

May 10, 2010

Date

WHEREAS, on April 26, 2010 by Roll Call No. 10-604, the City Council duly resolved to consider a proposal from Sutton Hill Residential Cooperative to rezone certain property located in the vicinity of 2080 King Avenue from the R-6 and R1-80 District classification to the PUD Planned Unit Development District classification, and to approve the proposed PUD Conceptual Plan for such property, and that such proposal be set down for hearing on May 10, 2010, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on April 29, 2010, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and,

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the property located in the vicinity of 2080 King Avenue, more fully described as follows (the "Property"):

Lot 4, Park Forest Plat 4, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

The North 135 feet of the East 1030 feet of Outlot "X", Park Forest Plat 3, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

The South 14 feet of the West 923 feet of the East 958 feet of the Southeast Quarter of the Northeast Quarter of Section 14, Township 78 North, Range 24 West of the 5th P.M.

from the R-6 and R1-80 District classifications to the PUD Planned Unit Development District classification; and

WHEREAS, the Plan and Zoning commission has recommended that the proposed rezoning and PUD conceptual plan be approved, subject to the conditions identified in the attached letter from the Planning Administrator; and

WHEREAS, in accordance with said notice those interested in said proposed rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council.

(Continued on Page 2)

.....
May 10, 2010

Date.....

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NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. Upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning and PUD Conceptual Plan are hereby overruled, and the hearing is closed.

2. The proposed rezoning and PUD conceptual Plan, as amended by the conditions set forth below, are hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan, subject to the conditions identified below.

3. The PUD Conceptual Plan for the Property described above, which is on file in the Community Development Department, is hereby approved, subject to the plan being first amended to satisfy the following conditions, and subject to the Community Development Director finding that such conditions have been satisfied by the amendments to the plan:

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.


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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.

MOVED by _____ to adopt and approve the rezoning, subject to final passage of the rezoning ordinance.

FORM APPROVED:


 Michael F. Kelley
 Assistant City Attorney

(Council Communication No. 10-244)

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|----------|--------|
| COWNIE | | | | |
| COLEMAN | | | | |
| GRIESS | | | | |
| HENSLEY | | | | |
| MAHAFFEY | | | | |
| MEYER | | | | |
| MOORE | | | | |
| 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

April 19, 2010

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 15, 2010, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-1 as follows:



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

| Commission Action: | Yes | Nays | Pass | Absent |
|--------------------|-----|------|------|--------|
| Leisha Barcus | | | | X |
| JoAnne Corigliano | X | | | |
| Shirley Daniels | X | | | |
| Jacqueline Easley | X | | | |
| Dann Flaherty | X | | | |
| Joel Huston | X | | | |
| Ted Irvine | X | | | |
| Jeffrey Johannsen | X | | | |
| Greg Jones | X | | | |
| Jim Martin | | X | | |
| Brian Millard | X | | | |
| William Page | X | | | |
| Mike Simonson | X | | | |
| Kent Sovern | X | | | |

APPROVAL of a 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).

By separate motion Commissioners recommended 6-7 as follows:

| Commission Action: | Yes | Nays | Pass | Absent |
|--------------------|-----|------|------|--------|
| Leisha Barcus | | | | X |
| JoAnne Corigliano | | X | | |
| Shirley Daniels | X | | | |
| Jacqueline Easley | | X | | |
| Dann Flaherty | | X | | |
| Joel Huston | X | | | |
| Ted Irvine | X | | | |
| Jeffrey Johannsen | | X | | |
| Greg Jones | X | | | |
| Jim Martin | | X | | |
| Brian Millard | | X | | |

| Commission Action: | Yes | Nays | Pass | Absent |
|--------------------|-----|------|------|--------|
| William Page | | X | | |
| Mike Simonson | X | | | |
| Kent Sovern | X | | | |

APPROVAL of a request 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 separate motion Commissioners recommended 8-5 as follows:

| Commission Action: | Yes | Nays | Pass | Absent |
|--------------------|-----|------|------|--------|
| Leisha Barcus | | | | X |
| JoAnne Corigliano | X | | | |
| Shirley Daniels | X | | | |
| Jacqueline Easley | X | | | |
| Dann Flaherty | X | | | |
| Joel Huston | | X | | |
| Ted Irvine | | X | | |
| Jeffrey Johannsen | X | | | |
| Greg Jones | | X | | |
| Jim Martin | X | | | |
| Brian Millard | X | | | |
| William Page | X | | | |
| Mike Simonson | | X | | |
| Kent Sovern | | X | | |

DENIAL of a request to amend the Des Moines' 2020 Community Character Plan future land use designation from Medium-Density Residential to High-Density Residential.
(21-2010-4.04)

By separate motion Commissioners recommended 12-0 as follows:

| Commission Action: | Yes | Nays | Pass | Absent |
|--------------------|-----|------|------|--------|
| Leisha Barcus | | | | X |
| JoAnne Corigliano | X | | | |
| Shirley Daniels | X | | | |
| Jacqueline Easley | | | | X |
| Dann Flaherty | X | | | |
| Joel Huston | X | | | |
| Ted Irvine | X | | | |
| Jeffrey Johannsen | X | | | |
| Greg Jones | X | | | |
| Jim Martin | X | | | |
| Brian Millard | X | | | |
| William Page | X | | | |
| Mike Simonson | X | | | |
| Kent Sovern | X | | | |

