

January 14, 2013

Date

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on January 3, 2013, its members voted 12-0-1 in support of a motion to recommend **APPROVAL** of a request from St. Gregory Centers Holdings, LLC (purchaser) represented by Michael Vasquez (officer) regarding property located at 6151 Thornton Avenue for review and approval of a 7th Amendment to the "Airport Commerce Park West" PUD Conceptual Plan to allow for conversion of 19,000 square feet of the existing 38,317-square foot building from a retail/restaurant/office use to a rehabilitation center where 6,000 square feet is proposed for general office use, 3,000 square feet is proposed for medical outpatient clinic use, and 10,000 square feet is proposed for a residential social detoxification use subject to the following modifications to the Conceptual Plan documents:

1. Sheet 1 of Conceptual Plan shall state the Des Moines 2020 Community Character Land Use Plan designates the future land use of this site as Planned Business Park.
2. Sheet 1 shall be revised with a Legal Description that includes all properties within the PUD boundary.
3. Sheet 1 shall be revised to update the Zoning information to indicate the current Zoning which is PUD Planned Unit Development.
4. Sheet 1 of Conceptual Plan shall include a narrative of the general development concept pertaining to the amendment and a discussion of proposed project phasing or scheduling.
5. Sheet 1 of the Conceptual Plan shall include allowance for fencing within the PUD, and that it be limited to wrought iron type or black coated 75% open fence design that is not greater than 8-feet in height with no fencing taller than 3-feet located closer than 15 feet to any public street right-of-way property line.
6. Note 6 on Sheet 1 should be revised to indicate that removal of trees as a result of development is subject to compliance with the City's Tree Preservation and Mitigation Ordinances and requirements.
7. Sheet 1 should be revised to show all existing development. This would include the addition of development on properties at 5801 Thornton Avenue, 5901 Thornton Avenue, 3621 SW 61st Street, and 3721 SW 61st Street. Building and paving footprints should be indicated.
8. The current approved and the submitted Conceptual Plan required approval of building screening, and fencing design and materials and landscaping plans by the Airport Commerce Park, LC (or its successor) Architectural Review Committee. The Conceptual Plan shall be revised to remove all reference to review by the Architectural Review Committee as part of Zoning requirements.
9. Sheet 1 shall be revised to include an update to the legend for all typical landscaping symbols used.
10. As per the City Fire Engineer there shall be a statement added to notes on Sheet 1 "In accordance with IFC Section 508.5.1; where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided (Exception: sprinklered buildings shall be 600 ft)."

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Date January 14, 2013

11. The final approved Conceptual Plan document shall require a current certification block of a Registered Architect or Registered Landscape Architect with the State of Iowa.

The subject properties are more specifically described as follows:


Lots 5 thru 11 inclusive and Lots A, and B, Airport Commerce Park West Plat 1, an Official Plat, Lots 1 thru 16 inclusive and Lots A, B and C, Airport Commerce Park West Plat 2, an Official Plat, Lots 1 thru 4 inclusive, Airport Commerce Park West Plat 3, an Official Plat, Lots 1 thru 3 inclusive, Walnut Woods Plat 1, 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

(ZON2012-00219)

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

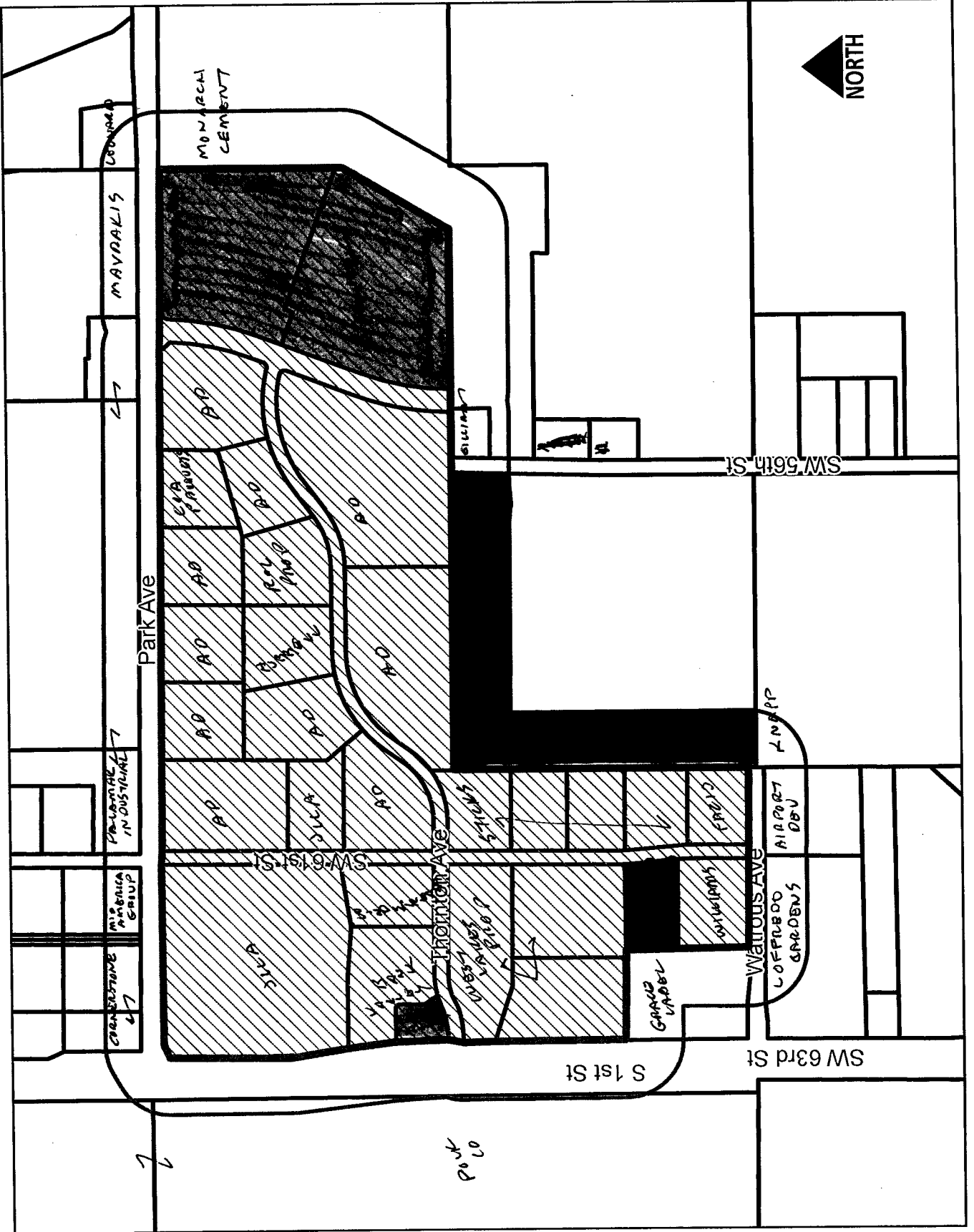
Request from St. Gregory Centers Holdings, LLC (purchaser) represented by Michael Vasquez (officer) for review and approval of a 7 th Amendment to the "Airport Commerce Park West" PUD Conceptual Plan regarding property located at 6151 Thornton Avenue. The subject property is owned by Valley Bank.				File #	
				ZON2012-00219	
Description of Action	Review and approval of a 7 th Amendment to the "Airport Commerce Park West" PUD Conceptual Plan regarding property located at 6151 Thornton Avenue, to allow conversion of the existing 19,000-square foot building from a retail/restaurant/office use to a rehabilitation center where 6,000 square feet is proposed for general office use, 3,000 square feet is proposed for medical outpatient clinic use, and 10,000 square feet is proposed for a residential social detoxification use				
2020 Community Character Plan	Planned Business Park				
Horizon 2035 Transportation Plan	No Planned Improvements				
Current Zoning District	"PUD" Planned Unit Development District				
Proposed Zoning District	"PUD" Planned Unit Development District				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	2	2			
Outside Area					
Plan and Zoning Commission Action	Approval	12-0-1	Required 6/7 Vote of the City Council	Yes	X
	Denial			No	

St Gregory Centers Holdings LLC - 6151 Thornton Avenue

ZON2012-00219



St Gregory Centers Holdings LLC - 6151 Thronton Avenue ZON2012-00219



January 14, 2013
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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 St. Gregory Centers Holdings, LLC (purchaser) represented by Michael Vasquez (officer) for review and approval of a 7th Amendment to the "Airport Commerce Park West" PUD Conceptual Plan regarding property located at 6151 Thornton Avenue to allow for conversion of 19,000 square feet of the existing 38,317-square foot building from a retail/restaurant/office use to a rehabilitation center where 6,000 square feet is proposed for general office use, 3,000 square feet is proposed for medical outpatient clinic use, and 10,000 square feet is proposed for a residential social detoxification use. The subject property is owned by Valley Bank.



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

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0-1 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			

APPROVAL of the requested 7th Amendment to the Airport Commerce Park West PUD Conceptual Plan subject to the following modifications to the Conceptual Plan documents: (ZON2012-00219)

1. Sheet 1 of Conceptual Plan shall state the Des Moines 2020 Community Character Land Use Plan designates the future land use of this site as Planned Business Park.
2. Sheet 1 shall be revised with a Legal Description that includes all properties within the PUD boundary.
3. Sheet 1 shall be revised to update the Zoning information to indicate the current Zoning which is PUD Planned Unit Development.

4. Sheet 1 of Conceptual Plan shall include a narrative of the general development concept pertaining to the amendment and a discussion of proposed project phasing or scheduling.
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10. As per the City Fire Engineer there shall be a statement added to notes on Sheet 1 "In accordance with IFC Section 508.5.1; where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided (Exception: sprinklered buildings shall be 600 ft)."
11. The final approved Conceptual Plan document shall require a current certification block of a Registered Architect or Registered Landscape Architect with the State of Iowa.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested 7th Amendment to the Airport Commerce Park West PUD Conceptual Plan subject to the following modifications to the Conceptual Plan documents:

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Written Responses

- 2 In Favor
- 2 In Opposition

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed Planned Unit Development (PUD) Conceptual Plan amendment would allow for conversion of the existing 38,317 square-foot vacant commercial center building to a center for social detoxification which would include 6,000 square feet of area used for general office use, 3,000 square feet for an outpatient medical clinic, and 10,000 square feet for a residential facility for detoxification of patients with a drug or alcohol dependency.

The applicant is seeking the amendment because a treatment facility with on-site residential medical treatment is not a specifically permitted use on the existing PUD Conceptual Plan. The current approved Plan allows for "M-3" District permitted uses, Planned Business Park (PBP) permitted uses, PBP support commercial uses as listed in Section 134-737(7) of the Zoning Ordinance on the subject property, and C-1 permitted commercial uses.

The "PBP" support commercial uses include art supply stores, banks and similar facilities including drive-up facilities, blueprinting services, book and stationery stores, cleaners, convenience stores, day care centers, employment agencies, gasoline service stations, health clubs, medical/dental and similar offices, office supply stores, photography, printing, copying services/supplies, post office substations, and restaurants including drive-up facilities. Prohibited from the "C-1" permitted uses are

automotive and motorcycle accessory and parts stores, lawn mower repair shops, and radio stations. Prohibited from the PBP permitted uses are off-premises advertising signs.

Any Conceptual Plan must include a detailed description of all permitted land uses. The proposed amendment indicates the addition of “licensed social detoxification center providing short-term residential housing to provide safe, 24-hour monitoring, observation and support” as a use specifically for the property at 6151 Thornton Avenue.

