

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: June 14, 2010
	Agenda Item No. 65 Roll Call No. [Roll Call] Communication No. <u>10-364</u> Submitted by: Larry Hulse, Community Development Director

AGENDA HEADING:

Public Hearing regarding a request from Sutton Hill Residential Cooperative C/O Steve Niebuhr, Senior Vice President Hubbell Development, 6900 Westown Parkway West Des Moines, IA 50266, (515) 243-3228, to rezone property located at 2080 King Avenue from “R-6” Planned Residential Development and “R1-80” One-Family Residential to a “PUD” Planned Unit Development.

SYNOPSIS:

Sutton Hill Residential Cooperative has requested that the public hearing be continued until the June 28, 2010 meeting of the City Council. Staff recommends approval of the continuance. Staff also recommends approval of an extension for the existing offer to purchase Real Estate between Sutton Hill Residential Cooperative and the City of Des Moines which is scheduled to expire on June 18, 2010.

FISCAL IMPACT:

Amount: If the zoning is approved, there would be \$127,147 revenue for sale of excess property to Hubbell Realty. Based on current assessed values, it is estimated that the Sutton Hill PUD (286 units) will generate an estimated total of \$75,169 in annual property tax revenue if taxed as a residential cooperative or \$160,244 in total property tax revenue if taxed as a commercial property. \$18,717 of new property tax revenue would be attributed to the 76 new residential units if they are taxed as a residential cooperative or \$39,901 in new property tax revenue if the 76 new units are taxed as commercial property.

Funding Source: Sale proceeds would be deposited into the Property Maintenance Endowment Fund, SP767, ENG980500. The first \$175,000 of annual proceeds to the Property Maintenance Endowment Fund will be returned to the General Fund (GE001, ENG040700) to offset the operating budget of the Engineering – Real Estate Division. Property taxes would be deposited in GE001 FIN820700 (p.111).

ADDITIONAL INFORMATION:

On May 10, 2010 the City Council voted 6-1 to recommend approval of first reading of an ordinance to rezone the subject property from “R-6” Planned Residential Development and “R1-80” One-Family Residential to a “PUD” Planned Unit Development to allow a maximum of 286 units (210 existing and 76 new) on 16.85 acres which is a density of 16.97 dwelling units per acre subject to the following conditions:

1. The entire site shall have a maximum density of 17 dwelling units per acre. This requires the proposal to either eliminate 32 dwelling units (resulting in the addition of only 76 new dwelling units) or assemble an additional 1.86 acres to the site that is not encumbered by residential units.
2. The note for building setbacks on Page 1 of the Conceptual Plan shall be corrected to reflect the 20-foot setback along the north site boundary demonstrated on Page 2 of the Conceptual Plan.
3. A note shall be added to the Conceptual Plan to state that all garage doors on the site shall be maintained in a functional working order.
4. A note shall be added to the Conceptual Plan to state that all refuse collection on the site (new and existing) shall be enclosed and effectively screened on all sides by enclosures constructed with steel gates and brick or masonry materials to match the brick or masonry on the proposed buildings.
5. A note shall be added to the Conceptual Plan to state that all utility meters shall be placed on building facades that do not face parking lots or streets.
6. A note shall be added to the Conceptual Plan to state that the 3-foot tall wood fence that screens the eastern perimeter of the parking lot from SE 22nd Street shall be placed 2 feet back from the curb of the parking lot, with plantings placed on the street-side of the fence.

The Council also voted 6-1 to refer the rezoning to the City Manager to review the fiscal impact of the property taxes for this project, and to continue to work with the neighbors to gather additional ideas and address issues in the neighborhood including parking near the Cownie soccer fields.

On May 24, 2010 the City Council voted 7-0 to schedule a public hearing for reconsideration of the rezoning and requested that the City Manager examine issues regarding housing cooperatives and property taxes and to provide a report to the City Council with a policy recommendation.

PREVIOUS COUNCIL ACTION(S):

Date: May 24, 2010

Roll Call Number: 10-836

Action: Second consideration on rezoning of 2080 King Avenue (Sutton Hill Residential Cooperative) from “R-6” (Planned Residential Development) and “R1-80” (One-Family Residential) to “PUD” (Planned Unit Development), subject to conditions. (Council Communication No. 10-306). Moved by Meyer to continue to June 14, 2010; refer to City Manager to examine issues regarding housing cooperatives and property taxes and provide a report to Council with a policy recommendation. Motion Carried 7-0.

Date: May 24, 2010

Roll Call Number: 10-837

Action: Setting date of Hearing for reconsideration of rezoning above (6-14-2010). Moved by Meyer to adopt. Motion Carried 7-0.

Date: May 10, 2010

Roll Call Number: 10-746 and 10-747

Action: Public hearing and first reading on request from Sutton Hill Residential Cooperative to rezone 2080 King Avenue from “R-6” (Planned Residential Development) and “R1-80” (One-Family Residential) to “PUD” (Planned Unit Development), subject to conditions. Moved by Hensley to refer to the City Manager to review the fiscal impact of the property taxes for this project, and to continue to work with the neighbors to gather additional ideas and address issues in the neighborhood including parking near the Cownie soccer fields. Motion Carried 6-1. Nays: Meyer. Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Meyer.

Date: April 26, 2010

Roll Call Number: 10-604

Action: Set date of public hearing on request from Sutton Hill Residential Cooperative to rezone 2080 King Avenue from “R-6” (Planned Residential Development) and “R1-80” (One-Family Residential) to “PUD” (Planned Unit Development), subject to conditions, (5-10-10). Moved by Coleman to adopt. Motion Carried 7-0.

Date: April 26, 2010

Roll Call Number: 10-588

Action: Approving first modification of offer to purchase real estate between Sutton Hill Residential Cooperative and the City for excess City-owned property adjoining 2080 King Avenue (due diligence period extended 60 days to from April 25, 2010 to June 18, 2010). Moved by Coleman to adopt. Motion carried 7-0.

Date: January 25, 2010

Roll Call Number: 10-149, 10-150, and 10-151

Action: On vacation and conveyance of property adjoining 2080 King Avenue to Sutton Hill Residential Cooperative, \$127,147. (Council Communication No. 10-043). Moved by Hensley to adopt. Motion Carried 7-0. Moved by Hensley the ordinance be considered and given first vote for passage. Motion Carried 7-0. Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,915. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Date: April 19, 2010.

Roll Call Number: 10-2009-5.02.

Action:The Plan and Zoning Commission recommended as follows:

Motion to find the request for a total of 318 dwelling units on 16.85 acres (18.87 units/acres) not in conformance with the existing Des Moines' 2020 Community Character Plan's future land use designation of Medium-Density Residential (allows up to 17 units/acres). Motion passed by a vote of 12-1.

Motion to amend the Des Moines' 2020 Community Character Plan to change the future land use designation from Medium Density Residential to High Density Residential with the proviso that overall density of the site may not exceed 18.87 dwelling units per acre. Motion failed by a vote of 6-7.

Motion to deny request to amend the Des Moines' 2020 Community Character Plan future land use designation from Medium-Density Residential to High-Density Residential. Motion passed by a vote of 8-5.

Motion to approve request from Sutton Hill Residential Cooperative to rezone property located at 2080 King Avenue from "R-6" Planned Residential Development & "R1-80" One-Family Residential District to a "PUD" Planned Unit Development. Motion passed by a vote of 12-0.

Motion to approve the Sutton Hill PUD Conceptual Plan subject to the following conditions, motion passed by a vote of 10-2:

1. The entire site shall have a maximum density of 17 dwelling units per acre. This requires the proposal to either eliminate 32 dwelling units (resulting in the addition of only 76 new dwelling units) or assemble an additional 1.86 acres to the site that is not encumbered by residential units.
2. The note for building setbacks on Page 1 of the Conceptual Plan shall be corrected to reflect the 20-foot setback along the north site boundary demonstrated on Page 2 of the Conceptual Plan.
3. A note shall be added to the Conceptual Plan to state that all garage doors on the site shall be maintained in a functional working order.
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ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Hold public hearing on June 28, 2010.

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