



Council Communication

Office of the City Manager

Date

March 26, 2007

Agenda Item No. 39A&B

Roll Call No. 07-

Communication No. 07-170

Submitted by: Richard A. Clark, City Manager

AGENDA HEADING:

Hearing on request from Rice Development Partners, LLC (purchaser) represented by Adam Van Dyke (agent) to amend the Des Moines' 2020 Community Character Plan future land use designation from Public/Semi-Public to Commercial: Pedestrian-Oriented, Neighborhood Node and Low/Medium Density Residential; to rezone property from "R1-60" One-Family Low-Density Residential District to "PUD" Planned Unit Development District; and to approve the "Rice Development P.U.D." Concept Plan for a mixed-use commercial and residential development at 3001 Beaver Avenue. The subject property is owned by the Des Moines Public School District.

SYNOPSIS:

The proposed land use amendment, rezoning and PUD Concept Plan would allow redevelopment of the site with two mixed-use structures framing a pedestrian plaza at the corner of Beaver and Adams Avenues, 7 row house residential units fronting Beaver Avenue, and 18 single-family bi-attached residential townhome units. The Concept Plan provides an off-street parking lot to the rear of the mixed-use structures with approximately 68 stalls to serve the 23,000 s.f. of limited retail/office uses and underground parking with 24 stalls to serve the 16 apartments above the commercial space along Beaver Avenue.

Staff recommends that the Council approve the requested amendment to the Des Moines' 2020 Community Character Plan Land Use Map and approve the PUD zoning request and Concept Plan as submitted subject to the following conditions (requires a 6/7th vote of the City Council due to the receipt of written opposition from greater than 20% the property owners within 250-feet of the subject property):

1. The Final Development Plan shall be presented to the City Council for review and approval.
2. All building architecture, including building footprints and materials shall be subject to review and approval of the final development plan by the City Council.
3. Stormwater from the development shall be discharged to the existing storm sewer within 40th Place right-of-way through an 8" pipe under Wallace Lane.
4. The diagonal sanitary sewer across the southwest portion of the site shall be televised by the developer after construction on site to document that no damage has occurred during construction.
5. A note shall be added to the plan stating that the 6'-tall screen fence at the east end of the east/west access drive across the site shall be 100% opaque and constructed with wood materials.

6. A note shall be placed on Sheet 4 identifying brick as the predominant siding on the 2-story mixed-use structure oriented toward Adams Avenue.
7. The bases of all monument signs will be constructed with masonry materials that match the masonry materials used on the mixed-use structures.
8. Lighting for monument signs shall be indirect or downward (not internally illuminated) and shall not operate between the hours of 10:00 PM and 6:00 AM.
9. A note shall be added to the plans stating that all site lighting shall be directed downward and shielded from adjoining properties and that lighting for the pedestrian areas shall be provided on poles with a maximum height of 15’.
10. The single-family semi-detached structures shall be 1 to 1-½ stories and sided predominantly with brick.
11. Commercial uses on the subject property shall be limited uses permitted in the “C-1” Neighborhood Retail Commercial District, except gas stations, boarding houses, shelters for the homeless, and financial service centers that provide check cashing and loans secured by post dated checks or payroll guarantee as their primary activity. Package goods stores for the sale of alcoholic beverages will not be permitted, except for the sale of alcohol specifically related to the wine industry. Restaurant uses will be limited to no more than 50% of the retail square footage.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

The roll call letter from the Plan and Zoning Commission is attached. The letter includes all motions made by the Commission, the staff report, a summary of public hearing comments and discussion by the Commission, and a copy of all documents submitted as part of the public hearing before the Plan and Zoning Commission.

The record of the proceedings to date clearly reflects the divide between those who support and oppose this request. Those opposed to the request have cited numerous policies from the Des Moines 2020 Community Character Plan that they believe are supportive of a Council decision to deny the request. Some of those opposed have argued that the policies of the Des Moines’ 2020 Community Character Plan support maintenance of the subject property in its current state and that the plan prohibits any development of the site. The developer believes that certain policies of the Des Moines’ 2020 Community Character Plan combined with the on-going public planning efforts that have occurred since the adoption of the 2020 Community Character Plan in August of 2000 and design components of the development proposal are supportive of a Council decision to approve the request as submitted.

Page 4 of the 2020 Community Character Plan states: *“A policy document and map together constitute the 2020 Community Character Plan. Neither should be used without reference to the other. The policy document contains a series of land use analysis, goals, concepts and recommendations to guide development in Des Moines. The policies are general and are intended to guide implementation strategies such as zoning map changes, a new zoning ordinance, and significant amendments to the site*

plan ordinance. The land use map identifies the recommended land use for land within the Des Moines and its potential annexation areas”.

Staff believes that due to the general nature of policies within the 2020 Community Character Plan and the fact that the Plan is a “guide” for future implementation actions, there is an inherent degree of conflict between individual policies within the Plan. Staff also believes that it is likely that no position on this issue is 100% supported by the 2020 Community Character Plan.

Clearly, it is the Council’s prerogative as elected officials to amend the 2020 Community Character Plan and make implementation decisions (such as rezoning a property) if it determines that such a change is of benefit to the overall public. Those most immediately impacted by a decision to implement a zoning change are protected by provisions of the Iowa Code that specify that an affirmative vote of 6/7th of the City Council is necessary to approve such a change.

While there was disagreement on the current concept plan and potential modifications to the concept plan, the Commission voted 10-1-1 that any development of the site is subject to the requirements of the Planned Unit Development (“PUD”) zoning district and approval of a “PUD” Concept Plan. Therefore, staff believes there are two core questions that must be answered:

- Should commercial uses in the Beavertdale “district” be extended to the subject property?
- What intensity or density of residential development should be allowed on the subject property?

Staff believes that the 2020 Community Character Plan can be utilized to justify a decision to approve or a decision to deny the request for the commercial extension onto this property. Staff also believes that the 2020 Community Character Plan supports a range of housing densities and types on the subject property.

There are numerous public improvements that will be necessary to serve any proposed development of this site. Staff has not advocated City participation in the costs of public improvements to serve the proposed development to date. Therefore, the developer has proposed to recover the costs of such improvements by developing the proposed mix of uses (including commercial) and a mix of residential housing types and densities on the site. Staff has not reviewed the developer’s pro forma, but assumes that a reduction or elimination of the commercial uses on the site will likely require an increase in residential density and / or a financial contribution by the City or School District towards the costs of public improvements to serve the site.

As part of the motion to adopt Roll Call Number 07-346 which set the date of hearing for March 26, 2007, Councilperson Vlassis requested analysis on the infrastructure in Beavertdale, specifically the traffic, storm, and sanitary sewer systems given this development, the redevelopment of the “Bond’s of Beavertdale” site and other development parcels that could come forward in the future. This type of analysis is difficult at best given that each development has unique characteristics that dictate infrastructure needs. In general, the systems are built to accommodate growth, and when specific proposals come forward, appropriate staff review projects to assure that they will fit into the overall street system and the storm and sanitary systems. If there are concerns, it is the developer’s responsibility to design a solution that meets the City’s criteria for infrastructure. A detailed analysis of the systems affected by the Rice site proposal is included in the Plan and Zoning Commission’s letter to the Council. The following Traffic, Sanitary Sewer and Storm Sewer information has also been prepared:

Traffic:

As identified in the traffic analysis for the Rice School site, the proposed mixed-use development on this site will have a minimal impact on traffic flow on Beaver Avenue. The 2004 traffic volume on Beaver Avenue in this area was 13,300 vehicles per day (vpd), and the proposed development is expected to increase that volume by only three or four percent. This increase is on a base condition of a vacant site, but the previous Rice School generated a significant amount of daily traffic, so the net increase from the previous land use is very minimal.

The overall maximum capacity for a three-lane roadway such as Beaver Avenue is approximately 18,000 vpd, so there is a substantial amount of reasonable capacity to accommodate the Rice site development and other redevelopment in this area. A key difference between redevelopment and new development is that new development always results in an increase in traffic, while redevelopment may have more traffic, the same traffic, or even less traffic than the existing or former land use. It all depends on the type and intensity of development.

