

Date..... October 9, 2006

WHEREAS, on September 25, 2006, by Roll Call No. 06-1872, it was duly resolved by the City Council that the application of Tim Hildebrandt, to rezone certain property owned by Donald White and Anderson Properties, Inc., and located in the vicinity of 5525 SE 14th Street, more fully described below, be set down for hearing on October 9, 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 28, 2006, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; 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; and,

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the following described property:

Except the West 400 feet, and except the East 510 feet of the South 538.64 feet, and Except the South 4.5 feet of the East 240.75 feet of the West 1033.5 feet - the South 25 acres of Lot 5, Official Plat of the Northwest Quarter of Section 26, Township 78 North, Range 24 West of the 5th P.M.; and, except the West 30 feet and except the East 10.2 feet - Lot 7, Capitol View Acres, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa (hereinafter referred to as the "Property").

from the "R1-80" One-Family Residential District to a Limited "R-3" Multiple Family Residential District classification, subject to the following conditions which are agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by all owners of said property and is binding upon the owners and their successors, heirs and assigns as follows:

- A. Only the following uses of structures and land shall be permitted upon the Property:
 - 1. Any use allowed in and as restricted in the "R1-80" One-Family Residential District.
 - 2. Multiple-family senior residential housing.
- B. None of the trees over 4 inch in caliper measured one foot above the ground shall be removed from the Property until a tree mitigation plan is approved by the City incident to the approval of a site plan or grading permit.
- C. Any development of the Property is subject to provision of storm water management in accordance with State Wide Urban Design and Specifications (SUDAS) standards for a two-year frequency storm event developed release rate.

Date..... October 9, 2006

- D. Any development of the Property will incorporate conservation design methods for mitigation of storm water runoff from more frequent than two-year storm events.
- E. Any site plan or platting of the Property for multiple-family residential use shall include a professionally prepared traffic study and access to the subject property shall be based on the traffic study as reviewed and approved by the City Traffic Engineer.
- F. In the site plan review process, the design and materials for any multiple-family structure built on the Property shall be reviewed by the City for compatibility with the adjoining residential properties.

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 of the Property to a Limited "R-3" Multiple Family Residential District are hereby overruled, and the hearing is closed.
2. The proposed rezoning is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan as amended on this date.

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

FORM APPROVED:


Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
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

September 25, 2006

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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 September 7, 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			



CITY PLAN AND ZONING COMMISSION
 ARMORY BUILDING
 602 ROBERT D. RAY DRIVE
 DES MOINES, IOWA 50309-1881
 (515) 283-4182

ALL-AMERICA CITY
 1949, 1976, 1981
 2003

APPROVAL of a request from Tim Hildebrandt (developer) to amend the Des Moines' 2020 Community Character Plan future land use designation from Low Density Residential to Medium Density Residential for property located at 5525 SE 14th Street. (21-2006-4.16)

By same motion and vote, members moved for **APPROVAL** of a request to rezone subject property from the "R1-80" One Family Residential District to the "R-3" Multiple-Family Residential subject to applicant agreeing to the following conditions: (ZON2006-00119)

1. Use of the subject property shall be limited to multiple-family senior residential housing due to existing stormwater concerns on the site.
2. No removal of trees from the subject property until review of a tree mitigation plan with any site plan submittal or grading permit application.
3. Any development of the site is subject to provision of storm water management in accordance with State Wide Urban Design and Specifications (SUDAS) standards for a two-year frequency storm event developed release rate.
4. Any development of the subject property will incorporate conservation design methods for mitigation of storm water from more frequent than two-year storm events.

5. Any site plan or platting of the subject property for multiple-family residential units shall include a professionally prepared traffic study and access to the subject property shall be based on the traffic study as reviewed and approved by the City Traffic Engineer.
6. Design and materials for any multiple-family structure built on the subject property shall be determined to be compatible with the adjoining residential properties by the Plan and Zoning Commission as part of site plan review.

Written Responses

1 In Favor

0 In Opposition

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

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Staff recommends approval of the requested rezoning subject to applicant agreeing to the following conditions:

1. Any use of the property for multiple-family use shall be restricted to elderly living or persons with disability living arrangements only.
2. No removal of trees from the subject property until review of a tree mitigation plan with any site plan submittal or grading permit application.
3. Any development of the site is subject to provision of storm water management in accordance with State Wide Urban Design and Specifications (SUDAS) standards for a two-year frequency storm event developed release rate.
4. Any development of the subject property will incorporate conservation design methods for mitigation of storm water from more frequent than two-year storm events.
5. Any site plan submittal or platting of the subject property for multiple residential units shall include a professionally prepared traffic study.
6. Primary vehicular access for any multiple family residential development shall be from SE 14th Street and in accordance with all applicable fire codes.
7. Design and materials for any multiple-family structure built on the subject property shall be determined to be compatible with the adjoining residential properties by the Plan and Zoning Commission as part of site plan review.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is conceptually proposing to develop up to 166 units for a range of elderly living with an initial phase of a 56-unit assisted living facility, a second phase consisting of six 10-unit Alzheimer cottages, and a final phase consisting of a 50-unit independent elderly living apartments. Development of this proposal will require review and approval of a site plan by the Commission under design guidelines for multiple-family residential.
2. **Size of Site:** Approximately 14.4 acres.
3. **Existing Zoning (site):** "R1-80" One Family Residential District.
4. **Existing Land Use (site):** Vacant land used for agricultural purposes with about an acre left in scrub timber.
5. **Adjacent Land Use and Zoning:**

North – Limited "C-2", Use is Dino's Storage mini-warehousing.

South – “R1-80”, Uses are single-family residential.

East – “R1-80”, Uses are open space and parkland.

West – “C-2”, Uses are a used vehicle display, furniture retail, and off-premises advertising sign.

6. **General Neighborhood/Area Land Uses:** The subject property is located just east of commercial property fronting the SE 14th Street major commercial corridor. The property is just west of the Ewing Park complex.
7. **Applicable Recognized Neighborhood(s):** Bloomfield/Allen Neighborhood Association and South Park Neighborhood Association.
8. **Relevant Zoning History:** N/A.
9. **2020 Community Character Land Use Plan Designation:** Low Density Residential and Commercial: Auto-Oriented, Community Commercial.
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. **Natural Site Features:** The subject property is primarily cultivated land use for agriculture. There is some scattered timber along a drainage swale and along the north, east and south boundary fence lines. A minor drainage way runs through the southern extension of the subject property fronting East Diehl Avenue.
2. **Drainage/Grading:** Development of the site for housing will require approval of a grading and soil erosion control plan in conformance with City standards. Storm water management in accordance with site plan policies will be required prior to development as well. The Commission will review this at the site plan stage.

The drainage way to the south of the subject property has experienced some negative impacts during more frequent rain events (less than the five year storm) due to volumes from commercial development on SE 14th Street. City requirements would not typically address the more frequent storm event volumes as they only require detention to be released at a five-year storm event rate.

Due to the known problems in the drainage way to the south during more frequent storms, staff recommends that development releasing to this drainage way adhere to SUDAS standards which require storm water to be released at the rate of a two-year frequency storm event. In addition, staff would recommend that any development of the subject property use low impact design or conservation design methods to keep storm water from more frequent than two-year storm events on the site putting it back into the ground instead of releasing it to the natural surface drainage away from the subject property.

3. **Utilities:** Utilities to serve the subject property will primarily be extended through easements on the property to west from SE 14th Street. This will require a preliminary subdivision plat

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approval for the property to the west. On site hydrants will be required in order to provide adequate fire protection.

- 4. **Landscaping & Buffering:** Development of the subject property will require compliance with the Des Moines Landscape standards. Conformance with these standards will be reviewed by the Commission at the site plan stage.
- 5. **Traffic/Street System:** Expansion of the SE 14th Street pavement width will likely be necessary with the developer required to make deceleration lane improvements between the Tasty Taco site entrance to the south and the primary access drive serving the site. Traffic and Transportation will require a traffic analysis at either the site plan or subdivision stage to provide basis for a determination on this requirement.
- 6. **Access or Parking:** While the actual required street frontage for the subject property is along East Diehl Avenue, the applicant is conceptually proposing a single drive entrance to the proposed development through adjoining commercial property along SE 14th Street. Preliminary evaluation of this concept from the Fire Marshall inspector indicates that this is acceptable based on the proposed zoning densities and the fact that multiple-family units will require fire sprinklers in the building.

Minimum off-street parking will be required to be provided as part of each phase of development. The assisted living and Alzheimer's care projects will require a minimum of one parking space for each four (4) dwelling units plus one space for each employee on maximum shift. The independent elderly living or persons with disability living apartments will require one space for every two (2) units.

- 7. **2020 Community Character Plan:** The proposed concept for the rezoning indicates a range of elderly residential living at a density that is less than 12 units per acre. The proposed land use amendment would revise all of the subject property to a Medium Density Residential designation that would allow up to 16 dwelling units per acre.
- 8. **Urban Design:** The applicant has not submitted any conceptual elevations for the architecture of the proposed elderly living residential buildings. A rendering of the front of the first phase assisted living project indicates the use of a Prairie/Arts and Crafts style architecture with residential character materials such as painted wood columns, lap type siding, and asphalt shingled roof. The character of any of these buildings as proposed will be reviewed by the Commission under the design guidelines for multiple-family residential during site plan consideration.
- 9. **Staff rationale:** Based on permitted residential densities and concerns regarding storm water run-off related to the surrounding area, staff recommends that the multiple-family residential be limited to elderly or assisted living arrangements. This restriction will result in less required off-street parking reducing impervious surfaces on the property thereby reducing storm water volumes.

SUMMARY OF DISCUSSION

Mike Ludwig: Presented staff report and recommendation. Noted a site plan would have to return for review by the Plan and Zoning Commission for the development of the property.

Bruce Heilman: Asked if it would be better to have the traffic at the signaled intersection (Diehl/SE 14th).

Mike Ludwig: Noted the primary access was proposed directly onto SE 14th, but there could be a secondary access onto Diehl.

Dann Flaherty: Expressed concern for the residents having to circumvent SE 14th Street, particularly since they are to be elderly residents. Would prefer the primary access be on Diehl and not SE 14th Street.

Mike Ludwig: Noted the Commission could recommend an amendment to the condition #6 that the primary access be determined by the traffic study or reviewed at the time of the site plan.

Bruce Heilman: Was not in objection to two access points, but "primary" would indicate that is the one they are expected to use.

Mike Ludwig: Suggested condition #6 could be deleted and amend condition #5 to say vehicular access to the property will be determined at the time of the traffic study.

Dann Flaherty: Asked if soil studies have been made a condition.

Larry Hulse: Noted that during the building permit review process, they show that the building will stand and the footings are proper given the soils condition. The applicant's soils engineers would need to review it.

David Cupp: Asked if the access onto SE 14th would be one direction only.

Larry Hulse: Noted it would likely be right in/ right out.

David McGinnis, 1109 Cody Circle, Fairfield, Iowa: Presented a rendering of the assisted living facility that would be on the site. Noted there is a break in the median and there is a driveway and an entrance. Noted there is an entrance to the property at a current structure that would be removed. Noted part of the southside revitalization was aesthetics and they considered that to be in accord with the SSRP (Southside Revitalization Plan). Phase 1 is the assisted living and the entrance is proposed through the C-2 property up front. Requested rezoning for senior housing, three phases: assisted living for some care without need for nursing home, independent living, where residents may drive more.

Jerry Purdy, Design Alliance Inc., 14225 University, Waukee: Noted the idea is for brick veneer, prairie style architecture and presented a rendering of what the building would look like. In the early stages of development of the project there was an interest in going to SE 14th Street to alleviate traffic to the single-family homes on the south side. Noted there will be few residents that will be driving to the facility, which minimizes traffic. Another access to Diehl Street could be considered, but the question would be if Diehl Street would be able to handle another access point from the intersection east to the property. The owner would have some question or concern if he had to redevelop the street to go from the stoplight a block east just to gain access to a secondary point to the site that they feel they can handle comfortably going to SE 14th. It would be a question through the site planning process that they would want to discuss. Noted the first phase to be the 40,000 sq foot and a single-story building. The site slopes from the northwest to the southeast. They believe the project is a suitable transition piece from the commercial development on the north side to the residential area to the south/southeast. Stormwater has to be managed on the site, and they have already been considering how to detain or retain water. They are concerned about staff request going from a five year to two year plan, which presents a hardship to the project due to increased capacity and the things that would require, but the owner is not opposed to it. Understood there were some drainage issues.

David Cupp: Asked about the three phases and how it breaks down.

Jerry Purdy: Noted the 56-unit assisted living project would be phase I; the early stage dementia unit would be Phase 2, which is independent housing; the truly independent living will be in phase 3.

Larry Hulse: Noted staff is serious about the storm water condition #3 and getting drainage issues resolved and staff would add that green approaches be considered on the site, not just the building. Noted there could be another solution to rebuilding Diehl and suggested there could possibly be frontage road options to consider.

Dann Flaherty: Noted permeable surfaces have been utilized for draining surface water.

Mike Ludwig: Explained zoning conditions have to be agreed to in writing by the applicant prior to the City Council hearing on the rezoning.

Dann Flaherty: Asked about soils testing.

Jerry Purdy: Noted the owner, structural engineer and soils engineer had discussions and will be moving enough dirt around that the water situation will be taken care of at the same time.

CHAIRPERSON OPENED THE PUBLIC HEARING

The following individuals spoke:

Robbie Robinson, 1590 E. Diehl Avenue, Des Moines: Spoke in favor but expressed concerns regarding water runoff. Welcomed the plan presented with the exception of phase 3. Believed four single-story buildings would be preferable. Did not think it was reasonable that phase 3 would not be presented along with Phase 1 and 2. Expressed concern regarding Diehl Avenue; narrow street and a lot of traffic from Hartford; not likely a safer entrance; not in favor of that entrance and would prefer it be made a green space. Also concerned regarding truck traffic that would make deliveries and suggested it would make more sense to be on the north side of the property. There are no curbs or sewer and are deep ditches along Diehl.

Tim Urban: Asked if there was substantial vegetation along the south edge; noted the concept plan shows the lower service drive close to the property line and the applicant has indicated they will do substantial grading. Concerned any vegetation that would separate the single-family homes from the development should be preserved.

Bruce Heilman left the meeting at 7:53 p.m.

Kevin Walker, 1540 E. Diehl: Noted he is in favor of the request; it will enhance the area.

Bill Lawless, 1470 SE Diehl: Spoke in favor of the request; asked about the future expansion for the northwest and southwest corners. Expressed concern for landscaping and drainage.

Joe Henry, 2463 East Highview: Member of SSRP and a real estate agent; spoke in favor of the request; noted it would be a great addition to the area and would be pleasant to see.

Mike Ludwig: Noted R-3 zoning was requested because there was not enough time to get everything together for a PUD. The processes will end up being similar. It will still require a site plan review and tree mitigation will be required. The site plan review will provide notice to the neighbors of the hearing and will provide more detailed information. The maximum height allowed for R-3 zoning is 45'. If zoning is granted, unless there is a condition that the height be restricted to a specific number of stories, the zoning would allow 45', but would be subject to a site plan. Summarized the R-3 requirements noting the design criteria for multi-family development, addressed the mass, and scale of buildings and compatibility with existing uses.

David Cupp: Asked if the City would have to rebuild Diehl to accommodate traffic.

Mike Ludwig: Noted it would be determined by the traffic study.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Mike Ludwig: Suggested clarifying condition #1 and noted it should possibly limit the R-3 zoning to the subject-type of facility. The concern could be other R-3 uses that could go on the property that would not require a site plan review and due to drainage concerns the use should be limited to multi-family senior housing use due to lower parking and paving requirements.

Brian Millard: Suggested it should be a PUD.

Dann Flaherty: Noted there is a tax situation that needs to be resolved and PUD may bar the financing and funding.

Brian Millard: Noted for the area and the city and the neighborhood a PUD would make the most sense.

Larry Hulse: Indicated if they don't have the financing mechanism there will be no project.

Mike Simonson: Moved staff with the following revisions:

1. delete condition #6
2. revise condition 5 to state "Any site plan or platting of the subject property for multi-family resident units shall include a professionally prepared traffic study and access to the subject property shall be based on the traffic study as reviewed and approved by the City Traffic Engineer.
3. revise condition 1 to state "use of the subject property shall be limited to multi-family senior residential housing due to existing stormwater concerns on the site".

Brian Millard: Asked if the zoning will go with the land or the developer.

Larry Hulse: Noted rezoning goes with the property and not the developer, which was the reason for the revision to zoning in condition #1 to restrict the use.

Brian Millard: Suggested a friendly amendment; concerned about the project not being a PUD and suggested a trigger on the project that would revert to the existing zoning or that it be specifically the presented project.

Mike Ludwig: Noted revising condition #1 would restrict the zoning to that use only and would require a site plan review by the Plan and Zoning Commission prior to any development.

Mike Simonson: Confident that the necessary restrictions will be obtained during site plan.

Motion 11-0 (Greg Jones, Mike Simonson, Jeffrey Johannsen, Brian Meyer, Kent Sovern, Dann Flaherty, David Cupp, Shirley Daniels, Tim Urban, Brian Millard and Marc Wallace).

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:dfa

Attachment

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Item 2006 00119

Date 8/28/06

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

RECEIVED

AUG 31 2006

COMMUNITY DEVELOPMENT
DEPARTMENT

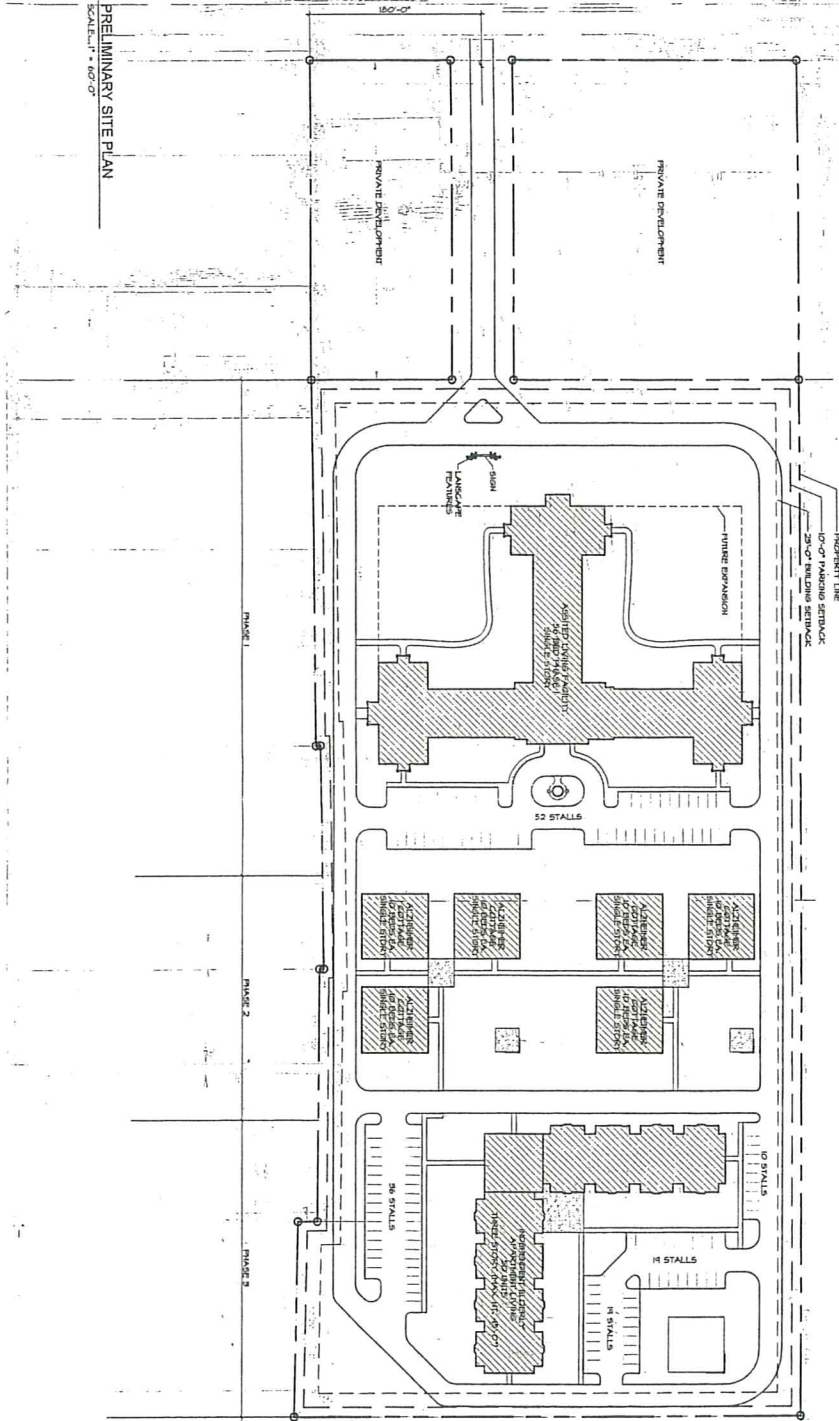
Print Name David S. Paladino

Signature [Handwritten Signature]

Address 1000 38th St S327
SP14E

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

PRELIMINARY SITE PLAN
SCALE: 1" = 60'-0"



1/8" = 1' = 1/8"

Sheet
C1.1
of
5

Title: PRELIMINARY SITE PLAN
Project No: 206019
Date:
File Name: C1

Revisions:

PRARIE HILLS @ DES MOINES

DES MOINES, IA

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DESIGN ALLIANCE INC.
1425 UNIVERSITY AVE.
SUITE 100
DES MOINES, IA 50319
P: 515.281.3444
F: 515.281.3448
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