

.....
Date..... November 19, 2012

WHEREAS, on October 8, 2012 by Roll Call No. 12-1562, the City Council duly resolved that a public hearing be held on October 22, 2012 at 5:00 p.m., in Council Chambers at City Hall, to consider a proposal from Luther Park Health Center, Inc. to amend the approved Luther Park PUD Planned Unit Development Conceptual Plan for property located in the vicinity of 2906 East 16th Street, to allow construction of a one-story addition for 10 memory care residential units to the west side of The Gardens assisted living facility along Hull Avenue, subject to administrative review of the final PUD Conceptual Plan documents; and

WHEREAS, due notice of the hearing was published in the Des Moines Register on October 11, 2012, as provided by law, setting forth the time and place for hearing on the proposed amendment to the approved PUD Conceptual Plan; and

WHEREAS, applicant Luther Park Health Center, Inc. submitted a request that the public hearing set for October 22, 2012 be continued to the November 19, 2012 regular City Council meeting; and

WHEREAS, ON October 22, 2012 by Roll Call No. 12-1649, the City Council duly resolved to continue the public hearing until November 19, 2012 at 5:00 p.m. in Council Chambers at City Hall, 400 Robert D. Ray Drive in Des Moines; and

WHEREAS, the Plan and Zoning Commission has recommended that the proposed amendment to the approved PUD Conceptual Plan be approved, subject to the Conceptual Plan being first amended to include the conditions set forth below and as set forth in the attached letter from the Planning Administrator; and

WHEREAS, in accordance with the published notice those interested in said proposed amendment to the approved PUD Conceptual Plan, 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 amendments to the approved PUD Conceptual Plan for the property in the vicinity of 2906 East 16th Street, and more specifically described below, are hereby overruled and the hearing is closed:

A TRACT OF LAND IN THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., FURTHER DESCRIBED AS:

November 19, 2012

-2-

Date.....

LOTS 1 THROUGH 6, AMOS PLACE, AN OFFICIAL PLAT; AND THE NORTH 635.0 FEET OF LOT 1, PARTITION PLAT OF NORTHEAST 1/4 OF SOUTHWEST 1/4 OF SAID SECTION 25; AND THE EAST 50.0 FEET OF THE SOUTH 150.0 FEET OF THE NORTH 175.0 FEET OF LOT 11, OF SAID PARTITION PLAT, AND LOTS 1 THROUGH 15, MECHANIC ADDITION, AN OFFICIAL PLAT; AND THE 8.5 FOOT VACATED NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING WEST OF AND ADJOINING OF SAID LOT 1 THROUGH 15, (EXCEPT THE WEST 1/2 OF VACATED ALLEY LYING WEST OF THE SOUTH 13.39 FEET OF SAID LOT 13, AND THE WEST 1/2 OF VACATED ALLEY LYING WEST OF SAID LOT 14 & 15.) AND LOTS 5,6 AND 7, LINDQUIST PLACE REPLAT, AN OFFICIAL PLAT, AND THE 8.0 FOOT VACATED NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING EAST OF AND ADJOINING SAID LOTS 5,6, AND 7, AND A TRIANGULAR PIECE BEGINNING AT THE SW CORNER OF LOT 4, LINDQUIST PLACE REPLAT; THENCE EAST 27.0 FEET ALONG SAID LOT LINE; THENCE NORTHWESTERLY TO A POINT 1.5 FEET NORTH OF SAID CORNER; THENCE SOUTH 1.5 FEET TO THE POINT OF BEGINNING, AND THE 50.0 FOOT RIGHT-OF-WAY LYING WEST OF AND ADJOINING SAID LOTS 5,6,& 7, AND ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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

3. The amended 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 recommended by the Plan and Zoning Commission, and subject to approval of such amendments by the Community Development Director:

- a. The PUD Conceptual Plan shall be revised to show the proposed plantings and landscaping requirements as applicable to R-3 Districts for the reconfigured off-street parking and the perimeter area along Hull Avenue.
- b. Revise the architectural elevations to provide for stone material at the lower edge of the entire north and west facades at the foundation of the proposed addition.

FORM APPROVED:

Moved by _____ to adopt and to approve the amended PUD Conceptual Plan.



 Michael F. Kelley, Assistant City Attorney

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

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.

MOTION CARRIED APPROVED

_____ Mayor

_____ City Clerk

Date _____
 Agenda Item 40 41
 Roll Call # _____

October 2, 2012

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 Luther Park Health Center, Inc. (owner) represented by Dennis Garland (officer) for a 6th Amendment to the Luther Park PUD Conceptual Plan located in the vicinity of 2906 East 16th Street.

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Absent
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 the requested amendment to the Luther Park Center PUD Conceptual Plan subject to the following modifications: (ZON2012-00154)

1. Revised to show the proposed plantings landscaping requirements as applicable to "R-3" Districts for the reconfigured off-street parking and the perimeter area along Hull Avenue.
2. Revise the architectural elevations to provide of stone material at the lower edge of the entire north and west facades at the foundation of the proposed addition.



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

Staff recommends approval of the requested amendment to the Luther Park Center PUD Conceptual Plan subject to the following modifications:

1. Revised to show the proposed plantings landscaping requirements as applicable to "R-3" Districts for the reconfigured off-street parking and the perimeter area along Hull Avenue.
2. Revise the architectural elevations to provide of stone material at the lower edge of the entire north and west facades at the foundation of the proposed addition.

Written Responses

2 In Favor

1 In Opposition

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to expand the retirement campus for Luther Park Center to add 10 memory care assisted living units and reconfigure the existing off-street parking area to accommodate displaced parking. The proposed addition would have the same setback from Hull Avenue as the existing building.
2. **Size of Site:** 10.96 acres.
3. **Existing Zoning (site):** "PUD" Planned Unit Development.
4. **Existing Land Use (site):** The subject property is a senior living campus that provides residential units spanning from senior independent living apartments to assisted living apartments to memory care and convalescent care beds.
5. **Adjacent Land Use and Zoning:**
 - North** – "R1-60" and "R-3", Uses are single-family residential and Polk County youth shelter.
 - South** – "PUD" & "R1-60", Uses are Grand View College Campus and single-family residential dwellings.
 - East** – "R1-60" and "R-3", Uses are single-family residential dwellings.
 - West** – "PUD" & "R1-60", Use is Grand View College Campus and single-family dwelling.
6. **General Neighborhood/Area Land Uses:** The subject property is in a transition area between the Grand View College campus to the west and south and residential neighborhoods to the north and east.

7. **Applicable Recognized Neighborhood(s):** The subject property is within the Union Park Neighborhood. This neighborhood was 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 the Union Park Neighborhood Association 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 Union Park Neighborhood Association mailings were sent to Marsha Steele, PO Box 16113, Des Moines, IA 50316.

The applicant held a neighborhood meeting at the Luther Park campus on Monday, September 10, 2012. The applicant will provide a summary of the meeting at the public hearing.

8. **Relevant Zoning History:** The property was zoned "PUD" by the City Council on November 17, 2003. On November 11, 2004 the City Council approved an amendment to the PUD Conceptual Plan to allow for the subject three-story building with 32 independent senior living units and 19 assisted living units. On August 8, 2005 the City Council expanded the PUD zoned area to east of East 16th Street and approved a second amendment to the PUD Conceptual Plan to allow for an off-street parking lot intended primarily to serve employees and visiting nurses. On July 9, 2007, the City Council approved an amendment to the Conceptual Plan to expand the assisted living by 22 units.
9. **2020 Community Character Land Use Plan Designation:** High Density Residential.
10. **Applicable Regulations:** The application, accompanying evidence and Conceptual Plan amendment shall be considered by the Plan and Zoning commission at a public hearing. The Commission shall review the conformity of the proposed development with the standards of the Zoning Ordinance and with recognized principles of civic design, land use planning, and landscape architecture. At the conclusion of the hearing, the Commission may vote to recommend either approval or disapproval of the Conceptual Plan amendment as submitted, or to recommend that the developer amend the plan or request to preserve the intent and purpose of this chapter to promote public health, safety, morals and general welfare. The recommendations of the commission shall be referred to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Drainage/Grading:** The currently approved Conceptual Plan provided storm water detention in the southeast portion of the site that was designed and constructed to accommodate the entire area of the PUD. In an effort to improve storm water problems that previously existed in the neighborhood area, the current design was a result of working with Grandview College to expand capacity of storm water detention on their campus immediately to the west to better control drainage that was passing through the site prior to improvements made in more recent years. Public storm sewer improvements within East Sheridan Avenue to the south have partially mitigated storm

water problems along East 16th Street that were of concern when the Commission considered previous development under the PUD.

The subject amendment proposal would not increase the amount of impervious surface for the development. The proposed design proposes that the existing storm water management improvements will have adequate capacity for the new improvements. A final development plan will be required for the proposed site amendments. While not anticipated, modifications to the existing detention basin and/or other alternate storm water management methods may be required.

2. **Landscaping & Buffering:** Modifications to the existing off-street parking along Hull Avenue will necessitate compliance with interior lot and parking lot perimeter landscaping in accordance with the Des Moines' Landscape Standards for "R-3" Districts. The proposed amendment is seeking to preserve a large mature tree along the frontage of Hull Avenue. The applicants have consulted a Certified Arborist and Certified Tree Risk Assessor, Brandt Jelken, an employee of the Des Moines Botanical Center, to evaluate the proposed design of the additions and make recommendations to the design of the building addition and site work to ensure the health of the tree is protected. These measures are to be reflected in the final development plan.
3. **Access or Parking:** The proposed new units will generate a requirement three (3) additional off-street parking spaces based on 10 beds and one (1) added employee. The net loss of spaces as a result of the addition will be 10 spaces. There would be 256 total off-street parking spaces provided for the development. A minimum of 158 parking space would be required under the off-street parking standards in the Zoning Ordinance.
4. **Des Moines' 2020 Community Character Plan:** The existing High Density Residential future land use designation will accommodate the 10 bed increase in memory care units. The High Density designation allows for high and mid-rise buildings over 17 units per acre.
5. **Urban Design:** The subject one-story addition is proposed to be setback 26' from Hull Avenue. The addition is proposed with a hipped roof, and mirrors the brick, hardi-plank, hardi-trim, windows and architectural asphalt shingles of the existing building. The north and west facades are proposed with stone and brick at the first level with the gabled projections having a cement board overlap siding. There is a recessed courtyard area that also has the cement board material. The south façade interior to the campus would have primarily cement board material with some stone elements. The front courtyard toward Hull Avenue has a low stone site wall topped with a wrought-iron type fencing material. There is also a proposed wooden pergola within the recessed courtyard area. Staff does believe that the stone material should run along the lower edge of the gabled projections. When looking at the multiple-family design guidelines as a reference, staff believes that the proposed addition will conform the design of the existing building.

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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

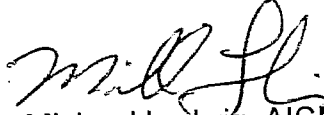
COMMISSION ACTION:

CJ Stephens moved staff recommendation to approve the requested amendment to the Luther Park Center PUD Conceptual Plan subject to the following modifications:

1. Revised to show the proposed plantings landscaping requirements as applicable to "R-3" Districts for the reconfigured off-street parking and the perimeter area along Hull Avenue.
2. Revise the architectural elevations to provide of stone material at the lower edge of the entire north and west facades at the foundation of the proposed addition.

Motion passed 12-0.

Respectfully submitted,


Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment

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Request from Luther Park Health Center, Inc. (owner) represented by Dennis Garland(officer) for a 6 th Amendment to the Luther Park PUD Conceptual Plan located in the vicinity of 2906 East 16 th Street.				File # ZON2012-00154	
Description of Action	Approval for a 6 th Amendment to the Luther Park PUD Conceptual Plan located in the vicinity of 2906 East 16 th Street to allow construction of a one-story addition for 10 memory care residential units to the west side of The Gardens assisted living facility along Hull Avenue subject to modifications.				
2020 Community Character Plan	High-Density Residential				
Horizon 2035 Transportation Plan	No Planned Improvements				
Current Zoning District	"PUD" Planned Unit Development				
Proposed Zoning District	"PUD" Planned Unit Development				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	2				
Outside Area		1			
Plan and Zoning Commission Action	Approval	12-0	Required 6/7 Vote of the City Council	Yes	N/A
	Denial			No	

Luther Park PUD Amendment - 1555 Hull Avenue

ZON2012-00154



Item 2012 00154 Date 09-11-12

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

(Circle One)

Print Name WILLIAM B. HEATH

Signature William B. Heath

Address 2717 E. 16TH ST

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

ALL RIGHT WITH NEW BUILDING. CONCERNED ABOUT THE ON STREET PARKING OF VEHICLES ON E. 16TH ST. FROM LUTHER PARK. NEED TO UTILIZE PARKING LOTS MORE.

Item 2012 00154 Date 9-12-12

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

(Circle One)

Except

Print Name Thelma I Swensen

Signature Thelma I Swensen

Action needs to be taken on parking Address 2800 Sampson St

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

Luther Park needs to make more parking available for their workers and any visitors who have been parking on E. 16th and E 14th and enforce no parking on these streets. Park in the lots designated for them. Hall Ave - needs to be clear for thru traffic and so does E 16th



September 19, 2012

Erik Lundy
Senior City Planner
Des Moines Community Development
602 Robert D. Ray Drive
Des Moines, IA 50309-9603

RE: Item ZON2012 -000154 - Luther Park PUD (6th) Amendment

Dear Erik,

As Co-Chair of Union Park Neighborhood Association (UPNA), I am responding to the notice of public hearing on September 20th regarding the issue of Luther Park's PUD Amendment.

At UPNA's September 11th (monthly) steering committee meeting, Greg Wattier, architect for the Luther Park project, presented drawings of the proposed one-story addition and answered questions posed by neighbors. The attendees then thoroughly discussed the project and unanimously agreed to inform the city of our stance, as follows:

UPNA formally neither supports nor opposes the project.

The following bullet points are included to acknowledge the efforts of this project as well as inform the city of the neighbors' ongoing concerns the project likely poses:

The project adds to the tax base in the Union Park neighborhood.

The project provides necessary services to the aging population in our neighborhood and beyond, based on requests received by Luther Park.

The proposed construction is within the existing footprint of Luther Park's property.

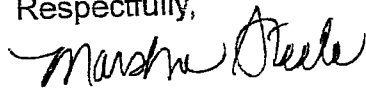
The neighbors have ongoing concerns about the water flow out of the retention pond which has and likely will continue to result in the flooding of yards and basements to the east.

We also discussed traffic flow on Hull Avenue during construction. We ask that the city closely monitor congestion and possibly consider days or hours of 'emergency no parking' on the north side of Hull, as may be warranted.

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Thank you for the opportunity to present the neighborhood association's position on the project with compelling bullet points. I submit this letter in lieu of the response postcard.

Respectfully,



Marsha Steele, Co-Chair
Union Park Neighborhood Association

CC UPNA Steering Committee and Neighbors in Attendance
Denny Garland
Greg Wattier

RECEIVED
COMMUNITY DEVELOPMENT

SEP 19 2012

DEPARTMENT

OUTSIDE
250'
BOUNDARY

September 17, 2012

Steve Klinfefus
Des Moines Community Development

Attention Mr. Steve Klinkefus and members of the Des
Moines Planning and Zoning Committe,

I live at 2717 Sampson St., Des Moines we didn't
receive notification about the purposed addition to
Luther Park; I'am asuming we live outside the 250 feet
notification radius. Although my neighbors across the
street received the notification.

We are very much AGAINST any addition to Luther Park
Care Facility.

For the following and other reasons: Luther Park and
the City of Des Moines both say Luther Park;s water run
off and their water retension basin meet the city require-
ments. The land around our homes has a high water table.
Any hard rain can cause flooded back yards, flooded base-
ments, flooding of the street and standing water. We
have no sewer (in takes) from East 14th-on Hull Ave- to
just past Sampson St., that Sampson St floods alot. This
water problem has increased with the building of Luther
Park and their additions.

Also, the parking on Hull Ave and E. 16th St. by
Luther Park's employeès---Denny Garland, from Luther Park
says they are public streets and his employees can park
there. They are also public streets and we should be able
to drive on these streets. Recently I counted 12 cars one
dat (at 10:30 AM) and 16 cars the next day (again in the
mid morning) parked on the east side of E. 16th St. I have
seen Luther Park employees enter these cars about 5:45 PM
and leave. These cars were parked from 2717 E. 16th to
2917 E. 16th. Luther Park has a parking lot on the east
side of E 16th (between 2819 and 2913 E 16th) which had
empty spaces and they also have a parking lot south of
their facility and on the west side of E 16th. Both of these
lots always have empty spaces. Denny Garland-Luther Park
says even if they use some of their "present" parking spaces
for the new construction they will have the minimum places
required by the city code. Sounds good---but they will be
using at least 20 places for the new construction. There
employees don't use the parking lots now. It will mean 20
more cars parked on E. 16th St. and Hull Ave. Plus I would
think the new residents, even if they don't drive would
have visitors who would require some kind of parking.

One day last week as we tried to drive south on E. 16th
a semi was driving north. Because of the parked cars he
was driving on the wrong side of the street. Both the car
ahead of us and us had to back up to Hull Ave. and drive
west on Hull to Villa Vista Dr. where we could finally turn
around. I believe the semi was making a delivery at Luther
Park.

Luther Park is not a good neighbor. They have a large piece of equipment parked north of 2809 E. 16th. along with a large piece of metal. Behind the house at 2805 E. 16th is a pile of trash. These are house and lots that Luther Park owns. Luther Park owns all of the houses (they rent the house out) and empty lots on the east side of E. 16th from 2727 E. 16th north to Hull except for the last 2 houses on E 16th. Plus 2 empty lots and one house (at 2808 Sampson) on Sampson St. The residents of Sampson, on the west side of the street. Clean out the small trees and weeds that grow in the fences and along the lot lines between their ~~property~~ ^{property} and Luther Parks. Things that is on Luther Park's property and should be cleaned by them. The house at 2808 Sampson; that Luther Park rents out--the renters mow the front yard, but not the back. Luther Park doesn't seem to care about the neighbors. It took a phone call and talking to Denny Garland, in person a couple of years ago for Luther Park to mow the 2 empty lots on Sampson St. on a regular bases.

When the trees along E. 16th St. are bare; the security light from Luther Park will shine in our bedroom windows. Even telling Denny Garland doesn't seem to bother him. Luther Park is a business built in a neighborhood--that wants what they want and not what would be good for a pre-existing neighborhood; that has been here for 50 years. I and many many of my neighbors have owned our homes since they were built in the early 60's.

If my vote counts it is a NO for the addition to Luther Park.

Please, help us do what is best for an entire ^{neighborhood} of family homes not just 1 business.

Thank you,

Shirley Selover

Shirley Selover
2717 Sampson St.
Des Moines, Iowa 50313

Luther Park PUD Amendment - 1555 Hull Avenue

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ZON2012-00154

