

Date..... September 25, 2006

WHEREAS, on September 11, 2006, by Roll Call No. 06-1767, it was duly resolved by the City Council, that the City Council consider a proposal from Richard Helgeson (developer) to rezone certain property located in the vicinity of 1005 Maury Street from the "R1-60" One-Family Low-Density Residential District classification to the "PUD" Planned Unit Development District classification, and to approve the "PUD" Conceptual Plan for development of a 3-story, 58-unit multiple-family residential assisted living facility on the property, and that such proposal be set down for hearing on September 25, 2006, at 5:00 P.M., in the Council Chamber of the City Hall; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on September 14, 2006, 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 1005 Maury Street, more fully described as follows (the "Property"):

Lots 1 through 10, Block 5, Allen's Second Addition, an Official Plat; and the vacated North/South alley right-of-way lying East of and adjoining said Lots 1 through 5; and the East 10 feet of SE 10th Street right-of-way lying West of and adjoining said Lots 1 through 5; and the West 10 feet of SE 11th Street right-of-way lying East of and adjoining said Lots 6 through 10, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

from the "R1-60" One-Family Low-Density Residential District classification to the "PUD" Planned Unit Development District classification; and,

WHEREAS, the Plan and Zoning Commission has recommended that the proposed rezoning and conceptual plan be approved, subject to the conditions identified below; 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 said proposed rezoning and "PUD" Conceptual Plan are hereby overruled and the hearing is closed.

2. The proposed rezoning and "PUD" Conceptual Plan are hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan, subject to the conditions identified below.

( continued )

54B

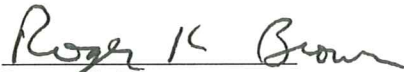
Date..... September 25, 2006

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:

- a) Provision of a sidewalk connection between Maury Street and the main entrance to the structure.
- b) Use of hardi-plank siding in place of vinyl siding on the principal structure.

MOVED by \_\_\_\_\_ to adopt and approve the rezoning and Conceptual Plan, subject to final passage of the rezoning ordinance.

FORM APPROVED:



Roger K. Brown  
 Assistant City Attorney  
 G:\SHARED\LEGAL\BROWN\WORK\REZONING\1005 Maury.doc

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
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.

\_\_\_\_\_ Mayor

\_\_\_\_\_ City Clerk

54B

Request from Richard Helgeson (developer) to rezone property located at 1005 Maury Street.			File #	
			ZON2006-00104	
<b>Description of Action</b>	Rezone subject property from "R1-60" One-Family Low-Density Residential District to "PUD" Planned Unit Development and approve a PUD Conceptual Plan for development of a three-story, 58-unit multi-family residential assisted living facility.			
<b>2020 Community Character Plan</b>	Park/Open Space.			
<b>Horizon 2025 Transportation Plan</b>	No Planned Improvements.			
<b>Current Zoning District</b>	"R1-60" One-Family Low-Density Residential District.			
<b>Proposed Zoning District</b>	"PUD" Planned Unit Development District.			
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area	3	1	0	<20%
<b>Plan and Zoning Commission Action</b>	<b>Approval</b>	11-0	<b>Required 6/7 Vote of the City Council</b>	Yes
	<b>Denial</b>			No

Richard Helgeson (The Southern Rose PUD) - 1005 Maury Street      ZON2006-00104



September 25, 2006

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 August 17, 2006, the following action was taken:

**COMMISSION RECOMMENDATION:**

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

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

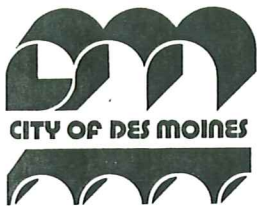
**APPROVAL** of a request from Richard Helgeson (developer) of the property at 1005 Maury Street, for vacation and conveyance of a 10' x 280' strip of right-of-way along the west side of SE 11<sup>th</sup> Street and a 10' x 280' strip of right-of-way along the east side of SE 10<sup>th</sup> Street, running south from Maury Street subject to provision of necessary easements for all existing utilities. (11-2006-1.21)

By same motion and vote, members recommended **APPROVAL** of the requested amendment to the Des Moines' 2020 Community Character Plan revising the future land use designation from Low-Density Residential to High-Density Residential; and (21-2006-4.13)

**APPROVAL** of a request from Richard Helgeson (developer) to rezone property in the vicinity of 1005 Maury Street more specifically described below, from the "R1-60" One-Family Low-Density Residential District to the "PUD" Planned Unit Development District and to approve a proposed "PUD" conceptual plan for such property, subject to the following conditions: (ZON2006-00104)

1. Provision of a sidewalk connection between Maury Street and the main entrance of the structure.
2. Use of hardi-plank siding in place of vinyl siding on the principal structure

The subject property is owned by the City of Des Moines.



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

Written Responses

3 In Favor  
1 In Opposition

54B

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

**STAFF RECOMMENDATION AND BASIS FOR APPROVAL**

Part A) Staff recommends approval of the requested vacation and conveyance subject to provision of necessary easements for all existing utilities.

Part B) Staff recommends approval of the requested amendment to the Des Moines' 2020 Community Character Plan revising the future land use designation from Low-Density Residential to High-Density Residential.

Part C) Staff recommends that the Commission find the requested rezoning in conformance with the Des Moines' 2020 Community Character Plan's future land use designation of High-Density Residential.

Part D) Staff recommends approval of the requested rezoning from "R1-60" One-Family Low-Density Residential District to "PUD" Planned Unit Development District.

Part E) Staff recommends approval of the PUD Concept Plan subject to the following conditions:

1. Provision of a sidewalk connection between Maury Street and the main entrance of the structure.
2. Use of hardi-plank siding in place of vinyl siding

**STAFF REPORT**

**I. GENERAL INFORMATION**

1. **Purpose of Request:** The applicant is proposing to rezone the parcel at 1005 Maury Street to "PUD" Planned Unit Development District and approve the PUD Concept Plan for The Southern Rose. The PUD proposes a 3-story structure with 58 assisted living units. The requested vacation and conveyance of adjoining SE 10<sup>th</sup> and SE 11<sup>th</sup> Streets right-of-way is necessary in order to meet the minimum 2 acres required for a PUD.
2. **Size of Site:** The site measures 280' x 320' or 89,600 square feet (2.16 acres) including the requested right-of-way. Both of the requested segments of right-of-way measure 10' x 280' or 2,800 square feet (0.06 acre).
3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District.
4. **Existing Land Use (site):** The City-owned site includes a baseball field and open space.
5. **Adjacent Land Use and Zoning:**
  - North* – "R1-60" Use is single-family residential.
  - South* – "C-1", Use is the Youth Emergency Services and Shelter.
  - East* – "R1-60", Use is single-family residential.
  - West* – "R1-60", Use is single-family residential.

6. **General Neighborhood/Area Land Uses:** The subject property is located just west of the SE 14<sup>th</sup> Street commercial corridor in a predominantly low-density residential area. The subject property is adjacent to Youth Emergency Services and Shelter.
7. **Applicable Recognized Neighborhood(s):** NA.
8. **Relevant Zoning History:** NA.
9. **2020 Community Character Land Use Plan Designation:** Park/Open Space.
10. **Applicable Regulations:** The Commission reviews all proposals to vacate land dedicated for a specific public purpose, such as for streets and parks, to determine whether the land is still needed for such purpose or may be released (vacated) for other use. The recommendation of the Commission is forwarded to the City Council.

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. **Drainage/Grading:** The applicant will be required to comply with site plan standards for providing storm water management. The proposed PUD Concept Plan provides a stormwater detention basin in the northwestern portion of the site and a rain garden in the northeastern portion of the site. A statement on the PUD Concept Plan indicates that a stormwater management plan with on-site detention and piping to available public storm sewer will be provided and that grading and soil erosion code requirements will be met. The applicant will be required to file a grading and soil erosion control plan at the development plan phase.
2. **Utilities:** Overhead electrical lines, a gas main, and a 6" water main have been identified within the requested segments of right-of-way. Easements must be provided for all existing public utilities.
3. **Landscaping & Buffering:** The Proposed Concept Plan includes a statement that all landscaping will be in accordance with minimum landscape standards as applied to the "C-1" District. Although there are no specific standards for the "PUD" District, the landscape plan should generally enhance the visual appearance of the building, parking areas, and pedestrian areas with a minimum level of landscaping in accordance with standards that would be applied under Site Plan policies to a comparable development with standard zoning classification. The proposed Concept Plan provides adequate landscaping around the perimeter of the site and in landscaping beds around the proposed building and parking lot.
4. **Access or Parking:** The proposed assisted living facility use would require 0.25 stalls per unit and 1 stall per 2 staff persons on maximum shift. This would require approximately 25 stalls based on the 58-unit project with approximately 10 employees per shift. The submitted Concept Plan proposes 42 parking spaces within an "L"-shaped parking lot accessed by drive approaches from both SE 11<sup>th</sup> Street and Maury Street. No parking is proposed within any 25' front yard setback.

The proposed Concept Plan provides a sidewalk connection to the main entrance of the structure from SE 11<sup>th</sup> Street. **A sidewalk connection should also be provided from Maury Street to the main entrance** to further enhance pedestrian connectivity between the proposed structure and surrounding neighborhood.

- 5. **Traffic/Street System:** The requested vacation and conveyance of two 10'-wide segments adjoining the subject property will not impact the street system, as both SE 10th Street and SE 11th Street would still each have a 70'-wide right-of-way. Such a width is more than adequate for these residential streets.

The adjoining streets can adequately handle the traffic generated by the proposed 58-unit assisted living facility.

- 6. **2020 Community Character Plan:** The proposed density of the PUD is 28.2 units per acre, which requires a High Density Residential designation. The rezoning to "PUD" District and adoption of the proposed Concept Plan would require an amendment of the 2020 Community Character Plan's future land use designation from Low-Density Residential to High-Density Residential. Staff believes that the High-Density Residential designation is appropriate for this site, given its location along Maury Street and its close proximity to SE 14<sup>th</sup> Street.
- 7. **Urban Design:** The applicant is proposing an "L" shaped three-story structure with a maximum height of 45' that would be oriented toward Maury Street. The majority of the building would be brick, with accents and portions of the third floor being horizontal vinyl siding. Staff believes that the vinyl siding should be replaced with hardi-plank siding in order to improve the durability of the structure and compliment the proposed brick.

The building would be setback 25' from the front property lines adjoining SE 10<sup>th</sup> and SE 11<sup>th</sup> Streets and 40' from the south side property line adjoining the Youth Emergency Services and Shelter building. The building elevations show a hipped roof with asphalt shingles and several residential-style cross gables spaced over portions of the building. The proposed windows are casement type with faux muntin bars to give a divided appearance.

The proposed Concept Plan includes a monument sign located west of the drive approach from Maury Street. The sign would consist of two 60"-tall brick pillars to match the building with a 52" x 84" composite wood sign suspended between.

The Concept Plan includes provisions stating that all lighting will be downward facing on to the site and all rooftop mechanical equipment will be screened from view.

The submitted Concept Plan includes a provision stating that any fencing on the site would comply with the requirements applicable to the "R-3" Multiple-Family Residential District. No fencing is proposed at this time.

The Concept Plan indicates that all dumpsters will be internal to the proposed structure, accessed by an overhead garage door on the north facade.

**SUMMARY OF DISCUSSION**

Erik Lundy: Presented staff report and recommendation. Noted the applicant is also requesting to vacate portions of the right-of-way to make a 2 acre site for a PUD and to take advantage of excess right-of-way for open space and building setbacks. They are pulling the building away from the street and putting the parking toward Maury so traffic will get to Maury Street and SE 14<sup>th</sup> Street as quickly as possible to minimize any traffic impact on the neighborhood. The Traffic and Transportation division does not believe the request would generate anything that would burden the surrounding street systems or the neighborhood in terms of traffic congestion.

Dann Flaherty: Expressed concern for the parking standards and asked why zoning is set up to allow for only one parking space for two units.

Kent Sovern: Suggested that would be a suitable subject for R&O to review.

Brian Millard: Noted the applicant is proposing a rain garden and a detention pond.

Erik Lundy: Noted they would have to provide the minimum standard for storm water management and they are attempting to alleviate the less than five-year events. They are attempting a blend of methods to handle all storm water. Noted they are obligated to provide a certain amount of brick material as a result of their financing. Indicated staff has not discussed the siding condition with the applicant.

Marc Wallace: Noted the parking requirements are the best way to encourage people to walk and use public transportation. People do not move where there is not enough parking.

Dann Flaherty: Noted the entire area is zoned R1-60. In suburban areas parking is a necessity. Expressed concern that if there are no places to park, the residents will not get visitors.

Erik Lundy: Noted it is more than senior living arrangement, it is an assisted living facility.

Tim Urban: Noted the site plan provides plenty of room to expand the parking if necessary.

Erik Lundy: Noted the applicant has made an effort to keep the parking out of the front yard area.

Richard Helgeson, 7519 E. Torrey Point Circle, Mesa, AZ: Noted this will be an affordable assisted living facility. The number of residents with automobiles is probably only 15-20%. Explained the Commission reduced the parking stalls for The Rose, which is working fine. During the peak times of the day, the lot gets full between staff, family and visitors. Indicated 42 stalls is not excessive, but it will meet the needs. Construction costs are approximately \$110,000 to \$115,000 per unit; rental units are 100% at 50% or below AMI. 100% of the units will be rented for \$400 to \$520 with all utilities included.

Mike Ludwig: Complimented the applicant on The Rose, noting it is a good addition to the Drake neighborhood.

Dann Flaherty: Noted there are representatives from the south side that would enjoy an invitation to the Southern Rose open house.

Richard Helgeson: Noted he wants to comply with the sidewalk from Maury but doesn't want a motion that will cause a hardship for him.

Shirley Daniels: Asked if the siding that staff is requiring is the same as that on The Rose.

Richard Helgeson: Noted it is not, but he is amenable to the hardi-plank siding staff is requesting.

### **CHAIRPERSON OPENED THE PUBLIC HEARING**

*The following individual spoke in favor of the request:*

Curtis Forney, 1010 Maury Street: Noted the applicant invited residents in the area to a meeting to explain his plans and indicated there is street parking on 10<sup>th</sup> and 11<sup>th</sup> Street. Indicated he has lived in the area for the last 30 years. One concern was the area would turn commercial, but the residents are happy to see it going toward residential and they see that as positive. Believed the request would be a good fit for the neighborhood. He was hopeful the MLK expansion would alleviate some of the traffic on Maury. The applicant offered to open his facility for meeting space to the neighborhood. Submitted a petition in support of the applicant into the record.

*The following individual spoke in opposition of the request:*



Gary Pitts, 3724 SE 14<sup>th</sup> Street: Owns 18 rental units across the street from the request. Expressed concern that a three-story commercial building would be out of character with the residential neighborhood since residences are all single-story. Curious why it would have to be placed where it requires zoning changes when it could be placed on SE 14<sup>th</sup> where there is already commercial zoning. Concerned about flooding on Maury and suggested the runoff should be considered. Concerned about the setback and suggested it should be in line with the youth emergency shelter. It appears the building extends further over 10<sup>th</sup> and 11<sup>th</sup> than the shelter, dwarfing the shelter. Parking is a problem on 10<sup>th</sup> and 11<sup>th</sup> already. Tenants park there, as do their guests. Discouraged the Commission from considering 10<sup>th</sup> and 11<sup>th</sup> for overflow parking. Not objecting to the concept, just concerned about it dwarfing other buildings.

*There was no one else in the audience to speak on this item.*

Tim Urban: Noted the plan shows a cross-hatched strip and plan but doesn't show the configuration of the landscape plan. Asked if a landscape plan had been received showing the specificity of the plantings.

Mike Ludwig: Noted the final site plan is where they are required to submit landscape plan and identify quantities and species of landscaping.

Erik Lundy: Noted on the plan they agreed to meet the landscaping requirements for C-1 zoned properties.

#### **CHAIRPERSON CLOSED THE PUBLIC HEARING**

Tim Urban: Moved staff recommendation with the following provisions:

- Pedestrian access be provided to Maury Street;
- Placement of evergreen and overstory material be concentrated where it will soften the building elevations within the 25' setbacks.

Motion passed 11-0.

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:dfa

Attachment

Item 2006 00104

Date 8-12-06

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

RECEIVED

Print Name LEMORE ELLIS

AUG 15 2006

Signature Lemore L. Ellis

COMMUNITY DEVELOPMENT  
DEPARTMENT

Address 907 S.E. 11th St. 50309

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

I believe this is a worthy and well needed project for this area, and as long as it does not infringe on any one's property in the area, I totally approve this request.

Item 2006 00104

Date 8-15-2006

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

✓ outside 250' 54B

Print Name FRANKLIN R. FAILOR

Signature *Franklin R. Failor*

Address 912 SHAW ST

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

TRAFFIC PROBLEM IN NEIGHBORHOOD, INCREASED  
PROPERTY VALUES, ~~PROBLEM~~ PROBLEM WITH  
WITH INCREASING CRIME IN AREA  
PROPERTY SERVES PUBLIC ~~NEEDS~~ BETTER  
AS IS

Item 11-2006-21

Date 8/13/06

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

✓

AUG 15 2006

COMMUNITY DEVELOPMENT  
DEPARTMENT

Print Name GNS INVESTMENTS  
Gary D. Pitts

Signature *Gary D. Pitts*

Address PO Box 37247 DM I  
50315

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

A huge Three story building does not  
belong in a Residential Neighborhood.  
IF it looked like the School-YESS  
building it would fit. There isn't enough  
storm sewer now. Who will pay to add it  
800-802-5E10<sup>th</sup> ST

# STATEMENT IN SUPPORT OF THE SOUTHERN ROSE

We the undersigned, understand that The Southern Rose will be a facility only for the elderly citizens in the market area,

We believe the facility will be an improvement to the neighborhood, will provide a needed service to frail elderly citizens and will be a low traffic generator for the area.

We support the development of the proposed facility at 1005 Maury.

<u>Name</u>	<u>Address</u>	<u>Phone</u>
1. Joan L. Ellis	810 S.E. 10 <sup>th</sup> St	515 282-6880
2. Lenore Ellis	907 SE 10 <sup>th</sup> St.	874-9358
3. Brenda Jolley	1010 Maury St.	282-5209
4. Curtis Jolley	1010 MAURY	282-5209
5. Amanda Jolley	725 Maury	243-3034
6. Sheila Nelson	725 Maury St.	243-044
7. Greg Wilson	725 Maury St.	243-0444
8.		
9.		
10.		