

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: September 13, 2010
	Agenda Item No. 58 Roll Call No. [Roll Call] Communication No. <u>10-557</u> Submitted by: Donald M. Tripp, Park and Recreation Director

AGENDA HEADING:

Receive and file Park and Recreation Board recommendation to approve sale of a 70' x 132' portion of Waveland Golf Course to abutting property owners, Russell Parks, for a townhouse development.

SYNOPSIS:

At its July 27, 2010 meeting, the Park and Recreation Board approved a recommendation subject to several covenants to sell Russell Parks a small portion of Waveland Golf Course to allow for redevelopment of an adjacent property owned by Mr. Parks along Observatory Road. Staff recommends that the City Council receive and file the Park and Recreation Board recommendation and refer to the City Manager for review, recommendation and negotiation of a purchase agreement. The purchase agreement shall only authorize the Mr. Parks to submit a rezoning application for the referenced portion of City property. No final authorization to sell the property to Mr. Parks shall be granted unless a suitable rezoning application is reviewed by the Plan and Zoning Commission and approved by the City Council.

FISCAL IMPACT:

Amount: To be determined by appraisal, pending Council approval.

ADDITIONAL INFORMATION:

On March 17, 2010, Russell Parks submitted a letter requesting that consideration be given to negotiate the sale of a small parcel of the Waveland Golf Course. The proposed parcel measures 70 feet by 132.19 feet and is located adjoining another property currently owned by Mr. Parks, off Observatory Road. This proposed parcel is classified as Park Land, dedicated for Waveland golf course, however it does not serve as a part of the golf course. The parcel is separated by a service road that accesses the cellular tower leased area and a heavily wooded area. The area is separated from the adjoining neighborhood by fence.

Mr. Parks is proposing a Waveland Homes project by combining the two properties for a six townhome development, one duplex and one four-plex that would provide a different type of housing for residents in Waveland Park Neighborhood. This parcel is on the eastern side of the golf course just north of the entrance to the McCollum/Waveland Tennis Complex parking lot, see attached maps.

Park and Recreation and Department of Public Works - Forestry staff visited the site and assessed the existing vegetation. The determination concluded that there were few large trees that would meet the City's tree mitigation policy on this parcel. The site also had some erosion issues due to the extreme slopes.

Mr. Parks was informed that he would need to present his proposal to the Waveland Park Neighborhood Association, and the citizen advisory golf committee for their review and input, prior to presenting to the Park and Recreation Board. The current zoning of the golf course land is R1-80, single family residential. Mr. Parks' request is contingent on being able to rezone the parcel of the golf course land to R-3, multiple-family residential.

On April 7, 2010, the Park and Recreation Board's Citizen Golf Advisory Committee received and filed a presentation by Mr. Parks at their monthly meeting. Committee members asked specific questions and then a tour was provided of the proposed site for those interested. The golf committee requested that they not take formal action until the neighborhood association made their final recommendation. The golf committee met again on July 7, 2010, and again had a presentation by Mr. Parks. Also during this meeting, the committee was informed that the Drake Observatory had been contacted by City staff and expressed no concerns with the proposal as long as there were no plans to use commercial lighting fixtures. The golf committee moved approval to allow the proposed development with 2 yes votes and 2 passes. There were three members absent.

On May 7, 2010, Waveland Park Neighborhood Association received and filed Mr. Parks' proposal at their monthly meeting. Board members and adjoining neighbors asked specific questions on the plan and impact to the area. At their neighborhood meeting on June 2, 2010, Waveland Park Neighborhood Association voted on two actions in regards to Mr. Parks' proposal. First, the WPNA board of directors recommended unanimously that the City of Des Moines approve the sale of parkland to Mr. Parks. Second, the WPNA board of directors recommended with seven ayes and one nay, that the City of Des Moines approve the Waveland Homes project.

At its June 22, 2010 and July 27, 2010 meeting, the Park and Recreation Board took public comment and considered a recommendation from Park and Recreation Department staff regarding the sale of property at Waveland Golf Course to Mr. Parks.

A motion was made to approve Mr. Parks' proposal for purchasing a portion of land from Waveland Golf Course with the following covenants:

- Sale price to be based on third party appraisal
- The Plan and Zoning Commission grants the appropriate zoning change to allow the townhome proposal
- The sale would only be approved for the use that Mr. Parks has proposed, which is a six-unit townhome development
- Mr. Parks would provide the landscaping plan that was presented to the Park Board as well as conform to the City tree mitigation policy
- The adjacent property referred to as a "Bird Sanctuary" would be protected from the construction process with silt fencing to control runoff
- The proceeds of the proposed sale be set aside in a newly established fund for the Park and Recreation department to be used solely to purchase land for future park needs.

Another Motion was offered to table the proposal until board receives more information. Motion failed 6 to 6 with one abstention. Under this discussion, a few members from the Park Board discussed the idea

of developing this small parcel into a neighborhood park rather than selling it for the proposed development. Staff reports that the neighbors along Observatory Road currently have access to the 15.2 acre green space commonly referred to as the “bird sanctuary” abutting their back yards, and the tennis court with a small picnic area with gazebo across from their front yards, such a small parcel is not recommended for park development.

The original motion was approved by a 7-5 vote with one abstention.

The Park and Recreation Board recommends that the Council receive and file the approved Park and Recreation Board recommendation and refer to the City Manager for review, recommendation, and negotiation of a purchase agreement.

Finally, this .2-acre parcel of City land (proposed for purchase) does not provide benefit to the golf course and is not large enough to use as a park. The nearby 15.2 acre Bird Sanctuary is a high quality woodland; the City should continue to evaluate this precious open-space and develop a plan to assure its continued benefits.

PREVIOUS COUNCIL ACTION(S): NONE

BOARD/COMMISSION ACTION(S):

Park and Recreation Board

Date: July 27, 2010

Roll Call Number: 10-063

Action: Approval of Mr. Parks’ proposal for purchasing a portion of land from Waveland Golf Course with the following covenants:

- Sale price to be based on third party appraisal
- The Plan and Zoning Commission grants the appropriate zoning change to allow the townhome proposal
- The sale would only be approved for the use that Mr. Parks has proposed, which is a six-unit townhome development
- Mr. Parks would provide the landscaping plan that was presented to the Park Board as well as conform to the City tree mitigation policy
- The adjacent property referred to as a “Bird Sanctuary” would be protected from the construction process with silt fencing to control runoff
- The proceeds of the proposed sale be set aside in a newly established fund for the Park and Recreation department to be used solely to purchase land for future park needs.

Approved 7-5 with one abstention

Date: June 22, 2010

Roll Call Number: 10-058

Action: Receive and file Russell Park's land purchase proposal.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

If purchase agreement is successfully negotiated with Mr. Parks, set hearing for sale of land from Waveland Golf Course.

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