

Date January 28, 2013

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 December 20, 2012, the members voted 13-0 to recommend **APPROVAL** of request from SPTIHS Property Trust (owner) represented by David Hagerty (officer) to amend the Des Moines' 2020 Community Character Plan to revise the future land use designation from Low Density Residential to Medium Density Residential for property located at 2401 East 8th Street.

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 denied/approved.

MOVED by \_\_\_\_\_ to deny or approve the proposed amendment.

FORM APPROVED:

  
 Michael F. Kelley  
 Assistant City Attorney

(21-2012-4.15)

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

**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.

\_\_\_\_\_  
 Mayor

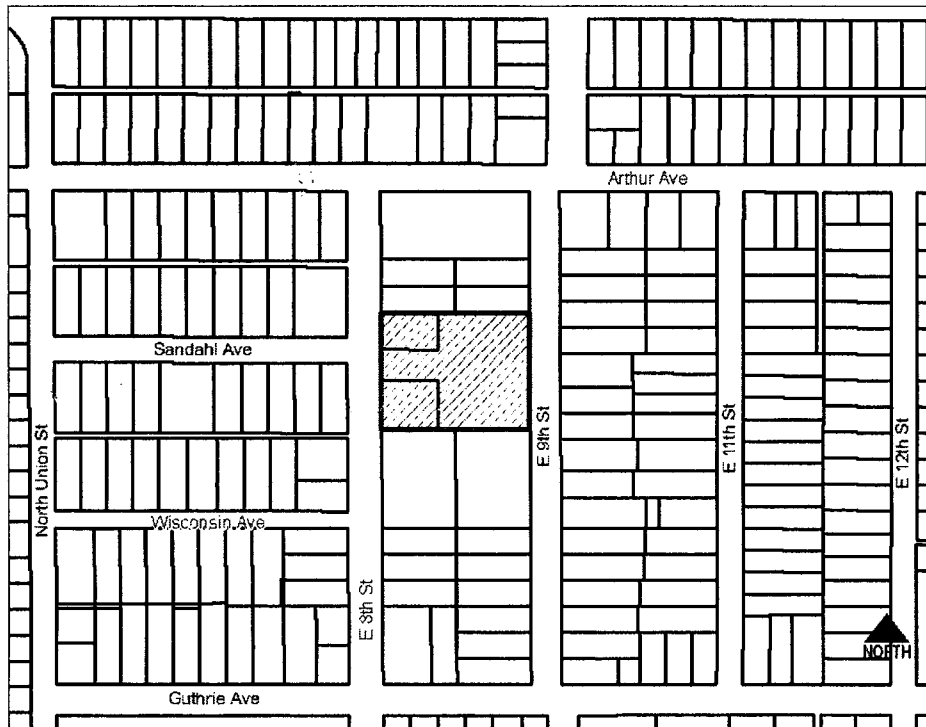
\_\_\_\_\_  
 City Clerk

47A

Request from SPTIHS Property Trust (owner) represented by David Hagerty (officer) to rezone property located at 2401 East 8th Street.			File #		
			ZON2012-00183		
<b>Description of Action</b>	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.				
<b>2020 Community Character Plan</b>	Low-Density Residential				
<b>Horizon 2035 Transportation Plan</b>	No Planned Improvements				
<b>Current Zoning District</b>	"R1-60" One-Family Low-Density Residential District				
<b>Proposed Zoning District</b>	"R-3" Multiple-Family Residential District				
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	5	1			
Outside Area					
<b>Plan and Zoning Commission Action</b>	Approval	13-0	<b>Required 6/7 Vote of the City Council</b>	Yes	N/A
	Denial			No	

Sptihs Properties Trust - 2401 E 8th Street

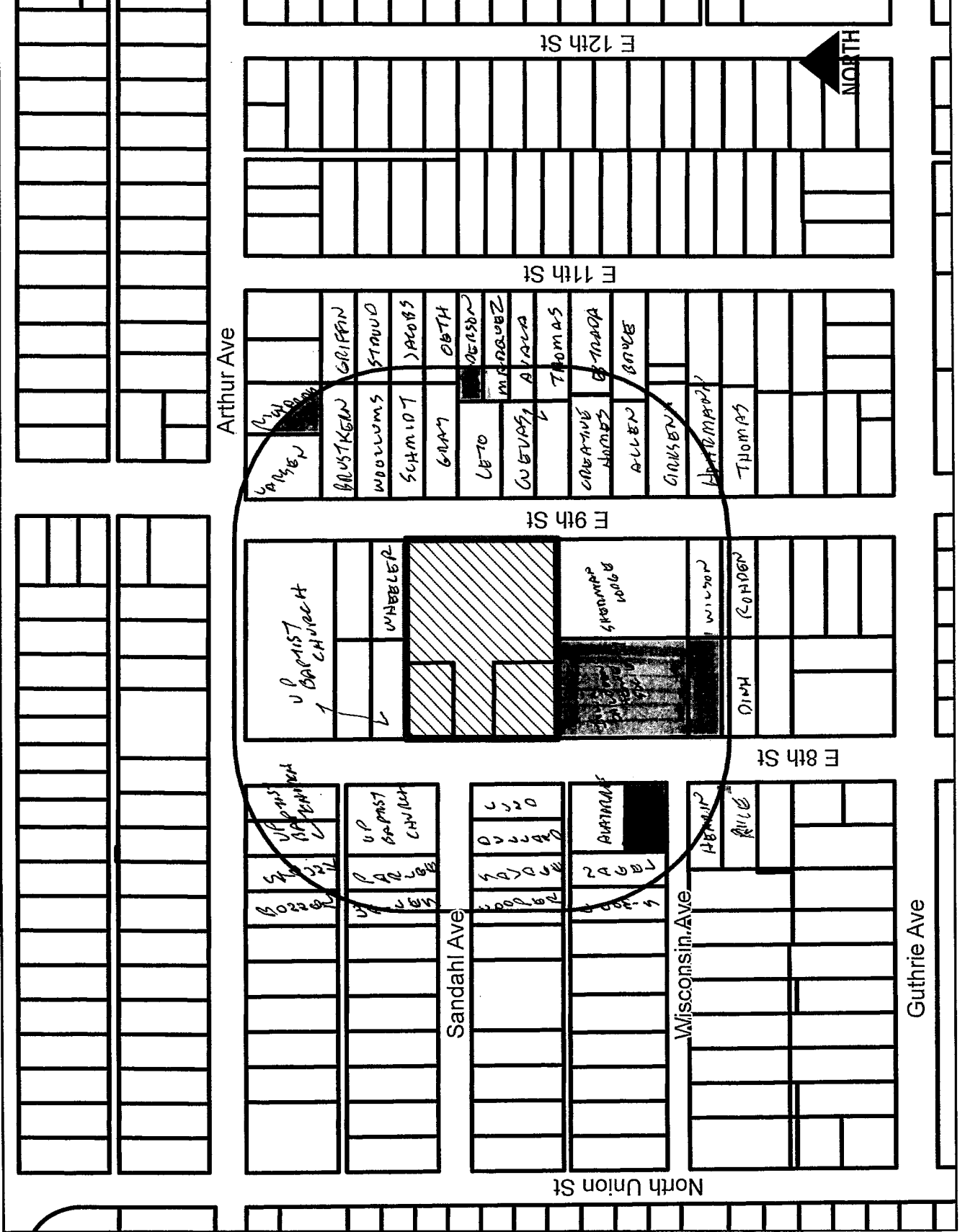
ZON2012-00183



ZON2012-00183

47A

SPTIHS Properties Trust - 2401 E 8th Street



Arthur Ave

Sandahl Ave

Wisconsin Ave

Guthrie Ave

North Union St

E 8th St

E 9th St

E 11th St

E 12th St



WAPNEW  
BRUSTKEM  
WOODLUMS  
SCHMIDT  
GRAY  
LETO  
CUTYAS  
ONARAVE  
SANTON  
ALLEN  
GRUBEN  
HARRIS  
THOMAS

GRIFIN  
STAND  
JACOBS  
OBTH  
PERSON  
MADON  
AVANA  
THOMAS  
BRUB  
BRUB  
THOMAS

UP BAPTIST CHURCH  
WHEELER  
DINWIDDIE  
WILSON  
GORDON

UP BAPTIST CHURCH  
WHEELER  
WISCONSIN  
RICE  
HARRIS  
MADON  
LUND  
WILSON  
MADON  
LUND  
WISCONSIN  
RICE  
HARRIS

Item 2012 00183

Date 10-24-12

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

(Circle One)



Print Name TINA PHAN

Signature [Handwritten Signature]

Address 2326 E 8<sup>th</sup> 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 Glavia 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

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

(Circle One)

Print Name KEITH E. WILLS

Signature Keith E. Wills

Address 2321 E 8<sup>TH</sup> ST

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

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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 903 Arther ave

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

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Item 2012 00183

Date 10-24-2012

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

(Circle One)

Print Name Lizabeth Rice

Signature Lizabeth Rice

Address 2318 E. 8<sup>th</sup> St., OSM

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)

Print Name TERRY ANDERSON

Signature Terry Anderson

Address 609 NE TIMLEW, Ankeny

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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

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			

**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.



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 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 9<sup>th</sup> 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