APPROVAL of a 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. (ZON2010-00031)

By separate motion Commissioners recommended 10-2 as follows:

| <u>Commission Action:</u> | <u>Yes</u> | <u>Nays</u> | <u>Pass</u> | <u>Absent</u> |
|---------------------------|------------|-------------|-------------|---------------|
| Leisha Barcus | | | | X |
| JoAnne Corigliano | | X | | |
| Shirley Daniels | X | | | |
| Jacqueline Easley | | | | X |
| Dann Flaherty | X | | | |
| Joel Huston | X | | | |
| Ted Irvine | X | | | |
| Jeffrey Johannsen | X | | | |
| Greg Jones | X | | | |
| Jim Martin | X | | | |
| Brian Millard | X | | | |
| William Page | X | | | |
| Mike Simonson | X | | | |
| Kent Sovern | | X | | |

APPROVAL to the Sutton Hill PUD Conceptual Plan 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.

Written Responses

6 In Favor

12 In Opposition

STAFF REPORT

This item was continued from the April 1, 2010 meeting of the Commission so that the applicant could address the conditions previously recommended by staff. On April 2, 2010, the applicant met with staff to discuss the project and on April 7, 2010, the applicant submitted a revised Sutton Hill PUD Conceptual Plan with building elevations.

The following are conditions of approval previously recommended by staff on April 1, 2010, with updates following:

1. The entire site shall have a maximum 286 total units, which represents density of 17 dwelling units per acre for the 16.85-acre site. This would require the proposal to be reduced by 32 dwelling units, resulting in only 76 new units.

The applicant has submitted a letter (attached) that proposes trade-offs for allowing a higher density (18.87 dwelling units/acre), such as improvements to the existing buildings, parking lots, playground, swimming pool, tennis court, and basketball court, and new signage, landscaping, and lighting. The applicant would also provide an 8-foot recreational trail, as well as increased landscaping, along the entire eastern site boundary. However, staff continues to recommend that the density of the site not exceed 17 dwelling units per acre and that a 2020 Community Character Plan land use designation of High-Density Residential is not appropriate for this area. In order to achieve a maximum density of 17 units per acre, the applicant can either eliminate 32 dwelling units or assemble an additional 1.86 acres to the PUD that is not encumbered by residential units.

2. Final building elevations shall be determined during the Development Plan. The facades of all new buildings shall be comprised of at least 33% brick or masonry materials.

The applicant has submitted revised elevations that include brick accents on the ground level of each building below windows and on all levels of the buildings near the entrances. These revised elevations satisfy staff's desire for upgraded building materials.

3. All asphalt shingles on any new structure shall be architectural-style shingles.

The Conceptual Plan now includes a note to state all shingles will be architectural-style shingles.

4. Provision of a minimum 20-foot building setback from the north property line.

The Conceptual Plan now provides a 20-foot building setback from the north property line.

5. All garage doors on the site shall be maintained in a functional working order.

The applicant has communicated to staff that all of the garage doors on the site will be restored to a functional working order this spring. Staff continues to recommend this note be added to the Conceptual Plan.

6. 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.

The applicant has communicated to staff that they recently removed the gates from the trash enclosures since they were in disrepair and that they intend to install new gates this spring. Staff continues to recommend this note be added to the Conceptual Plan to require all trash enclosures on the site to be constructed with steel gates and masonry walls.

7. The north site boundary shall comply with the Landscaping Standards as applicable to the "R-3" Multiple-Family Residential District, which require a 20-foot wide landscape buffer consisting of 4 overstory trees and 8 evergreen trees per 100 lineal feet and construction of a 6-foot tall solid (100% opaque) wood fence.

The Conceptual Plan now includes a 20-foot wide landscape buffer consisting of 4 overstory trees and 8 evergreen trees per 100 lineal feet. Staff does not believe a 6-foot tall fence is necessary because the adjoining property is heavily wooded and because parking is not proposed along this site boundary.

8. The wood fence that screens the eastern perimeter of the parking lot from SE 22nd Street shall be reduced to a height of 3 feet and placed 2 feet back from the curb of the parking lot. Plantings shall be placed on the street-side of the fence.

The Conceptual Plan now provides a 3-foot tall fence. However, staff continues to recommend that it should be placed 2 feet back from the curb of the parking lot, with plantings on the street side of the fence.

9. The Conceptual Plan shall demonstrate the network of sidewalks that provide significant pedestrian connections between the proposed buildings, the parking lots, the existing development, and the sidewalk along SE 22nd Street.

The Conceptual Plan now provides two sidewalks from the proposed buildings that connect to the existing network of sidewalks on the complex.

10. Provision of an 8-foot wide sidewalk along the entire SE 22nd Street frontage to be constructed at such time that new residential buildings are constructed.

The Conceptual Plan now provides an 8-foot wide sidewalk along the entire SE 22nd Street frontage.

GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to rezone the Sutton Hill apartment complex with 210 existing dwelling units and an area adjacent the north in order to

construct four new buildings containing 108 dwelling units, for a total of 318 dwelling units on 16.85 acres (18.87 units/acres). The site would also include 481 off street parking spaces, 140 garage spaces, a clubhouse, and outdoor recreational amenities.

2. **Size of Site:** 16.85 acres, including 3.49 acres that Sutton Hill Residential Cooperative is seeking to purchase from the City of Des Moines.
3. **Existing Zoning (site):** "R-6" Planned Residential Development District (Forest Glen Apartments Conceptual Plan) and "R1-80" One-Family Residential District.
4. **Existing Land Use (site):** Undeveloped land and the Sutton Hill apartment complex, including 210 existing multiple family units within seven (7) three-story buildings. The existing site also includes 140 garage units, a clubhouse and other outdoor recreational amenities.

5. Adjacent Land Use and Zoning:

North – "R1-80", Use City-owned land that is undeveloped.

South – "R-3", Uses are King Avenue and three multiple-family residential buildings.

East – "River Woods PUD", Uses are SE 22nd Street and a single-family residential development.

West – "R-6 (Park Forest)" Use is undeveloped land within the Park Forest Development.

6. **General Neighborhood/Area Land Uses:** The property in within a predominantly residential area that includes a mix of multiple-family residential and single-family residential developments.
7. **Applicable Recognized Neighborhood(s):** Pioneer Park Neighborhood Association.
8. **Relevant Zoning History:** The portion of the subject property that includes the existing apartment complex was rezoned to "R-6 (Forest Glen)" Planned Residential Development on January 26, 1981 by Ordinance 9,881.

The 135-foot by 1,030-foot portion of the property was originally rezoned to "R-6 (Park Forest)" Planned Residential Development on May 22, 1978 by Ordinance 9,410. This land was then dedicated to the City through platting as Public Open Space. However, it was removed from the "R-6 (Park Forest)" Development Plan on November 6, 1995 by Roll Call 95-4222 in order to be leased to the adjoining property owner for construction of a parking lot. On January 25, 2010 by Roll Call 10-149, the City Council approved vacation of the public open space so that it can be sold to the adjoining property owner.

9. **2020 Community Character Land Use Plan Designation:** Medium Density Residential, which allows for multiple-family residential developments with densities up to 17 dwelling units per acre.

10. Applicable Regulations: The Commission reviews all proposals to amend zoning regulations or zoning district boundaries 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 recommend that certain conditions be applied to the subject property if the property owner agrees in writing, in addition to the existing regulations. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. 2020 Community Character Plan: The appellant has requested the future land use designation for the property be amended from Medium-Density Residential (up to 17 dwelling units per acre) to High-Density Residential (over 17 dwelling units per acre). The proposed overall density of the PUD would be 18.87 dwelling units per acre (318 units on 16.85 acres). If considered separately, the proposed expansion (108 units on 3.49 acres) would have a density of 30.95 dwelling units per acre.

Staff does not believe that a High-Density Residential designation is appropriate for this property since the site is not located within the downtown area or along a major commercial corridor. Staff recommends that the entire site have a maximum density of 17 dwelling units per acre. This would require the proposal to either eliminate 32 dwelling units (resulting in the addition of only 76 new dwelling units) or to assemble an additional 1.86 acres to the PUD that is not encumbered by residential units.

2. Urban Design: The submitted elevations provide for four 3-story buildings, including two with 24 units and two with 30 units. The Conceptual Plan indicates the structures would be constructed to substantially match the existing apartment buildings. This includes use of gray 44 mil horizontal overlap vinyl siding, with vertical vinyl siding and cream-colored cement board panels used as accents. The elevations also demonstrate partially recessed balconies with wood posts and railings and the use of architectural asphalt shingles.

Staff had previously recommended that the facades of the proposed buildings be amended to incorporate brick or masonry materials on at least 33% of all facades. The applicant has submitted revised elevations that include brick accents on the ground level of each building below windows and on all levels of the buildings around the entrances. These revised elevations satisfy staff's desire for upgraded building materials on the new buildings.

The Conceptual Plan demonstrates that buildings will be setback 20 feet from the north property line. However, the note regarding building setbacks on Page 1 of the Conceptual Plan should be corrected to reflect the 20-foot setback demonstrated on Page 2 of the Conceptual Plan.

The site includes 140 existing garage stalls, many of which have garage doors that are dented or structurally damaged. The applicant has communicated to staff that all of the garage doors on the site will be restored to a functional working order this spring. Staff recommends a note be added to the Conceptual Plan to state that all garage doors on the site shall be maintained in a functional working order.

The Conceptual Plan demonstrates at least 3 new trash containers and approximately

10 existing trash containers, but does not provide an enclosure detail. The applicant has communicated to staff that they recently removed the gates from the trash enclosures since they were in disrepair and that they intend to install new gates this spring. Staff recommends a note be added to the Conceptual Plan to require all refuse collection on the site (new and existing) be enclosed and effectively screened on all sides by enclosures constructed with steel gates and masonry materials to match the brick or masonry on the proposed buildings.

Staff recommends that all utility meters be placed on building facades that do not face parking lots or streets.

3. **Natural Site Features:** The 3.49-acre area that Sutton Hill is in the process of purchasing from the City of Des Moines contains several mature trees within the northern 14 feet of the site. The Conceptual Plan states that all tree removal will comply with the City's regulations for tree preservation and mitigation (Chapter 42, Article 10 of the City Code). At the Development Plan phase, the developer will be required to determine the number of mature trees or the square footage of existing tree canopy that would be disturbed and mitigated, as well as implement tree protection measures for those being preserved.
4. **Landscaping & Buffering:** The applicant has indicated conceptual landscaping material on the submitted Conceptual Plan, as well as a note stating the new portion of the development will generally conform with the landscaping standards as applicable to the "R-3" Multiple-Family Residential District. The landscaping is concentrated along SE 22nd Street and the perimeters of the parking lots, with other landscaping distributed through the open space areas and on landscape islands within the parking lots.

The Conceptual Plan includes a 20-foot wide landscape buffer along the north site boundary consisting of 4 overstory trees and 8 evergreen trees per 100 lineal feet. Staff does not believe a fence is necessary because the adjoining property is heavily wooded and because parking is not proposed along this site boundary.

The Conceptual Plan provides a 3-foot tall fence along the east property line in order to screen the parking lot. Staff recommends that this fence be placed 2 feet back from the curb of the parking lot, with the plantings placed on the street-side of the fence.
5. **Drainage/Grading:** The developer is responsible for compliance with all stormwater management requirements to be reviewed at the Development Plan stage. The Conceptual Plan demonstrates a proposed stormwater detention basin at the northwest corner of the site, in addition to an existing stormwater detention basin at the southeast corner of the site.
6. **Fire Protection Comments:** The City's Fire Department has indicated that in accordance with 2003 IFC, Section D106.2, multiple-family residential projects having more than 200 dwelling units shall be provided with two separate and approved fire apparatus access roads. The development already includes three such access points, including one from SE 22nd Street and two from King Avenue.
7. **Access or Parking:** The Conceptual Plan demonstrates that the development would be served by two driveways from the existing parking areas on the site. The

Conceptual Plan indicates a total of 481 off-street parking spaces (1.5 per dwelling unit) and an additional 140 spaces within four existing detached garage structures.

- 8. Traffic/Street System:** The Conceptual Plan does not propose any new streets to serve the development. The Conceptual Plan demonstrates the existing network of sidewalks within the existing complex and states that pedestrian connections throughout the new area would be determined during the Development Plan phase. The Conceptual Plan also provides two sidewalks from the proposed buildings that connect to the existing network of sidewalks on the complex.

The Conceptual Plan provides an 8-foot wide sidewalk along the entire SE 22nd Street frontage since the west side of SE 22nd Street is designated for a recreational trail on the City's trails master plan. There is an existing 8-foot wide sidewalk along the portion of the site being purchased from the City that leads to the Little League recreational complex north of the site.

- 9. Signage:** The Conceptual Plan indicates that the existing sign near the corner of SE 22nd Street and East King Avenue would be the only sign for the development. This monument sign is 16 feet wide by 7-feet tall and constructed with concrete and metal materials.

- 10. Additional Information:** The Conceptual Plan states that all mechanical equipment, including rooftop mechanical or air conditioner units not recessed in the building, shall be screened from view. It also states that transformers, junction boxes, air conditioner units, or other mechanical equipment over 3 feet in height cannot be located within a required setback.

The Conceptual Plan states that any new chain link fence on the site shall be clad with black vinyl.

The sale of the City-owned land to the developer would include no-building easements on the northern 5 feet and the southern 70 feet of the expansion area.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the Commission find the requested rezoning to allow the 16.85-acre site to contain a total of 318 dwelling units (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 (up to 17 units/acre).

Part B) Staff recommends denial of the requested amendment to the Des Moines' 2020 Community Character Plan to revise the future land use designation from Medium-Density Residential to High-Density Residential. However, if the Commission is inclined to support the requested amendment to High-Density Residential, staff recommends such be conditional upon the overall density of the site being limited to 18.87 dwelling units per acre.

Part C) Staff recommends approval of rezoning the property to a "PUD" Planned Unit Development District.

Part D) Staff recommends approval of the Sutton Hill PUD Conceptual Plan 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.

SUMMARY OF DISCUSSION

Mike Ludwig presented the staff report and recommendation.

Dann Flaherty asked if the applicant agreed with the reduction of density.

Mike Ludwig stated the applicant does not agree with the reduction of density.

Greg Jones asked if the area to the north is open space and if they are doing anything to it.

Michael Ludwig stated it is all the same parcel as the baseball fields. A portion of the land to the north will be a borrow site for levee construction. Staff has not proposed a requirement for the applicant to acquire property from the City. There is also adjoining property to the west they could incorporate.

Greg Jones stated that if it is open space that is one thing but if it does not have a designation one way or another then it could possibly be purchased and added to the PUD.

Mike Ludwig stated that would be an amendment to the PUD boundary. Staff would have to re-notify based upon the expansion of the Planned Unit Development area.

Brian Millard asked if staff has any comments to the applicant's letter to the City stating they need all of these units is to recover an investment they made in the existing project.

Mike Ludwig deferred the question to the applicant. The letter indicated that the applicant had made a significant investment to bring the property up to higher standard.

Larry Hulse stated that staff asked the applicant to explain their plans.

Steve Niebuhr with Hubbell Realty Company, 6900 Westown Parkway, West Des Moines representing Sutton Hill stated they are asking for the increase in density in order to recuperate their recent investment in the existing Sutton Hill Apartment project. They have spent \$750,000 in upgrades to the existing project in the areas of parking lot rehabilitation, new playground equipment, pool rehabilitation, tennis court rehab, basketball court repair, balcony rehab, new roofing, siding repair, garage repair, new exterior painting, a new monument sign, increased exterior lighting, clubhouse remodeling and landscaping maintenance and enhancement. They were able to also provide preschool care for over 100 children in the neighborhood. The applicant is proposing an expansion of the existing complex by 108 units in a total of four buildings to continue the 8 foot wide walking trail along SE 22nd and to enhance the existing project landscaping by adding over 20 evergreen trees throughout the boundaries. The landscaping buffer on the north was added as recommended by staff.

This project has approximately 2½ times the open space required for R-3 zoning and is a market rate project and without additional forms of subsidy the request to increase in density will make these enhancements financially viable for the applicant.

One of the concerns from the neighbor Gene Schmitt was about people wondering off of our property onto his property and the trash blowing from our property onto his. Hubbell committed to build a 6 foot chain link fence along their north and east boundary to address Mr. Schmitt's issue.

Steve asked staff to clarify if the R-3 zoning is 2500 square foot of lot are per unit, which is actually like 17.42 units per acres. So doing the math on 16.5 acres that they have would allow them to do 294 units under an R-3 zoning and they are asking for 318 that's about a 7% overage, 24 units and in the staff report it seems that staff rounded down.

Mike Ludwig stated that the lot area requirement in R-3 is 2500 square feet per unit. However, the zoning request is for PUD and the land use plan allows a maximum of 17 units an acre. Staff will stay with their recommendation.

Dann Flaherty asked what density the applicant is proposing.

Mike Ludwig stated the applicant is proposing 18.87 units per acre.

Steve Niebuhr stated that the expansion will allow them to offer 3 bedroom units which they currently do not have.

Brian Millard asked how much they would rent the 3 bedroom units for.

Steve Niebuhr stated the 3 bedroom units are roughly 1095 square feet and would rent for \$825.00. The 1 bedroom units are roughly 580 square feet and would rent for about

\$590.00. Also the increase of density will allow for more modernized units with central air and high efficiency modern egress windows which is what the market is demanding.

Hubbell agrees with staff condition #4 for all new trash enclosures. However, they are proposing to only retrofit doors on existing trash enclosures.

Brian Millard asked about the exterior of the existing trash enclosures. Would it remain with wood pickets? Would it be a problem to add corrugated siding all the way around? Staff is recommending masonry enclosure because other designs seem to fall apart.

Steve Niebuhr stated that it would remain as treated wood. They will consider metal.

JoAnne Corigliano stated that she has had many people contacting her about this project. Their concerns are density and not being able to talk to the applicant about this. The neighbors indicated Hubbell stated that school overcrowding was not their concern. She would like to continue this item until the next meeting.

Steve Niebuhr stated that they had a meeting on March 16 with the neighborhood association and attended their neighborhood association with representatives on April 9th so they have had continued dialogue. On April 12 he offered to clear his calendar and meet with the neighborhood association anytime that week and was told they could not meet with them and the neighborhood asked that Hubbell delay the project. He feels that there is an effort to delay the project.

JoAnne Corigliano asked if Hubbell would delay another two weeks so the Coalition of Southside Neighborhood Association could meet with them because it impacts more than just the people right around that area. That area is a thoroughfare so density is a huge problem for them and the effect it will have on the school which is almost across the street.

Steve Niebuhr stated that at the neighborhood meeting, he was asked if they have contacted the school. He replied no they have not, that is typically not something they do. The typically build the roof tops and the schools will follow.

JoAnne Corigliano asked if they could delay another two weeks.

Steve Niebuhr stated that this would set them back a month. They have asked for neighbors to identify their issues. He fears it is just a delay tactic.

Jeffrey Johannsen asked about the breakdown of bedrooms.

Steve Niebuhr stated they will have twelve 1-bedroom, 1 bath units; thirty 2-bedroom, 2 bath units; thirty-six 2-bedrooms, 1 bath units; and twenty-four 3-bedrooms, 2 bath units.

CHAIRPERSON OPENED THE PUBLIC HEARING

The following spoke in opposition of the application

The following spoke in opposition of the application

Margie Langford 1142 23rd Street stated that the applicant's request has too many units, it would be too many people, increase in violence, no room to park for visitors, and increase trash.

Tim Fitzgerald 2224 Evergreen stated he is opposed to the high density in this area because it creates over-crowdedness and increases crime. People are moving out of the area to Ankeny because the school in the area is turning them away because there they are already over-crowded. There is not enough green space for the children to play. He asked that the Commission deny the applicant's request to rezone. The reason for getting a few more weeks is to inform all of the neighbors.

