Council Communication Office of the City Manager	**Date**	May 18, 2009
	Agenda Item No. 57 **Roll Call No.** 09- **Communication No.** 09-349 **Submitted by: Larry Hulse, Community Development Director**	

AGENDA HEADING:

Second reading on request from Hubbell Realty Company to rezone property at 5525 SE 14th Street from Limited "R-3" (Multiple-Family Residential) to "R-3", removing limitation of senior residential housing on multiple-family dwellings and allowing for up to 216 multiple-family residential dwellings.

SYNOPSIS:

On May 4, 2009 the City Council voted 6-1 to defer second consideration of this item until May 18, 2009 and directed the City Manager to facilitate a meeting among the developer, neighbors and City departments. City staff facilitated the meeting on May 11, 2009. Agreements from that meeting are detailed in the "Additional Information" section of this report. Staff recommends approval of second consideration subject to the agreed upon terms from the May 11, 2009 meeting. A 6/7th vote of the Council is required to approve the zoning due to the percentage of adjoining property owners who were in opposition to the rezoning.

FISCAL IMPACT:

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

Funding Source:

Property Tax Revenue estimate: $696,000 based on $42 million assessed value.

2009-10 CIP:

Asphaltic Paving Restoration Program, CIP Page Street Improvements – 5, CP038 PWK990000 STR003 – E. Diehl Ave. overlay estimated $100,000.

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

City-wide Signals, Channelization and School Crossing Protection Program, CIP Page Traffic Control Improvements – 5, CP038 ENG990000 TFC091 – SE 14th St/E. Diehl Ave traffic signal upgrade estimated $12,000.

No identified Source: Right-of-way acquisition for left turn lane on E. Diehl Avenue - estimated $50,000. (would require future Council authorization).

ADDITIONAL INFORMATION:

The following information is provided in response to the Council actions on April 20, 2009. Agreed upon terms from the May 11, 2009 meeting are denoted by italicized text:

Density

- Please refer to the attached letter from Hubbell Development detailing the on-site amenities that will be provided for residents / children of the development.
- Please refer to the attached drawing 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 14th Street. The revised conceptual layout is attached.
- *Attendees agreed that the total number dwelling units on the parcel proposed for rezoning should be reduced from 240 to 216 by eliminating one, 24-unit building from the conceptual sketch.*
- *Attendees agreed that the proposed buildings should be concentrated on the northern two-thirds of the site per the revised layout (see attached).*
- *Attendees agreed that the southernmost 36-unit building should be restricted to tenants who are 55 years of age or older.*
- *Attendees agreed that parking should be concentrated on the north and south sides of the northern portion of the loop drive and that parking should be limited to the north side of the southern portion of the loop drive.*
- *Attendees agreed that Hubbell should screen proposed tenants thoroughly as proposed by Hubbell.*
- *Attendees acknowledged that the Plan and Zoning Commission will review the multi-family site plan and that specific design details would be provided during that review.*
- *Attendees like the proposed building architecture and agreed that no changes were necessary.*

- *Attendees agreed that a berm with a 6-foot fence on top and landscaping on both sides of the fence along the south boundary should be installed at the beginning of that phase to prevent run-off during construction and to provide an immediate buffer to neighbors during construction.*

Traffic – Ingress / Egress

- Adjoining property owners previously opposed a secondary vehicular access to E. Diehl Avenue between properties located at 1540 and 1590 E. Diehl Avenue.
- Hubbell will provide secondary access from Melbourne Apartments to E. Diehl Avenue through 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 E. 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 E. Diehl Avenue/SE 14 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 14th Street from approximately 400 feet east of SE 14th Street to SE 19th Street. (This is approximately 3,120 feet long and 22 feet wide) during the 2009 construction season (estimated cost of $100,000)
- *Attendees agreed that the traffic situation will be improved by construction of the left-turn-lane and installation new loop detectors at the E. Diehl Avenue and SE 14th intersection.*
- *Attendees agreed that the intersection improvements and access drive through the Tasty Taco's site should be constructed with Phase 1 of the development.*
- *Attendees agreed that child safety is always an issue.*
- *Attendees agreed that no access drive should be constructed where the leg of the subject property extends to E. Diehl Avenue.*

Stormwater:

- Hubbell will provide on-site storm water detention in accordance with current City standards.
- Hubbell will construct a berm along south boundary of the subject property to prevent storm water flows onto adjoining properties to the south.
- Hubbell will release on-site storm water detention into the creek at the east property boundary downstream from the majority of the adjoining property owners. Hubbell will be 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 E. 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 E. Diehl Avenue (estimated cost $10,000).
- 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.

- *Attendees agreed that the improvements described above would improve existing storm water conditions.*
- *Attendees agreed that native plants and grasses should be planted on the slope between the parking and the south boundary to absorb stormwater.*
- *Attendees agreed that a berm with a 6-foot fence on top and landscaping on both sides of the fence along the south boundary should be installed at the beginning of that phase to prevent run-off during construction.*

Alternate Location on SE 14th 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.
- *Attendees agreed that the design modifications noted would make the project more acceptable on the subject property.*

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 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 (bus) 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.
- *Attendees agreed that the design modifications noted would make the project more acceptable on the subject property.*

PREVIOUS COUNCIL ACTION(S):

Date: May 4, 2009

Roll Call Number: 09-766

Action: On rezoning of 5525 SE 14th 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. 09-290) Moved by Kiernan to defer to the May 18th Council meeting; refer to the City Manager to facilitate a meeting between the Developer, Neighbors and City Departments. Motion Carried 6-1. Nays: Meyer.

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 14th 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 4th Council Meeting: 1. Density, 2. Traffic – Ingress/Egress, 3. Storm water flow, 4. Alternate location on SE 14th, 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 4th Council Meeting: 1. Density, 2. Traffic – Ingress/Egress, 3. Storm water flow, 4. Alternate location on SE 14th, 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 14th 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.

BOARD/COMMISSION ACTION(S):

Date: January 15, 2009

Action: Plan and Zoning Commission recommended denial of 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.

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