



Roll Call Number

17-0318

Agenda Item Number

51

Date February 20, 2017

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

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

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

(continued)



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

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

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

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

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

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

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

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

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

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

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

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

MOVED BY Hensley TO ADOPT.

FORM APPROVED:

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

(ZON2016-00221)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED APPROVED
T. M. Franklin Mayor

CERTIFICATE

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

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

Diane Rauh City Clerk