

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: January 10, 2011
	Agenda Item No. 51 Roll Call No. <u>11-0059</u> Communication No. <u>11-024</u> Submitted by: Phillip Delafield, Director, Community Development

AGENDA HEADING:

Public Hearing regarding reconsideration of a request from Sutton Hill Residential Cooperative 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:

The applicant requests rezoning 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 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.
2. 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.
3. 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.
4. 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.
5. 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.

Staff recommends that the public hearing be continued to July 11, 2011.

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, page 83, to offset the operating budget of the Engineering – Real Estate Division. Property taxes would be deposited in GE001, FIN820700, page 111.

ADDITIONAL INFORMATION:

On May 10, 2010, the City Council voted 6-1 to recommend approval of the 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.
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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 baseball 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. The public hearing was subsequently continued on June 14, June 28 and September 13, 2010.

Identification of Neighborhood Issues:

Community Development Department staff contacted the President of the Pioneer Park Neighborhood Association, Carol Jones, on May 17, 2010, to discuss the rezoning proposal. She stated that the neighborhood is opposed to any multi-family expansion in the area. The neighborhood's concern is that the expansion will just add more people (mostly 3 BR units proposed). She said the issue is not just Sutton Hill but the number of multiple-family housing projects in the area and perceived lack of open space or amenities for children/teens. She did state that Sutton Hill is doing as good a job as any in addressing crime, as they are certified by the crime free multi-family housing program by the Des Moines Police Department. The neighborhood association received a presentation on the crime-free multi-family housing program and has been working with NBSD officers to deal with gang/crime issues. Task Force efforts since May 2010 have resulted in new management, eviction of problem tenants, stricter background checks for new tenants, and increased patrols by the Police Department and private security.

Hubbell Response to Neighborhood Issues:

Hubbell Development previously agreed to limit the proposed development to 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. This agreement has resulted in a reduction in the number of 3-bedroom units from 24 to 18. The remaining 58 new units will be 1-bedroom or 2-bedroom units.

Parks / Cownie Baseball Complex Parking Response:

The Parks and Recreation Director has noted that due to the increasing density of this neighborhood, they would encourage new developers to build open space with playgrounds and game courts on their sites. There is existing open space at nearby Evergreen Park that includes open playfield, basketball court and playground connected at the north end by a sidewalk. There is not a City plan to build any new neighborhood parks in this area. The Parks Department would like to provide more off-street parking at Cownie Park baseball fields and have been studying this matter, including following up on an inquiry from the developer.

Crime and Gang Activity Response:

Sergeant Brian Vance of the NBSD Unit contacted Kimberly Murphy to address her concerns and provide a summary of the actions that have been taken to address her concerns about the area around Sutton Hill Apartments. Also, Lieutenant Joe Gonzalez, commander of the NBSD Unit, contacted Carol Jones of the Pioneer Park Neighborhood to advise her of our actions, and she indicated that she is pleased with our response. The Police Department has initiated the following actions to address Ms. Murphy's complaint:

- The territory officers are providing extra patrol, as time allows.
- Officer Andrew Phipps, the Third Watch officer assigned to the area, is actively keeping track of incidents, identifying groups that are causing problems and would be willing to assist in coordinating off-duty security, should the apartments decide to hire off-duty officers.
- Lieutenant Gonzalez has been in contact with Peter Spindler, owner of the Park Forest Apartments, and Jeannie Arellano, manager of the apartments. Both expressed an interest in hiring off-duty officers. Mr. Spindler stated that he has been trying to contact Hubbell Properties,

the owners of Sutton Hill Apartments and the owners of other apartment complexes in the area to see if they would be interested in helping pay for off-duty officers. If the other owners are unwilling to assist, Mr. Spindler stated he would be willing to hire two off-duty officers for his security at his property. Lieutenant Gonzalez stated that he will be contacting Officer Phipps to assist in coordinating this security.

- Lieutenant Gonzalez has been in contact with Officer Steve Anderson of our Crime Free Multi Housing Unit to assist the apartment managers in providing proactive measures between the Police Department and residents of the neighborhood.
- At the direction of Captain Stephen Waymire, Lieutenant Gonzalez also contacted Sergeant Mark Schleuger of our Intelligence Unit in an effort to address any gang-related issues. It was determined that there was a gang nexus from previous problems regarding graffiti, and there was identification by Officer Phipps of some gang members. Sergeant Schleuger advised Lieutenant Gonzalez of money available through a gang grant that can be utilized to provide additional officers on an overtime basis. A coordinated effort will be made to utilize some of the grant money to pay for overtime to monitor any gang activity.
- In December 2010, the Des Moines Police Department reported that Task Force efforts since May 2010 have resulted in a 60% reduction in the calls for police service at seven apartment complexes in the area.

PREVIOUS COUNCIL ACTION(S):

Date: September 13, 2010

Roll Call Number: 10-1494

Action: On request from Sutton Hill Residential Cooperative, to rezone property at 2080 King Avenue from “R-6” (Planned Residential Development) and “R1-80” (One-Family Residential) to “PUD” (Planned Unit Development) and approval of the PUD Conceptual Development Plan and to continue to January 10, 2011 at 5:00 PM. Moved by Meyer to continue to January 10, 2011 Council Meeting at 5:00 PM. Motion Carried 6-1. Absent: Griess.

Date: June 28, 2010

Roll Call Number: 10-1077

Action: On request from Sutton Hill Residential Cooperative, to rezone property at 2080 King Avenue from “R-6” (Planned Residential Development) and “R1-80” (One-Family Residential) to “PUD” (Planned Unit Development) and approval of the PUD Conceptual Development Plan. (Council Communication No. 10-413) Moved by Hensley to continue to September 13 Council Meeting at 5:00 PM. Motion Carried 6-1. Nays: Meyer. *Previous motion by Meyer to deny, failed 3-4. Yeas – Meyer, Cownie and Moore. Nays – Coleman, Griess, Hensley and Mahaffey.

Date: June 14, 2010

Roll Call Number: 10-957

Action: On reconsideration of a request from Sutton Hill Residential Cooperative, to rezone property at 2080 King Avenue from “R-6” (Planned Residential Development) and “R1-80” (One-Family

Residential) to “PUD” (Planned Unit Development) and for reconsideration on approval of the PUD Conceptual Development Plan, and approve extension to the existing Offer to Purchase Real Estate . (Council Communication No. 10-364) Moved by Meyer to adopt, and continue the hearing to June 28 Council Meeting at 5:00 P.M. Motion Carried 6-1. Absent: Coleman.

Date: May 24, 2010

Roll Call Number: 10-836 and 10-837

Action: 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. Setting date of Hearing on reconsideration of rezoning above, (6-14-10). Moved by Meyer to adopt. Motion Carried 7-0.

Date: May 10, 2010

Roll Call Number: 10-746 and 10-747

Action: Hearing to rezone the property from “R-6” (Planned Residential Development) and “R1-80” (One-Family Residential) to “PUD” (Planned Unit Development), subject to conditions. (Council Communication No. 10-244) 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. First consideration of ordinance above. 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. 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. First consideration of ordinance above. Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0. Final consideration of ordinance above (waiver requested by the applicant), requires six votes. 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 the following:

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 July 11, 2011.

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