

.....
Date July 9, 2007

**RESOLUTION CLOSING PUBLIC HEARING AND APPROVING THE PROPOSED
AMENDMENT TO THE RIVER OAKS CENTRE "PUD" CONCEPTUAL PLAN**

WHEREAS, on June 4, 2007, by Roll Call No. 07-1070, it was duly resolved by the City Council, that a public hearing to be held on June 18, 2007, at 5:00 p.m., in the Council Chambers at City Hall, to consider a proposal from Conlin Equities, LLC, represented by James Conlin, its Manager, to amend the approved "PUD" Conceptual Plan for River Oaks Centre located in the vicinity of 6000 Creston Avenue, to allow for the development on Lot 6 to have an increase from the previously allowed 72 dwelling units, to 113 dwelling units configured in four 3-story 24-unit buildings, one 3-story 16-unit building and one single-family dwelling for the manager's residence; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on June 7, 2006, as provided by law, setting forth the time and place for hearing on said proposed amendment to the approved "PUD" Conceptual Plan; and,

WHEREAS, the Plan and Zoning Commission has recommended that the proposed amendment to the approved "PUD" Conceptual Plan be denied for the reasons set forth in the attached letter from the Planning Administrator; and,

WHEREAS, on June 18, 2007, by Roll Call No. 07-1222, the City Council continued the public hearing on the proposed amendment until July 9, 2007, at 5:00 p.m., and referred the matter to the City Manager to work with Conlin Properties and 4 or 5 representatives of the area homeowners to review the following items:

- 1) Current traffic issues regarding entering and exiting at 63rd Street;
- 2) Safety and security issues and possible use of NBSD officer;
- 3) Adequate traffic flow inside the development;
- 4) Additional entrance/exit for development; and,
- 5) Age appropriate playground.

WHEREAS, the City Manager has made a recommendation on the above items in the accompanying Council Communication; and,

WHEREAS, in accordance with the published notice those interested in said proposed amendment to the approved "PUD" Conceptual Plan, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council;
NOW, THEREFORE,

Date July 9, 2007

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 said proposed amendments to the approved "PUD" Conceptual Plan for River Oaks Centre in the vicinity of 6000 Creston Avenue, and more specifically described below, are hereby overruled and the hearing is closed.

Lot 6, River Oaks Centre, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

2. The City Council makes the following findings regarding the proposed amendment to the approved "PUD" Conceptual Plan for River Oaks Centre:

- a) The property is designated as Medium-Density Residential in the 2020 Community Character Land Use Plan, which allows a maximum density of 17 dwelling units per acre.
- b) The development shown by the proposed amendment to the approved "PUD" Conceptual Plan is consistent with the Medium-Density Residential classification of the property and in character with the existing residential development in the area.
- c) The proposed development will not create a traffic hazard. The intersection of Creston Avenue and SW 63rd Street (also known as State Highway 28) does not meet the warrants for a traffic signal under the *Manual of Uniform Traffic Control Devices*, and it is expected that the intersection will still not warrant a traffic signal after completion of the proposed development. The Iowa Department of Transportation has determined that traffic signals are not necessary and will not be permitted on a state highway unless the intersection meets those warrants.

3. The proposed amendment to the approved "PUD" Conceptual Plan for River Oaks Centre is hereby APPROVED, subject to the plan being first amended to satisfy the following conditions from the staff recommendation and the accompanying Council Communication:

- a) Addition of a note on the Concept Plan stating that any Final Development Plan shall meet the minimum requirements for landscaping in the "R-3" District under the then current landscape standards under the site plan regulations.

Date July 9, 2007

- b) Addition of a note on the Concept Plan regarding the secondary fire access easement to state the following:
 - 1) The secondary fire access road shall be marked with permanent NO PARKING – FIRE LANE signs. Such signs shall have a minimum dimension of 12 inches wide by 18 inches high and shall have red letters on a white reflective background.
 - 2) The secondary fire access road shall be designed to support an imposed load of 56,000 pounds and shall be surfaced so as to provide all-weather driving capabilities.
 - 3) The installation of security gates or barricades across the secondary fire access road shall be approved by the Fire Marshall. Any such gates or barricades shall comply with the following:
 - i) The minimum gate width shall be 20 feet.
 - ii) All gates shall be of a swinging or sliding type.
 - iii) Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access.
 - iv) Manual opening gates shall not be locked with a padlock or chain unless approved by the Fire Marshall.
 - v. Emergency opening and locking devices shall be submitted for approval prior to installation.
 - 4) The easement documents shall be in a form approved by the City Legal Department and filed of record.

