



# Council Communication

Office of the City Manager

<b>Date</b>	May 4, 2009
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<b>Agenda Item No.</b>	<b>50</b>
<b>Roll Call No.</b>	<b><u>09-</u></b>
<b>Communication No.</b>	<b><u>09-290</u></b>
<b>Submitted by: Larry Hulse, Community Development Director</b>	

## **AGENDA HEADING:**

Second reading on request from Hubbell Realty Company to rezone property at 5525 SE 14<sup>th</sup> Street from Ltd. "R-3" (Multiple-Family Residential) to "R-3", removing limitation of senior residential housing on multiple-family dwellings and allowing for up to 240 multiple-family residential dwellings.

## **SYNOPSIS:**

On April 20, 2009, the City Council voted 6-1 to close the public hearing and approve first reading of the ordinance to rezone the property. The Council referred the item to the City Manager to report back on the following items at the May 4, 2009 Council Meeting: 1) Density, 2) Traffic – Ingress/Egress, 3) Storm water flow, 4) Alternate location on SE 14<sup>th</sup>, and 5) 2020 Community Character Plan-best use of the property. Information regarding these issues is provided in the "Additional Information" section of this report. A 6/7 vote of the Council is required to approve the zoning, due to the percentage of adjoining property owners in opposition to the rezoning.

## **FISCAL IMPACT:**

Amount: \$524,000, estimated revenue less City costs.

Funding Source: Property Tax Revenue estimated: \$696,000 based on \$42 million assessed value.  
2009-10 CIP:Asphaltic Paving Restoration Program, CIP Street Improvements  
– Page 5 ,CP038 PWK990000 STR003 – E Diehl Ave. overlay estimated \$100,000.

City-Wide Storm Water Utility Projects - CIP Storm Water Improvements – Page 4, EN304 PWK9900000 STE057 – Storm Water Improvements to Stoney Pointe detention basin estimated \$10,000.

City-wide Signals, Channelization and School Crossing Protection Program, CIP Traffic Control Improvements – Page 5, CP038 ENG9900000 TFC091 – SE 14<sup>th</sup> St/E Diehl Ave traffic signal upgrade estimated \$12,000.

No identified source: Right-of-way acquisition for left turn lane on SE Diehl Avenue - estimated \$50,000. (requires future Council authorization).

### **ADDITIONAL INFORMATION:**

The following information is provided in response to the Council actions on April 20, 2009:

#### Density

- Please refer to the letter attached to the roll call from Hubbell Development detailing the on-site amenities that will be provided for residents/children of the development.
- Please refer to the drawing attached to the roll call that shows the proposed berm, 6 foot high solid fencing and dense landscaping to be provided along the south boundary as a buffer to existing residential uses.
- The existing zoning of the property anticipated a 56 bed assisted living facility (single story), Alzheimer cottage units for up to 60 residents (six, single-story buildings) and a 50 unit independent elderly apartment building (three story). In addition, commercial development was proposed on two parcels fronting SE 14<sup>th</sup> Street. The conceptual layout is attached to the roll call.

#### Traffic – Ingress/Egress

- Adjoining property owners previously opposed a secondary vehicular access to Diehl Avenue between properties located at 1540 and 1590 Diehl Avenue.
- Hubbell will provide secondary access from Melbourne Apartments to Diehl Avenue through the Tasty Taco's drive. Hubbell will be responsible for obtaining all necessary easements from the Tasty Taco's property owner.
- The City will acquire up to 20 feet of right-of-way along the north side of Diehl Avenue along the Tasty Taco's property. The site plan for the Tasty Taco's development accommodated a future right-of-way acquisition by the City of up to 20 feet.
- Hubbell will widen the north side of the east leg of the Diehl Avenue/SE 14<sup>th</sup> intersection to accommodate a dedicated left turn lane (estimated cost of \$48,000).
- The City will improve the signal detection for the left turn lane (estimated cost of \$12,000).
- The City will resurface E Diehl Avenue from SE 14<sup>th</sup> Street from approximately 400 feet east of SE 14<sup>th</sup> Street to SE 19<sup>th</sup> Street. (This is approximately 3,120 feet long and 22 feet wide) during the 2009 construction season (estimated cost of \$100,000).

Stormwater:

- Hubbell will provide on-site storm water detention in accordance with current City standards. Hubbell will provide detailed information on their proposed stormwater management for this site at the Council hearing.
- Hubbell will construct a berm along the south boundary of the subject property to prevent storm water flows onto adjoining properties to the south.
- Hubbell to release on-site storm water detention into the creek at the east property boundary, downstream from the majority of the adjoining property owners. Hubbell is responsible for obtaining any necessary easements.
- The City will continue to seek authorization to make improvements to Stoney Creek detention basin on the south side of Diehl Avenue. The improvements will detain water from smaller and more frequent storm events that are impacting the rear yards of residents on the north side of Diehl Avenue (estimated cost \$10,000).
- If the Menard's rezoning is approved, Menard's will construct an additional stormwater detention basin on Menard's property and revise their existing stormwater detention basin so that the entire Menard's site conforms to current City standards. These improvements will also reduce the impact on properties east of SE 14th Street.

Alternate Location on SE 14<sup>th</sup> Street

- The rezoning request is for the subject property. Any relocation to alternate locations would be subject to private negotiations between developer and applicable property owner(s).
- Hubbell has stated that an alternate site is not a possibility due to the presence of approved Tax Credits and an Enterprise Zone designation for the current site.

2020 Community Character Plan – Best Use of the Property

- The current 2020 Community Character Plan Future Land Use Map designation is Medium Density Residential (allows a maximum of 17 units per acre). The requested zoning is consistent with this designation. The designation was changed from Low Density Residential to Medium Density Residential during the rezoning for the assisted living facility that was previously proposed on the subject property.
- The Des Moines Southside Revitalization Plan states that the existing supply of commercial square footage exceeds demand of the existing residential population. An increase in dwelling units is needed to support existing commercial. The plan suggests that a key element is to consider higher density residential development along key corridors linked with public transportation access. SE 14th Street meets this definition.
- If multi-family residential use is not deemed an appropriate use of the site, then the Council should initiate an amendment to the 2020 Community Character Plan Land Use Map and zoning of the property.

**PREVIOUS COUNCIL ACTION(S):**

Date: April 20, 2009

Roll Call Number: 09-687 and 09-688.

Action: On request from Hubbell Realty Company to rezone property at 5525 SE 14<sup>th</sup> Street from Ltd. "R-3" (Multiple-Family Residential) to "R-3", removing limitation of senior residential housing on multiple-family dwellings and allowing up to 240 multiple-family residential units. (A Plan and Zoning Commission motion to approve the request failed by a vote of 5-5. 6 Council votes are required to approve the request due to the % of opposition by adjoining property owners). (Continued from 2-9-09): (Council Communication No. 09-253) Moved by Hensley to close the hearing; refer to the City Manager to report back on the following items at the May 4<sup>th</sup> Council Meeting: 1. Density, 2. Traffic – Ingress/Egress, 3. Storm water flow, 4. Alternate location on SE 14<sup>th</sup>, 5. 2020 Community Character Plan-best use of the property. Motion Carried 6-1. Nays: Meyer.

(A) First consideration of ordinance above. Moved by Hensley that this ordinance be considered and given first vote for passage; refer to the City Manager to report back on the following items at the May 4<sup>th</sup> Council Meeting: 1. Density, 2. Traffic – Ingress/Egress, 3. Storm water flow, 4. Alternate location on SE 14<sup>th</sup>, 5. 2020 Community Character Plan- best use of the property. Motion Carried 6-1. Nays: Meyer.

Date: February 9, 2009

Roll Call Number: 09-214

Action: On request from Hubbell Realty Company to rezone property at 5525 SE 14<sup>th</sup> Street from Ltd. "R-3" (Multiple-Family Residential) to "R-3", removing limitation of senior residential housing on multiple-family dwellings and allowing up to 240 multiple-family residential units. (A Plan and Zoning Commission motion to approve the request failed by a vote of 5-5. 6 Council votes are required to approve the request due to the % of opposition by adjoining property owners). (Council Communication No. 09-075) ) Moved by Meyer to continue to 4-20-09 at 5:00 PM; create a Task Force of neighbors to work with the City Manager and Council Member Meyer to review and make recommendations regarding street repairs, water control and traffic control. Motion Carried 7-0.

Date: January 26, 2009

Roll Call Number: 09-130

Action: On request from Hubbell Realty Company, to rezone property at 5525 SE 14<sup>th</sup> Street from Ltd. "R-3" (Multiple-Family Residential) to "R-3", removing limitation of senior residential housing on multiple-family dwellings and allowing for up to 240 multiple-family residential dwellings. (A Plan and Zoning Commission motion to approve the request failed by a vote of 5-5. 6 Council votes are required to approve the request due to the % of opposition by adjoining property owners) There has been a request from Hubbell Realty to continue this item to the February 9<sup>th</sup> Council meeting. Moved by Meyer to continue to the February 9, 2009 Council meeting at 5:00 PM. City Manager to report back on watershed and traffic issues and assign someone to work with both parties involved. Also explore possibility of the area being a TIF district. Motion Carried 7-0.

Date: January 5, 2009

Roll Call Number: 09-017

Action: On request from Hubbell Realty Company, to rezone property at 5525 SE 14<sup>th</sup> Street from Ltd. "R-3" (Multiple-Family Residential) to "R-3", removing limitation of senior residential housing on multiple-family dwellings and allowing for up to 240 multiple-family residential dwellings, (1-26-09). (Council Communication No. 09-010) Moved by Vlassis to adopt. Motion Carried 7-0.

Date: November 24, 2008

Roll Call Number: 08-2090

Action: Melbourne Apartments 1, LLC in the SE 14<sup>th</sup> Street Enterprise Zone. Moved by Vlassis to adopt. Motion Carried 7-0.

**BOARD/COMMISSION ACTION(S):**

Date: January 15, 2009

Action: Plan and Zoning Commission denied the rezoning application by voting 5 members in favor and 5 members opposed on a motion to approve the application. No further motion on this matter was brought forward.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

Third reading, unless waived by the City Council.

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the second floor of City Hall, 400 Robert D Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org).