

Agenda Item Number 48

Date October 22, 2007

WHEREAS, on October 8, 2007, by Roll Call No. 07-1940, it was duly resolved by the City Council, that the City Council consider a proposal from Evangelical Retirement Homes, Inc., represented by Robert Dahl (officer), to rezone certain property located in the vicinity of 2600 Hubbell Avenue and 2131 E. 25th Street from the "R-3" Multiple Family Residential District and "FW" Floodway District classification to the "PUD" Planned Unit Development District classification, and to approve the proposed "PUD" Conceptual Plan for such property, and that such proposal be set down for hearing on October 22, 2007, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on October 11, 2007, 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 2600 Hubbell Avenue and 2131 E. 25th Street, more fully described as follows (the "Property"):

ALL THAT PART OF THE NORTHWEST ONE-QUARTER (NW ¹/₄) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 31, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M., AND THAT PART OF LOTS 1 THROUGH 9, IN BLOCK 3, IN EASTON PLACE PLAT 4, AN OFFICIAL PLAT, AND ALL INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE N ¼ CORNER OF SAID SECTION 31; THENCE SOUTH 00°03'00" EAST, 25.00 FEET TO THE POINT OF BEGINNING, SAID POINT FALLS ON THE SOUTH RIGHT-OF-WAY LINE OF GUTHRIE AVENUE, AS PRESENTLY ESTABLISHED; THENCE NORTH 89°36'09" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 1158.90 FEET; THENCE SOUTH 33°08'45" EAST, A DISTANCE OF 21.64 FEET, TO THE WESTERLY RIGHT-OF-WAY LINE OF AVENUE FREDERICK M. HUBBELL, AS PRESENTLY ESTABLISHED; THENCE SOUTH 24°06'22" WEST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 1100.23 FEET. TO A POINT THAT IS THE APPROXIMATE CENTERLINE OF A DRAINAGE DITCH, LOCALLY KNOWN AS THE SEVENTH WARD DITCH; THENCE NORTH 40°15'57" WEST. ALONG THE APPROXIMATE CENTERLINE OF SAID DITCH, A DISTANCE OF 303.44 FEET; THENCE NORTH 39°58'33" WEST, A DISTANCE OF 92.37 FEET; THENCE NORTH 47°38'03" WEST, A DISTANCE OF 360.72 FEET; THENCE NORTH 67°38'22" WEST, A DISTANCE OF 78.05 FEET; THENCE NORTH 74°30'07" WEST, A DISTANCE OF 162.77 FEET, TO THE EAST LINE OF LOT 8, IN SAID EASTON PLACE PLAT 4; THENCE SOUTH 00°04'51" EAST, ALONG THE

(continued)



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EAST LINE OF SAID EASTON PLACE PLAT 4, A DISTANCE OF 68.55 FEET TO THE SOUTHEAST CORNER OF LOT 9, IN SAID EASTON PLACE PLAT 4; THENCE SOUTH 89°57'13" WEST, ALONG THE SOUTH LINE OF SAID LOT 9, A DISTANCE OF 131.90 FEET TO THE EAST RIGHT-OF-WAY LINE OF E. 25TH STREET, AS PRESENTLY ESTABLISHED; THENCE NORTH 00°03'34" WEST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 468.67 FEET, TO THE SOUTH RIGHT-OF-WAY LINE OF SAID GUTHRIE AVENUE; THENCE NORTH 89°56'26" EAST, ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 131.95 FEET; THENCE SOUTH 81°41'38" EAST, ALONG SAID LINE, A DISTANCE OF 30.35 FEET TO THE POINT OF BEGINNING, CONTAINING 17.75 ARES, MORE OR LESS.

from the "R-3" Multiple Family Residential District and "FW" Floodway District classification to the "PUD" Planned Unit Development District classification; and,

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

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

3. The "PUD" Conceptual Plan for the Property described above, which is on file in the Community Development Department and provides for the redevelopment of the existing retirement community in a phased master plan approach including the addition of new independent apartments, assisted living apartments, catered living, and brownstone townhomes to replace the existing

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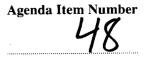
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independent cottages, catered living and skilled units, bringing the total from 261 existing units to 336 units at completion is hereby approved, subject to the plan being first amended to satisfy the following conditions, and subject to the Community Development Director finding that such conditions have been satisfied by the amendments to the plan:

- a) The PUD Conceptual Plan is amended to either exclude the portion that is zoned "FW" Floodway or to reflect the boundary of the engineered floodway to define the areas impacted by flooding.
- b) Provision of a statement that a survey of all trees over 6" in caliper for the areas in which trees will be removed shall be submitted at the PUD Development Plan review phase.
- c) Provision of a statement that no tree removal, grading, or construction shall occur on the site until the PUD Development Plan is approved.
- d) Provision of a turnaround at the west terminus of the 390' dead-end service drive along the south edge of the project site.
- e) Provision of a statement that any canopy over an access drive shall be constructed with a minimum vertical clearance of 13'-6".
- f) Provision of a statement that all landscaping will be in accordance with minimum landscape standards as applied to the "R-3" Multiple-Family Residential District.
- g) Provision of a sidewalk along East 25th Street.
- h) Provision of sidewalk connections from all buildings to the sidewalks along public streets.
- i) Provision of a statement that at least 15% of the facade would be stone and/or masonry materials, with the remainder being hard surface material such as stucco or hardi-plank siding.
- j) Provision of a statement that all roofing material shall be architectural-type shingles of a color to complement the stone or masonry materials.
- k) Provision of a statement that any fencing on the site be in accordance with the regulations as applicable to the "R-3" District and that any chain link fence shall be clad with black vinyl.
- 1) Provision of a statement that any dumpster enclosure shall be constructed with masonry materials to match the proposed structures.

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Roll Call Number



Date October 22, 2007

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

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FORM APPROVED:

Roger K. Brown

Assistant City Attorney G:\SHARED\LEGAL\BROWN\WORK\REZONING\Evangelical.doc

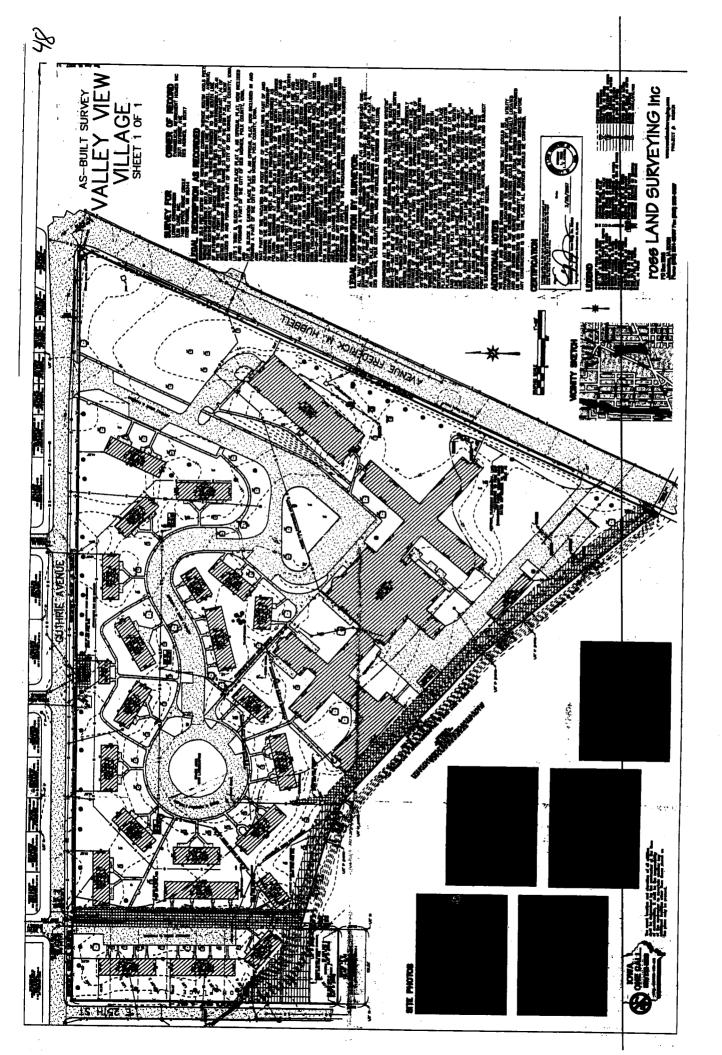
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CERTIFICATE

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.

.....



October 8, 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 September 20, 2007, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 as follows:

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

APPROVAL of a request from Evangel Retirement Homes, Inc. (owner) represented by Robert Dahl (officer) to rezone property located at 2600 Hubbell Avenue & 2131 E. 25th Street from "R-3" Multiple-Family Residential District and "FW" Floodway District to "PUD" Planned Unit Development, and for approval of a PUD Conceptual Plan for "Valley View Village" to allow redevelopment of the existing retirement community in a phased master plan approach including the addition of new independent apartments, assisted living apartments, catered living, and brownstone townhomes to replace existing independent cottages, custodial living, and skilled units, bringing the total from 261 existing units to 336 units at complete implementation of the plan subject to the following conditions: (ZON2007-00142)

- 1. The PUD Conceptual Plan is amended to either exclude the portion that is zoned "FW" Floodway or to reflect the boundary of the engineered floodway to define the areas impacted by flooding.
- 2. Provision of a statement that a survey of all trees over 6" in caliper for the areas in which trees will be removed shall be submitted at the PUD Development Plan review phase.
- 3. Provision of a statement that no tree removal, grading, or construction shall occur on the site until the PUD Development Plan is approved.
- 4. Provision of a turnaround at the west terminus of the 390' dead-end service drive along the south edge of the project site.



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. Provision of a statement that any canopy over an access drive shall be constructed with a minimum vertical clearance of 13'-6".
- 6. Provision of a statement that all landscaping will be in accordance with minimum landscape standards as applied to the "R-3" Multiple-Family Residential District.
- 7. Provision of a sidewalk along East 25th Street.
- 8. Provision of sidewalk connections from all buildings to the sidewalks along public streets.
- 9. Provision of a statement that at least 15% of the facade would be stone and/or masonry materials, with the remainder being hard surface material such as stucco or hardi-plank siding.
- 10. Provision of a statement that all roofing material shall be architectural-type shingles of a color to complement the stone or masonry materials.
- 11. Provision of a statement that any fencing on the site be in accordance with the regulations as applicable to the "R-3" District and that any chain link fence shall be clad with black vinyl.
- 12. Provision of a statement that any dumpster enclosure shall be constructed with masonry materials to match the proposed structures.

Written Responses

4 In Favor

1 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 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 B) Staff recommends approval of the requested rezoning from "R-3" Multiple-Family Residential District and "FW" Floodway District to "PUD" Planned Unit Development District so long as the request is either amended to exclude the area that is zoned "FW" Floodway or the Conceptual Plan is amended to reflect the boundary of the engineered floodway to define the areas impacted by flooding.

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

- 1. The PUD Conceptual Plan is amended to either exclude the portion that is zoned "FW" Floodway or to reflect the boundary of the engineered floodway to define the areas impacted by flooding.
- 2. Provision of a statement that a survey of all trees over 6" in caliper for the areas in which trees will be removed shall be submitted at the PUD Development Plan review phase.
- 3. Provision of a statement that no tree removal, grading, or construction shall occur on the site until the PUD Development Plan is approved.
- 4. Provision of a turnaround at the west terminus of the 390' dead-end service drive along the south edge of the project site.
- 5. Provision of a statement that any canopy over an access drive shall be constructed with a minimum vertical clearance of 13'-6".
- 6. Provision of a statement that all landscaping will be in accordance with minimum landscape standards as applied to the "R-3" Multiple-Family Residential District.
- 7. Provision of a sidewalk along East 25th Street.
- 8. Provision of sidewalk connections from all buildings to the sidewalks along public streets.
- 9. Provision of a statement that at least 15% of the facade would be stone and/or masonry materials, with the remainder being hard surface material such as stucco or hardi-plank siding.
- 10. Provision of a statement that all roofing material shall be architectural-type shingles of a color to complement the stone or masonry materials.

- 11. Provision of a statement that any fencing on the site be in accordance with the regulations as applicable to the "R-3" District and that any chain link fence shall be clad with black vinyl.
- 12. Provision of a statement that any dumpster enclosure shall be constructed with masonry materials to match the proposed structures.

STAFF REPORT

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is proposing to redevelop the existing retirement community in a phased master plan approach to expand the complex from 261 existing units to 336 units. The existing 3-story multiple-family residential structure along Hubbell Avenue constructed in 1990 would be incorporated into the development while all other existing structures on the site would be removed. The proposed development includes a mix of new independent apartments, assisted living apartments, catered living units, and brownstone townhomes to replace existing independent cottages, custodial living, and skilled-care units. The PUD Conceptual Plan also includes a "Town Center" that would provide services including a bank, library, cafe, classrooms, chapel, and beauty shop.

A portion of the property along East 25th Street is within the FEMA Engineered Floodway and is currently zoned "FW" Floodway District. Therefore the rezoning request needs to be amended to either exclude the portion that is zoned "FW" Floodway or to reflect the boundary of the engineered floodway on the Conceptual Plan to define the areas impacted by flooding.

- 2. Size of Site: 17.73 acres.
- 3. Existing Zoning (site): "R-3" Multiple-Family Residential District and "FW" Floodway District.
- **4. Existing Land Use (site):** The site is a retirement community with 261 units within a 79-bed skilled nursing facility, a 77-bed custodial care facility, 75 units within one-story cottages, and a 30-unit independent living apartment building.

5. Adjacent Land Use and Zoning:

North - "R1-60" Uses are Guthrie Avenue and single-family residential.

South - "FW" & "C-4", Uses are Leetown Creekway and Gordman's retail store.

East - "R1-60", Uses are Hubbell Avenue and Evangelical Covenant Church.

West - "R1-60" & "FW", Uses are East 25th Street and single-family residential.

- 6. General Neighborhood/Area Land Uses: The subject property is located at the southwest corner of Hubbell Avenue and Guthrie Avenue. The site is surrounded by commercial uses along Hubbell Avenue and by single-family residential to the north and west.
- 7. Applicable Recognized Neighborhood(s): Fairmont Park Neighborhood Association.
- 8. Relevant Zoning History: N/A.
- 9. 2020 Community Character Land Use Plan Designation: High-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, 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 site currently has multiple mature trees scattered throughout the site and around the perimeter. Staff recommends that the PUD Conceptual Plan include a statement that a survey of all trees over 6" in caliper for the areas in which trees will be removed shall be submitted at the PUD Development Plan review phase. Staff also recommends provision of a statement that no tree removal, grading, or construction shall occur on the site until the PUD Development Plan has been approved.
- 2. Drainage/Grading: The future PUD Development Plan would be required to comply with site plan standards for providing storm water management. The proposed PUD Concept Plan indicates the majority of stormwater would be directed to the adjacent Leetown Creekway. The applicant would be required to file a grading and soil erosion control plan at the development plan phase.
- 3. Fire Protection: A turnaround must be provided at the westerly terminus of the 390' dead-end service drive along the south edge of the project site, as this drive is required for fire apparatus access. In accordance with 2006 IFC Section 503.2.5, dead-end fire apparatus roads in excess of 150' in length shall be provided with an approved area for turning around fire apparatus. A note must also be provided on the Concept Plan to indicate that any canopy over an access drive shall be constructed with a minimum vertical clearance of 13'-6".

The future PUD Development Plan must show locations of existing fire hydrants along Guthrie Avenue and Hubbell Avenue and any onsite fire hydrants and provide approved fire hydrant distribution for all private streets and drives. Location and spacing of fire hydrants shall be in accordance with 2006 IFC, TableC105.1.

4. Landscaping & Buffering: The proposed Concept Plan identifies 29 existing overstory trees and 14 existing evergreen trees that would remain around the perimeter of the site. The Concept Plan also provides an additional 34 overstory trees, 40 evergreen trees, and 42 shrubs.

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. Staff recommends that the Proposed Concept Plan include a statement that all landscaping will be in accordance with minimum landscape standards as applied to the "R-3" Multiple-Family Residential District. This would ensure adequate landscaping and screening within and around all parking lots.

- 5. Access or Parking: The proposed Concept Plan states that the development would provide a minimum of 1 parking space per 2 dwelling units, for a total of 169 parking spaces. The Concept Plan demonstrates that parking would be provided throughout the development within parking lots, underground parking, and a garage with 30-stalls.
- 6. Traffic/Street System: The proposed Concept Plan indicates that access to the develop would utilize an existing drive approach along Hubbell Avenue and two existing drive approaches along Guthrie Avenue, with one new approach from Guthrie Avenue.

The Conceptual Plan demonstrates numerous pedestrian connections on the site. Staff recommends that in addition the to the proposed sidewalks, the Conceptual Plan should include a sidewalk along East 25th Street, as well as sidewalk connections from all buildings to the sidewalks along public streets.

- 7. 2020 Community Character Plan: The proposed 338 dwelling units on 17.73 acres represents a density of 18.95 units per acre, which is in conformance with the High-Density Residential land use designation.
- 8. Urban Design: The submitted elevations indicate that all structures would have a common architectural theme. According to the submitted renderings and narrative, at least 15% of all facades would be stone and/or rock-faced block. The remainder will be hard surface material such as brick, stucco, and cement board siding. Roofing would be a profile (architectural) shingle of a color to complement the stone. Staff recommends that the notes provided in the narrative regarding construction materials be transferred to the Concept Plan.

The elevations indicate that significant articulation of the structures would be achieved through variation of rooflines, setbacks, patterns of door and window placement, and the use of characteristic entry features. The elevations also indicate that structures would have multiple gables to break up expansive roof plains.

All structures would be setback at least 35' from any property line.

The proposed Concept Plan indicates that two monument signs would be located near entrances from Guthrie Avenue. These decorative signs would be constructed of stone and masonry materials to complement the proposed structures and include planters. An additional sign constructed of stone would face the intersection of Hubbell Avenue and Guthrie Avenue.

The proposed Concept Plan does not indicate fencing would be permitted on the site. Staff recommends that a note be added to state that any fencing on the site be in accordance with the regulations as applicable to the "R-3" District and that any chain link fence shall be clad with black vinyl.

Staff recommends that a note be added to the Concept Plan stating that any dumpster enclosure shall be constructed with masonry materials to match the proposed structures.

SUMMARY OF DISCUSSION

There was no one to speak on this item and there was no discussion.

Kaye Lozier: Moved for approval of the staff recommendation.

Motion passed 12-0.

Respectfully submitted,

Michael Ludwig, AICP Planning Administrator

MGL:dfa

Attachment

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