- c) Submittal of revised PUD concept plan mylar that reflects the changes above and that includes a separate access drive connection to Creston Avenue; a 15' wide pedestrian easement along the north lot line; a 20' public access drive easement along the west lot line; and additional site amenities such as a gazebo, playground, and picnic tables.

★ Roll Call Number

Agenda Item Number

61

Date July 9, 2007

MOVED by _____ to adopt.

FORM APPROVED:

Roger K. Brown
Assistant City Attorney
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NOTE: Approval of the proposed amendment to the approved "PUD" Conceptual Plan requires the favorable vote of 4/5ths of all members of the City Council, due to the Plan and Zoning Commission recommendation for denial. See, Zoning Ordinance §134-700.

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

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.

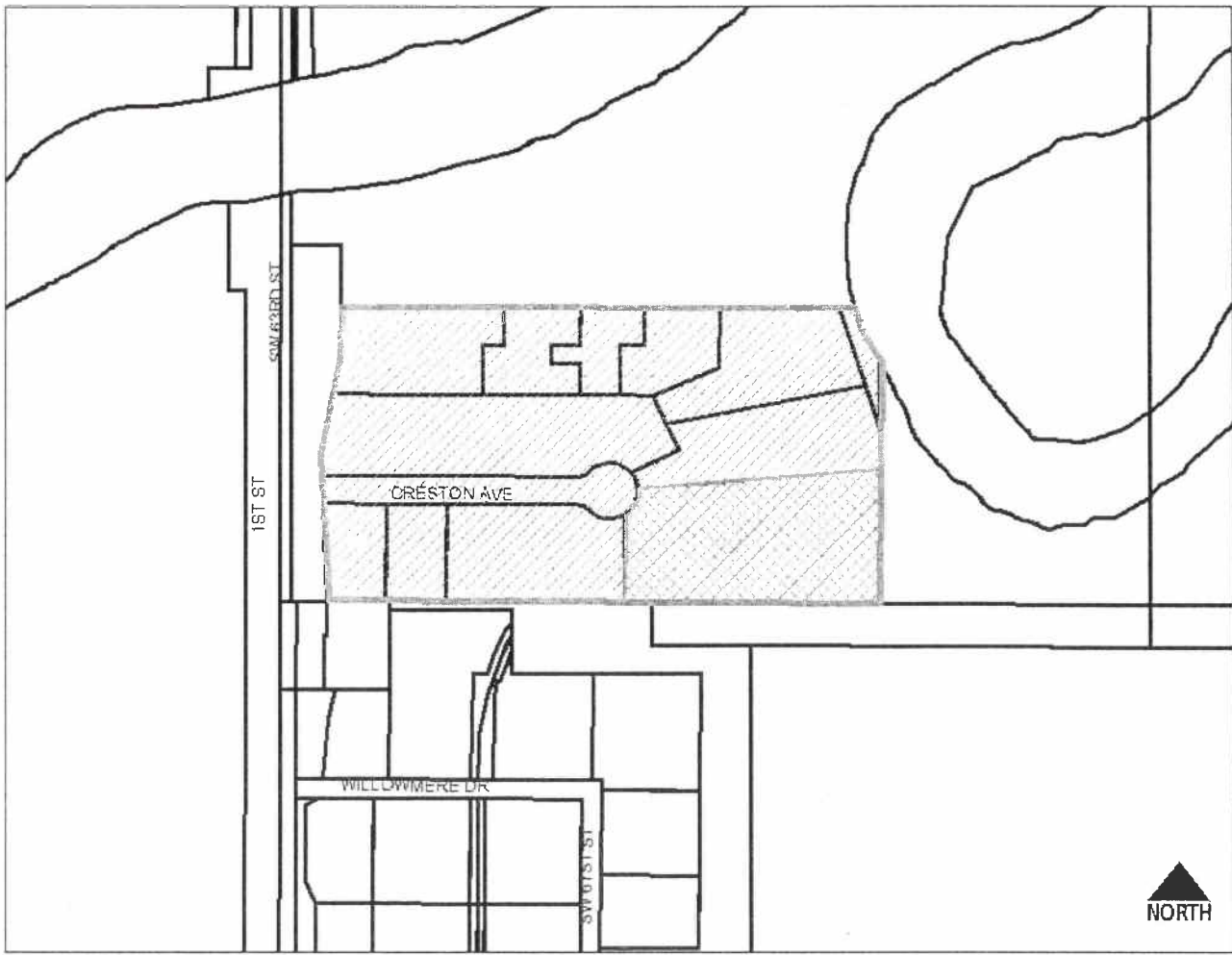
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

07-1222 66
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Request from Conlin Equities, LLC. (owner) represented by James Conlin (officer) for property located at 6000 Creston Avenue.		File #			
		ZON2007-00055			
Description of Action	PUD amendment to the River Oaks Centre Conceptual Plan to allow for development of Lot 6 to have an increase from 72 to 120 multiple-family units configured in five (5) three-story 24-unit buildings.				
2020 Community Character Plan	Medium-Density Residential				
Horizon 2025 Transportation Plan	No Planned Improvements				
Current Zoning District	"PUD" Planned Unit Development				
Proposed Zoning District	"PUD" Planned Unit Development				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area	1	33	0	<20%	
Plan and Zoning Commission Action	Approval	10-1	Required 6/7 Vote of the City Council due to a recommendation for DENIAL by the Commission	Yes	X
	Denial			No	

River Oaks Center PUD - 6000 Creston Avenue

ZON2007-00055



 Total PUD Area  PUD Area affected by amendment

SIMONSON

Simonson & Associates Architects Inc.
1400 West 14th Avenue, Suite 100
Denver, CO 80202
Tel: 303.733.4444 Fax: 303.733.4444

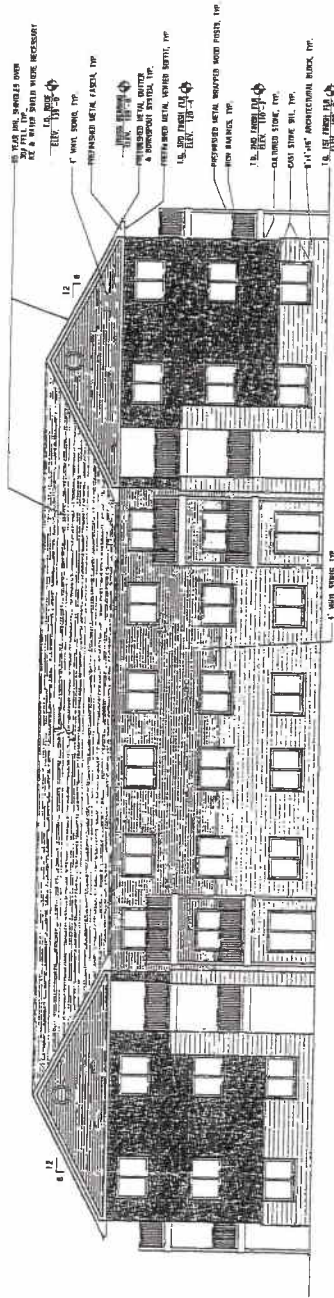
DEER RIDGE APARTMENTS
8000 CRENSHAW AVENUE
DENVER, COLORADO

DEER RIDGE APARTMENTS
8000 CRENSHAW AVENUE
DENVER, COLORADO

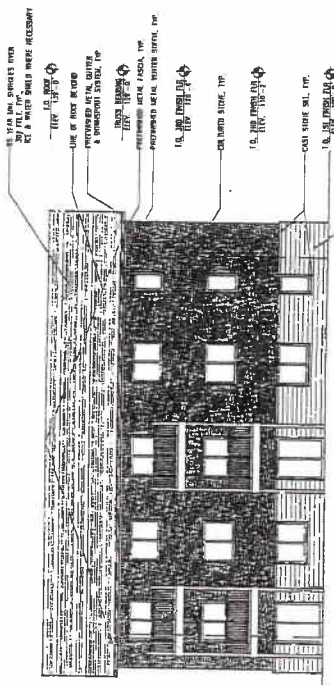
DATE	06.11.07
BY	06.11.07
SCALE	1/8" = 1'-0"
SHEET NO.	A3
TOTAL SHEETS	10

Job No. 081246
Date 06.11.07
Sheet No. A3
Title DEER RIDGE APARTMENTS
EXTERIOR ELEVATIONS
Scale 1/8" = 1'-0"

A3



1 FRONT ELEVATION
SCALE: 1/8" = 1'-0"



2 SIDE ELEVATION
SCALE: 1/8" = 1'-0"

June 18, 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 June 7, 2007, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-1 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			

DENIAL of a request from Conlin Equities, LLC. (owner) represented by James Conlin (officer) for amendment to the River Oaks Centre PUD Conceptual Plan for property located at 6000 Creston Avenue, to allow for development of Lot 6 to have an increase from 72 to 113 dwelling units configured in four (4) three-story 24-unit buildings, one (1) three-story 16-unit building, and one (1) single-family dwelling for the manager's residence. The Commission further expressed a preference for maintaining a maximum of 72 dwelling units as approved in the PUD Conceptual Plan. (ZON2007-00055)

Written Responses

1 In Favor

32 In Opposition

This item will require a 6/7 vote of City Council to approve the request, due to the Planning Commission's recommendation for denial.



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

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Staff recommends approval of the proposed amendment to the River Oaks Center PUD Conceptual Plan subject to the following conditions:

1. Provision of a note on the Concept Plan stating that any final development plan shall meet the minimum requirements for landscaping set forth for "R-3" Districts in the current Des Moines landscape standards in the site plan policies.
2. Provision of a note on the Concept Plan regarding the 20'-wide secondary fire access easement to state the following:
 - a. The proposed secondary fire access roads shall be marked with permanent NO PARKING – FIRE LANE signs. Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background.
 - b. The proposed secondary fire access roads shall be designed to support an imposed load of 56,000 LBS and shall be surfaced so as to provide all-weather driving capabilities.
 - c. The installation of security gates or barricades across the secondary access road shall be approved by the Fire Marshal. Gates shall comply as follows:
 - i. The minimum gate width shall be 20 feet.
 - ii. Gates shall be of the swinging or sliding type.
 - iii. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access.
 - iv. Manual opening gates shall not be locked with a padlock or chain unless approved by the Fire Marshall.
 - v. Emergency opening and locking devices shall be submitted for approval prior to installation.
3. Provision of all easement documents in a form acceptable to the City's Legal Department.

STAFF REPORT

1. **Purpose of Request:** The applicant is seeking to amend the approved Conceptual Plan to develop 113 dwelling units within 4 three-story 24-unit buildings, 1 three-story 16-unit building, and 1 single-family dwelling in lieu of current plans for 72 multifamily apartment units within two (2) buildings. The proposed conceptual plan also includes a children's play area at the southwest corner of the site and 168 off-street parking spaces.

Since the original staff report and recommendation was issued on May 14, 2007, a revised Conceptual Plan has been submitted that reduced the overall number of units from 121 to 113 in order to be in conformance with the Medium-Density Residential Land Use designation, which allows a maximum density of 17 dwelling units per acre. The revised Conceptual Plan also provides a 15'-wide recreational trail easement across the northern perimeter of Lot 6.

2. **Size of Site:** 6.66 acres for Lot 6. Overall PUD is 34.54 acres.
3. **Existing Zoning (site):** "PUD" Planned Unit Development, River Oaks Center Conceptual Plan.
4. **Existing Land Use (site):** Vacant land with an abandoned railroad spur line.
5. **Adjacent Land Use and Zoning:**

North – "U-1" & "FW", Use is Raccoon River greenway.

South – “M-1” & “U-1”, Uses are vacant RR-Donnelly Printing, Mid-American Energy power substation, and warehousing use vacant City land.

East – “U-1” & “FW”, Use is Raccoon River greenway.

West – “OS” (West Des Moines Agriculture/Open Space), Use is Brown’s Woods Polk County forest preserve.

6. **General Neighborhood/Area Land Uses:** The subject development is a cul-de-sac niche primarily developed with townhomes and multiple family dwelling units located immediately east of the SW 63rd Street State Highway 28 corridor.
7. **Applicable Recognized Neighborhood(s):** N/A
8. **Relevant Zoning History:** The subject property was originally zoned to “PUD” on February 20, 1989 for “Waterworks Business Park”. On March 4, 1991, there was an amendment to change the Concept Plan to the River Oaks Center plan that removed the industrial uses but allowed for a mix of medium to high densities of residential and neighborhood commercial use. There were several subsequent amendments changing the aspects of neighborhood commercial uses and density allocations between parcels.

Lot 6 was originally designed for 72 units of multiple family residential apartments in two 36-unit buildings per the 4th Amendment approved on September 27, 1999. At that time, there was limited sewer capacity for the overall PUD due to circumstances further east along the sanitary sewer trunk system. This prevented the second 36-unit phase until the capacity was transferred from another lot or the trunk system changed. After the capacity issues changed due to reallocation of sewer on developments further to the south there was a 6th amendment approved on November 18, 2002 that released the density restriction and permitted all 72 units of multiple-family residential on Lot 6 with no restrictions.
9. **2020 Community Character Land Use Plan Designation:** Medium Density Residential for the PUD area.
10. **Applicable Regulations:** Section 134-700 of the City Code states that any change in a conceptual plan proposed after the City Council has approved the plan pursuant to Division 13 shall be resubmitted in the same manner as the original concept plan. Any such change, except an insubstantial change shall be considered in the same manner as the original conceptual plan. The Plan and Zoning Commission shall review and make recommendation to the City Council regarding the Concept Plan amendment.

II. ADDITIONAL APPLICABLE INFORMATION

1. **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. Since there are already more than 200 dwelling units within the River Oaks Center PUD accessed solely from a single access point (Creston Avenue), a second and separate fire apparatus access road is provided for the development by a 20’-wide secondary fire access easement from the existing veterinary clinic’s parking lot to a parking lot serving the structure at 6127 Willowmere Drive to the south. The Fire Marshall has approved this driveway subject to the following:
 - A) The proposed secondary fire access roads shall be marked with permanent NO PARKING – FIRE LANE signs. Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background.

- B) The proposed secondary fire access roads shall be designed to support an imposed load of 56,000 LBS and shall be surfaced so as to provide all-weather driving capabilities.
- C) The installation of security gates or barricades across the secondary access road shall be approved by the Fire Marshal. Gates shall comply as follows:
 - 1. The minimum gate width shall be 20 feet.
 - 2. Gates shall be of the swinging or sliding type.
 - 3. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access.
 - 4. Manual opening gates shall not be locked with a padlock or chain unless approved by the Fire Marshall.
 - 5. Emergency opening and locking devices shall be submitted for approval prior to installation.

- 2. **Natural Site Features:** The site of the amendment is currently a grass meadow with a drainage channel that has formed running east since the original rough grading of the plat. This area was previously rough graded with the original platting of the area. There are scrub trees on the southern portion of the property along an abandoned rail spur the runs west to east.
- 3. **Floodplain:** There is a regulatory floodplain located along the Raccoon River valley property owned by the Des Moines Waterworks to the north and east of the River Oaks Center PUD.
- 4. **Drainage/Grading:** The developer is responsible for compliance with all storm water management requirements to be reviewed at the development plan stage.
- 5. **Landscaping & Buffering:** The applicant has indicated conceptual landscaping material on the submitted plan for Lot 6. This is concentrated on the northern and southern perimeters of the development with other landscaping distributed through the open space areas and on landscape islands within the parking lots. The Concept Plan provides pedestrian connections from each structure to a network of sidewalks connecting parking area. Staff recommends that a requirement be placed on the conceptual plan that any final development plan meet the minimum requirements for landscaping set forth for "R-3" Districts in the current Des Moines landscape standards in the site plan policies.

The proposed amendment includes a children's play area at the southwest corner of the site. The overall PUD was never originally approved with a set aside for any recreational open space to serve the development other than the conservation areas designed to protect the forest vegetation and sensitive slopes. At some point in the future to help mitigate this situation, there is an opportunity to make a recreational linkage from Creston Avenue in the PUD to Des Moines Waterworks property and recreational fields to the east. In order to facilitate such an opportunity, the Concept Plan includes a 15'-wide public recreational trail easement across the north perimeter of Lot 6.

- 6. **Traffic/Street System:** The proposed amendment does not propose any new streets to serve the development.

Traffic Engineering staff has indicated that the intersection of SW 63rd Street and Creston Avenue has been reviewed by the City and IDOT, and does not meet the warrants (requirements) for a traffic signal as prescribed in the "Manual of Uniform Traffic Control Devices", which is adopted as part of the Iowa State Code. These same warrants are used, regardless of whether the roadways are state highways or city streets.

The property owner has voluntarily agreed to provide an easement along the western edge of

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the subject property from Creston Avenue to the south property line. This easement could be utilized in the future for construction of a public drive access should the City determine that a secondary public drive access to Park Avenue is feasible. No such public drive access is planned or funded at this time or in the foreseeable future. A public drive access would be subject to the City obtaining easements or right-of-way through adjoining properties to the south and subject to construction of the public drive or access by the City in the future.

7. **Access or Parking:** The Conceptual Plan demonstrates that the development would be served by a driveway from the existing access drive crossing the northwest corner of Lot 6. The Conceptual Plan provides 180 off-street parking spaces, or 1-½ spaces per dwelling units.
8. **2020 Community Character Plan:** The current land use designation of Medium-Density Residential allows for development with a maximum density of 17 dwelling units per acre. Therefore, the maximum number of units allowed on the 6.66 acres is 113. Since the original staff report and recommendation was issued on May 14, 2007, a revised Conceptual Plan was submitted that reduced the overall number of units from 121 to 113 in order to be in conformance with the Medium-Density Residential Land Use designation, which allows a maximum density of 17 dwelling units per acre.
9. **Urban Design:** The submitted elevations provide for five 3-story buildings, each with 24 units. The structures would be constructed with architectural block on the lower portion of the facades. The ends would be cultured stone, with the balance being 4"-exposed vinyl siding. The asphalt-shingled roof would include two gables facing the front of the structure and two gables facing the rear of the structure. The elevations also demonstrate balconies with pre-finished metal wrapped wood posts and irons railings.

SUMMARY OF DISCUSSION

Mike Ludwig: Presented staff report and recommendation and noted there were no known water and sewer capacity issues with the proposed development. Indicated the applicant has obtained agreements with property owners to the west to have a fire access lane that could be constructed or extended across the properties to the south and out to the street immediately to the south. They do still need to have the easement in a form that is acceptable to the City Attorney's office. Those easements would have to be completed prior to approval of the final development plan.

Brian Millard: Asked about the requirement for 3" caliper trees to replace any destroyed trees and noted the City's arborist indicated the optimum size to be 1 ½" to 2".

Mike Ludwig: Noted the Commission could make a change to that condition if they'd like.

Dann Flaherty: Expressed concern for potential sewer and water problems in the future with additional development.

Mike Ludwig: Noted the property is being served by a different sewer and the Water department has not expressed any concerns.

William Lillis, 317 6th Avenue, Suite 300: Represented the applicant and noted they are in agreement with staff recommendations. Addressed the request noting the development is in compliance with the density requested; they have reduced it to comply with requirements. With regard to Item #2 the applicant has discussed and worked with the Fire Department to create a secondary means of ingress and egress and they have prepared an easement they reviewed with some of the neighbors a Reciprocal Limited Emergency Easement. Explained they have reviewed with MidAmerica/Pomerantz and MidAmerican Energy and the property owner of a 25' strip and the owner of the Veterinary clinic to provide a 20' wide easement that would be reciprocal, so if there were a catastrophe that blocked the primary access, MidAmerica/Pomerantz wanted the

ability to have the 20' strip used from the north or from the south. They are confident they will have that resolved and can go along with staff recommendation that is subject to getting that easement done. Explained the history of the zoning of the property and explained there is a combination of housing and commercial. Indicated the applicant would agree to more trees of a smaller caliper. Indicated the units would all be market rate; it is a tax credit project, not low-rent housing. Would like to have a traffic signal at 63rd and Creston, but the City and State indicate there is not enough traffic capacity to warrant it. Noted Bob Vander Lin was present from the Engineering firm and Mr. Conlin and Conlin were available for questions, as well.

Mike Ludwig: Explained the note regarding replacement plantings for the conservation easement applied to the northern lots and noted a tree study was submitted. They indicated 90% were Siberian Elm or a Cottonwood species, both of which are considered to be nuisance species. There is an old railroad right-of-way to the southeast of the site that has been incorporated into the site. There are not conservation easements on Lot 6, but there is a landscaping plan that has been submitted. They would have to choose species from the City's approved list. Explained the applicant is voluntarily providing an access easement on the western boundary of Lot 6 and there is an adjoining parcel that, if the City were able to acquire access across that parcel, may be an option for an access out to Park Avenue.

Kent Sovern: Asked if the original PUD included the Railroad Right-of-way.

Mike Ludwig: Noted the PUD boundary included it, but it was under different ownership.

William Lillis: Explained the property belonged to the Conlin interest, but could not be used because it was a railroad. When the railroad abandoned it, the land came back to the owner. Responded to the access indicating there is a long 25' strip that runs back to the RR Donnolly Meredith Printing development; staff is asking that the developer provide for some possible connection to the south and maybe back to the east to get back to Park Avenue and explained they would not have a problem with that and if there were a roadway there they would not be dealing with the other 20' emergency easement; there are two easements being discussed.

Dann Flaherty: Asked if the Railroad easement had ever been explored by the Parks and Recreation Department for conversion to Rails to Trails.

Mike Ludwig: Indicated he was not aware of what the Parks department's review was but suggested there is a public recreational trail easement shown on the PUD across the north edge of Lot 6, which was what the Parks Department requested and offers access to the east.

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one in the audience to speak in favor of the request.

The following individuals spoke in opposition to the request:

Dan Lopez, 6001 Creston Avenue, Unit 34: Expressed the following concerns and suggested there are a lot of other locations in the city to build the subject development:

- Density;
- high number of police incidents to the current low-income housing on the site;
- Section 8 or low income housing for proposed additional multi-family residential units;
- No trail;
- fire access road; questioned if residents would be able to utilize it;
- traffic signal; questioned whether the additional units were included in the numbers relative to the traffic study;
- property values;

- destruction of trees.

Jeffrey Johannsen joined the meeting at 6:39 p.m.

Fran Koontz: Explained the area began as a townhome development and there were no multi-family plans at the time the original owners bought the townhomes.

Dann Flaherty: Explained part of the reason the tract was abandoned was due to the sewer.

Dan Lopez: Explained the residents were assessed for the sewer; asked that if any additional improvements to the sewer are necessary the owner accept full responsibility and burden to make those improvements.

Dann Flaherty: Explained the sewer capacity has been increased because another entity that would have drawn on that sewer has been removed and is now being serviced by another sewer.

Sonja Hansen, 6001 Creston, Unit 4: Addressed the police issue and offered comparison data and expressed the following concerns:

- type of police calls;
- water pump station issues; noted they were assessed 1 ½ years ago by the applicant
- additional traffic to the area with additional units;
- existing mailboxes; located where the proposed development driveway would be exiting;
- tree contradictions;
- low income tax housing credits funding, tax abatement and additional funding for the project.

Fran Koontz: Noted there is a vast confusion regarding the difference between tax credit housing, low income and section 42 housing. Indicated based on tax credits, ¼ of the units will be below market.

Pam Cullen, 6001 Creston, Unit 5: Expressed the following concerns:

- impact on the public schools; she contacted the schools and they were not made aware of potential influx of students;
- busing system; all children will be required to converge on the intersection where the mailboxes are;
- illegal parking, garbage and kids playing in the streets - presented photographs for inclusion in the file;
- two small playgrounds being proposed will not provide adequate play areas.

Kristine Mangrich, 6001 Creston, Unit 9: Noted 31 cards were returned; 30 are in opposition and one was in favor. Expressed the following concerns:

- property and resale values of the townhomes; noted 8 out of 52 units are for sale;
- lack of maintenance and quality of the current units;
- no planned water shed for water runoff.

Jim Bell, 6001 Creston, Unit 41: Expressed concern regarding:

- access to the new proposed units off a private drive, which is under 20' wide;
- traffic safety due to the angle of the drive access;
- traffic back up at 63rd and Creston due to the lack of a signal;
- pump station capacity; did not want to be assessed again for additional development.

Fran Koontz: Suggested if their drive is privately owned and maintained by the homeowner's association the homeowners should contact City Legal if the developer is planning to use it for access.

Mary Ann Spicer, 6001 Creston Avenue, Unit 8: Noted the peace and quiet will be disturbed with additional housing.

Kent Sovern: Noted if nothing is done, 72 units could still be built.

Diane Steggerda, 6001 Creston, Unit 12: Asked the Commission to decline the proposal for additional housing units and asked the Commission to leave the area as green space for the Creston neighborhood. Expressed concerns as follows:

- additional low income housing;
- isolated project has been created; there are many students who walk along 63rd; there are no grocery stores, no libraries; concerned there is nothing in the neighborhood for families that would move into the low income housing with little transportation;
- would like to see students have a good place to live; there are no accommodations for kids over 8 in the playground areas.

Christine Ironfield, 6001 Creston, Unit 10: Bought her townhouse in the area because of the greenspace behind the house and will put her townhouse up for sale if the new units are developed. Expressed the following concerns:

- additional apartments; those that are there currently cause problems;
- no place for the kids to play so they play in the street.

Sarah Weishaar, 6001 Creston, Unit 15: Noted on four or five occasions Conlin properties have been contacted about the availability for apartments and they are not at capacity so she questioned why more needed to be built.

Jim Conlin, 2900 Southern Hills Circle: Noted the parcel was acquired by default; assisting the individuals who were attempting to buy it. Noted it is a perfect project for the area because it is a transitional area with industrial, commercial and residential; there are 11 parcels of ground in the area and they control six. The association dues are determined by the amount of ground. Reminded the Commission that the City has already approved the project when the tax credits came through so they are now ready to proceed.

Fran Koontz: Asked if the property manager is not responding as well as they should. Suggested the manager be more responsive to complaints and suggested a larger play area for kids of different ages.

Jim Conlin: Noted a basketball court has been constructed and there will be another playground so there will be four. Noted they landscaped the circle going into the townhomes at their own expense and explained they have an easement to open onto Creston and the other parcels.

Mike Ludwig: Explained the access drive at the street is on lot 6; there is an access easement across Lot 6 for the townhome development and the limitation from the traffic department was a separation of the drives on the cul-de-sac. The plan has always called for the one shared access.

Jim Conlin: Noted that at the neighborhood meeting he volunteered to do certain things such as putting in a stop sign at the access going out of the project; also indicated the mailboxes are sitting on the property he just purchased and he agreed to move them at his expense to a location that would be more convenient for everybody.

Bruce Heilman: Asked him to comment on the police reports and the discrepancies, and the condition of the balcony areas of the three existing apartment buildings.

Jim Conlin: Noted there is some stain that needs to be touched up on the facia of the balconies, which they have already contracted to have done; and occasionally there are items on the balconies that should not be there and he goes around frequently and checks on those things to call to the Manager's attention. As for the police calls, he noted there are people living in the project that are on Section 8; tenants that are sent to them from the City of Des Moines, which is where the subsidy is from. Explained low- to moderate-income people will use police and emergency services at a higher level and they have to be accommodated. Added that there are 24-hour cameras in all of their areas that are on back-up tapes that go back two weeks and the new project will have cameras, as well.

Kaye Lozier: Asked about his understanding of the water pump and capacity issues.

Jim Conlin: Indicated that had already been addressed by the staff and noted there is adequate capacity. Explained the pump station has been upgraded and has a power generator. The pumps are new and footings have been built to bring the housing up above flood stage and the pump stations has flood gates, as well.

Kent Sovern: Asked about accessing 63rd Street and if there are separate lanes for right and left hand turns and suggested widening the street would be a simple solution to relieve the congestion if the topography allows for it. A left turn lane would be difficult if it remains unsignaled.

Jim Conlin: Noted Councilperson Hensley was at the project and has been very helpful regarding the possibility of traffic signals. Noted she also was helpful in seeing that the City put no parking signs on Creston.

Dann Flaherty: Noted 63rd Street is a limited access highway, which makes it difficult to get a traffic signal.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Mike Simonson: Moved staff recommendation.

Marc Wallace: Noted oftentimes in not understanding how things work or what the legal basis is, it is difficult for people to have all the facts. Did not think poverty to be a permissible consideration for the Commission to consider, but whether there is adequate space for people. Noted income level and the quality of people should not be the focus; expressed concern with the capacity of the streets and noted there needs to be another way to create access. He encouraged the neighbors to work with the Des Moines Public Schools. Was hopeful the pedestrian trail and connections would be made; trailways need to be provided. Suggested the lack of answers on the traffic issues make it difficult for the Commission to go forward.

Bruce Heilman: Indicated the 72 units has already been decided, but he was not impressed with the onsite property management in the other apartment buildings and would oppose the request. Having one access onto a highway is a traffic hazard as more children come in.

Dann Flaherty: Noted the PUD was meant to be a business park originally and not residential. The approved PUD Concept Plan indicates 72 units are acceptable. He agreed that 63rd Street is a limited access highway and suggested the residents and Mr. Conlin put pressure on the Iowa Department of Transportation for a traffic signal. He felt 72 units were enough and he was opposed to the request for more. He called the question.

Motion failed 1-10 (Brook Rosenberg, Jeffrey Johannsen, Kent Sovern, Kaye Lozier, Dann Flaherty, Bruce Heilman, Shirley Daniels, Marc Wallace, Brian Millard and Fran Koontz were in opposition).

Mike Ludwig: Noted the City Council would hold a public hearing on the rezoning on June 18, 2007.

Roger Brown: Indicated the motion made failed to pass and therefore the Commission has not taken any affirmative action. Explained it takes an affirmative recommendation for denial to trigger a 6/7 vote of the City Council for approval.

Fran Koontz: Moved to deny the zoning request.

Kent Sovern: Asked if the applicant would feel better about a vote that firmly denies the request, or if they would prefer to bring a different proposal that would conform to the 72 units.

Bill Lillis: Noted the plan shows 72 units; he was not prepared to answer whether they could retreat from the 113 units.

Bruce Heilman: Did not think the Commission would have any objection to extending the townhomes.

Bill Lillis: Indicated at the time it goes to City Council they will decide if they are asking for 72 or 113 units.

Mike Simonson: Noted traffic is the underlying issue; adding a few more units would not typically make much difference; suggested providing a left-hand turn lane, which might help to alleviate the traffic issues. The assurance of a dedicated right-hand turn lane and left-hand turn lane going out of the property.

Motion to deny the request for increasing the number of units in the PUD for Lot 6 from 72 to 113 and communicate to the City Council that the Commission favors the 72 units already approved.

10-1 approved (Mike Simonson was in opposition).

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment