



Date May 18, 2020

**RESOLUTION HOLDING HEARING ON REQUEST FROM WALDEN POINT, LP TO AMEND PUD CONCEPTUAL PLAN FOR PROPERTY LOCATED AT 1200 4<sup>TH</sup> STREET**

**WHEREAS**, on May 4, 2020, by Roll Call No. 20-0754, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on April 16, 2020, its members voted 11-0-1 in support of a motion to recommend **APPROVAL** of a request from Walden Point, LP (owner), represented by Robert Burns (partner), for the 2nd Amendment to the Walden Point PUD Conceptual Plan for property located at 1200 4th Street (“Property”), to allow the existing 3-story, 60-unit facility to be converted to units for either group living, assisted living, or multiple household living for seniors, with a mix of assisted living and independent living options for persons aged 55 and older; and

**WHEREAS**, on May 4, 2020, by Roll Call No. 20-0754, it was duly resolved by the City Council that the application of Walden Point, LP for review and approval of the proposed 2nd Amendment to the Walden Point PUD Conceptual Plan for the Property, as legally described below, be set down for hearing on May 18, 2020, at 5:00 p.m. in accordance with the Governor’s and Mayor’s Proclamations and the current prohibition on gatherings of ten or more persons during the COVID19 outbreak; and

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

**WHEREAS**, in accordance with said notice, those interested in said proposed amendment to the approved Walden Point 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 and any statements of interested persons and arguments of counsel, any and all objections to the proposed 2nd Amendment to the Walden Point PUD Conceptual Plan for the Property, located at 1200 4th Street and legally described as follows, are hereby overruled, and the hearing is closed:

LOTS 62 THROUGH 68 AND LOTS 71 THROUGH 79 AND THE VACATED NORTH-SOUTH ALLEY LYING WEST OF AND ADJOINING LOTS 71 THROUGH 79, ALL IN RUTHEFORD HEIGHTS, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

2. The proposed 2nd Amendment to the Walden Point PUD Conceptual Plan, as on file in the Community Development Department, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is hereby approved, subject to the revisions to the Plan as set forth above.

 **Roll Call Number**

Agenda Item Number

50

Date May 18, 2020

MOVED BY \_\_\_\_\_ TO ADOPT.

FORM APPROVED:

/s/ Glenna K. Frank  
Glenna K. Frank, Assistant City Attorney

(ZON2020-00036)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

MOTION CARRIED APPROVED

**CERTIFICATE**

I, P. KAY CMELIK, 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



April 28, 2020

Date May 18, 2020  
 Agenda Item 50  
 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 April 16, 2020 meeting, the following action was taken regarding a request from Walden Point, LP (owner) represented by Robert Burns (partner) for a 2<sup>nd</sup> Amendment to the Walden Point PUD Conceptual Plan for property located at 1200 4<sup>th</sup> Street, to allow use of the 3-story, 60 bed Group Living, Assisted Living Facility to be converted to units allowing either Group Living, Assisted Living Facility or Multiple Household Living for seniors.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 11-0-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles	X			
Abby Chungath	X			
Jacqueline Easley	X			
Jann Freed	X			
John "Jack" Hilmes	X			
Lisa Howard	X			
Carolyn Jenison	X			
Greg Jones	X			
William Page	X			
Rocky Sposato	X			
Steve Wallace				X
Greg Wattier			X	
Emily Webb	X			

**APPROVAL** of the proposed 2<sup>nd</sup> Amendment to the Walden Point "PUD" Conceptual Plan.  
 (ZON2020-00036)

Written Responses

2 in Favor

0 in Opposition

**STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Staff recommends approval of the proposed 2<sup>nd</sup> Amendment to the Walden Point "PUD" Conceptual Plan.

**STAFF REPORT TO THE PLANNING COMMISSION****I. GENERAL INFORMATION**

1. **Purpose of Request:** The proposed amendment to the Walden Point PUD Conceptual Plan would allow the 3-story, 60-unit Group Living, Assisted Living Facility to be converted to units that are used for either Group Living, Assisted Living Facility or Multiple Household Living for seniors. Thus, the amendment would allow the facility to contain a mix of assisted living and independent living options for person aged 55 and older. All modifications would be internal to the existing building.
2. **Size of Site:** 2.44 acres.
3. **Existing Zoning (site):** "PUD" Planned Unit Development District.
4. **Existing Land Use (site):** The site contains the Walden Point Assisted Living Facility and surface parking lots.
5. **Adjacent Land Use and Zoning:**
  - North** – "N5", Uses are one-household residential.
  - South** – "Mercy PUD", Uses include University Avenue and Mercy Medical Center.
  - East** – "RX2", Uses include 4<sup>th</sup> Street and a surface parking lot for Mercy Medical Center.
  - West** – "N-5", Uses include 5<sup>th</sup> Avenue and one-household residential.
6. **General Neighborhood/Area Land Uses:** The subject property is located to the north of University Avenue in an area that transitions from commercial uses along the corridor to residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is in the River Bend Neighborhood. A notice of the April 16, 2020 electronic/Zoom meeting was mailed on April 3, 2020 to the Riverbend Neighborhood Association and the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda was mailed to all recognized neighborhoods on April 10, 2020.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The River Bend Neighborhood mailings were sent to Jon Royal, 1830 8<sup>th</sup> Street, Des Moines, IA 50314.

Due to the COVID-19 pandemic, the applicant is unable to hold a neighborhood meeting. However, on March 27, 2020, the applicant mailed a letter to the neighboring property owners to explain their proposal and to provide contact information in case they had any questions or comments. The applicant will provide a summary of any communications with neighboring property owners prior to the public hearing.

- 8. Relevant Zoning History:** The subject property (excluding the property known as 1223 5<sup>th</sup> Avenue) was rezoned to “PUD” Planned Unit Development District by the City Council on August 9, 2004 by Ordinance 14,368. Also at that time, the PUD Conceptual Plan was established and a north/south alley through the site was vacated and conveyed to the applicant.

The 1<sup>st</sup> amendment to the Conceptual Plan was approved by City Council on April 25, 2005, by Roll Call 05-1020. This amendment added the property known as 1223 5<sup>th</sup> Avenue to the PUD, shifted the 60-unit assisted living facility building to the west, and reconfigured the off-street parking areas.

- 9. PlanDSM Land Use Plan Designation:** High Density Residential.

- 10. Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews all proposals to amend zoning boundaries or regulations 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 make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

The application, accompanying evidence and “PUD” 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 the City Code 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 amended “PUD” Conceptual Plan 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. PlanDSM Creating our Tomorrow:** The subject property is designated as High Density Residential, which is defined as, “Areas developed with primarily higher intensity multi-family housing with a minimum density over 17 dwelling units per net acre.” The proposed amendment to the PUD Conceptual Plan is compatible with designation. Furthermore, Staff believes that this is an appropriate location for a use

that involve both assisted living and independent living options for persons aged 55 and older.

- 2. Off-Street Parking:** The PUD Conceptual Plan does not propose any modifications to the existing off-street parking areas. There is an existing parking lot immediately to the east of the building, which contains 26 parking stalls. There is an additional existing parking lot on the southern portion of the PUD, which contains 57 parking stalls. This lot functions as overflow parking for Walden Point, as well as Mercy Medical Center.

## **SUMMARY OF DISCUSSION**

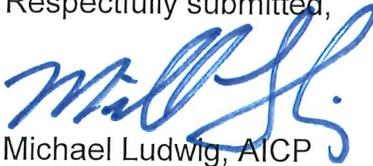
Jann Freed asked if any member of the audience or the Commission desired to speak regarding the item. None were present or requested to speak.

## **COMMISSION ACTION:**

John "Jack" Hilmes made a motion for approval of the proposed 2<sup>nd</sup> Amendment to the Walden Point "PUD" Conceptual Plan.

Motion passed: 11-0-1

Respectfully submitted,



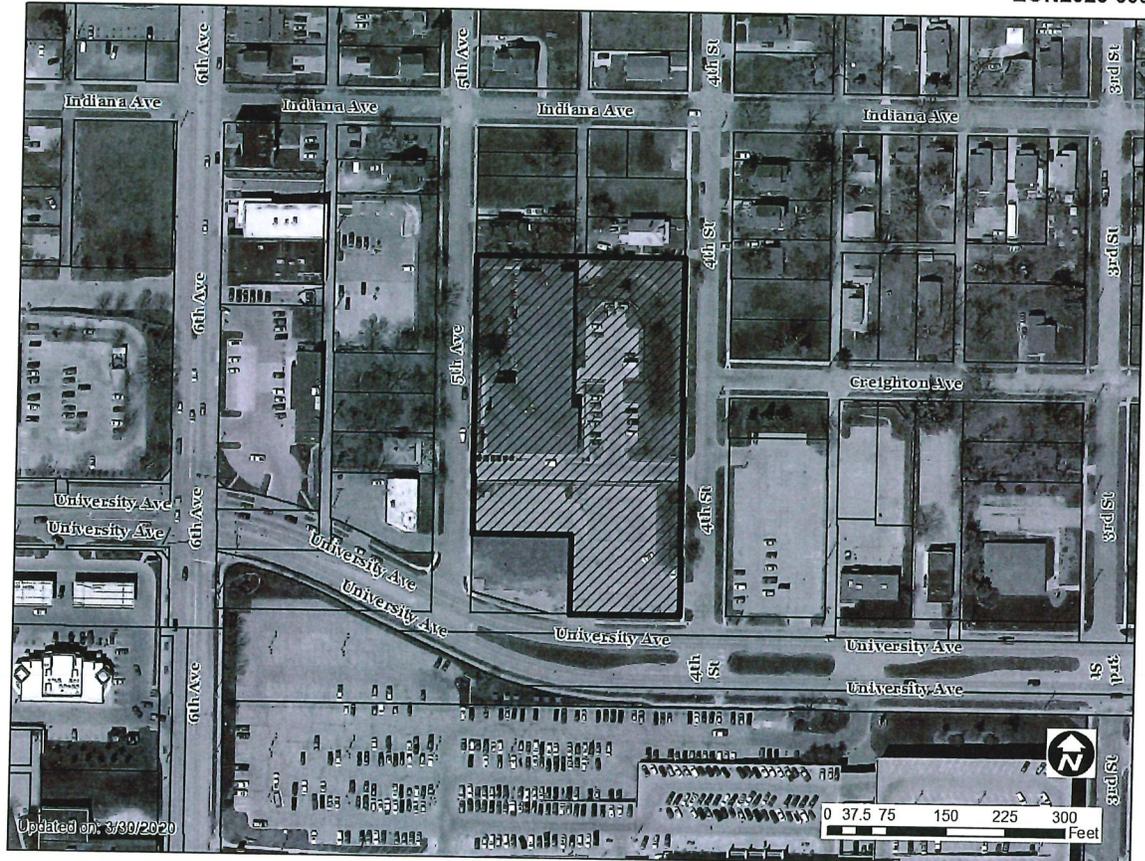
Michael Ludwig, AICP  
Planning Administrator

MGL:tjh

Walden Point, LP (owner) represented by Robert Burns (partner) for property located at 1200 4th Street.			File #	
			ZON2020-00036	
Description of Action	2nd Amendment to the Walden Point PUD Conceptual Plan to allow use of the 3-story, 60 bed Group Living, Assisted Living Facility to be converted to units allowing either Group Living, Assisted Living Facility or Multiple Household Living for seniors.			
PlanDSM Future Land Use	Current: High Density Residential. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"PUD" Planned Unit Development District.			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Outside Area (200 feet)	2	0		
Within Subject Property				
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes
	Denial			No

Walden Point, LP, 1200 4th Street

ZON2020-00036



1 inch = 143 feet



Item: ZON2020-00036 Date: 4-4-20

I  (am)  (am not) in favor of the request:  
(Circle One)

Print Name: Rebyn Walker

RECEIVED  
COMMUNITY DEVELOPMENT  
APR 10 2020

Signature: Rebyn Walker

Address: 1216 5th Ave

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

NEED more ASSIST living

Item: ZON2020-00036 Date: 4-6-2020

I  (am)  (am not) in favor of the request:  
(Circle One)

Print Name: Peter Comito

RECEIVED  
COMMUNITY DEVELOPMENT  
APR 10 2020

Signature: [Signature]

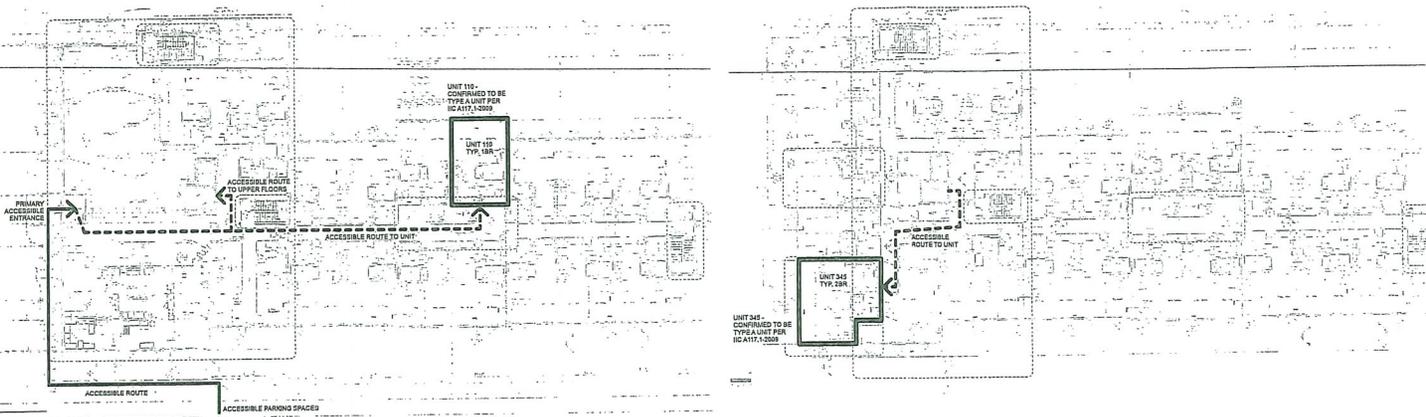
Address: 501 University, DM IA

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

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

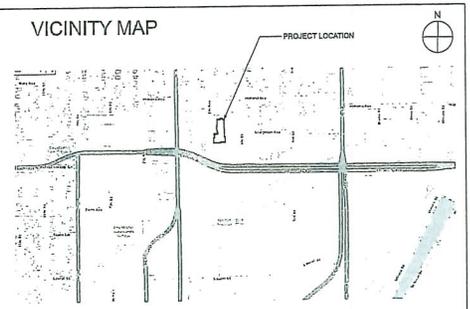
# WALDEN POINT - CHANGE IN OCCUPANCY

1200 4TH STREET  
 IIC-A117.1 2009 ANALYSIS



1 LEVEL 1 - CODE PLAN  
 SCALE: 1" = 20'

2 LEVEL 3 - CODE PLAN  
 SCALE: 1" = 20'



### PROJECT TEAM

**OWNER:**  
 WALDEN POINT LIMITED PARTNERSHIP  
 BURNS & BURNS, L.C. GENERAL PARTNER  
 P.O. BOX 1226, IOWA CITY, IA 52244-1226  
 CONTACT: BOB BURNS

**ARCHITECT:**  
 SLINGSHOT ARCHITECTURE  
 305 EAST COURT AVE.  
 DES MOINES, IOWA 50309  
 PHONE: (515) 243-0074  
 CONTACT: JOSH WILLIAMS, AIA



I hereby certify that the portion of this technical submission described below was prepared by me or under my direct supervision and responsible charge. I am a duly registered architect under the laws of the State of Iowa.

Greg Watter, AIA, Iowa License #05455  
 Slingshot Architecture, Inc.

Signature: *[Signature]*  
 Date Issued: 10/20/13

DESIGNATION	COMPLIANCE	NOTES
110A - PRIMARY ENTRANCE	YES	
110B - ACCESSIBLE ROUTE	YES	
110C - VULNERABLE SURFACE	YES	
110D - DOORS AND DOORWAYS	YES	
110E - RAMP	NA	
110F - ELEVATOR	NA	
110G - PLATFORM LIFTS	NA	
110H - CHANGEABLE PARTS	PARTIALLY	ELECTRICAL PANEL LATCH 6" PLATE - OWNER REQUESTS EXISTING ELECTRICAL PANELS REMAIN SO ENTIRE UNIT DOES NOT NEED TO BE REWIRED.
110I - LAUNDRY EQUIPMENT	NA	
110J - TOILET AND BATHING FACILITIES	YES	
110K - KITCHENS AND KITCHENETTES	YES	
110L - WINDOWS	YES	
110M - STORAGE FACILITIES	YES	

DESIGNATION	COMPLIANCE	NOTES
245A - PRIMARY ENTRANCE	YES	
245B - ACCESSIBLE ROUTE	YES	
245C - VULNERABLE SURFACE	YES	
245D - DOORS AND DOORWAYS	YES	
245E - RAMP	NA	
245F - ELEVATOR	NA	
245G - PLATFORM LIFTS	NA	
245H - CHANGEABLE PARTS	PARTIALLY	ELECTRICAL PANEL LATCH 6" PLATE - OWNER REQUESTS EXISTING ELECTRICAL PANELS REMAIN SO ENTIRE UNIT DOES NOT NEED TO BE REWIRED.
245I - LAUNDRY EQUIPMENT	YES	
245J - TOILET AND BATHING FACILITIES	YES	
245K - KITCHENS AND KITCHENETTES	YES	
245L - WINDOWS	YES	
245M - STORAGE FACILITIES	YES	

**APPLICABLE CODES - CITY OF DES MOINES**

201 - INTERNATIONAL BUILDING CODE	201 - INTERNATIONAL FIRE CODE
310 - INTERNATIONAL MECHANICAL CODE	310 - INTERNATIONAL PLUMBING AND MECHANICAL CODE
310 - INTERNATIONAL MECHANICAL CODE	310 - INTERNATIONAL PLUMBING AND MECHANICAL CODE
311 - NATIONAL ELECTRIC CODE	311 - NATIONAL ELECTRIC CODE
100 - IBC 2009	100 - IBC 2009

**EXISTING DESIGN VALUES**

OCCUPANCY	PERIMETER
Level 1 - I-1 (A2) (A2 R-2)	Building Perimeter = 712'-0"
Level 2-3 - I-1 (A2 R-2)	PERIMETER
STORIES	36'-0"
Level 1-3 Type VA Construction	AREA (GROSS)
AUTOMATIC SPRINKLER SYSTEM	Level 1 - 12,717sf
Required - NFPA 12	Level 2 - 13,717sf
YEAR BUILT	Level 3 - 15,117sf
2009	Total = 55,151sf

**EXISTING BUILDING COMPLETION - 2009 (2009 IBC)**

**CHANGE OF OCCUPANCY (IEBC CHAPTER 10)**

101.1 - The provisions of this chapter shall apply where a change of occupancy occurs as defined in Section 202.

202 - Change of Occupancy - A change in the use of the building or a portion of a building. A change of occupancy shall include any change of occupancy classification, any change from one group to another group within an occupancy classification, or any change in use from one occupancy classification to another.

101.2.1 - Where the occupancy classification of a building changes, the provisions of Sections 1002 through 1012 shall apply. This includes a change of occupancy classification and a change to another group within an occupancy classification.

ADDING R-2 OCCUPANCY TO EXISTING BUILDING AND MAINTAIN EXISTING I-1 AND A-2 OCCUPANCY GROUPS.

1003 - Building Elements must meet 1012.

1004 - Fire Protection must meet 1012.

1005 - Means of Egress must meet 1012.

1006 - Accessibility must meet 1012.

1007 - Structural Load not increased.

1008.1 - Change of Occupancy does not change to any special occupancy.

1008.2 - Electrical service shall be upgraded to meet the requirements of NFPA 70 for the new occupancy - Owner to confirm.

1008.4 - Number of units shall be comply with the requirements of NFPA 70 for the new occupancy - Owner to confirm.

1009 - New occupancy does not increase ventilation requirement.

1010 - New occupancy does not change existing use of plumbing fixtures.

1011 - New occupancy does not increase lighting or ventilation.

1012.1.1 - Change of Occupancy/Use Separation - No new Building Separation elements, though units are separated with the existing and exterior walls. If necessary, assemblies are listed as the rated horizontal assemblies. No upgrades are required for building or special occupancy separations.

1012.1.2 - Change of Occupancy must comply with Chapter 8 of the International Building Code for the most restrictive occupancy classification. Existing I-1/A-2 Occupancies are more restrictive than new R-2 Occupancy, no fire protection upgrades are required.

1012.1.3 - Interior Finish, Wall and ceiling finishes shall comply with Chapter 8 of the International Building Code for the new occupancy classification. Interior finishes appear to comply with Chapter 8 requirements.

1012.2 - Means of Egress. Existing rating = 3 (I-1/A). New rating = 3 (R-2). Same Hazard Category.

1012.2.1 - The means of egress shall comply with the requirements of Section 1002 except as specifically required in Sections 1002.2 and 1002.3.

1012.2.2 - Means of egress lighting shall be provided within the exit enclosures. It appears egress lighting is provided within the exit per 1002.3.

1012.2.3 - Means of egress exit signage shall be provided per the International Building Code. It appears exit signage is provided per 1002.3.

1012.2.4 - Signs and Areas. Existing rating = 3 (A-2 + B). New rating = 2 (R-2). Same Hazard Category. No revision required.

1012.2.5 - Exterior Wall Fire-Resistance Rating. Existing rating = 3 (A + B). New rating = 3 (R-2). Same Hazard Category. Existing exterior walls do not require upgrading fire resistance in the exterior walls.

1012.2.6 - New occupancy does not increase hazard. Stairways are not required to be upgraded.

1012.2.7 - New occupancy does not increase hazard. Elevator shafts is not required to be updated.

1012.3 - Existing Buildings that undergo a change of occupancy shall comply with this section.

1012.3 Exception - Type B dwelling units required by Section 1107 of the International Building Code are not required to be provided in existing buildings and buildings undergoing a change of occupancy if compliance with these Level 3 alterations. No alterations are planned to the building other than what is required for accessibility upgrades. No Type B Dwelling Units required.

1012.4.1 - Building shall comply with Sections 705, 805 and 905, as applicable.

1012.4.2 - Less than 4 units are altered, requirement does not apply.

1012.4.3 - No additional stair or escalator are planned, requirement does not apply.

1012.4.4 - No alterations to elements listed in Sections 705.1.1 through 705.1.4, requirement does not apply.

1012.4.5 - No alteration affect the accessible route to the primary function.

1012.5 - Accessibility - One accessible entrance, one accessible route to primary area, signage complying with section 1111 of the International Building Code, accessible parking, accessible route connecting accessible parking and accessible entrance.

1012.5.2 Exception - These (3) items are only required for Type A dwelling units.

**INTERIOR FINISHES (IBC CHAPTER 8)**

801.1 - Interior wall and ceiling finish materials shall be classified in accordance with ASTM E84 or UL723. Such interior finish materials shall be grouped in the following classes in accordance with flame spread and smoke developed indices:

- Class A = flame spread 0-25, smoke developed index 0-45
- Class B = flame spread 26-75, smoke developed index 46-75
- Class C = flame spread 76-200, smoke developed index 76-200

801.2 Thickness exemption - materials having a thickness less than .020" applied directly to the surface of a wall or ceiling shall not be required to be tested.

803.11 - Interior walls and ceiling finishes shall have a flame spread index no greater than that specified in Table 803.11

Table 803.11	Substrate	Conditions	Rating
Levels 1-3	I-1 (Most Restrictive)	B	C

No new finishes proposed. As I-1 is most restrictive and current occupancy, no upgrades are required.

**ACCESSIBILITY (IBC CHAPTER 11)**

1104 - (1) Accessible Route from building entrance to primary function areas per IBC 1102.2.

1105.1 - (1) Accessible building entrance per IBC 1102.2.

1105.1.7 - (1) At least one accessible entrance shall be provided to each dwelling unit in a building.

1105.1.7 Exception - An accessible entrance is not required to dwelling units that are not required to be Accessible units, Type A or Type B units.

1106.1 - Parking - 50 spaces provided - 4 accessible stalls total - Existing (1) accessible Van stall - (3) accessible stalls provided. Complies with IBC 1106.1.2.

1106.2 - Existing passenger loading zone to comply with 1106.2. Complies with IBC 1106.2.

1107.2.2.1 (Group R-2) Type A Units - 60 units require (2) Type A units. Units 110 + 245 are Type A compliant.

1107.2.2.2 (Group R-2) Type B units - Not required per IBC 1012.3 Exception.

1111 - Provide Signage per Section 1111 and ANSI 117.

**EXISTING BUILDINGS (IEBC CHAPTER 8)**

C809 - New occupancy will not increase demand of fresh air or electrical usage. Existing mechanical and lighting to remain unchanged for similar building use per C805.4(2).

**SLINGSHOT ARCHITECTURE**  
 305 EAST COURT AVENUE, DES MOINES, IA 50309

**WALDEN POINT - CHANGE IN OCCUPANCY**  
 1200 4TH STREET DES MOINES, IA

2019.34  
 CHANGE OF OCCUPANCY  
 2020.01.23

REVISIONS

TITLE SHEET / GENERAL INFO

**G.100**