

Date October 22, 2012

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 September 20, 2012, the members voted 12-0 to recommend **APPROVAL** of a request from Christ the King Housing Services, LLP (owner) represented by Msgr. Frank Bognanno (officer) for property located at 5602 Southwest 9<sup>th</sup> Street to amend the Des Moines' 2020 Community Character Plan to revise the future land use designation from Low-Density Residential to High Density Residential.

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:

  
 \_\_\_\_\_  
 Michael F. Kelley  
 Assistant City Attorney

(21-2012-4.10)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
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

Date \_\_\_\_\_

October 2, 2012

Agenda Item 42A

Roll Call # \_\_\_\_\_

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, 2012, the following action was taken regarding a request from Christ the King Housing Services, LLP (owner) represented by Msgr. Frank Bognanno (officer) to rezone property located at 5602 Southwest 9<sup>th</sup> Street.

**COMMISSION RECOMMENDATION:**

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

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Tim Fitzgerald	X			
Dann Flaherty	X			
John "Jack" Hilmes	X			
Ted Irvine	X			
Greg Jones	X			
William Page	X			
Christine Pardee	X			
Mike Simonson				X
CJ Stephens	X			
Vicki Stogdil	X			

**APPROVAL** of Part A) to find the rezoning not in conformance with the Des Moines' 2020 Community Character Plan future land use designation; Part B) to approve the requested amendment to the Des Moines' 2020 Community Character Plan to revise the future land use designation from Low-Density Residential to High Density Residential; and Part C) to approve the rezoning to a Limited "R-4" High Density Residential District subject to the applicant agreeing to the following conditions: (ZON2012-00151)

1. Any multiple-family residential use of the property shall be limited to housing for the elderly whereby residents must be over the age of 55 years.
2. Any multiple-family residential use of the property shall be in substantial compliance with the submitted architectural rendering and site sketch, to include brick, stone, or masonry block around the lower two levels.



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

ALL-AMERICA CITY  
1949, 1976, 1981  
2003

## STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested rezoning be found not in conformance with the Des Moines' 2020 Community Character Plan future land use designation.

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

Part C) Staff recommends approval of rezoning to a Limited "R-4" High Density Residential District subject to the applicant agreeing to the following conditions:

1. Any multiple-family residential use of the property shall be limited to housing for the elderly whereby residents must be over the age of 55 years.
2. Any multiple-family residential use of the property shall be in substantial compliance with the submitted architectural rendering and site sketch, to include brick, stone, or masonry block around the lower two levels.

### Written Responses

4 In Favor

0 In Opposition

## STAFF REPORT

### I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to have the property rezoned to allow for a four-story 25 unit senior living apartment project.
2. **Size of Site:** 27,165 square feet.
3. **Existing Zoning (site):** "C-2" General Retail and Highway Oriented Commercial District and "R1-60" One-Family Low-Density Residential District.
4. **Existing Land Use (site):** The subject property is currently used for a single-family dwelling.
5. **Adjacent Land Use and Zoning:**
  - North** – "C-2" and "R-2", Use is Orchard Place children's home.
  - South** – "C-2" and "R1-60", Use is Heritage Manor nursing home.
  - East** – "C-2", Use is Christ the King senior apartments Phase I.
  - West** – "R1-60", Use is Kurtz School which is currently serving for the Lincoln High School 9<sup>th</sup> grade class.
6. **General Neighborhood/Area Land Uses:** The subject property is located along the Southwest 9<sup>th</sup> Street commercial corridor which is a blend of neighborhood retail/office and mixed densities of residential development.

7. **Applicable Recognized Neighborhood(s):** The subject property is within the Watrous South Neighborhood, and is within 250 feet of the Fort Des Moines Neighborhood area east of Southwest 9<sup>th</sup> Street. These neighborhoods were notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhoods on August 31, 2012. Additionally, separate notifications of the hearing for this specific item were mailed on August 31, 2012 (20 days prior) and September 10, 2012 (10 days prior to the scheduled hearing) to Watrous South and Fort Des Moines Neighborhood Associations and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on September 14, 2012.

All agendas and notices are mailed to the primary contact person designated to the City of Des Moines Neighborhood Development Division by the recognized neighborhood association. The Watrous South Neighborhood Association mailings were sent to Dan Law at PO Box 35845, Des Moines, IA, 50315. The Fort Des Moines Neighborhood Association mailings were sent to Debbie Jorgenson, 5500 Southeast 1<sup>st</sup> Court.

The applicant scheduled a neighborhood meeting at Christ the King campus for Monday, September 17, 2012. This included invitation to Watrous South and Fort Des Moines Neighborhood Associations and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. The applicant will provide a summary of the meeting at the public hearing.

8. **Relevant Zoning History:** N/A.

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:** Any future development of the subject property will require a storm water management plan and a soil erosion protection and grading plan as part of the Site Plan review. The property currently surface drains towards the north and northeast. Stormwater is picked up in the street intakes located at the southeast corner of East Porter Avenue and Southwest 9<sup>th</sup> Street. There is public storm sewer available in that location to serve the site.
2. **Landscaping & Buffering:** Landscaping and tree plantings will be required in accordance with the Des Moines Landscape Standards as applicable to "R-4" Districts. In this instance the submitted site concept indicates that there is not a bufferyard along

the west and south side of the proposed off-street parking area. Such a proposal will require Board of Adjustment relief.

- 3. **2020 Community Character Plan:** The proposed future development for residential density at approximately 40 units per acre is not consistent with the current Low Density Residential future land use designation. An amendment to revise the designation to High Density Residential is therefore required.

Staff believes that this would be an appropriate designation for this location based on the proposed limitation to the rezoning that the unit density would only be for senior living apartments. Senior living projects do not generate many additional vehicle trips per day as compared to a general residential apartment project. Also there would not be the same level of demand for additional open space normally necessary for recreational areas for youth activity. The site would also not be able to accommodate required parking for general multiple-family residential parking.

- 4. **Urban Design:** The conceptual elevations and renderings propose a four-story apartment building with steep gabled roof elements. The exterior materials are proposed to be predominantly brick with the first and second levels entirely clad in two different tones of brick. Upper levels are proposed to include a combination of overlap siding on upper levels and vertical siding beneath gables. There is detailed molding, cornices, banding and columns are proposed for the structure in a contrasting white finish. It should be noted that the proposed design for the subject property is very similar in its architecture and scale to the 28 unit senior living project recently developed by the applicant directly to the east across Southwest 9<sup>th</sup> Street,

Final design will be considered by the Plan and Zoning Commission with the review of the Site Plan under design guidelines for multiple-family residential use. Staff believes that any Site Plan should be in substantial compliance with the submitted rendering and site sketch.

**SUMMARY OF DISCUSSION**

*There was no discussion*

**CHAIRPERSON OPENED THE PUBLIC HEARING**

*There was no one to speak in favor or in opposition of the applicant's request*

**COMMISSION ACTION:**

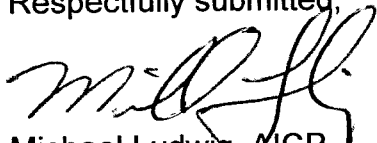
CJ Stephens moved staff recommendation (Part A) to find the rezoning not in conformance with the Des Moines' 2020 Community Character Plan future land use designation; (Part B) to approve the requested amendment to the Des Moines' 2020 Community Character Plan to revise the future land use designation from Low-Density Residential to High Density Residential; and (Part C) to approve the rezoning to a Limited "R-4" High Density Residential District subject to the applicant agreeing to the following conditions:

- 1. Any multiple-family residential use of the property shall be limited to housing for the elderly whereby residents must be over the age of 55 years.

2. Any multiple-family residential use of the property shall be in substantial compliance with the submitted architectural rendering and site sketch, to include brick, stone, or masonry block around the lower two levels.

Motion passed 12-0.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Ludwig". The signature is stylized and cursive.

Michael Ludwig, AICP  
Planning Administrator

MGL:clw

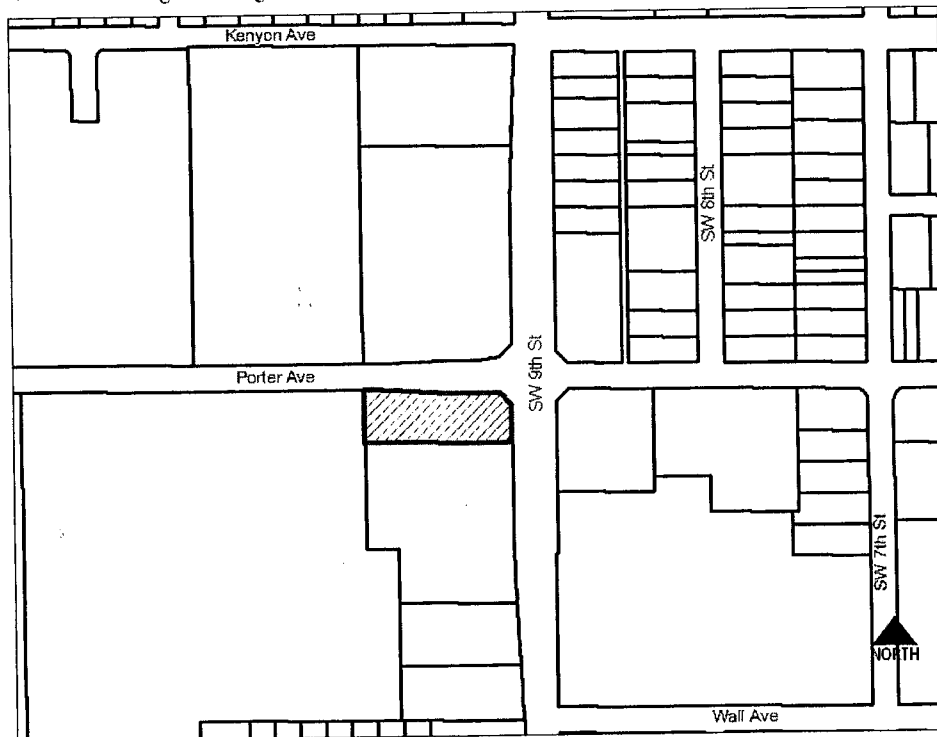
Attachment

42A

Request from Christ the King Housing Services, LLP (owner) represented by Msgr. Frank Bognanno (officer) to rezone property located at 5602 Southwest 9 <sup>th</sup> Street.		File # ZON2012-00151			
<b>Description of Action</b>	Approval to rezone from "C-2" General Retail and Highway Oriented Commercial District and "R1-60" One-Family Low-Density Residential District to Limited "R-4" High Density Residential District to allow development of 25 senior residential apartments subject to the applicant agreeing to conditions.				
<b>2020 Community Character Plan</b>	Low-Density Residential <i>Proposed: High Density Residential</i> <i>Current: 0</i>				
<b>Horizon 2035 Transportation Plan</b>	SW 9 <sup>th</sup> Street from the Raccoon River to Army Post Road to widen from 4 lanes undivided to 5 lanes undivided				
<b>Current Zoning District</b>	"R1-60" One-Family Low-Density Residential District and "C-2" General Retail and Highway Oriented Commercial District				
<b>Proposed Zoning District</b>	Limited "R-4" High Density Residential District				
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	4				
Outside Area					
<b>Plan and Zoning Commission Action</b>	Approval	12-0	<b>Required 6/7 Vote of the City Council</b>	Yes	N/A
	Denial			No	

Christ the King Housing Services LLP - 5602 SW 9th Street

ZON2012-00151



Item ZON 2012-000151 Date 9/11 2012  
 (am) (am not) in favor of the request.  
(Circle One)  
Print Name CHRIS ALDINGUE  
Signature [Signature]  
Address 5711 SW 9th ST

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

needed housing in area, neighborhood  
improvement, TAX BASE increased

Item ZON 2012-000151 Date 9-11-2012  
 (am) (am not) in favor of the request.  
(Circle One)  
Print Name CHRIS ALDINGUE  
Signature [Signature]  
Address 5711 SW 9th ST DM

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

Building Improvement, larger TAX BASE



Item ZON 2012-000151 Date 9-13-12

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

Print Name Orchard Place (Des Moines Children's Home)  
Signature Valerie Stussaker, CFO  
Address 925 Porter Avenue

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

Sounds like a much needed project.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Item ZON 2012-000151 Date 9-14-12

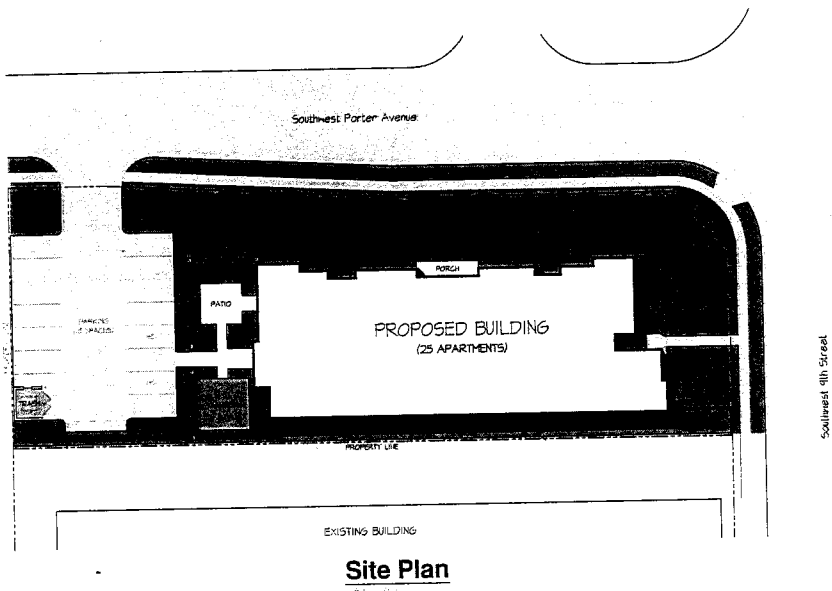
(am)  (am not) in favor of the request.  
(Circle One)

Print Name Debbie Jorgenson  
Signature Debbie S. Jorgenson  
Address 5500 SE 6th Ct

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

Feel it will be a benefit to the neighborhood.  
\_\_\_\_\_  
PLATE OF DES MOINES  
RESOLUTION #107





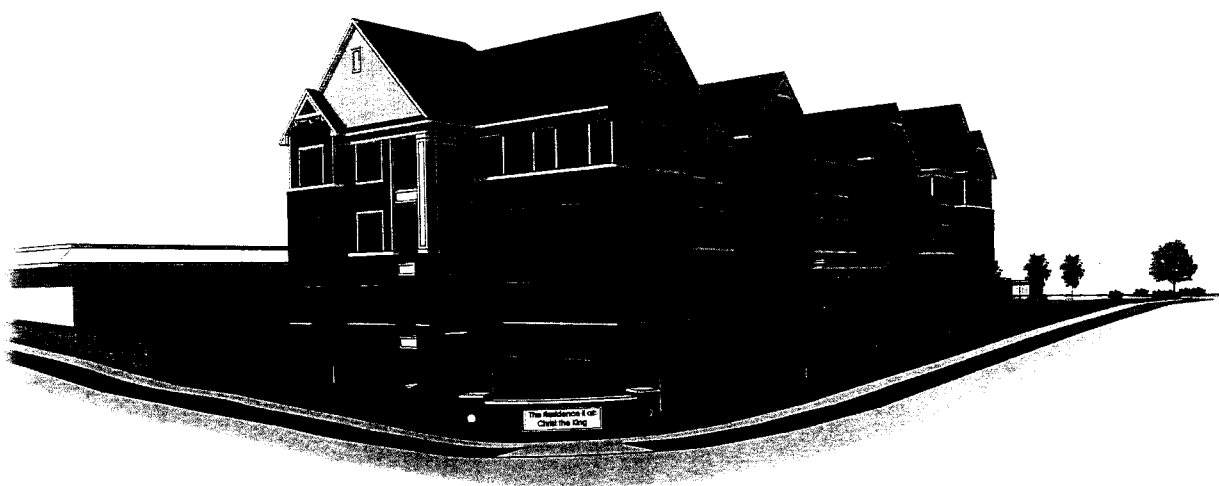
**Site Plan**

**Christ the King Seniors Housing - Phase II**  
5602 Southwest 9th Street, Des Moines, Iowa



09 August 2012  
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Christ the King  
Senior Housing, L.L.P.



**View from Northeast**

**Christ the King Seniors Housing - Phase II**  
5602 Southwest 9th Street, Des Moines, Iowa



11 September 2012  
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Senior Housing, L.L.P.

Artists Concept

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