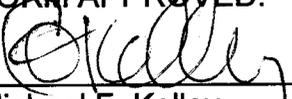


Date January 9, 2012

COMMUNICATION from the Historic Preservation Commission advising that at a public hearing held on November 30, 2011, the members recommended by a vote of 8-0 **APPROVAL** of the proposed River Bend Local Historic District located generally in the area on both frontages of 9<sup>th</sup> Street from University Avenue to Hickman Road, the area on both frontages of Oakland Avenue and Arlington Avenue between College Avenue and Franklin Avenue, and the area north of Franklin Avenue to the Des Moines River between Arlington Avenue and 9<sup>th</sup> Street on the basis that the proposal meets the criteria necessary for the establishment of a local historic district.

MOVED by \_\_\_\_\_ to receive and file.

FORM APPROVED:

  
 Michael F. Kelley  
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
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



December 20, 2011

Honorable Mayor and City Council  
City of Des Moines, Iowa

Communication from the City Historic Preservation Commission advising that at their meeting held November 30, 2011, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 8-0 as follows:

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
Patricia "Pat" Berry	X			
Robert "Bob" Griffin	X			
Susan Holderness	X			
Elaine Estes				X
Scotney Fenton	X			
Denny Marchand	X			
Shirley Shaw	X			
York Taenzer	X			
Teresa Weidmaier	X			

**APPROVAL** of a motion finding that the proposed River Bend Local Historic District meets the criteria necessary for the establishment of a local historic district.

**STAFF RECOMMENDATION TO THE HISTORIC PRESERVATION COMMISSION**

The proposed district meets the criteria necessary for the establishment of a local historic district. Staff recommends that the Commission forward a recommendation of approval to the City Council.



## STAFF REPORT

### I. GENERAL INFORMATION

The City of Des Moines has received a petition for the establishment of a local historic district in the River Bend Neighborhood (see attachment "A"). The River Bend Neighborhood is located north of the downtown. Its boundaries are generally the Des Moines River to the north, 2<sup>nd</sup> Avenue to the east, University Avenue to the south and 9<sup>th</sup> Street to the west. The neighborhood contains six districts and 27 properties that are individually listed on the National Register of Historic Places. The proposed River Bend Local Historic District would consist of the following districts listed on the National Register of Historic Places.

- Riverview Park Plat Historic District. – listed October 25, 1996
- Prospect Park Second Plat Historic District. – listed April 23, 1998
- "The Oaklands" Historic District. – listed October 25, 1996
- West Ninth Streetcar Line Historic District. – listed April 23, 1998

These districts are contiguous and have a combined area of 111.87 acres. Their nomination to the National Register was supported by the *Towards a Greater Des Moines: Development and Early Suburbanization, circa 1880-circa 1920* survey document prepared by Will Page, Public Historian. The nomination forms for each district indicate that they meet 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.
- C. 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.

### 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. ANALYSIS**

The submitted petition contains the signatures of the owners of 143 tax parcels. This represents 52.76% of the 271 non-government owned tax parcels within the proposed district and exceeds the minimum 51% requirement. The district contains 16 government owned parcels not included in these figures.

The proposal was forwarded to the State Historical Society of Iowa for review in accordance with Section 303.34 of the State Code and Section 58-28(c) of the Des Moines City Code. On October 17, 2011 staff received written confirmation from the State that the proposed district meets the requirement set in State Code for the establishment of a local historic district.

#### **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.

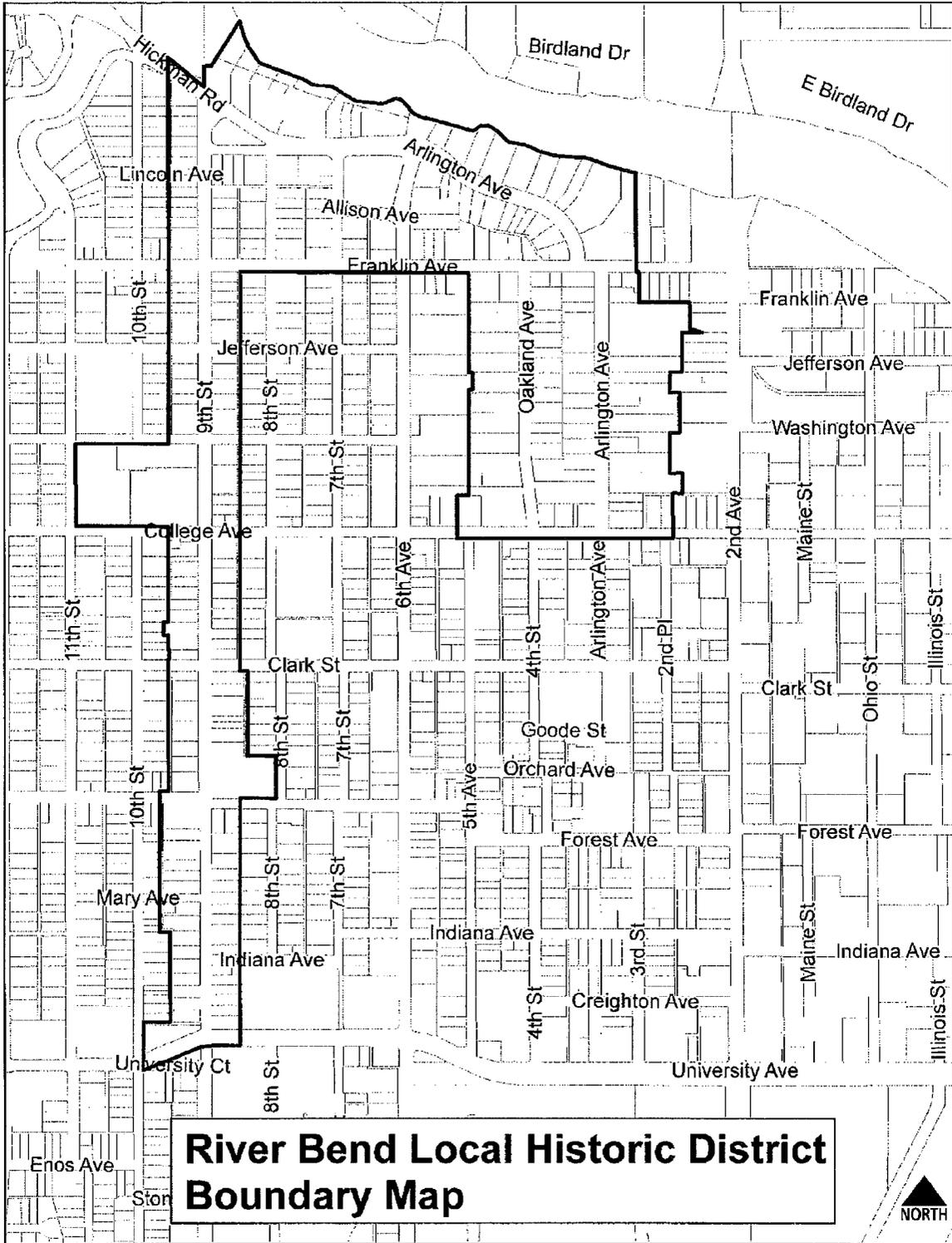
A notice was mailed to all property owners within the proposed district advising them of the hearings to be held by the Historic Preservation Commission on November 30, 2011 and by the Plan and Zoning Commission on December 15, 2011. The commission recommendations will be forwarded to the City Council for consideration at a future public hearing.

#### **IV. ADDITIONAL INFORMATION**

If the district is approved by the City Council two additional seats will be added to the Historic Preservation Commission. These seats would be appointed by the Mayor and would require residency in the new district.

The *Architectural Guidelines for Building Rehabilitation*, the *Architectural Guidelines for New Construction* and the *Fence Guidelines* that are utilized in the Sherman Hill and Owl's Head Local Historic Districts will be used for the review of cases from River Bend if the proposed district is approved. The River Bend area is from the same era as the existing local districts. The existing design guidelines are easily applied to a variety of architectural styles as they tend to focus on form, shape and materials and do not mandate a particular style. Staff anticipates there will be a substantial increase in enforcement and education efforts by City staff and the Historic Preservation Commission as property owners become familiar with the new regulations.

# ATTACHMENT "A"



## **SUMMARY OF DISCUSSION**

Jason Van Essen presented the staff report and recommendation.

### **CHAIRPERSON OPENED THE PUBLIC HEARING**

Aaron Todd (*spoke in favor*), 1334 9<sup>th</sup> Street, indicated he was speaking on behalf of the River Bend Neighborhood Association. He summarized the Association's outreach effort from over the past year. Noted that the association formed a housing committee early in 2010 to lead the local historic district project as well as work on a couple of other projects. During the summer of 2010 the committee met with staff to develop an outline of the approval process. They developed their strategy and appointed a point person to lead the petition signature process for each of the four National Register Districts. The committee developed a brochure for the effort and mailed it to all of the property owners in the proposed district. A portion of the River Bend Neighborhood Association website was dedicated to the effort.

In September 2010 property owners were invited to two informational meetings. Following these meetings the housing committee began asking for support and signatures. Spanish speaking supporters of the effort spoke with Spanish speaking property owners to ensure they understood the effort. Committee members called non-profit and non-resident property owners and offered to meet with them to explain the effort.

He noted that they received the support of 70% of the property owners that live in the proposed district. Stated that they have a racially, ethnically and economically diverse neighborhood and that the signatures on the petition are representative of this diversity.

He noted that the Certificate of Appropriateness process was shared with property owners. Stated that they believe there are financial tools available for property owners to assist with renovations and that they are not used as often as they could be. Indicated that the Neighborhood Association has members that are knowledgeable of these programs such as tax credits, tax abatement and the Neighborhood Finance Corporation and know how they can be layered to increase the financial feasibility of projects for property owners. Indicated they are willing to help others.

He stated that while the petition process was organized by the members of the housing committee their success was truly due to numerous neighbors that offered to reach out to their neighbors and explain the benefits of the local historic district designation. He stated their belief that the local historic district designation is the next step in the revitalization of their neighborhood and a necessary step to safeguard their neighborhood's historic character.

Cruz Mata (*spoke in opposition*), 1533 East Vine Street, stated he owns the property at 1331 9<sup>th</sup> Street. He indicated that he bought the property as an investment property but is remodeling it before he rents it out. Stated that he would like to put smaller windows in the building to lessen the likelihood of kids falling out the windows and would like to move the exterior staircase to the rear of the building. Indicated that he has repaired the north foundation wall. Stated he was afraid that if his property was in a local historic district that the Commission would not approve of the work he wants to do or would ask him to do more than he could afford.

Teresa Weidmaier indicated that the Commission works hard with property owners to find solutions that meet their needs and comply with the design guidelines. This includes landlords that are looking to do what they need to do to make a property safe and rentable but not restore the property back to a single family house. Indicated that staff is excellent at working with property owners to finding design solutions and is always available to bounce ideas off of to help property owners plan in advance.

Cruz Mata stated that he had already talked to staff and was advised that his long term plans to cover the house with stucco siding and change the style of the house to more of a Spanish style would likely not be approved. Stated that he is not going to be able to do what he wants to with his property. Stated his belief that the Commission is only concerned with historical considerations and does not consider safety, cost or energy efficiency. Noted that there is a beautiful home across the street and that he does not want to do anything that would make his property less attractive and detract from other properties. He indicated that his property has aluminum siding that is in poor condition. He stated he wants to improve his property but does not want others telling him how he is going to have to improve the property.

Jason Van Essen explained his previous conversation with Mr. Mata so other members of the audience would understand the circumstances. Noted that they had discussed removing the aluminum siding and installing stucco siding and changing the style of the building. Staff indicated that changing the style of the house would be contrary to the purpose of having a local historic district. Explained that anything the Commission approves has to comply with the City's Building and Rental Codes. Stated that there are ways to address those codes without losing the historic integrity of a property. For example, porch balustrades were shorter than they are today due to modern Building Code requirements. A way to maintain a historically appropriate height for a balustrade while meeting the Building Code railing height requirement is to install a metal bar above the balustrade to provide additional railing height with minimal visual change to the original design intent of the balustrade. Regarding window opening size, the design guidelines indicated that window openings should be maintained or returned to their original size if they have been modified. The applicant's concern for kids potentially falling out of the windows might be addressed on the inside of the building with bars or other similar treatment across the lower portion of the windows. Noted that one of the key purposes of the local district designation is to limit changes to buildings that diminish historic architectural elements or that completely alter the appearance of a structure.

Gayle Landis (spoke in favor), 710 Hickman, indicated that her house has been in her family for 102 years and that she is excited about the proposed local historic district designation. She noted that some of the houses in the neighborhood were being foreclosed on and asked that if someone buys them if they would be guided on how to make repairs.

Susan Holderness replied that any new property owner would be required to follow the design guidelines.

Gayle Landis asked for clarification on what aspects of a property the Commission reviews.

Teresa Weidmaier indicated that the Commission reviews all exterior work including things such as gutters, fences, garages, retaining walls, decks and patios. She noted that interior work is not reviewed.

Don Crouch (*spoke in opposition*), 1957 Arlington Avenue, asked if improvements to all buildings are reviewed or just buildings of a certain age and if rental properties that were originally built as rental properties are reviewed.

Susan Holderness indicated that all buildings are reviewed. Noted that there are a lot of apartment buildings in the Sherman Hill District and that the design guidelines are flexible so they can react to the different types and ages of buildings in a district.

Don Crouch said that he and his direct neighbors have spent a lot of money on their houses without anyone telling them to do it this or that way. Noted that he owns an apartment building across the street from his house and another house in the neighborhood. Stated that he and his neighbors have made nice investments without any historic design guidelines. Indicated that he was born in his house 72 years ago and has lived in the area his entire life. Stated that he does not understand why anybody would want to buy a house just to have someone else tell them what they can do with it. Indicated that he understands some of the benefits of living in a local historic district but as a home owner that he would not like it.

Teresa Weidmaier asked Mr. Crouch to imagine how he might feel if he was the only home owner on his street that was making the kind of investments in his property that he was.

Don Crouch stated his belief that most property owners want to invest in their properties and not destroy them.

Reva Henry (*spoke in support*), 1716 9<sup>th</sup> Street, indicated that she has had a lot of work done to restore her house and is supportive of being located in a local historic district.

Jason Van Essen noted that the City has design guidelines for building rehabilitation and new construction and that there is enough flexibility to handle different types and styles of buildings.

### **CHAIRPERSON CLOSED THE PUBLIC HEARING**

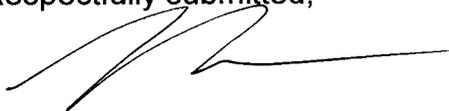
#### **COMMISSION ACTION:**

Denny Marchand moved approval of the staff recommendation.

York Taenzer seconded the motion.

Motion passed 8-0.

Respectfully submitted,



Jason Van Essen, AICP  
Senior City Planner