

Date January 14, 2013

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on January 3, 2013, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from SPTIHS Property Trust (owner) represented by David Hagerty (officer) to rezone property located at 2401 East 8th Street from R1-60 One-Family Low-Density Residential District to a Limited R-3 Multiple-Family Residential District, to allow expansion of the existing legal non-conforming residential nursing care facility to provide a breezeway and entry vestibule connecting two existing wings of the building subject to the owner agreeing to the following conditions:

1. The only permitted uses are those allowed within the R1-60 District and nursing, convalescent, or retirement homes.
2. Any expansion of the building or parking within the subject property is subject to review of a Site Plan by the Permit and Development Center.

The subject properties are more specifically described as follows:

The South 223 feet of the North 232 feet Lot 11, Park View, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on January 28, 2013, at which time the City Council will hear both those who oppose and those who favor the proposal.
2. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

FORM APPROVED:

MOVED by _____ to adopt.



Michael F. Kelley
Assistant City Attorney

(ZON2012-00183)

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.

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

MOTION CARRIED

APPROVED

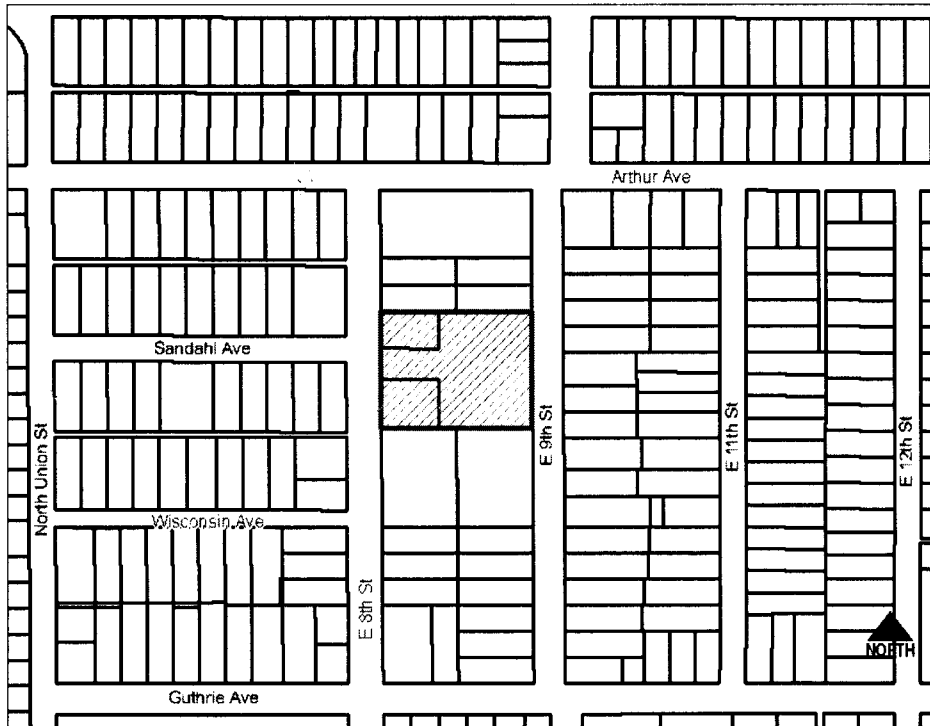
Mayor

City Clerk

Request from SPTIHS Property Trust (owner) represented by David Hagerty (officer) to rezone property located at 2401 East 8th Street.			File # ZON2012-00183		
Description of Action	Approval to rezone from "R1-60" One-Family Low-Density Residential District to a Limited "R-3" Multiple-Family Residential District, to allow expansion of the existing legal non-conforming residential nursing care facility to provide a breezeway and entry vestibule connecting two existing wings of the building subject to conditions.				
2020 Community Character Plan	Low-Density Residential				
Horizon 2035 Transportation Plan	No Planned Improvements				
Current Zoning District	"R1-60" One-Family Low-Density Residential District				
Proposed Zoning District	"R-3" Multiple-Family Residential District				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	5	1			
Outside Area					
Plan and Zoning Commission Action	Approval	13-0	Required 6/7 Vote of the City Council	Yes	N/A
	Denial			No	

Sptihs Properties Trust - 2401 E 8th Street

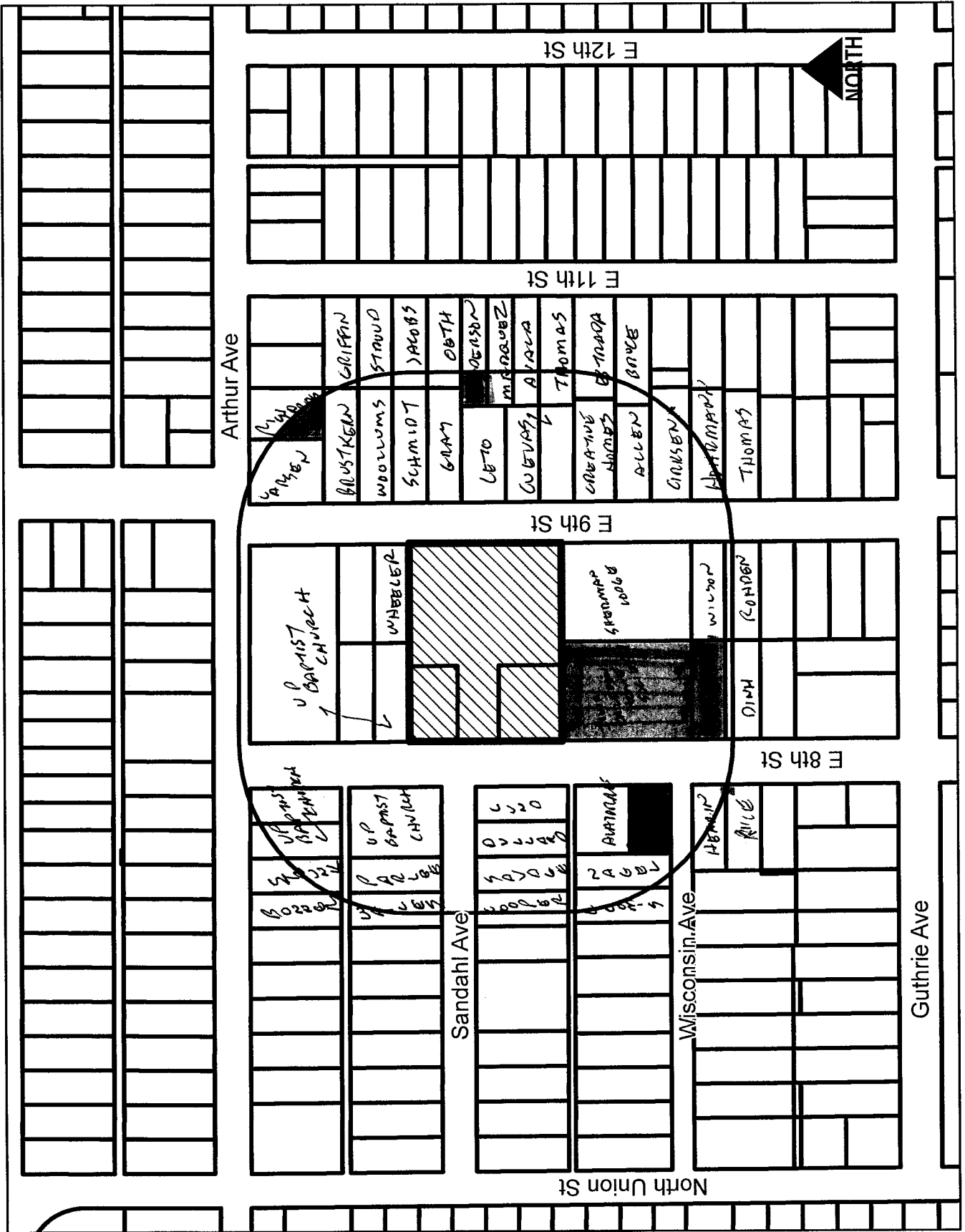
ZON2012-00183



ae

SPTIHS Properties Trust - 2401 E 8th Street

ZON2012-00183



January 9, 2013

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 January 3, 2013, the following action was taken regarding a request from SPTIHS Property Trust (owner) represented by David Hagerty (officer) to rezone property located at 2401 East 8th Street.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 13-0 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 Stogdill	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 Part A) to find the requested rezoning **not** in conformance with the Des Moines' 2020 Community Character Plan future land use designation; and of Part B) to approve the Des Moines' 2020 Community Character Plan amendment to revise the future land use designation from Low Density Residential to Medium Density Residential; and of Part C) to approve the rezoning "R1-60" One-Family Low-Density Residential District to a Limited "R-3" Multiple-Family Residential District, subject to the owner agreeing to the following conditions: (ZON2012-00183 & 21-2012-4.15)

1. The only permitted uses are those allowed within the "R1-60" District and nursing, convalescent, or retirement homes.
2. Any expansion of the building or parking within the subject property is subject to review of a Site Plan by the Permit and Development Center.

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 of the future land use designation from Low Density Residential to Medium Density Residential.

Part C) Staff recommends approval of the requested rezoning subject to the owner agreeing to the following conditions:

1. The only permitted uses are those allowed within the "R1-60" District and nursing, convalescent, or retirement homes.
2. Any expansion of the building or parking within the subject property is subject to review of a Site Plan by the Permit and Development Center.

Written Responses

5 In Favor

1 In Opposition

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The owner of the property is seeking to construct a small entry vestibule and breezeway addition to the existing nursing care facility in order to connect two existing wings of the building. This constitutes an expansion of a legal non-conforming use of the property as a nursing home use in an "R1-60" District. Therefore the applicant is requesting rezoning to make the facility a conforming use and to allow for the expansion.
2. **Size of Site:** 1.475 acres.
3. **Existing Zoning (site):** "R1-60" One-Family Low-Density Residential District.
4. **Existing Land Use (site):** 20,273-square foot nursing home with 93 beds and a 2,100-square foot therapy center.
5. **Adjacent Land Use and Zoning:**
 - North** – "R1-60", Uses are Union Park Baptist Church and a two-family dwelling.
 - South** – "R1-60", Uses are Order of the Odd Fellows fraternal lodge and the Iowa Children's Home Society convalescent home.
 - East** – "R1-60", Uses are single-family and two-family dwellings.
 - West** – "R1-60", Uses are single-family dwellings.

6. **General Neighborhood/Area Land Uses:** The subject property is located along East 9th Street about a block north of Union Park, which is a municipal park. The property is part of a small cluster of semi-public uses. However, the surrounding neighborhood is comprised primarily of low-density residential uses.
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 September 28, 2012. Additionally, separate notifications of the hearing for this specific item were mailed on October 12, 2012 (20 days prior) and October 22, 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 October 26, 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 is responsible for conducting a neighborhood meeting inviting representatives of the Union Park Neighborhood Association and surrounding property owners within 250 feet. 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. The property is within the area of the Union Park Neighborhood Plan.

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 be subject to stormwater management requirements as part of the site plan review process. Based on the area of the proposed addition (307 square feet), it is not anticipated that any additional measures to handle stormwater will be required with the immediate proposal.
2. **Landscaping & Buffering:** The proposed addition does not remove any existing landscaping material and the scale of the improvement would not trigger site conformance with landscaping under the Site Plan policies.
3. **2020 Community Character Plan:** The proposed multiple-family residential zoning category of "R-3" is not consistent with the current Low Density Residential future land use designation. The applicant has requested amendment to a Medium Density

Residential designation. The proposed rezoning would be found consistent with the Des Moines' 2020 Community Character Plan subsequent to the requested amendment.

Staff recommends the proposed rezoning in order to bring the existing use into conformance. However, the Union Park Neighborhood Plan calls for neighborhood residential areas to be kept at low density. Based on this, staff believes that it is appropriate to recommend that the proposed rezoning be subject to limiting permitted uses to those permitted in the "R1-60" District and nursing, convalescent, or retirement home uses.

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 approval of the staff recommendation for Part A) to find the requested rezoning **not** in conformance with the Des Moines' 2020 Community Character Plan future land use designation; Part B) to approve the requested amendment of the future land use designation from Low Density Residential to Medium Density Residential; and Part C) to approve the rezoning from "R1-60" One-Family Low-Density Residential District to a Limited "R-3" Multiple-Family Residential District, subject to the owner agreeing to the following conditions:

1. The only permitted uses are those allowed within the "R1-60" District and nursing, convalescent, or retirement homes.
2. Any expansion of the building or parking within the subject property is subject to review of a Site Plan by the Permit and Development Center.

Motion passed 13-0.

Respectfully submitted,


 Michael Ludwig, AICP
 Planning Administrator

MGL:clw

Attachment

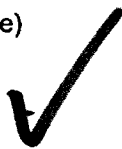
Item 2012 00183

Date 10-24-12

20

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

(Circle One)



Print Name TINA PHAN

Signature [Handwritten Signature]

Address 2326 E 8th St

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

Do not understand English much

Item 2012 00183

Date 10-31-12

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

(Circle One)



Print Name Glenn Gray

Signature [Handwritten Signature]

Address 1111 University Ave

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

Children Families of Iowa
re our
property
at 2331
E. 8th

Item 2012 00183

Date 10-23-2012

20

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

(Circle One)



Print Name KEITH E. WILLS

Signature Keith E. Wills

Address 2321 E 8TH ST

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

Item 2012 00183

Date 10-24-12

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

(Circle One)



Print Name MARILYN RICHARDS

Signature Marilyn Richards

Address 905 Arthur Ave

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

Item 2012 00183

Date 10-24-2012

20

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

(Circle One)

Print Name Lizabeth Rice

Signature Lizabeth Rice

Address 2318 E. 8th St., DSM

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

Item 2012 00183

Date 10-23-12

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

(Circle One)

Address 2348 E 11th St

Print Name TERRY ANDERSON

Signature Terry Anderson

Address 609 NE TULEW, Ankeny

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

20



RECEIVED
COMMUNITY DEVELOPMENT

DEC 19 2012

DEPARTMENT

December 19, 2012

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

RE: Item 1. Rezone Union Park Health Services property, 2401 East 8th Street

Dear, Erik,

As Co-Chair of Union Park Neighborhood Association (UPNA), I am responding to the notice of public hearing on December 20th regarding the request from SPTIHS Property Trust to rezone the above referenced property.

At UPNA's December 11th monthly steering committee meeting, Steve King, architect for this project, presented drawings of the proposed breezeway and entry vestibule and explained the need for rezoning to R-3 Multiple Family Residential District, which would allow for this expansion. He answered questions posed by the attendees, who discussed the project and unanimously agreed on UPNA's support of this zoning change because we see no detriment to the neighborhood at large.

As this item is under the Consent Agenda, we understand that it should pass without objection. However UPNA wanted to add our written support for the project. Thank you for the opportunity to inform the city of our action on this issue.

Respectfully,


Marsha Steele, Co-Chair
Union Park Neighborhood Association

CC UPNA Steering Committee and Neighbors in Attendance
Steve King, Architect