

★ Roll Call Number

Agenda Item Number
53A

.....
Date October 8, 2007
.....

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

WHEREAS, the City Plan and Zoning Commission has advised in the attached letter that at a public hearing held October 4, 2007, the members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Curly Top, LLC (developer) represented by John Mauro (officer) to amend the Des Moines 2020 Community Character Plan land use designation from Low/Medium Density Residential to Medium Density Residential for property located at 1900 SE 6th Street, as more specifically shown on the accompanying map. The subject property is owned by the South Des Moines Little League, Inc.

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

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

FORM APPROVED:

Roger K. Brown
Assistant City Attorney

(21-2007-4.14)

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

CERTIFICATE

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

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

_____ City Clerk

October 22, 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 October 4, 2007, 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			
Jim Martin				X
Brian Millard	X			
Brook Rosenberg	X			
Mike Simonson				X
Kent Sovern	X			
Tim Urban	X			
Marc Wallace	X			

APPROVAL of a request from Curly Top, L.L.C., represented by John Mauro, Manager, as purchaser of the subject property from the South Des Moines Little League, Inc., to amend the Des Moines 2020 Community Character Plan land use designation for property located in the vicinity of 1900 SE 6th Street from Low/Medium Density Residential to Medium Density Residential. (21-2007-4.14)

By separate motion and vote, members recommended 11-0 for **APPROVAL** of a request to rezone subject property from Limited "R-3" Multiple-Family Residential District to "R-3" Multiple-Family Residential District, to remove the existing condition requiring a Planned Unit Development to allow up to 80 units of senior apartments subject to the owner agreeing to the following conditions: (ZON2007-00162)

1. Any multiple-family residential use of the property shall be limited to housing that qualifies as housing for older persons under the limitations and restrictions applicable to such housing under federal, state and local law.
2. Any buildings shall be constructed between the predominant off-street parking areas.
3. The height of any structure shall not exceed 3 stories.
4. Any site plan shall provide a landscaped screening along the north property line in excess of the standards as applicable to the "R-3" District to the satisfaction of the Plan and Zoning Commission.



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

5. Any site plan shall provide a stormwater management plan based on a hydrological analysis of the site.
6. Any structure shall have a north side yard setback in excess of the standards as applicable to the "R-3" District to the satisfaction of the Plan and Zoning Commission.

Written Responses

1 In Favor
6 In Opposition

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

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Part A) Staff recommends amending the Des Moines' 2020 Community Character Plan future land use designation from Low-Medium Density Residential to Medium Density Residential.

Part B) Staff recommends that the proposed rezoning be in found in conformance with the Des Moines' 2020 Community Character Plan.

Part C) Staff recommends rezoning the site to "R-3" Multiple-Family Residential District subject to the owner agreeing to the following conditions:

1. Any multiple-family residential use of the property is limited to senior living units only for residents 55 or older.
2. Any buildings shall be constructed between the predominant off-street parking areas and the public street.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to develop the subject property in two phases. Each phase would include 40 units of multiple-family senior living apartments for a total of 80 units.

The "R-3" District bulk regulations would permit a maximum 83 dwelling units on the 209,537-square foot site (2,500 square feet of lot area per dwelling unit). The subject property was formerly used as a baseball complex that was relocated to the Soldiers Field Park on SE 22nd Street. The South Des Moines Little League is currently marketing the land for future redevelopment.

Future redevelopment of the site for multiple-family residential use would be subject to review and approval of a site plan under Design Guidelines for Multiple-Family Residential by the Plan and Zoning Commission instead of development under a PUD.

2. **Size of Site:** Irregular-shaped site containing approximately 209,537 square feet or 4.81 acres.
3. **Existing Zoning (site):** Limited "R-3" Multiple Family Residential District.
4. **Existing Land Use (site):** The subject property currently contains the South Des Moines Little League complex with 4 baseball fields, multiple structures for concessions and restrooms, and a graveled parking lot.

5. Adjacent Land Use and Zoning:

North – “R1-60”, Uses are single-family residential.

South – “R1-60” and “C-1A”; Uses include bi-attached residential, East Columbus Avenue, and Don’s Lawn Service.

East – “R1-60” and “C-1”; Uses include the Firehouse Lounge tavern, Southeast 6th Street, and City of Des Moines’ Fire Station #6.

West – “R1-60”, Uses are single-family residential.

6. **General Neighborhood/Area Land Uses:** The subject property is located northwest of a neighborhood-commercial node at the intersection of Southeast 6th Street and East Hartford Avenue. It is bounded by a low-density residential neighborhood to the north and west.

7. **Applicable Recognized Neighborhood(s):** McKinley School/Columbus Park Neighborhood Association.

8. **Relevant Zoning History:** On June 19, 2006 the City Council rezoned the property from “C-1” & “R1-60” to “R-3” with the owner accepting the condition that “The Property shall not be subdivided by plat of survey, subdivision plat or other means, and no building permit shall be sought or issued for any habitable structure upon the Property, until the Property has been rezoned to the "PUD" Planned Unit Development District pursuant to the Zoning Ordinance of the City of Des Moines. It is the intent of the City by requesting this condition, and of the owners by consenting to this condition, that the property ultimately be redeveloped with townhomes in accordance with an approved "PUD" Conceptual Development Plan at a density not to exceed that allowed in the "R-3" Multiple Family Residential District.” The applicant is seeking to remove this condition.

9. **2020 Community Character Land Use Plan Designation:** Low-Density Residential.

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, prior to the City Council Hearing. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Drainage/Grading:** Drainage and grading shall be evaluated during the site plan review process before the site can be graded or developed. Any Site Plan must conform to the storm water management requirements in the Site Plan policies. In addition, the applicant will be required to comply with Iowa DNR requirements for a Storm Water Pollution Prevention Plan (SWPPP).

2. **Landscaping/Screening:** Future redevelopment of the site as multiple-family residential would be subject to review and approval of a Site Plan under design guidelines for multiple-family residential. Any such Site Plan shall be required to adhere to the landscape standards applicable to the “R-3” District.

3. **Traffic/Street System:** The subject site has approximately 360' of frontage along Southeast 6th Street and approximately 240' of frontage along East Columbus Avenue. The City's Traffic and Transportation staff have determined that the existing facilities on Southeast 6th Street and East Columbus Avenue can adequately handle the traffic generated by any future development of the site as multiple-family residential up to 17 units per acre.
4. **Access & Parking:** The submitted conceptual layout indicates that one phase of 40 units will access from SE 6th Street with the second phase accessing from East Columbus Avenue. The future arrangement of driveway access on the site shall be determined during the Site Plan review process.
5. **2020 Community Character Plan:** The current Low/Medium-Density Residential future land use designation permits a maximum 12 dwelling units per net acre, whereas Medium-Density Residential permits a maximum of 17 dwelling units per net acre. A Low/Medium-Density Residential designation would permit up to 57 dwelling units and a Medium-Density Residential designation would allow up to 81 dwelling units on the 4.81-acre (209,537 square feet) site. The previous rezoning contemplated townhome development that would be developed at densities no greater than 12 units an acre.

The current proposal seeks to maximize the density of the property under the Medium Density provision. The land area per unit maximum in the "R-3" Multiple-Family Residential District is in conformance with the proposed Medium Density Residential future land use designation. Staff believes that if limited to senior living development only, multiple-family residential at densities up to 17 units per acre will not provide any greater impact to the surrounding area than townhome development up to 12 units per acre.

6. **Urban Design:** The submitted conceptual site layout contemplates placement of the apartment buildings away from the street with parking constructed between the street and the building. Staff believes that it is more appropriate for the neighborhood character to bring the building as close as possible to the minimum 30' front yard setback to frame the street and to located parking behind the building.

SUMMARY OF DISCUSSION

Bert Drost: Presented staff report and recommendation. Noted a letter of support was received from the neighborhood association. Explained the condition recommended by staff that any building has to be located between the street and off-street parking would require the building be flipped from the conceptual plan to put the parking to the rear of the structure to frame the street. Added any future use for multi-family development would have to return to the Commission for review and approval of a site plan.

Fran Koontz: Asked if the development would be a tax-paying entity.

Bert Drost: Indicated he thought it would be, but deferred to the applicant. Noted most vegetation is on the perimeter. He explained a site plan had not been submitted for review.

John Mauro, President of Curley Top, 2611 Ingersoll Avenue: Noted the project is for senior citizens only and explained the commitment with the Federal government is for 50 years so the property cannot be sold to be used for anything else. Explained it is a project for low-income senior citizens and noted a market study that was done indicated a tremendous need for the subject use. Explained there is a common area with tables and a kitchen for the residents to use. Additionally there is a computer room, there will be supportive services, nurses will be brought in and there will be shuttles.

Jaime Malloy, Wells & Associates: Noted they have been working with staff to address all the issues on the site and explained they have more work done on the site than was presented by staff. Explained they are willing to work with the staff recommendation to flip the building and the parking. Explained the project is organized in two phases with one 40-unit building and another one oriented north/south instead of east/west due to site limitations. Indicated they have worked closely on the site to avoid removing any trees; there is one tree that will be removed as a result of required grading changes.

Chris Wernimont, Wells & Associates: Explained the parking structure on phase one is located closer to the road and acts more as a retaining system. By moving the building, three to four feet of fill will need to be brought into the site to elevate the building, so they are trying to maintain as low impact as possible.

Jaime Malloy: Explained moving the building would create some accessibility complications, but they could consider it. Presented an exterior elevation of the building and noted the project is tax-credit financed. Indicated the mechanical systems are top class, the building is over 60% brick with the remainder being hardi-panel, and the windows are low-e. Suggested senior apartment residents are very quiet and clean and are not in their cars a lot. The impact on the neighborhood is more positive and the demographics will support the development.

David Cupp: Asked how many units there would be.

Chris Wernimont: Noted each phase is 40 units.

David Cupp: Asked if flooding issues would be addressed when the site plan returns.

John Mauro: Noted that would have to be addressed when they put the sewers in. There is a problem with the front side; there is an opportunity for 40 more units, but he couldn't ensure phase 2 would go up until phase 1 is complete and indicated the property will remain on the market until phase 1 is done. Explained the soil is not very good on the front side facing SE 6th Street. They are considering putting the site on Columbus and not putting the other one up yet because it will be a cost of \$125,000 because they will have to go down 20 feet to get to the footings. Explained they are only allowed to charge a certain amount of rent, they are set by the Federal Government and the owner has to meet them. EIFA will not allow a project to go up that has any problems.

David Cupp: Expressed concern that if the entire area is rezoned but only phase 1 is developed, it could get sold off for low-income housing. He would want to lock in phase 2 so that couldn't happen.

John Mauro: Noted that could not happen because it is locked in. It cannot be turned into an apartment house. Indicated there are two retention ponds there and they will be addressing any other problems.

Jaime Malloy: Indicated the flooding on the site will be greatly improved by the detention ponds that are being placed and explained they will only hold water when there is a storm. Indicated moving the building to the south is a possible solution, but it would mean moving the detention from the south to the north side for phase one. Indicated the building being on the south would likely require it be on geo-piers or other deep foundation.

Dann Flaherty: Asked if they had discussed permeable surfaces for the concrete surfaces.

Jaime Malloy: Noted permeable paving has not been proven to be good for the environment with the salt and sand used in Iowa, but rain gardens would be a great solution.

John Mauro: Indicated he wants to do everything right and appease the neighbors.

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, expressing concerns with regard to flooding problems, mosquitoes, the height of the proposed building, traffic impacts and the crime rate in the area:

Richard Davis, 454 SE Dunham

Fran Koontz left the meeting at 7:29 p.m.

Gary Barden, 511 E. Dunham Avenue: Would like to see it rezoned back to R1-60 and C-1. He would like to see it be a park.

Valerie Barden, 511 E. Dunham Avenue: Preferred a single-family dwelling.

Lois Chapman, 509 E. Dunham Avenue

Phil Chapman, 509 E. Dunham Avenue

Jennifer Eaton, 437 E. Dunham Avenue: Indicated if phase two can be restricted to senior housing she would not be opposed.

John Mauro: Stressed there is a tremendous need for senior housing in this area and he would ensure the water problems are addressed. They will meet the staff requirements.

Tim Urban: Suggested setting limitations on the site for height restrictions.

David Cupp: Suggested the architects could address the concerns on the proposed site plan based on the input.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Kent Sovern: Moved staff recommendation for part A.

Tim Urban: Asked if there could be zoning restrictions that could be imposed on it.

Larry Hulse: Affirmed and indicated it would be demonstrated on the site plan, as well.

Bert Drost: Indicated the R-3 district limits heights to 45' and for every foot back from the property line past 30', one more foot of height can be added to the structure.

Tim Urban: Would like to see more setbacks and suggested they be approved by the Commission.

Motion for Part A passed 11-0.

Kent Sovern: Moved to place B & C together and moved staff recommendation with the following conditions:

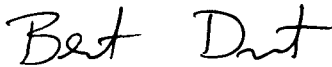
1. The height of any structure shall not exceed 3 stories.
2. Any site plan shall provide a landscaped screening along the north property line in excess of the standards as applicable to the "R-3" District to the satisfaction of the Plan and Zoning Commission.

3. Any site plan shall provide a stormwater management plan based on a hydrological analysis of the site.
4. Any structure shall have a north side yard setback in excess of the standards as applicable to the "R-3" District to the satisfaction of the Plan and Zoning Commission.

John Mauro: Accepted the conditions.

Motion passed 11-0.

Respectfully submitted,

A handwritten signature in black ink that reads "Bert Drost". The letters are cursive and somewhat stylized.

Bert Drost, AICP
Senior City Planner

BAD:dfa

Attachment



53A



McKinley School/Columbus Park Neighbors

224 E. Livingston, Des Moines, IA 50315

*Jim Post
Chairman
(515)282-9684*

Sept. 5. 2007

John Mauro

Mr. Mauro:

*Kay Costanzo
Vice Chairman
(515)282-0590*

Thank you for coming to our Neighborhood Meeting last night and presenting your idea of building a Low Income Senior Citizen Housing Project. Our Association feels that this would fill a need in our community. The location of the Old Little League Park is a good one. It is close to the Community Center, bus route and some businesses. We feel that you having been raised in this area will have a special feeling and want for the area and will maintain the property well. We would like to give you our support and blessing on this project.

Again thank you for including us and good luck!

*Betty Patrick
Sec./Treas.
(515)243-6440*

Sincerely,

Jim Post, Chair
McKinley School/Columbus Park Neighbors Assn.

JP/bp

*Per our discussion
Mary J*

Item 2007 00162

Date 9/25/07

I (and **RECEIVED**) of the request.

(Circle One)
SEP 28 2007

COMMUNITY DEVELOPMENT
DEPARTMENT

Print Name BROOKS, JOHN

Signature *John Brooks*

Address 2001 SE. 6th

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

*if the units are for senior citizens
only and stay that way. NO other
low rent etc. SENIORS ONLY*

Item 2007 00162

Date 9/29/07

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

RECEIVED ✓

OCT 02 2007

COMMUNITY DEVELOPMENT
DEPARTMENT

Print Name Tom Lovan

Signature Tom Lovan

Address 1800 SE 6TH, ST Des Moines, IA

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

would like to keep neighborhood as is; with
"houses" rather than "apartments"

Item 2007 00162

Date 9/26/07

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

RECEIVED ✓

SEP 28 2007

COMMUNITY DEVELOPMENT
DEPARTMENT

Print Name Bob Sowden

Signature Bob Sowden

Address 149 E Durham Ave

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

All drainage from this area accumulates in this area
Building this up will cause flooded basements and wet/stagnant
water in our yards.

Item 2007 00162

Date 9-26-2007

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

(Circle One)



Print Name Gary + Valerie Barden

Signature Gary Barden

Address 511 E. Dunham

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

3 story buildings will not fit the design of the homes in the neighborhood. 82-213 states in 1+2 any building shall be similar in size and height to the buildings on the same block. Also there is an underground spring or creek under that land. We don't want any large over 1 story homes being built there.

Item 2007 00162

Date 9/26/07

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

(Circle One)

RECEIVED

SEP 28 2007

COMMUNITY DEVELOPMENT DEPARTMENT



Print Name Richard + Valerie Davis

Signature Richard + Valerie Davis

Address 454 S.K. Dunham

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

Noise from Fire Station Tavern. Has had been tested here to be a low bill + Paul. Now about Storm Sewer, so water not draining on Neighbor's Back yards at Dunham. Should be turned into Neighbourhood Park. Also Jordan River Runs underneath this Area. 3-4" Rain and Pumps Start working

53A

Item 2007 00162

Date 9/20/07

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

(Circle One)

RECEIVED

OCT 01 2007

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name William & Kristen Laws

Signature *[Handwritten Signature]*

Address 441 E. Dunham Ave

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

Don't want any type of Apt. behind us
poss. of low rent, xtra traffic, noise
& people

Item 2007 00162

Date 9-29-07

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

(Circle One)

RECEIVED

OCT 02 2007

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name Lois Chapman

Signature *[Handwritten Signature]*

Address 509 E. Dunham

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

- ① We don't want the value of our home to go down.
- ② I don't want to look out my back window & see a 3 story Building in my backyard
- ③ Traffic is bad enough & school is over
- ④ We like our neighborhood & we don't want that ruined!