Mike Simonson asked if the project was delayed what would Mr. Fitzgerald want to see accomplished during that time.

Tim Fitzgerald stated he would want for all of the people to know what is going on. He thinks that this is a beautiful piece of property with virgin timber and thinks that it would make beautiful area for single family homes or condominiums where the resident has a vested interest and sense of ownership.

Mike Simonson asked again if the project was delayed what would Mr. Fitzgerald want to see accomplished during that time.

Tim Fitzgerald stated that he would hope that the delay would let them get more people to oppose this project.

Brian Millard asked if Mr. Fitzgerald's opinions were different for 76 units versus 108 units.

Tim Fitzgerald stated he does see the difference as a big impact.

Mike Ludwig clarified that under the zoning ordinance, multi-family residential includes both owner occupied and rental dwellings.

Carole Jones 1603 Pioneer Road, President of Pioneer Park Neighborhood Association, Chairperson of the Coalition of Southside Neighborhood Association and a board member of the Des Moines Public Housing Board stated when Hubbell Realty announced that they were going to propose rezoning she sent an email to all members, the response that she received was the concerns about overcrowding, having so many folks live in the area that don't pay taxes and don't connect with the neighborhood because a lot of them are just passing through. The schools are overcrowded a lot of our kids are being bused to Carlisle to go to school. They are also concerned with the increase of crimes and the increase in traffic.

When Mr. Niebuhr contacted her April 12 about meeting with them, she had three other meetings she did not have time to meet with him this week. As far as what could they achieve with a delay she does not know but thinks it will help to talk. Pioneer Park Neighborhood Association opposes this rezoning and expansion.

Brian Millard asked if the Pioneer Park board that took a vote or was it the membership.

Carole Jones stated the opposition was the membership that she has heard from except for the two Sutton Hill managers who support the request.

Jeffrey Johannsen asked if there was anything about this project where they could come to an agreement.

Carole Jones stated no.

Joe Henry 2463 E. Highview Drive also owns 4201 SE 23rd Street stated that this area is already congested. The rezoning will cause overcrowding, increase in traffic, increase in crime, and there is no benefit to the community to build these new units.

Bob Wessel 2719 Leach supports Mr. Fitzgerald's position and thinks the south side always comes out with the short end of the stick. He thinks there is too much density, too many rental properties too close together, and an overcrowded school.

Ryan Lewellin 2713 SE 18th stated that he has lived in the area for 13 years and he thinks the rezoning will cause a reduction in the quality of life and a reduction in property value.

Rebuttal

Steve Niebuhr stated that 49% open space on the property is 2 ½ times what is required for open space in an R-3 District. He stated that it is hard to speak to those apartments that Hubbell does not manage. Hubbell will raise the standards for the other apartment buildings. There is a lot of conflicting information about density. One State of Iowa incentive package through IDED provides incentives to provide a project of at least 22 units per acres, so there is a lot of conflicting objectives between State, City, and County.

Jim Martin asked if the applicant agreed with the staff recommendation except for condition #1 (regarding density).

Steve Niebuhr stated the only two disagreements are the density (condition #1) and the trash enclosures (condition #4).

Brian Millard asked if the Commission votes to require masonry materials on all trash enclosures is that a deal breaker.

Kent Sovern asked what rights the developer has as far as density in that area.

Mike Ludwig stated that the Comprehensive Plan is a policy guide for rezoning decisions. Hubbell is using R-3 zoning for comparative purposes but the property is not currently zoned R-3 nor is R-3 zoning proposed.

Kent Sovern asked how many new units can be built in this area without a comprehensive plan amendment.

Mike Ludwig stated a maximum of 76 units can be built if the PUD is approved under the existing Medium Density Residential land use designation.

Larry Hulse explained what the property is currently zoned as and what they could do under their current zoning. However, to do any new buildings they will need a zoning change and the applicant is asking for a change to the policy document is the Land Use

Plan which suggests that 76 units can be built but not 108. That is the basis of staff recommendation.

Mike Ludwig stated that staff recommends leaving the Land Use Designation as Medium-Density Residential and allowing only enough units to stay under 17 units per acre. Hubbell is using 83 units as a comparison of what will be allowed under R-3 zoning but that is not the current zoning of the property and that is not the request for rezoning of the property. They are asking for Planned Unit Development therefore they are held by the existing Comp Plan limit of 17 units per acre. If the Plan and Zoning Commission wishes to approve the request for more than the units recommended by staff, the Plan and Zoning Commission would have to amend this Land Use Designation to High-Density Residential.

There was a statement made that multi-family does not pay taxes. To clarify, the owner of the property does pay taxes.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Joel Huston asked staff will Sutton Hill Cooperative be taxed as a commercial if it is a cooperative.

Mike Ludwig stated that he would have to confirm under the tax law. Typically, multi-family is commercial and if it is a cooperative they may be taxed as residential. The point is taxes are paid by the current owner of the property.

Brian Millard asked staff if the Commission moves to approve the staff recommendation with conditions 1 through 6 what happens next.

Mike Ludwig stated the Commission's recommendation would be forwarded to the Council on April 26, 2010 and Council would set the date of public hearing for May 10, 2010.

Ted Irvine stated Hubbell is trying to make this property marketable and that it will be maintained better if it is profitable. He hesitates to believe that higher-density is necessarily bad and thinks that they will be able to improve this property and make it profitable.

Brian Millard asked the applicant if the staff recommendation on part B which will limit them to the 76 units is a deal breaker.

Steve Niebuhr stated that they have not looked at that and financially don't know how it would work but would ask if that is the decision of the Commission that they do move it forward. He believes that it would make a difference but do not know and would prefer that they pass it onto Council giving him time to see if that would be a deal breaker.

COMMISSION ACTION

Jeffrey Johannsen moved staff recommendation 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 12-1 (Jim Martin was in opposition)

COMMISSION ACTION:

Kent Sovern moved approval of an amendment to 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 6-7 (Jeffrey Johannsen, JoAnne Corigliano, Dann Flaherty, Will Page, Jacqueline Easley, Jim Martin, and Brian Millard were in opposition)

COMMISSION ACTION:

Jacqueline Easley moved staff recommendation to deny the request to amend the Des Moines' 2020 Community Character Plan future land use designation from Medium-Density Residential to High-Density Residential.

Motion passed 8-5 (Greg Jones, Ted Irvine, Kent Sovern, and Joel Huston, were in opposition. Mike Simonson voted no because he believes it should be more density not that he is not in support of the project).

Jacqueline Easley left the meeting

COMMISSION ACTION:

Brian Millard moved staff recommendation to approve rezoning the property to a "PUD" Planned Unit Development District.

Motion passed 12-0.

COMMISSION ACTION:

Greg Jones moved staff recommendation to approve the Sutton Hill PUD Conceptual Plan 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.

Motion passed 10-2 (JoAnne Corigliano and Kent Sovern were in opposition).

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment

Item 2010 00081 Date 3-26-10

SIB

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

MAR 30 2010
DEPARTMENT

Print Name HOA BUU HUYNH
Signature [Signature]
Address 2520 Whispering Ridge Dr
DSM 50320

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

I am in Favor of the Request because
the development of the City of Des Moines

Item 2010 00081 Date 3/28/10

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

RECEIVED
COMMUNITY DEVELOPMENT
APR 07 2010
DEPARTMENT

Print Name Melony Stoddard
Signature Melony Stoddard
Address 2530 Whispering Ridge Dr.
Des Moines, IA 50320

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

Drost, Bert A.

From: Valline, Darcy @ Hubbell Realty [darcy.valline@hubbellrealty.com]
Sent: Friday, April 09, 2010 3:52 PM
To: Drost, Bert A.
Cc: Niebuhr, Steve @ Hubbell Realty
Subject: Support for Sutton Hill Rezoning and Expansion

Mr. Drost:

As the owner's representative for the following properties surrounding Sutton Hill, I am writing to convey our support for the Sutton Hill rezoning and expansion.

The parcels are:

- 26 2051 King Avenue
- 6 2101 King Avenue
- 5 2151 King Avenue
- 31 Parcel 010/05983-680-000

Thank you,

Darcy Valline
General Manager, Multi-Family
HUBBELL REALTY COMPANY
6900 Westown Parkway
West Des Moines, Iowa 50266
515.280.2071 ph
515.280.2027 fax

SIB

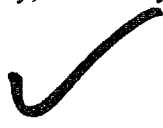
Drost, Bert A.

From: Pioneer Park [pioneerpark@yahoo.com]
Sent: Monday, March 29, 2010 7:44 AM
To: Drost, Bert A.
Subject: Re: Sutton Hill Apartment expansion

Pioneer Park Neighborhood Association (representing over 1100 homes) opposes this expansion on the grounds there are already too many apartment complexes in this vicinity. There are over 13 multiple housing complexes in the SE 22nd and Park area and it has had a direct affect on the fiber of our neighborhood. The crime rate, crowded schools and streets all play a part in our decision.

It is our understanding, after attending the Hubbell "concept meeting" that there are no plans to add or improve on the infrastructure of this area either. We were told that it's "not their problem". Why would we want to support anyone with that attitude? Obviously, their only concern is their bottom line. Our concerns are much closer to home.

Sincerely,



Carole Jones
PPNA President
CSSNA Chairperson
DM Municipal Housing Board Member

Item 2010 00031 Date 03/30/2010

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

41

RECEIVED
COMMUNITY DEVELOPMENT
DEPARTMENT
APR 06 2010

Print Name BRADLEY L KELLER

Signature Bradley L. Keller

Address 2512 Whispering Ridge Drive
Des Moines, IA 50320

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

Will drop the value of my home and other homes in the area. So it will just add to the turmoil of our economy that is directly related to the housing market!

... of SE 22nd Street and buildings on the vacant well as an agenda of the

Please let me know if you have any comments or questions.

Item 2010 00091 Date 03-24-10 ^{copy returned to pmm} **SIB**

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

71

RECEIVED
COMMUNITY DEVELOPMENT
APR 07 2010
DEPARTMENT

Print Name James & Linda Martin
Signature Linda Martin
Address 2811 SE 23rd St unit 720
Sea Mares, La.

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

There have been 3 Shootings @ the apartment complex across the st from our townhouse. One of which was a murder. We have had our cars broken into & personal items stolen. The school yard @ River Woods is a hang out for drug dealers & crap goes on over there all night long. unsupervised

delinquents. loud music. We want

Item 2010 00081 Date 4/1/10

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

13

RECEIVED
COMMUNITY DEVELOPMENT
APR 07 2010
DEPARTMENT

Print Name Crystal Rainie
Signature Crystal
Address 2026 Whispering Ridge Dr
DSM, IA 50320

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

I DO NOT WANT MORE APARTMENTS IN THE AREA. THIS IS A FAMILY community not a college area.

SIB

Item 2010 00087 Date 3-26-10

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

60

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT
APR 07 2010

Print Name Choi Quang

Signature Choi Quang

Address 2811 SE 22nd St. #420

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

Item 2010 00087 Date 3-26-10

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

17

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT
APR 07 2010

Print Name C Watkins

Signature Clyff Jana Walk

Address 2615 Whispering Ridge DR

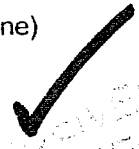
Reason for opposing or approving this request may be listed below:

Item 2010 00081 Date 3-25-10

I am not in favor of the request.

84

(Circle One)



Print Name HARLAN CHRISTENSEN

Signature Harlan Christensen

Address 2811 SE 22ND #1040

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

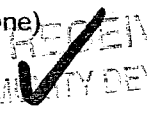
THERE ARE PRESENTLY 28 APT BLDGS @ 1968 APPROX POPULATION DENSITY PLUS NUMEROUS DUPLEXES THAT WERE BUILT FOR LOW RENT HOUSING. HURBELL WISHES TO ADD 4 NEW BUILDINGS WITH 106 NEW APTS INCREASING POP. DEN. BY 324 PERSONS INCLUDING MANY CHILDREN. RIVERWOODS SCHOOL IS NOW OVERCROWDED. INCIDENTS OF POLICE CALLS ARE HEAVY FOR THIS AREA. THIS CAN ONLY ADD TO NEIGHBORHOOD DETRIATION, LOWERING PROP. VALUES

Item 2010 00081 Date March 25, 2010

I am not in favor of the request.

86

(Circle One)



Print Name GARY KEAST

Signature Gary Keast

Address 2811 SE 22 St., Unit 1120

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

Between Evergreen and King on 22nd St., there are 5 blocks. There are 5 separate Apartment complexes bordering those 5 blocks. We have done our part. It is time to share the wealth.

Item 2010 00031

Date 3-24-10

51B

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

56

COMMUNITY DEVELOPMENT DEPARTMENT

MAR 24 2010



Print Name Jason Powell

Signature [Signature]

DEPARTMENT

Address 2811 SE 22ND ST #320

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

I don't want any more apartment complexes built around my home. The people that live there show no respect to the land around them and it brings down the value of my home.

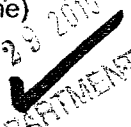
Item 2010 00031

Date 3-26-2010

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

21

COMMUNITY DEVELOPMENT DEPARTMENT
MAR 28 2010



Print Name Dale Noon

Signature Dale Noon

Address 1929 E Lacora

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

will draw even more lowlifes to the area
FENCES FENCES FENCES
Lots of Fences would help.

Item 2010 00031 Date MARCH 29, 2010

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

20

(Circle One)



Print Name EUGENE J. SCHMITT

Signature Eugene J. Schmitt

Address 1345 NE 72ND AVE
ANKENY, IOWA 50023

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

- ① I OPPOSE THE HIGH CONCENTRATION OF FAMILIES ON SUCH A SMALL PARCEL THIS PUD WILL ALLOW.
- ② SINCE THIS PUD DOES NOT PROVIDE ADEQUATE GREEN SPACE, MY 85 ACRE PARCEL WILL BE USED AS THE PROPERTY'S GREEN SPACE.
- ③ THIS PUD WILL EXAGGERATE THE HIGH VOLUME OF TRASH I AM CURRENTLY EXPERIENCING BEING BLOWN OR DUMPED ON TO MY PROPERTY.
- ④ INSTALLING A PROPERTY LINE FENCE MAY HELP WITH THESE TRASH AND TRESPASSING ISSUES
- ⑤ THIS PUD WILL HURT THE LAND VALUE OF MY PROPERTY

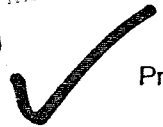
Item 2010 00031 Date March 25, 2010

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

63

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT
MAR 25 2010
DEPARTMENT



Print Name Keith Schulte

Signature Keith Schulte

Address 2811 SE 27th ST (570) DM

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

SE 27th ST, which would be the main thoroughfare in + out of the Complex, is already very congested especially when overflow parking for the Caonie bb complex is along that street. Also River Woods School has been maxed out and using temp bldgs. for several years - almost since opening.

SIB

ZON2010-00031

Sutton Hill Residential Cooperative - 2080 King Avenue

