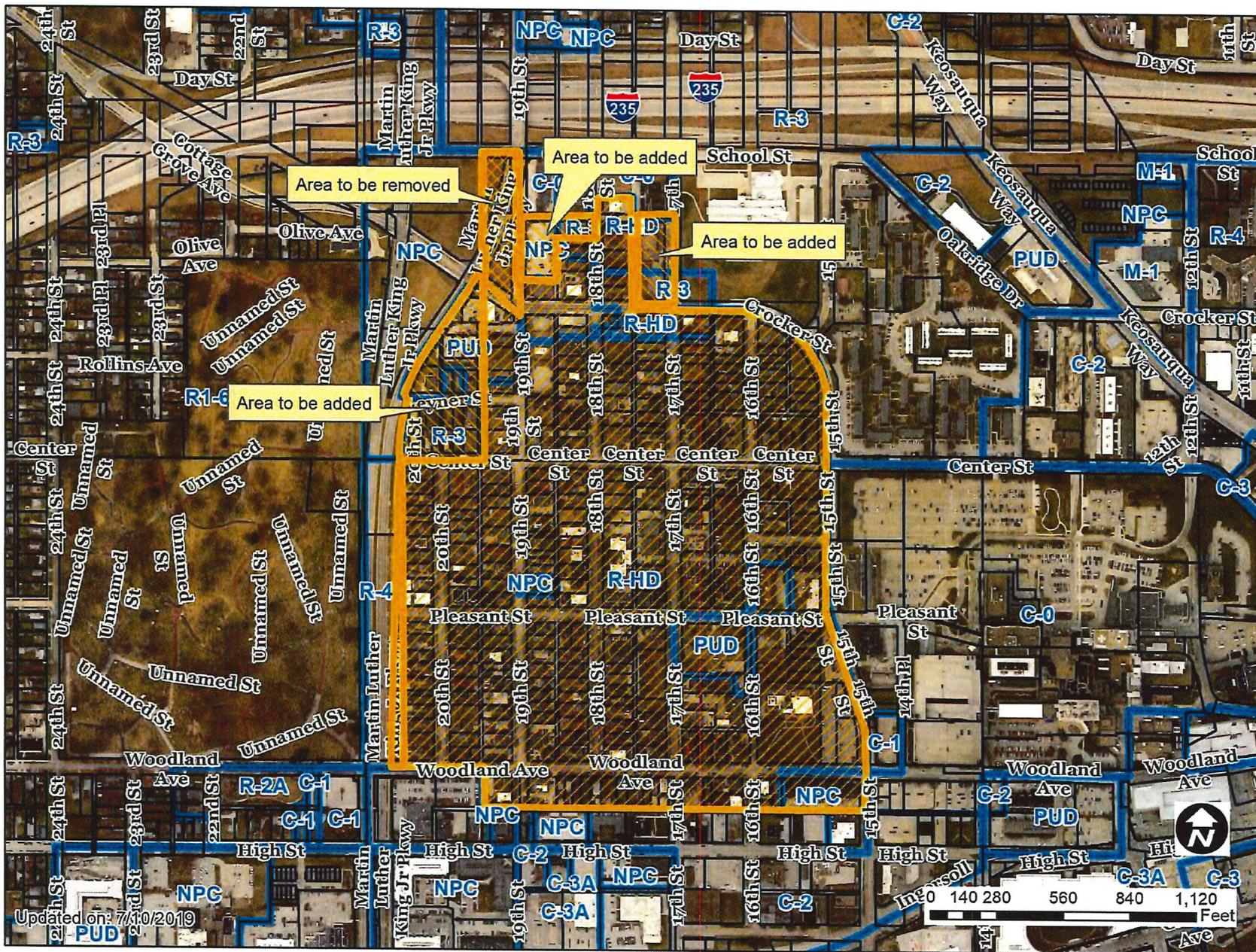
Respectfully submitted,



Jason Van Essen, AICP  
Senior City Planner

JVE:tjh

# Sherman Hill Local Historic District Boundary Amendments



1 inch = 535 feet

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