2. **Size of Site:** The overall PUD is approximately 110 acres. The subject property proposed for the social detoxification center facility is approximately 4.8 acres.
3. **Existing Zoning (site):** “PUD” Planned Unit Development.
4. **Existing Land Use (site):** The proposed social detoxification facility site includes a 38,317 square-foot vacant commercial center building and paved off-street parking and loading areas. Other uses within the PUD include offices for Principal Financial, Weitz Construction, Carpenter Uniforms, Construction and Aggregate Products, Siegwirk USA ink manufacturing, Sticks furniture manufacturing, Crossmark Food Trade offices, Baker Communications, Howard Martin Autobody Service, and Walnut Woods office park.
5. **Adjacent Land Use and Zoning:**
 - North** – “PUD”; Use is an office building for Principal Financial Group.
 - South** – “PUD”; Uses are the Walnut Woods office park comprised of flex office, commercial and warehouses.
 - East** – “PUD”; Uses are a communication switching facility and undeveloped land.
 - West** – “OS” Agricultural/Open Space District (City of West Des Moines). Use is the Brown’s Woods Polk County Forest Preserve and Park.
6. **General Neighborhood/Area Land Uses:** The property is located along the east side of SW 63rd Street just north of Thornton Avenue. The site is located within a business park that includes a mix of commercial and light industrial uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is within the Southwestern Hills Neighborhood. This neighborhood was notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhoods on November 30, 2012. Additionally, separate notifications of the hearing for this specific item were mailed on November 30, 2012 (20 days prior) and December 10, 2012 (10 days prior to the scheduled hearing) to Southwestern Hills 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 December 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 Southwestern Hills Neighborhood Association mailings were sent to George Davis, 3124 Southwest 29th Street, Des Moines, IA, 50315.

The applicant scheduled a neighborhood meeting for December 13, 2012. Invitation to this meeting included the Southwestern Hills Neighborhood contact 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:** The Airport Commerce Park West PUD Conceptual Plan was approved in 1997 incorporating undeveloped land from the previously approved Airport Industrial Park PBP.

On May 31, 2006, the Conceptual Plan was amended administratively to allow the subject property to have outdoor patio seating for an existing restaurant tenant of the commercial center. In October of 2007, the Conceptual Plan was amended to allow autobody repair on the property at 3700 Southwest 61st Street. In August of 2011, the Commission considered a proposed 7th Amendment to specifically allow the property at 6151 Thornton Avenue for a Immigration and Customs Enforcement (ICE) facility which included detention. That proposed amendment was withdrawn before City Council consideration.

9. **2020 Community Character Land Use Plan Designation:** Planned Business Park.

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.

The application, accompanying evidence and Conceptual Plan 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 this division 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 and request for rezoning 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:** There are no proposed new impervious surfaces that would require additional stormwater management improvements before continuing use of the site. Should any paving or buildings be added in the future, stormwater management is required to be reviewed administratively by Engineering staff as part on any PUD Development Plan amendment.
2. **Landscaping:** The minimum requirements of the current approved and the proposed PUD Conceptual plan are for two trees and three shrubs per 3,000 square feet of open space. PBP Support Commercial Uses and "C-1" commercial uses are required to

have a minimum 35% open space. All other uses including the proposed use would be required to have open space within the required setback areas for buildings and parking. Provided street trees may be counted toward minimum required tree plantings. In this instance the draft Conceptual Plan indicates the intent to preserve all existing open space areas. All plantings would be reviewed in accordance with the existing landscaping approved on the existing PUD Development Plan for 6151 Thornton Avenue.

3. **Parking:** The applicant is proposing to retain all parking, open space, pedestrian areas, and landscaping. Any modification to remove the parking would require an administratively reviewed Development Plan. Based on the proposed usage of the facility, the minimum parking that will be required to be maintained by the Zoning Ordinance would be one (1) space per 400 square feet of offices and medical clinic; plus one (1) space per eight (8) beds, one (1) space per two (2) non-resident supervisors or employees, plus one (1) space per resident supervisor or employee for the residential detoxification facility. Staff believes that the existing off-street parking has an adequate number of spaces to meet this requirement.
4. **Fire Protection Engineering:** Any PUD Conceptual Plan shall include the following statement: In accordance with IFC Section 508.5.1; where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided.
5. **2020 Community Character Plan:** Staff believes that the proposed amendment does conform to the existing Planned Business Park future land use designation. While the specific proposed use of licensed social detoxification is not specifically allowed as a matter of right under any provision of the Zoning Ordinance, staff believes that range of proposed uses is most closely related to nursing home as defined by the Zoning Ordinance which would be allowed in "C-1" District. A nursing home would require licensing under Chapter 135C Code of Iowa as defined by the Zoning Ordinance. The proposed social detoxification requires licensing under Chapter 125, III-D-2 of the Code of Iowa. Therefore based on a similar level of impact, staff believes that the "licensed social detoxification" use falls within the intended range of uses under the intent of a Planned Business Park in the Des Moines' 2020 Community Character Plan.
6. **Urban Design:** The PUD Conceptual Plan proposes to remodel the existing building and does not anticipate any building additions or increase in the enclosed area. The existing exterior is predominantly brick with EIFS parapets with molded cornices above the first floor level. The roof is predominantly flat parapet design with one second story portion having a hipped standing seam metal roof.

While the PUD regulations in the Zoning Ordinance provide for fencing options for residential uses when the Conceptual Plan is silent to any standards, staff recommends that the Conceptual Plan be amended to provide for any proposed fencing within the PUD for the support commercial and business park uses. In this instance, it is recommended that the PUD Building Design Standards be modified to indicate that any fencing within the PUD be limited to a wrought iron type or black coated open fence design that is not greater than 8-feet in height with no fencing taller than 3-feet located closer than 15 feet to any public street.

The current PUD Conceptual Plan provides that all landscaping and building design and materials be reviewed by the Architectural Review Committee for the business park. It is the opinion of the City Legal staff that the responsibility for enforcement of the building and landscaping standards may not be delegated to a private entity and therefore these references should be removed. Staff recommends that all references requiring approval of the Architectural Review Committee be removed from the PUD Conceptual Plan document so that the standards become enforceable by the City exclusively as part of Zoning. This does not prevent the Architectural Review Committee for the business park from enforcing the same or similar standards under recorded private covenants.

Since, the previous amendment to the PUD Conceptual Plan, a few new structures and sites have been built. The PUD Conceptual Plan and any of its amendments are intended to reflect all existing development at the time of the development. Therefore staff believes that the Conceptual Plan should be updated to include all currently developed sites and buildings.

SUMMARY OF DISCUSSION

Jason Van Essen presented the staff report and recommendation.

Mike Vasquez 3807 Thornton Avenue stated that they are requesting an amendment to the PUD. During the neighborhood meeting after the discussion they voted in support of this request. The reason they were against it at first is because of the way the notice reads. St. Gregory Holdings own several types of facilities, i.e. health clubs, medical clinic, as well as substance abuse facility. About 100 beds from Spirit Lake down through western Iowa. When he first read this because he does belong to the neighborhood association he actually was going to vote against this when he realized it was his property. He needed to verify that there is not a proposal for a rehabilitation facility for this property. It was purchased for medical practices which provides services to Iowa Health Systems and will be a corporate office as well as an additional medical facility which provides medical services. The State licensing calls part of this social detoxification. Internally, it is a medical stabilization unit. It is very unique, where about 80% of their patients fly in from Los Angeles, Miami, New York just to come to this facility. It is currently located in Adair, IA and because of growth we have had to relocate it. They run a shuttle to Des Moines Airport everyday for these people to come to the facility. They are located there during their stabilization period for two to five days and at that point they are transported to a rehabilitation facility. These people are too ill to enter a rehabilitation facility. This property will be primarily utilized as a corporate headquarters for their medical clinics that will be operated across the United States.

John "Jack" Hilmes asked what will happen on this site.

Mike Vasquez stated currently the portion that is under question is the social detoxification. It is a medical unit, doctors and nurses stabilizing patients in about 10,000 square feet. They will be there for two to five days under the care of doctors and nurses during the stabilization period. About 5,000 square feet for corporate headquarters for the medical clinic operation and a medical clinic for growth.

Tim Fitzgerald asked if there will be outpatient services at that location, such as counseling on a regular basis.

Mike Vasquez stated that when he speaks of outpatient it is from a medical clinic aspect, so some of the people coming into the medical clinic, this is not licensed as a substance abuse treatment. They screen patients and then refer them off to substance abuse treatment in that clinic.

CHAIRPERSON OPENED THE PUBLIC HEARING

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

CHAIRPERSON CLOSED THE PUBLIC HEARING

Jacqueline Easley stated she was abstaining from the vote because she is involved in this medical industry.

Shirley Daniels commented that she is glad to know that the applicant is a member of his neighborhood association. There is still hope when people stay involved and they know what is going on and come and here first hand make a huge difference in the outcome.

COMMISSION ACTION:

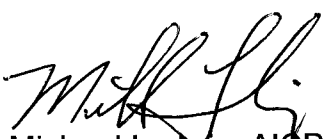
Tim Fitzgerald moved staff recommendation for approval of the requested 7th Amendment to the Airport Commerce Park West PUD Conceptual Plan subject to the following modifications to the Conceptual Plan documents:

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- 11. The final approved Conceptual Plan document shall require a current certification block of a Registered Architect or Registered Landscape Architect with the State of Iowa.

Motion passed 12-0-1 (Jacqueline Easley abstained)

Respectfully submitted,


 Michael Ludwig, AICP
 Planning Administrator

MGL:clw

Attachment

Item 2012 0219 Date Dec. 12, 2012

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

(Circle One)



Print Name Aaron New - Siegwark USACo.

Signature [Handwritten Signature]

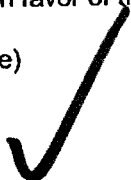
Address 3535 SW 56th St

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

Item 2012 0219 Date 12-18-2012

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

(Circle One)



Print Name Brad Vasey / Howard Martin
Signature [Handwritten Signature] Auto body
Address 3700 SW 61st Street

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

Item 2012 0219 Date 12/17/12

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

(Circle One)



Print Name Valley Bank
Denise Hanem
Signature [Handwritten Signature]
Address 210 NE Delaware Ave
Arkens LA 50021

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

SUBJECT PROPERTY &
ADJOINING PARCEL

mike

From: Davis, George [gtdavis@dmgov.org]
Sent: Thursday, December 13, 2012 7:57 PM
To: noah.ad@mchsi.com; darleneblake@hotmail.com; dtrollope@mchsi.com;
coachdavis@mchsi.com; grpbears@aol.com; heather.carman@dmschools.org;
heatherdavis44@yahoo.com; j_shelness@hotmail.com; joshua@iowamortgagepro.com;
nvanpatten@1adi.com; pharrison@remax.net; sbsarcone@aol.com;
steve.utterson@yahoo.com; g.toby.davis@gmail.com; davefegley@q.com;
mike@stgregoryctr.com; George Davis
Subject: St.Gregory Holdings, PUD action

The Southwestern Neighborhood Association Board and other interested parties met with Mike Vasquez of St Gregory Holding, regarding zoning issues at 6151 Thornton, Des Moines 50321. The meeting was held December 13th at the office of Mr. Vasquez.

The meeting cleared up some misunderstood concepts regarding staff, detoxification, in-patient housing, and building remodeling. I really appreciate the comments of Nick VanPatten and Steve Utterson who are SWHNA Board members and neighbors to the project. All possible outcomes were discussed and several questions were asked and answered.

At the end of the informational meeting, the total board was polled along with other attendee's. It was decided that the Board of Southwestern Hills Neighborhood Association is in full support of the St Gregory project.

Good luck to the new business in the neighborhood.

George Davis