The other key factor in traffic flow and conditions related to development is when the peak traffic flows occur. Beaver Avenue is a primary commuter route in this section of the City, so even if the street reaches its capacity during the morning or afternoon peak periods, there will still be available capacity during all other periods of the day. Office use is the most intense for peak morning and afternoon traffic flows, as nearly all of the users arrive in the peak morning period and leave during the peak afternoon period. Mixed-use development traffic is much easier to accommodate on the streets, because the different uses in the development spread the traffic over other parts of the day, or eliminate some trips all together. For example, if there is residential and retail or service components in a development, some of the people can meet some of their needs for shopping, restaurants or even work without using their vehicles, by walking to these services within or adjacent to the development where they live.

Based on the above factors, the area along Beaver Avenue can support additional redevelopment and/or new development without exceeding the normal capacity of the roadway. The intensity of future development would be evaluated for its impact on traffic volumes during peak periods.

Sanitary Sewer:

The Beaverdale area is served by two subsystems of the sanitary sewer collection system of the City of Des Moines. The Closes Creek Sanitary Trunk Subsystem serves the area generally lying south of Urbandale Avenue and the Beaver Avenue Sanitary Trunk Subsystem serves the area generally lying north of Urbandale Avenue. Both subsystems were analyzed for sources of infiltration and inflow and for the adequacy of trunk capacity in the late 1970's. Several federally funded projects were completed in the early 1980's to rehabilitate the sewers in both of these areas. The rehabilitation work included replacement of numerous brick manholes, the sealing of sewer joints, sewer spot repairs, the construction of storm sewers as a part of storm inlet removal, and the construction of large diameter relief sanitary trunk sewers. This work was performed with a design criteria that would support flows from the planned commercial areas and an R-2 density from the residential areas.

The Sewer Analysis Division of the Public Works Department monitors the densities of each development to assure that the proposed number of units or intended use of a new structure does not cause or increase any localized sewer problems.

Storm Sewer:

The Rice School redevelopment site is in the Ashby Park Drainage area of the City of Des Moines. The natural slope of the property falls to the north and northeast. There are several small area drains on the site that are piped to and outlet onto Wallace Lane through the public access east of the home at 4100 Wallace Lane. The developer has several options for addressing the discharges of storm water from this site. The city staff is recommending that the discharge from the outlet onto Wallace Lane not be allowed to increase with the redevelopment. The developer must either maintain the existing release rate or construct a new storm sewer to an adequate discharge point. The most likely point of discharge for a new storm sewer would be north of Ashby Avenue and east of 40th Place at the west edge of Ashby Park. There are several development sites along Beaver Avenue north of Urbandale Avenue. Each site will discharge to a different branch of the drainage area and will not have a cumulative affect on the stormwater flows. As each site redevelops within the Beaverville neighborhood or throughout the city, the developer is required to control the site runoff and storm sewer flow in a manner that does not cause flooding downstream that would cause property damage.

PREVIOUS COUNCIL ACTION(S):

Date: February 26, 2007

Roll Call Number: 07-346

Action: [On](#) request from Rice Development Partners, LLC to rezone property in vicinity of 3001 Beaver Avenue from "R1-60" (One-Family Low-Density Residential) to "PUD" (Planned Unit Development) and to approve a "PUD" Conceptual Plan for redevelopment of the property for a mix of residential and commercial uses, (3-26-07). Moved by Vlassis to adopt and to refer to the City Manager to provide staff recommendation and information regarding proposed developments, traffic and sewers in the area. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Date: February 15, 2007.

Roll Call Number: N/A.

Action: A motion to find the proposed zoning inconsistent with the existing 2020 Community Character Land Use Plan Map designation of Public / Semi-Public was approved by a vote of 11-0-1. Motions to approve and deny the request failed due to a lack of affirmative votes. The Plan and Zoning Commission voted 10-1-1 to recommend that any development of the site be subject to the requirements of the Planned Unit Development ("PUD") zoning district and approval of a "PUD" Concept Plan.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE