

★ **Roll Call Number**

Agenda Item Number

60B

Date..... May 7, 2007

An Ordinance entitled, "AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 4200 Martin Luther King Jr. Parkway from the "R1-60" One-Family Low-Density Residential District and "U-1" Floodplain District to the "PUD" Planned Unit Development District classification",

which was considered and voted upon under Roll Call No. 07-_____ of May 7, 2007; again presented.

MOVED by _____ 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.

ORDINANCE No. _____

NOTE: Waiver of this rule is requested by Eric Cannon of Snyder & Associates on behalf of Tai Village, Inc., owner of the subject property.

FORM APPROVED:

Roger K. Brown
 Roger K. Brown
 Assistant City Attorney

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

MOTION CARRIED

APPROVED

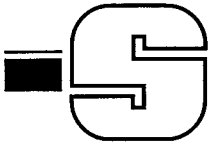
.....
 Mayor

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



60B

May 1, 2007

Honorable Mayor and Members of Council
C/O Erik Lundy, AICP
Planning Division
Armory Building
602 East First Street
Des Moines, IA 50309

RE: REQUEST FOR WAIVER OF SECOND AND THIRD COUNCIL READINGS
TAI VILLAGE AT SAWYERS LANDING

Dear Honorable Mayor and Members of Council:

Before you is the Tai Village Inc. request regarding a PUD Concept Plan Amendment and Rezoning for approximately 84.80 acres of property to the existing Sawyers PUD Concept Plan. This item was presented at the April 5, 2007 Plan and Zoning Commission meeting and has gained their favorable recommendation for your review. Under this current schedule, we understand that three readings would take place, with the third reading scheduled for June 4, 2007.

Due to our need to begin construction on this project this fall, we respectfully request your consideration to waive the second and third readings for this amendment action. This would allow us to submit site development plans to City Staff for their review in mid-to-late summer, maintaining our schedule to begin construction this fall.

Please feel free to contact me with any questions or comments regarding this request.

Sincerely,

SNYDER & ASSOCIATES, INC.

Eric D. Cannon, E.I.

Cc: Mikel Johnson, Tai Village Inc.
File

April 23, 2007

60

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 April 5, 2007, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 13-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
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			
Brook Rosenberg	X			
Mike Simonson	X			
Kent Sovern	X			
Tim Urban	X			
Marc Wallace	X			



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

APPROVAL of a request from Tai Village, Inc. (owner) represented by Siang Bachtli (officer) to rezone approximately 0.35 acres of land in the vicinity of 4200 M. L. King Jr. Parkway, from the "R1-60" One-Family Low-Density Residential District and the "U-1" Floodplain District to the "PUD" Planned Unit Development District classification and "PUD" Conceptual Plan amendment for "Tai Village at Sawyer's Landing" for approximately 84 acres consisting of the land described above and additional adjoining land extending to the north and west, to develop a village for the Tai Dam cultural community to include 12 units of single-family housing, a Tai cultural palace, a Tai museum, sustainable agricultural gardens, an ancestral shrine, Native American mediation area, and an internal network of trails with shelters at various activity nodes, subject to the following revisions:

(ZON2007-00020)

1. A note requiring that any off-street parking area constructed shall provide landscaping in accordance with provisions as applicable to institutional uses in the "R1" Districts.
2. A note that all trails and building facilities to be granted access by members of the public or by the Tai Dam residential community as a whole shall be in compliance with the intent of the Americans with Disabilities Act.
3. A note indicating that all fencing surrounding the site shall be black-coated chain link not to exceed 8' in height. One hundred percent opaque wood screen fencing up to 6 feet in height is permitted around off-street parking areas to meet buffer yard requirements.
4. No access easement to the Sawyer's Landing trail connection to be required in any future plat.

Written Responses

5 In Favor

4 In Opposition

1 Unknown

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

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Part A) Staff recommends that the proposed "PUD" District zoning classification and "Tai Village at Sawyer's Landing" Conceptual Plan be found in conformance with the 2020 Community Character Plan.

Part B) Staff recommends approval of the rezoning to "PUD" Planned Unit Development District for the remaining 0.35 acres of land to be purchased by the developer from the City of Des Moines.

Part C) Staff recommends approval of the PUD Conceptual Plan Amendment for "Tai Village at Sawyer's Landing" subject to the following revisions:

1. A note requiring that any off-street parking area constructed shall provide landscaping in accordance with provisions as applicable to institutional uses in the "R1" Districts.
2. A note that all trails and building facilities to be granted access by members of the public or by the Tai Dam residential community as a whole shall be in compliance with the intent of the ADA.
3. A note indicating that all fencing surrounding the site shall be black-coated chain link not to exceed 8' in height. 100% opaque wood screen fencing up to 6 feet is permitted around off-street parking areas to meet buffer yard requirements.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant intends to develop the remaining 84 acres of the Sawyer's Landing PUD to celebrate and demonstrate the cultural heritage of the 6,400 Iowa members of the Tai Dam Community.
2. **Size of Site:** Approximately 84 acres. Approximately 0.35 acres to be rezoned to "PUD".
3. **Existing Zoning (site):** "PUD" Planned Unit Development District and "R1-60" One-Family Low-Density Residential Development.
4. **Existing Land Use (site):** The undeveloped property is currently vacant.
5. **Adjacent Land Use and Zoning:**

North – "AG" Agricultural District (Polk County), Uses are vacant land and open space serving as flood control area for the Corps of Engineers and an abandoned railroad right-of-way owned by the City of Des Moines scheduled for recreation trail development.

South – "R1-60", Uses are single-family dwellings.

East – "AG" Agricultural District (Polk County), Uses are vacant land and open space serving as flood control area for the Corps of Engineers and an abandoned railroad right-of-way owned by the City of Des Moines scheduled for recreation trail development.

West – “PUD” and “R1-60”, Uses are existing single-family dwellings as well as the Sawyer’s Landing single-family residential subdivision under development.

6. **General Neighborhood/Area Land Uses:** The subject area is along the foot of the river bluff where it meets the floodplain of the Des Moines River, north of the terminus of M.L. King Jr. Parkway. The area to west is the Lower Beaver residential neighborhood and nearby to the south is the Euclid Avenue/Douglas Avenue commercial corridor.
7. **Applicable Recognized Neighborhood:** Lower Beaver Neighborhood Association.
8. **Relevant Zoning History:** The PUD rezoning and conceptual plan for Sawyer’s Landing 103 lot single-family development, were approved by the City Council on January 9, 2006.
9. **2020 Community Character Land Use Plan Designation:** 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.

The application, accompanying evidence and Conceptual Plan required shall be considered by the Plan and Zoning commission at a public hearing. The Commission shall review the conformity of the proposed development with the standards of the Zoning Ordinance and with recognized principles of civic design, land use planning, and landscape architecture. At the conclusion of the hearing, the Commission may vote to recommend either approval or disapproval of the Conceptual Plan and request for rezoning as submitted, or to recommend that the developer amend the plan or request to preserve the intent and purpose of this chapter to promote public health, safety, morals and general welfare. The recommendations of the commission shall be referred to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Drainage/Grading:** Based on the topography of the subject property, that runs down steeply from southwest to northeast. ~~The storm water management plan for the Tai Village development is proposed to consist of a low-impact natural design. Drainage from impervious portions of the site will be directed to a series of vegetated bio-swales to the open ditch system, then through culverts under the proposed Polk County recreational trestle-to-trestle trail either north into the natural floodplain or south toward a box culvert near the south front entrance. A series of rain gardens are proposed to handle storm water detention for the proposed off-street parking areas.~~

Storm water management will be reviewed by the Permit and Development Center Engineering staff in accordance with Site Plan policies with the submittal of any development plan. Any grading of the site is subject to issuance of a grading permit from the Permit and Development Center. The size of the proposed grading area indicates that a Storm Water Pollution Prevention Plan (SWPPP) must be submitted to the Iowa DNR. An NPDES permit from Iowa DNR will also be required for any storm water discharge from the property.

2. **Utilities:** All necessary public utilities for the proposed development are generally to be serviced from the terminus of M.L. King Jr. Parkway. There is a public sanitary sewer recently constructed as part of the Sawyer’s Landing subdivision that passes from the west to the east through the southern portion of the property.

- 60
3. **Landscaping & Buffering:** There is no conceptual landscape plan shown for the proposed development at this time. Staff recommends that all off-street parking areas associated with the semi-public portions of the site be required to comply with the Des Moines Landscaping Standards as they would be applied to an institutional use within an "R-1" District. This will ensure protection of surrounding residential use.
 4. **Traffic/Street System:** The proposed development is not anticipated to generate significant volumes of traffic that would necessitate an improvement to the surrounding public street network.
 5. **Access or Parking:** Access drives to the development are proposed from the north terminus of M.L. King Jr. Parkway and also from the east terminus of Madison Avenue. Both drives are necessary to provide for a secondary means of egress for the residential portion of the development ensuring adequate fire and emergency vehicle access. This will also allow the residents of the Tai Village to have an access to their homes that is separated from the access to the semi-public portions of the development.
 6. **2020 Community Character Plan:** The entire site is designated as Low Density Residential. Staff believes that the single-family detached nature of the proposed residential enclave is consistent with this intent. Furthermore staff also believes that the impacts of proposed cultural palace and heritage museum uses are not unlike the religious assembly, school, or library uses normally found in the low-density residential neighborhoods throughout the City. Therefore staff recommends that the entire conceptual plan amendment and rezoning be found in conformance with the Des Moines' 2020 Community Character Plan.
 7. **Pedestrian Trails:** The Conceptual Plan proposes a system of rustic trails to be constructed of a fiber mulch material. Along these trails are various shelters and shrines to serve as points for special meditation. Staff from the Permit and Development Center has indicated that the development of the system will be required to be accessible under the provisions of the American's with Disabilities Act (ADA). At this time there are concerns whether the system as proposed could demonstrate compliance.

The Permit and Development Center will evaluate development as it occurs based on the best available resources at the time. It is possible that every element of the system would not have to be constructed to accommodate persons with physical challenges to access. However equal or comparable facilities may need to be provided instead. These will be evaluated case by case. Staff believes that a statement be placed on the Conceptual Plan that all trails and facilities to be granted access by members of the public or by the Tai Dam residents as a whole shall be in compliance with the intent of the ADA. All off-street parking and pedestrian facilities related to the public assembly buildings in the proposed development will be required to comply with these provisions as well.

8. **Urban Design:** The proposed Conceptual Plan provides typical examples of architecture for all types of buildings being proposed. All of the typical designs follow a Southeast Asian motif influenced by both Hindu and Buddhist architecture, with steep pagoda style roof structures and elevated stilt type foundation systems.

SUMMARY OF DISCUSSION

Mike Ludwig: Presented the staff report and recommendation. Noted there are some ADA access issues the applicant will need to work out. Noted the applicant did attend the Lower Beaver Neighborhood Association meeting.

Tim Urban: Asked about the layout of the access roads, specifically when a dual system was used.

Mike Ludwig: Noted without the second drive, the length of the drive would require additional sprinklering of the residential buildings from a fire code standpoint because the access drive is a cul-de-sac. The second access drive reduces the length of the cul-de-sac segments. Additionally, the applicant would like to separate the residential traffic from the cultural center traffic to the north.

Dann Flaherty left the meeting at 6:43 p.m. Kaye Lozier took over as Chair.

Mike Ludwig: Staff had no concern with the dual drives because they are farther apart than most driveways along residential streets.

Marc Wallace: Asked if the fencing would interfere with wildlife movement.

Mike Ludwig: Noted the applicant believes the fencing is necessary to protect the property from vandalism and dumping. Stated illegal dumping has been a problem in this area.

Brian Millard: Noted there is a ½-mile-long fence in his neighborhood and that the deer have learned to use the opened gates along the fence. Stated the fence was also set high enough that animals can go underneath it. Stated the Sawyer's Landing PUD included an easement for a trail connection to the Tai Village and that after viewing the site he does not believe a trail that meets ADA requirements can be developed in this area due to the grade. Stated he did not believe the City should require this trail be constructed.

Siang Bachtj, 715 44th Street, Des Moines: The purpose of the village is twofold; to thank Iowa for giving them a home when they were refugees and to promote the culture for their younger people. Asked for the support of the Commission to allow them to build their dream. Noted the second access road to the residential units will allow for the heavier traffic visiting the cultural center to be separated from the residential.

Erik Cannon, Snyder & Associates, 2727 SW Snyder Blvd.: Noted they are in agreement with staff comments and have been working with staff to address them. Noted one drive would be for the cultural center and the museum, and the other drive would be for the residential units, although both drives will have access to the other.

Brook Rosenberg: Asked if the residential portion was single-family homes.

Erik Cannon: Noted the residential portion would remain under the Tai ownership and would likely be leased by the residents. Noted the residences will be from 1,500 to 3,000 square feet and would be taxable. Stated it had not been determined if the residential units will include basements, as that it will depend on the suitability of the soils in the area. Further stated that the terrain was conducive to walkout basements.

CHAIRPERSON OPENED THE PUBLIC HEARING

Lynn Cutshall, 3317 Twana Drive, President of the Lower Beaver Neighborhood Association: Spoke in favor of the project. Stated it will be a wonderful addition to the neighborhood and that they are looking forward to the development moving forward.

Dick Murphy, 3800 Crestmoor Place: Has been involved with the Tai Dam since the beginning of the project 25 years ago. Noted he is the President of the Tai Study Center, which is an affiliate group of the organization set up to preserve the Tai Dam culture and language. Stated Des Moines is becoming the central hub of the Tai Dam. Noted he is also a member of the School Board and that the cultural center will be an asset to area students.

Tim Urban: Asked how large the Tai Dam world population is.

Siang Bachtli: Stated there are approximately 2-3 million throughout the world with approximately 6,500 living in Des Moines.

Dick Murphy: Noted the group living in Des Moines came as a unit when Governor Ray worked with the resettlement process. Noted it is unusual for refugees to resettle as a collective unit keeping extended families intact. Stated this has been to the advantage of the Tai Dam living in Des Moines.

There was no one in the audience to speak in opposition.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Brian Millard: Asked if a motion needed to include that a connection to the trail from Sawyer's Landing was not required. Questioned the impacts on the existing easement.

Roger Brown: Noted not requiring the Tai Dam to provide a connection to the existing trail easement would in essence eliminate the City's need for the easement in Sawyer's Landing.

Brian Millard: Moved staff recommendation with the condition that the applicant not be required to connect up to the trail in Sawyer's Landing.

Erik Cannon: Noted the trail easement that is being discussed is in Phase 2 of Sawyer's Land and is currently an outlot. Stated there is currently an easement for the sanitary sewer extension in that outlot but that the easement for the trail access has not been platted.

Tim Urban: Suggested the motion should state that no access easement would be required in any future plat.

Mike Ludwig: Noted the project has been ongoing for several years and thanked the neighborhood and the Tai Dam for the work they have done and their cooperation. Believed the project will be a great addition to the City of Des Moines.

Shirley Daniels: Commended staff and all those who have been working on the project. Indicated as a former educator, she's had the privilege of working with a lot of Tai Dam students and their families. Commended them for their hard work and vision in achieving this dream.

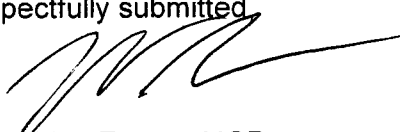
Kent Sovern: Commended the Tai Dam. Noted Des Moines and Iowa have a history as a welcoming community and suggested everyone should regularly remind themselves of the proud heritage. Noted this project is reflective of that heritage and the hard work of the Tai Dam.

Mike Simonson: Expressed excitement for the project and suggested the City and the State should do everything they can to help the Tai Dam succeed.

Marc Wallace: Expressed support of the project and thanked the Tai Dam.

Motion passed 13-0.

Respectfully submitted,



Jason Van Essen, AICP
Senior City Planner

JMV:dfa

Attachments

Item 2007 00020

Date 4/1/07 **60**

I (am) (am not) in favor of the request.

(Circle One)

RECEIVED

Print Name Dick + Vicki Keast

APR 06 2007

Signature Vicki Keast

**COMMUNITY DEVELOPMENT
DEPARTMENT**

Address 3100 Lindlavista Way

Reason for opposing or approving this request may be listed below:

Item 2007 00020

Date 4-2-07

I (am) (am not) in favor of the request.

(Circle One)

RECEIVED

APR 05 2007

**COMMUNITY DEVELOPMENT
DEPARTMENT**

39
Print Name KEITH SCOTT

Signature Keith Scott

Address 5019 Lyndale Dr.

Reason for opposing or approving this request may be listed below:

Item 2007 00020

Date MARCH 28, 2007

I (am) (am not) in favor of the request.
(Circle One)

55

60

RECEIVED

MAR 30 2007



COMMUNITY DEVELOPMENT
DEPARTMENT

Print Name JIM JOHNSON

Signature Jim Johnson

Address 3110 LINDAVISTA WAY
DES MOINES, IA 50310

Reason for opposing or approving this request may be listed below:

Item 2007 00020

Date 3-29-07

I (am) (am not) in favor of the request.
(Circle One)

45

RECEIVED

APR 02 2007



COMMUNITY DEVELOPMENT
DEPARTMENT

Print Name AK MOSES

Signature AK Moses

Address 4907 Lyndale Dr.

Reason for opposing or approving this request may be listed below:

Item 2007 00020

Date 3-29-07

I (am) (am not) in favor of the request.

(Circle One)

61

RECEIVED

APR 05 2007

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name Sharon E. Martel

Signature Sharon E. Martel

Address 3101 Bel Aire Rd., DSM, IA
50310-4904

Reason for opposing or approving this request may be listed below:

I look forward to the Tai Village - it should be a wonderful cultural addition to our neighborhood and DSM as a whole.

Item 2007 00020

Date 4-3-07

I (am) (am not) in favor of the request.

(Circle One)

Print Name T. D. VLASSIS

Signature T. D. Vlassis

Address 5001 Lyndale Drive
Desm, Ia 50310

Reason for opposing or approving this request may be listed below:

Good project for Desm and the Iowa River area - culture, diversity, education, fun and new neighbors

Item 2007 00020

Date 3-28-2007

I (am) (am not) in favor of the request.

(Circle One)

147

RECEIVED
APR 05 2007
COMMUNITY DEVELOPMENT
DEPARTMENT

Print Name Debbie Shannon

Signature Debbie Shannon

Address 2611 Madison Ave

Reason for opposing or approving this request may be listed below:

Item 2007 00020

Date 3-31-07

I (am) (am not) in favor of the request.

(Circle One)

48

RECEIVED ✓

APR 03 2007

COMMUNITY DEVELOPMENT
DEPARTMENT

Print Name DON W. DAVIS

Signature Don W Davis

Address 4823 Lyndale Dr

Reason for opposing or approving this request may be listed below:

CANNOT AFFORD ANY MORE

TAX EXEMPT PROPERTY

Item 2007 00020

Date 3-28-07

I (am) (am not) in favor of the request.

(Circle One)

RECEIVED

MAR 30 2007

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name

LINDA PARKER

Signature

Linda M Parker

Address

3009 VALDEZ

88

Reason for opposing or approving this request may be listed below:

Blank lines for providing reasons for opposing or approving the request.

Item 2007 00020

Date 3-27-07

I (am) (am not) in favor of the request.

(Circle One)

RECEIVED

APR 02 2007

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name

Brent Davis

Signature

Brent Davis

Address

5006 Lyndale Dr DSM

25

Reason for opposing or approving this request may be listed below:

It would change the look & feel of the neighborhood too much. It would cause myself & many others to leave the neighborhood & ultimately Des Moines. The Tai Cultural palace & village would make this not feel like a residential neighborhood any longer.

Item 2007 00020

Date 3/28/07

I (am) (am not) in favor of the request.

(Circle One)

RECEIVED

MAR 30 2007

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name

2,108 60
TED COOPER

Signature

Ted Cooper

Address

SANDWICH HILLS, OR

Reason for opposing or approving this request may be listed below:

1309-50th ST
WDM, IA

I APPROVE THE REQUEST

Item 2007 00020

Date 3/28/2007

I (am) (am not) in favor of the request.

(Circle One)

RECEIVED

MAR 30 2007

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name

23
HARLAN WATSON / LOIS WATSON

Signature

Lois A. Watson

Address

5018 LYNDALE DR., DSM 503

Reason for opposing or approving this request may be listed below: