

★ **Roll Call Number**

Agenda Item Number

49A

Date January 7, 2008

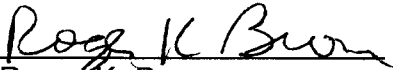
WHEREAS, on August 7, 2000, by Roll Call No. 00-3381 the City Council adopted the Des Moines 2020 Community Character Land Use Plan; and

WHEREAS, the City Plan and Zoning Commission has advised in the attached letter that at a public hearing held November 15, 2007, the members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Tim Hildebrandt (purchaser) to amend the Des Moines 2020 Community Character Land Use Plan land use designation for property located at 2680 East Payton Avenue from Public/Semi-Public and Easter Lake New Town Plan General Development Zone, Low-Density Residential to Low/Medium Density Residential, only for the portion of property designated for the assisted living project on the submitted development concept, as more specifically shown by the accompanying map.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the proposed amendment to the Des Moines 2020 Community Character Land Use Plan described above, is hereby approved and adopted.

MOVED by _____ to adopt, and approve the proposed amendment.

FORM APPROVED:


 Roger K. Brown
 Assistant City Attorney

(21-2007-4.19)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

 Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

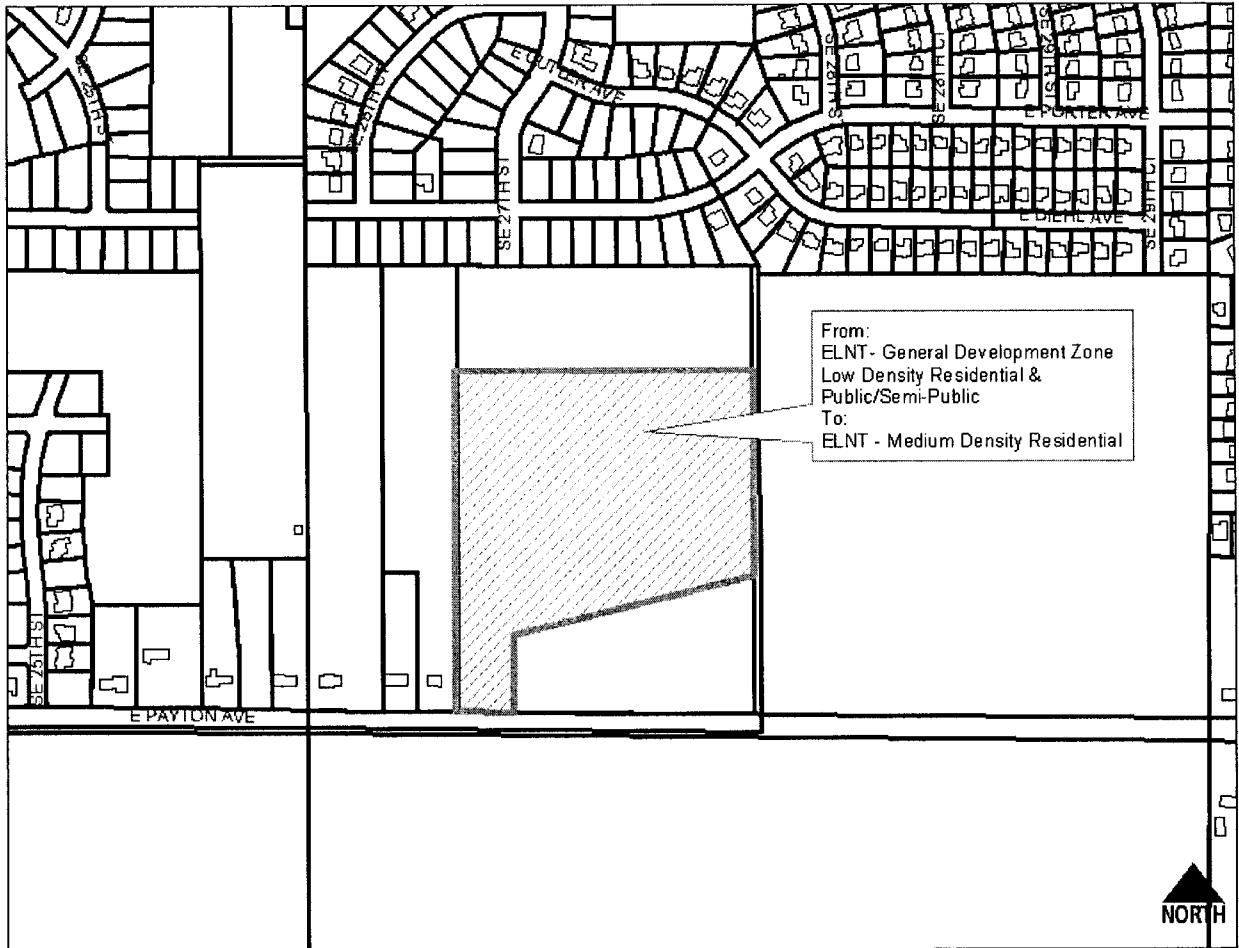
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

 City Clerk

49A

Tim Hildebrandt - 2680 E Payton Avenue

21-2007-4.19



December 17, 2007

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held November 15, 2007, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	X			
David Cupp	X			
Shirley Daniels	X			
Dann Flaherty	X			
Bruce Heilman				X
Jeffrey Johannsen				X
Greg Jones	X			
Frances Koontz				X
Kaye Lozier	X			
Jim Martin	X			
Brian Millard				X
Mike Simonson	X			
Kent Sovern	X			
Tim Urban	X			
Marc Wallace	X			

APPROVAL of a request from Tim Hildebrandt (purchaser) to amend the Des Moines' 2020 Community Character Plan land use designation for property located at 2680 East Payton Avenue from Public/Semi-Public and Easter Lake New Town Plan General Development Zone, Low-Density Residential to Low/Medium Density Residential, only for the portion of property designated for the assisted living project on the submitted development concept. (21-2007-4.19)

By separate motion, Commissioners recommended **APPROVAL** of a request to rezone subject property from "R1-80" One-Family Residential District to "R-3" Multiple-Family Residential District only for the portion of property designated for the assisted living project on the submitted development concept, to allow for development of that portion of the property with a 50 unit assisted living residential apartment complex, subject to the owner agreeing to the following conditions: (ZON2007-00184)

1. A tree survey detailing the species and caliper of all trees over 6 inches in caliper shall be submitted at such time that a major subdivision plat is considered.
2. No tree over 6 inches in diameter shall be removed from the subject property without approval of a major subdivision plat.



CITY PLAN AND ZONING COMMISSION
ARMORY BUILDING
602 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309 -1881
(515) 283-4182

ALL-AMERICA CITY
1949, 1976, 1981
2003

3. No development of the property shall occur prior to approval of a preliminary major subdivision plat to include extension of SE 27th Court from the property to the north to East Payton Avenue and an east/west connection to properties adjoining to the east and to the west.
4. The lot area per dwelling unit shall not be less than 3,600 square feet per dwelling unit.
5. Any Site Plan for multiple-family residential development shall require the improvement of SE 27th Street along the entire west frontage.

Written Responses

1 In Favor

0 In Opposition

This item would not require a 6/7 vote of City Council.

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Part A) Staff recommends that the requested rezoning be found not in conformance with the Des Moines' 2020 Community Character Plan.

Part B) Staff recommends denial of the requested amendment to the Des Moines' 2020 Community Character Plan. Staff recommends approval of an amendment to the Des Moines' 2020 Community Character Plan to revise the future land use designation from Public/Semi-Public and Easter Lake New Town Plan General Development Zone, Low-Density Residential to Low/Medium Density Residential, only for the portion of property designated for the assisted living project on the submitted development concept.

Part C) Staff recommends approval of the requested rezoning subject to the owner agreeing to the following conditions:

1. A tree survey detailing the species and caliper of all trees over 6 inches in caliper shall be submitted at such time that a major subdivision plat is considered.
2. No tree over 6 inches in diameter shall be removed from the subject property without approval of a major subdivision plat.
3. No development of the property shall occur prior to approval of a preliminary major subdivision plat to include extension of SE 27th Court from the property to the north to East Payton Avenue and an east/west connection to properties adjoining to the east and to the west.
4. The lot area per dwelling unit shall not be less than 3,600 square feet per dwelling unit.
5. Any Site Plan for multiple-family residential development shall require the improvement of SE 27th Street along the entire west frontage.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** Development of the property with a single-story assisted living project with 50 units in the first phase of development. A development concept submitted by the applicant indicates an extension of SE 27th Court from East Payton to the Tobis Park Estates single-family PUD to the north. Eighty-foot wide single-family lot development is conceptually proposed to the north of the proposed assisted living project.

The developer had previously obtained approval of a rezoning, subdivision, and Site Plan for a similar project at 5550 SE 14th Street, but the purchase of the land was not completed.

2. **Size of Site:** 13.8 acres with 12.1 acres for multiple-family
3. **Existing Zoning (site):** “R1-80” One-Family Residential District.
4. **Existing Land Use (site):** Undeveloped agricultural land.
5. **Adjacent Land Use and Zoning:**

North – “PUD” (Tobis Park Estates), Uses are single-family dwellings.

South – “R1-80”, Uses are agricultural.

East – “R1-80”, Uses are agricultural.

West – “R1-80”, Uses are single-family residential acreages.

6. **General Neighborhood/Area Land Uses:** The subject property is located in the Easter Lake New Town area which is currently a transition of new mixed densities of residential development to rural acreage and agricultural uses.
7. **Applicable Recognized Neighborhood(s):** Easter Lake Area Neighborhood.
8. **Relevant Zoning History:** N/A.
9. **2020 Community Character Land Use Plan Designation(s):** Easter Lake New Town Plan General Development Zone Low Density Residential, Public/Semi-Public and Low Density Residential.
10. **Applicable Regulations:** The Commission reviews all proposals to amend zoning boundaries or regulations within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in 414.3 of the Iowa Code. The Commission may make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Natural Site Features:** The subject property is predominantly tilled agricultural land with heavy fence line vegetation along the western boundary and some vegetation growth along the drainage way that comprises the southeastern boundary. The respective City Code chapters require that mature trees are to be identified on any Subdivision Plat or Site Plan submitted for approval. Staff recommends that the applicant agree not to remove any trees from the subject property prior to approval of such documents and that a tree survey detailing the species and caliper of all trees over 6 inches in caliper be submitted at such time that a plat is considered.
2. **Drainage/Grading:** A majority of the subject property drains to the south and east into an existing open drainage creek. Some of the northern portion of the property drains generally toward the north. Grading/soil erosion protection plans and storm water management plans in accordance with the respective Ordinances are required with any Subdivision Plat or Site Plan

submitted. Public storm sewer improvements will be required of the developer with any major plat or site plan development of the property.

3. **Utilities:** Sanitary sewer is available from the north and southeast. Water mains are available in East Payton Avenue to the south and SE 27th Court to the north. Public water main to connect these existing mains will be required with full development of the subject property.
4. **Landscaping & Buffering:** Any proposed assisted living complex will require landscaping in accordance with the Des Moines' Landscaping Standards as part of a Site Plan reviewed by the Commission under the design guidelines for multiple-family residential development.
5. **Traffic/Street System:** The subject property is an essential piece to providing a north/south connector from East Payton Avenue for the greater surrounding neighborhood area. Staff recommends that any development of the subject property require a preliminary major subdivision plat involving the extension of SE 27th Court from East Payton Avenue to connect with the stubbed end in the "Tobis Park Estates" PUD to the north. This plat should also provide an east/west local street to provide connection to future developments to the east and west. The submitted development concept indicates the future intention for these streets.
6. **Access or Parking:** Parking for any assisted living complex will be reviewed with the Site Plan by the Commission under design guidelines for multiple-family residential development. Assisted living requires a minimum of one space per four dwelling units plus one space per two employees on the maximum working shift.
7. **2020 Community Character Plan:** In order to allow for the proposed rezoning, the future land use designations must be amended. The proposed "R-3" rezoning would require Medium Density Residential if it is to remain at 2,500 square feet of lot area per unit. This would permit approximately 210 units on the proposed 12.1 acre parcel. Staff believes that densities at approximately 3,600 square feet per acre are more appropriate based on the surrounding single-family development and the proposed surrounding residential densities. This would allow a Limited "R-3" rezoning to be found in conformance with Low/Medium Density Residential up to 12 units per acre or approximately 145 units with the build out of the conceptual multiple-family parcel.

The submitted development concept indicates an 80 foot wide single-family lot development north of the assisted living development parcel. Staff does not believe that the future land use designation or zoning should be amended for this area, as the existing designations will allow development under the submitted concept.

8. **Urban Design:** A site plan, as well as architectural design and materials, for any assisted living project will be reviewed under the design guidelines for multiple-family residential development by the Commission with a required Site Plan.

SUMMARY OF DISCUSSION

Jason Van Essen: Presented staff report and recommendation. Noted this project would return to the Commission for review of the multi-family design guidelines. Explained the project to be for senior housing.

Mike Ludwig: Noted in addition to the multi-family site plan a preliminary plat for the entire property would return to the Commission for review. Issues relative to street extensions would be addressed at that time.

CHAIRPERSON OPENED THE PUBLIC HEARING

Jim Bollard, President of the Easter Lake Neighborhood Association: Thought the project was good but expressed concern about creeping R-3 with higher density development that has been increasing in the Easter Lake area, but was glad to see a lot of green space and a single story building; felt a senior housing project to be preferable to the townhomes and condos that have been cropping up. In general they like the way the project looks and the green space, but they don't like the zoning.

David Cupp: Asked if the project would be limited to senior citizens.

Mike Ludwig: Noted it is assisted living but will not be limited to senior citizens.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Jim Martin: Moved staff recommendation for A to find the zoning request not in conformance with the existing 2020 Community Character Plan.

Motion passed 11-0.

Jim Martin: Moved staff recommendation for B&C to amend the Comprehensive Plan and zoning for the assisted living portion of the property only.

Motion passed 11-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment