



Date June 9, 2025

RESOLUTION HOLDING HEARING ON APPEAL FROM SCOTTISH RITE PARK, INC. (OWNER), REPRESENTED BY DANIEL J. BOOR (OFFICER), ON A CONDITIONALLY APPROVED TYPE 2 DESIGN ALTERNATIVE FOR A PUBLIC HEARING SITE PLAN FOR PROPERTY LOCATED AT 2909 WOODLAND AVENUE

WHEREAS, at a public hearing held on April 3, 2025, the City Plan and Zoning Commission considered a request from Scottish Rite Park, Inc. (Owner), represented by Daniel J. Boor (Officer), for approval of the Site Plan for Type 2 Design Alternative waiving the requirement to install sidewalks along all street frontages identified in the city's transportation master plan, as shown in the Site Plan submitted for the property located at 2909 Woodland Avenue; and

WHEREAS, pursuant to Section 135-8.5.2.A of the Municipal Code, installation of sidewalks are required as identified in the city's transportation master plan; and

WHEREAS, in its Site Plan, the Scottish Rite Park, Inc. proposed waiving the requirement for installing sidewalks along all street frontages of the subject property, which have been identified in the city's transportation master plan as requiring sidewalks; and

WHEREAS, the Plan and Zoning Commission voted 11-0 for a conditional **APPROVAL** of a Type 2 Design Alternative, in which the Commission conditionally approved the request to waive said ordinance requirement to install sidewalks along all street frontages identified in the city's transportation master plan, subject to the following conditions:

1. Provision of a sidewalk segment extending east from the eastern edge of the drive to a point that aligns with the western 29th Street sidewalk. The sidewalk segment shall include a ramp oriented towards the south for pedestrians crossing Woodland Avenue.
2. Compliance with all administrative review comments.; and

WHEREAS, the Scottish Rite Park, Inc. has timely appealed to the City Council pursuant to Municipal Code Section 135-9.3.9(B), and is seeking further review of the Plan and Zoning Commission decision and conditional approval of the above-described Type 2 design alternative to the Site Plan waiving the requirement to install sidewalks along all street frontages identified in the city's transportation master plan set forth in Municipal Code Section 135-8.5.2.A; and

WHEREAS, on May 19, 2025, by Roll Call No. 25-0737, it was duly resolved by the City Council that the appeal be set down for hearing on June 9, 2025 at 5:00 P.M. in the Council Chambers; and

WHEREAS, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place of hearing on said appeal; and



.....
Date June 9, 2025

WHEREAS, in accordance with said notice, those interested in said appeal and the proposed Type 2 Design Alternative, both for and against, have been given the 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 arguments and objections to the Plan and Zoning Commission conditional approval of the Type 2 Design Alternative in form requested by the Scottish Rite Park, Inc. for property located at 2909 Woodland Avenue, as described above, are hereby received and filed.
2. The communications from the Plan and Zoning Commission and Scottish Rite Park, Inc., respectively, are hereby received and filed.

Alternative A

MOVED BY _____ to **DENY** the Type 2 Design Alternative in form requested by the Scottish Rite Park, Inc. described above, to **APPROVE** the Type 2 Design Alternative in form recommended by the Planning and Zoning Commission described above, and to make the following findings of fact and objections regarding the Type 2 Design Alternative as proposed by the Scottish Rite Park, Inc.:

- a. Under Municipal Code Section 135-8.5.2, sidewalks are required as identified in the City's Transportation Master Plan.
- b. The subject property is located along Woodland Avenue and 28th Street.
- c. The frontage along Woodland Avenue and 28th Street are priority one sidewalk gaps within the City's Transportation Plan, MoveDSM.
- d. Such sidewalk installation would provide connectivity and walkability for the subject property and surrounding properties.
- e. Scottish Rite Park, Inc.'s proposal for the Type 2 Design Alternative to the requirements of Section Code Section 135-8.5.2 are for full waiver, resulting in no sidewalk installations being required along Woodland Avenue and 28th Street, and it is based on preference, rather than need.
- f. City Planning staff recommended approval of the Type 2 design alternative with the condition that Scottish Rite Park, Inc. install a sidewalk on Woodland Avenue from the western property line to east of the existing driveway in order to make a crosswalk connection with the southern sidewalk across Woodland Avenue at the 29th Street intersection, in lieu of the Type 2 design alternative for full waiver of Section Code Section 135-8.5.2 as requested by Scottish Rite Park, Inc.



Date June 9, 2025

- g. Scottish Rite Park, Inc. have not met the burden required to demonstrate that their requested design alternative met the criteria for approval or that the result of the design alternative would equal or exceed the result of compliance with the Planning and Design Ordinance.
- h. Scottish Rite Park, Inc. have not shown that their requested design alternative is consistent with all relevant purpose and intent statements of the Planning and Design Ordinance and with the general purpose and intent of the comprehensive plan.
- i. Scottish Rite Park, Inc. have not shown that their requested design alternative will not have a substantial or undue adverse effect on the public health, safety, and general welfare.
- j. The Type 2 Design Alternative as proposed by Scottish Rite Park, Inc. should not be approved for the reasons stated above.

Alternative B

MOVED BY _____ to **APPROVE** the Type 2 Design Alternative in form requested by the Scottish Rite Park, Inc. described above and to make the following findings of fact and objections regarding the Type 2 Design Alternative as proposed by the Scottish Rite Park, Inc.:

- a. Under Municipal Code Section 135-8.5.2, sidewalks are required as identified in the City's Transportation Master Plan.
- b. The subject property is located along Woodland Avenue and 28th Street.
- c. There is no sidewalk connection on Woodland Avenue and 28th Street from the adjoining properties.
- d. Any sidewalk installation would have no existing connection to the west and north since the neighboring properties currently lack a sidewalk.
- e. There are existing utilities and grading increases within the subject property near the required sidewalk installation area, and any associated maneuvering or additional steps during installation of the sidewalk with utilities near such installation and grading increases carry additional financial and administrative burdens for Scottish Rite Park, Inc.
- f. Scottish Rite Park, Inc.'s proposal for the Type 2 Design Alternative to the requirements of Section Code Section 135-8.5.2 are for full waiver, resulting in no sidewalk installations being required along Woodland Avenue and 28th Street, and it is based on the lack of necessity for the sidewalk at this location with no existing connection and the additional burden such installation would create.
- g. Scottish Rite Park, Inc. have met the burden required to demonstrate that the requested design alternative meet the criteria for approval and that the result of the design alternative would equal or exceed the result of strict compliance with Sections 135-8.5.2 of the Planning and Design Ordinance.
- h. Scottish Rite Park, Inc. have shown that the requested design alternative is consistent with all relevant purpose and intent statements of the Planning and Design Ordinance and with the general purpose and intent of the comprehensive plan.
- i. Scottish Rite Park, Inc. have shown that the requested design alternative will not have a substantial or undue adverse effect on the public health, safety, and general welfare.



Roll Call Number

Agenda Item Number

56

Date June 9, 2025

- j. Said Type 2 Design Alternative, in form requested by Scottish Rite Park, Inc., should be, and hereby, approved for the above-stated reasons and incorporated into the approved Site Plan for the Property.

SECOND BY _____.

FORM APPROVED:

/s/ Chas M. Cahill _____

Chas M. Cahill,
Assistant City Attorney

(SITE-2024-000132)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
COLEMAN				
GATTO				
MANDELBAUM				
SIMONSON				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED		APPROVED		

Mayor

CERTIFICATE

I, Laura Baumgartner, 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.

City Clerk



Daniel J. Boor

Scottish Rite Park
2909 Woodland Ave
Des Moines, IA 50312

April 27, 2025

Planning Department

City of Des Moines
Des Moines, IA

Subject: Appeal of Site Plan Review Decision – Scottish Rite Park, 2909 Woodland Ave

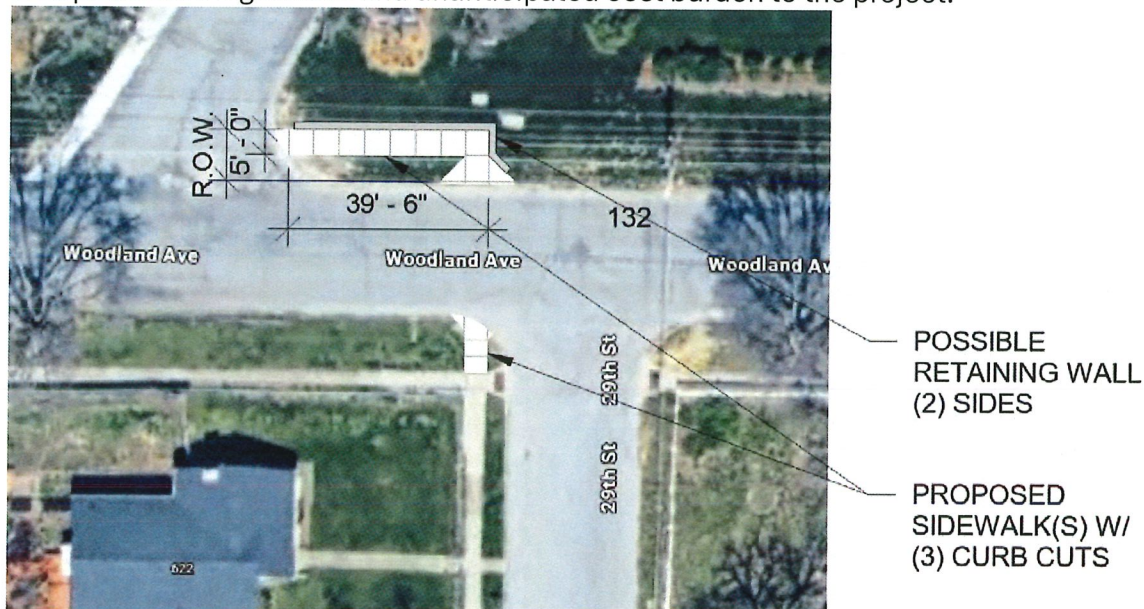
To Whom It May Concern,

I am writing on behalf of Scottish Rite Park to formally appeal the decision made on April 3rd, regarding the site plan review for our property located at 2909 Woodland Ave.

We respectfully request reconsideration of this decision based on the following concerns:

1. Topographical Constraints:

The proposed sidewalk as required by the city will necessitate the construction of retaining walls that would be approximately 3' high due to the existing grade of the site. This presents a significant and unanticipated cost burden to the project.





2. Utility Conflicts:

Existing underground utilities are located within the proposed sidewalk area. Relocation of these utilities would not only result in substantial additional costs but may also present technical feasibility issues.



3. Lack of Sidewalk Connectivity:

The proposed sidewalk currently does not connect to any existing sidewalks in the immediate area, limiting its functionality. We are open to collaborating with the city and adjacent property owners to install the sidewalk should surrounding properties develop sidewalks in the future.

Given these factors, we respectfully request that our appeal be approved. We are committed to working in good faith with the city to ensure the overall success of this project while remaining mindful of cost and feasibility.

Thank you for your time and consideration. We look forward to your response and the opportunity for a fair and impartial review.

Sincerely,

Daniel J. Boor

Scottish Rite Park



April 10, 2025

Communication from the City Plan and Zoning Commission advising that at their April 3, 2025 meeting, the following action was taken on request from Scottish Rite Park, Inc (owner), represented by Daniel J. Boor (officer), for review and approval of a Public Hearing Site Plan "Scottish Rite Park," for property located at 2909 Woodland Avenue, and for a Type 2 Design Alternative in accordance with City Code Sections 135-9.2.4(B) and 135-9.3.1(B), to waive public sidewalk along Woodland Avenue and 28th Street, required per City Code Section 135-8.5.2.A.

COMMISSION RECOMMENDATION: 11-0

After public hearing, the members voted as follows:

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus	X				
Leah Rudolphi	X				
Kayla Berkson	X				
Chris Draper	X				
Laura Kessel	X				
Todd Garner	X				
Johnny Alcivar					X
Justyn Lewis					X
Carolyn Jenison	X				
William Page	X				
Andrew Lorentzen					X
Emily Webb	X				
Katie Gillette	X				
Rick Trower					X
Jane Rongerude	X				

Approval of the Public Hearing Site Plan and the requested Type 2 Design Alternative, subject to compliance with all administrative review comments.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the Public Hearing Site Plan and the Type 2 Design Alternative subject to the following conditions:

1. Provision of a sidewalk segment extending east from the eastern edge of the drive to a point that aligns with the western 29th Street sidewalk. The sidewalk segment shall include a ramp oriented towards the south for pedestrians crossing Woodland Avenue.
2. Compliance with all administrative review comments

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed project includes an exterior patio extension and interior remodel.
2. **Size of Site:** 373,358 square feet (8.571 acres).
3. **Existing Zoning (site):** "RX1" Residential-Mixed Use District.
4. **Existing Land Use (site):** The subject property contains a senior assisted living facility (Scottish Rite Park).
5. **Adjacent Land Use and Zoning:**

North – "P2 NX3", Uses are a public school and accessory facilities (Ruby Van Meter School).

South – "N5, N5-2", Uses are one-household residential.

East – "N5", Uses are one-household residential.

West – "NX2", Uses are multi-household residential.
6. **General Neighborhood/Area Land Uses:** The subject property is located to the north of Woodland Avenue and west of 28th Street. Residential and public school uses are located immediately to the north, west, and south of the site.
7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Woodland Heights Neighborhood. All recognized neighborhoods were notified of the Commission meeting by emailing of the Preliminary Agenda on March 14, 2025, and the Final Agenda on March 28, 2025.

Additionally, an official public notice of the hearing for this specific item was mailed on March 28, 2025 (10 days before the hearing), to any Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site or adjacent to the site. All Neighborhood Association mailings are sent to the primary contact designated by the recognized Neighborhood Association on file with the City of Des Moines' Neighborhood Services Department.

8. Relevant Zoning History: None.

9. PlanDSM Future Land Use Plan Designation: Neighborhood Mixed Use.

10. Applicable Regulations: Pursuant to Section 135-9.1.1.B of the Planning and Design Ordinance, the site plan review requirements of Chapter 135 are designed to ensure the orderly and harmonious development of property in a manner that shall:

- Promote the most beneficial relation between present and proposed future uses of land and the present and proposed future circulation of traffic throughout the city;
- Permit present development of property commensurate with fair and orderly planning for future development of other properties in the various areas of the city with respect to the availability and capacity, present and foreseeable, of public facilities and services. The factors to be considered in arriving at a conclusion concerning proposed present development of property shall include the following:
 - The maximum population density for the proposed development, the proposed density of use, and consideration of the effect the proposal will have on the capacity of existing water and sanitary sewer lines to the end that existing systems will not become overloaded or capacity so substantially decreased that site use will inhibit or preclude planned future development;
 - Zoning restrictions at the time of the proposal;
- The city's comprehensive plan;
- The city's plans for future construction and provision for public facilities and services; and
- The facilities and services already available to the area which will be affected by the proposed site use;
- Encourage adequate provision for surface and subsurface drainage, in order to ensure that future development and other properties in various areas of the city will not be adversely affected;
- Provide suitable screening of parking, truck loading, refuse and recycling disposal, and outdoor storage areas from adjacent residential districts;
- Encourage the preservation of canopied areas and mature trees and require mitigation for the removal of trees; and
- Consider the smart planning principles set forth in Iowa Code Chapter 18B.

Based on Chapter Section 135-9.2.4 and 135-9.3.1.B of the Planning and Design Ordinance, Type 2 Design Alternatives are to be considered by the Plan and Zoning Commission after a public hearing whereby the following criteria are considered:

- The design alternative provisions of Section 135-9.2.4 are intended to authorize the granting of relief from strict compliance with the regulations of this chapter as part of the site plan or alternate design documentation review process when specific site features or characteristics of the subject property, including the presence of existing buildings, creates conditions that make strict compliance with applicable regulations impractical or undesirable. The design alternative provisions are also intended to recognize that alternative design solutions may result in equal or better implementation of the regulation's intended purpose and greater consistency with the comprehensive plan.
- Consideration of requested design alternatives through the administrative and public hearing review processes will be evaluated on the merits of the applicable request and independently of prior requests from the same applicant, and may include the following criteria:
 - An evaluation of the character of the surrounding neighborhood, such as:
 - Whether at least 50% of the developed lots within 250 feet of the subject property are designed and constructed consistently with the requested design alternative(s); and
 - Whether the directly adjoining developed lots are designed and constructed consistently with the requested design alternative(s);
- For purposes of this subsection, if the lots that exist within 250 feet of the subject property are undeveloped, then the neighborhood character determination will be based upon the assumption that such lots, as if developed, comply with the applicable requirements of this chapter for which a design alternative(s) has been requested;
 - The totality of the number and extent of design alternatives requested compared to the requirements of this chapter for each site plan or alternate design documentation reviewed;
 - Whether the requested design alternative(s) is consistent with all relevant purpose and intent statements of this design ordinance and with the general purpose and intent of the comprehensive plan;
 - Whether the requested design alternative(s) will have a substantial or undue adverse effect upon adjacent property, the character of the surrounding area or the public health, safety and general welfare;
 - Whether any adverse impacts resulting from the requested design alternative(s) will be mitigated to the maximum extent feasible; and
 - Other factors determined relevant by the community development director, plan and zoning commission, or city council as applicable.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Sidewalk:** City Code Section 135-8.5.2.A. requires installation of sidewalks along all street frontages. The subject property has approximately 1,340 feet of frontage along Woodland Avenue and 28th Street. These sidewalk gaps have been identified as “priority one” sidewalk gaps in the City of Des Moines’ transportation master plan MoveDSM.

City of Des Moines Engineering and Traffic staff have reviewed the existing conditions of the property and have given feedback on the feasibility of installing sidewalk. The grade increases as you move along Woodland Avenue towards the intersection with 28th Street. This steep grade continues north along 28th Street. The existing conditions would require construction of retaining walls and relocation of existing utilities for most of the frontage to provide functional sidewalks.

Engineering and Traffic Staff have recommended installing a sidewalk on Woodland Avenue from the western property line to just east of the existing driveway in order to make a crosswalk connection with the southern sidewalk across Woodland Avenue at the 29th Street intersection in lieu of installing sidewalk along all frontages. This would enable the residents of Scottish Rite Park to connect to existing sidewalk infrastructure. Planning staff are supportive of this recommendation in lieu of installation of sidewalk along the full frontages.

SUMMARY OF DISCUSSION

Michael Delp presented the staff report and recommendations.

Laura Kessel asked for clarification on the segment of the walk that staff was recommending be constructed.

Jason Van Essen clarified that after further discussion with the applicant, extending the sidewalk to the west appears challenging, but they still believed a walk could be provided east of the driveway to the 29th Street intersection.

Will Page asked if this had been presented to the ownership and what their response was.

Michael Delp stated the applicant would like a full waiver.

Todd Garner asked what had triggered the need to provide a sidewalk.

Michael Delp stated a patio expansion and 2-to-3-million-dollar interior renovation project.

Jane Rongerude asked if there would be a chance in the future to require the western sidewalk if other portions were started and then it became required.

Jason Van Essen stated that the window of opportunity for site plan changes is limited to times like this when it has been triggered. Staff is not in disagreement that this area could use the sidewalk but understand the challenges with grade here and the need for a retaining wall to make it happen.

Chris Draper asked about the length of the sidewalk.

Michael Delp stated it was around 40 feet.

Chris Draper agreed that the sidewalk doesn't need to go to the west but going east and then to connect to the crosswalk, he wonders if the crosswalk will be marked and maintained.

Michael Delp stated that staff did have a conversation with Traffic and Transportation Division staff, and they did not believe a marked crosswalk was needed or recommended for painting.

Chris Draper questioned why we would not require this to be painted as we are asking people to use the crosswalk that may be slower in speed with no protection or warning for oncoming cars.

Micheale Delp stated staff could have conversations with the Traffic staff to see where their design standards come into play in a situation like this and make a recommendation.

Jane Rongerude hoped that the design standard would address age and the need for potential slower users of the crosswalk.

Jason Van Essen stated there is a very limited budget for crosswalk paint maintenance, so they are very particular where it is done. It's a big challenge to maintain all of them.

CHAIRPERSON OPENED PUBLIC HEARING

Asa Wexphal, 2123 48th Street, representing the architectural team for an interior remodel project, explained that sidewalks are missing only in areas with steep grade changes, making installation difficult. While the property owners are not opposed to adding sidewalks, the remodel was not intended to include exterior work, and the added cost—estimated over \$25,000—poses a financial burden. The remodel has unexpectedly triggered a site plan requirement. Wexphal suggested deferring the sidewalk installation until a future project involving the neighboring property allows for a more comprehensive approach.

Will Page inquired about when the building was constructed.

Asa Wexphal believed it was constructed in 1969.

Will Page stated it was the first senior living home constructed in the vicinity of downtown and is significant, now being over 50 years old.

Chris Draper asked if it was known if there was demand for people in this area wanting to use the crosswalk to access the bus stop.

Asa Wexphal stated they didn't believe there was much demand for residents to walk in this area. They have their own interior trails within a parklike setting, a track and work out facility inside. Most residents still drive and for those in the nursing home area of the

building, they do not leave. He noted the request for bike racks stating that not many of them bike and for those that do, they use electric bikes, and they are stored inside.

Carol Maher, downtown Des Moines, spoke with neutrality on the project. As an advocate for bicyclists, she noted the importance of accommodating riders. While the residents of the facility may not ride bikes or take the bus, many of their employees that work at the facility likely do and would use the crosswalk. She also notes that there are two schools located nearby and the importance of sidewalks to consider in areas such as this.

CHAIRPERSON CLOSED PUBLIC HEARING

COMMISSION ACTION

Chris Draper felt the sidewalk across the whole area was excessive, but did agree with staff with adding and maintaining a crosswalk in the area.

Todd Garner expressed his dislike for site plan update triggers but questioned the claim that a \$25,000 sidewalk cost would jeopardize a \$3 million interior remodel project. He believed the ownership should be able to absorb the additional expense.

Todd Garner made a motion for approval of the Public Hearing Site Plan and the Type 2 Design Alternative subject to the following conditions:

1. Provision of a sidewalk segment extending east from the eastern edge of the drive to a point that aligns with the western 29th Street sidewalk. The sidewalk segment shall include a ramp oriented towards the south for pedestrians crossing Woodland Avenue.
2. Compliance with all administrative review comments.

THE VOTE: 11-0

Respectfully submitted,



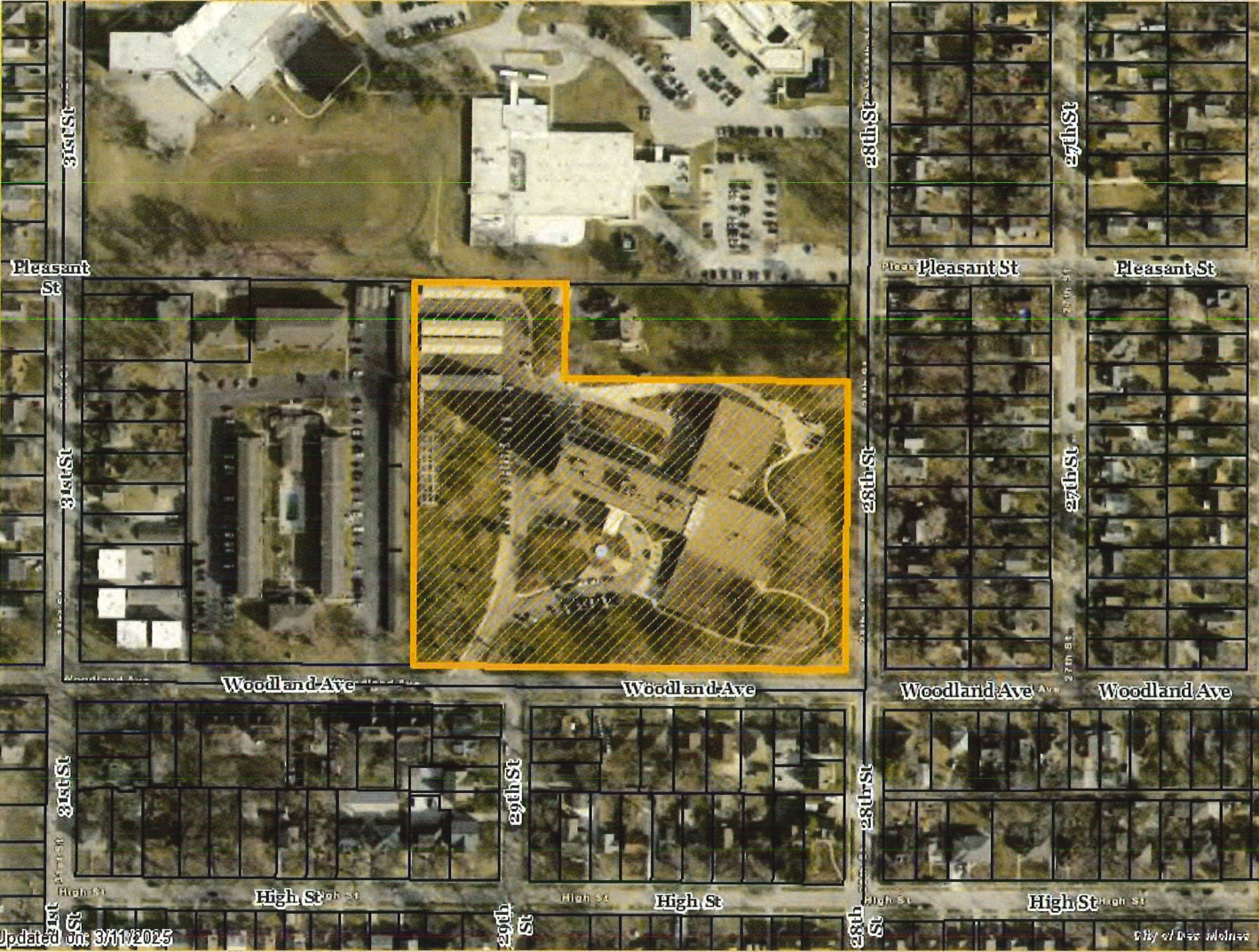
Jason Van Essen

Planning & Urban Design Administrator

JMV:mrw

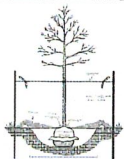
Scottish Rite Park Inc 2909 Woodland Avenue

SITE-2024-000132





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WIT PLAN APPROVAL:

☒ APPROVED ☐ APPROVED WITH CONDITIONS - SEE SHEET "A"

IN ACCORDANCE WITH SECTION 136.1, 2004 WORKS MANUAL CODE, AS AMENDED.

NO CHANGES TO THIS PLAN UNLESS APPROVED BY WRITING FROM THE DEVELOPMENT SERVICES DIVISION.

DEVELOPMENT SERVICES DIVISION: _____ DATE: _____



I hereby certify that the portion of this submitted submission described below was prepared by me or under my direct supervision and is responsible therefor.

I am a duly registered professional engineer in the State of Louisiana.

Signature: [Signature] Date: 06/04/03

Reg. No. AR03780 Reg. renewal date: 6/06/03

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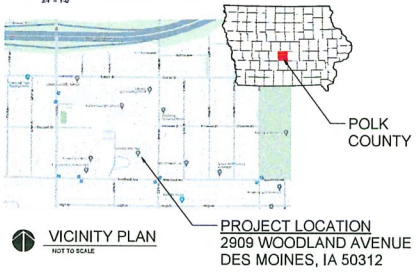
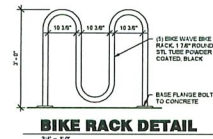
GENERAL SITE PLAN NOTES:

THIS SITE TO BE MAINTAINED IN COMPLIANCE WITH ALL CITY CODE APPLICABLE ON THE DATE OF SITE PLAN APPROVAL.

TRANSFORMERS, JUNCTION BOXES, AIR CONDITIONERS OVER 3 FEET HIGH OR ANY OTHER SUCH ITEMS MAY NOT BE LOCATED IN THE SETBACK AREAS.

ANY NEW ROOFTOP MECHANICAL EQUIPMENT MUST BE SCREENED STREET LEVEL.

ANY AMENDMENTS OR CHANGES TO THE PROJECT SITE THAT DO NOT MEET WHAT IS SHOWN ON THE SITE PLAN NEED TO BE APPROVED BY THE PERMIT AND DEVELOPMENT CENTER PRIOR TO INSTALLATION/CONSTRUCTION.



EXISTING	
BUILDING ROOF AREA	77,318 SF
PAVED	154,120 SF
TOTAL IMPERVIOUS	192,413 SF
PERCENT IMPERVIOUS 41%	
OPEN SPACE	
TOTAL OPEN SPACE	264,468 SF

BICYCLE PARKING

CALCULATIONS:

146 APTS @ 1.5	10 STALLS
51 NURSING BEDS @	0 STALLS
21 RESIDENT CARE BEDS @	2 STALLS
TOTAL	10 STALLS

EXISTING BIKE PARKING:

OUTDOOR	5 STALLS
INDOOR (JANITOR EAST)	8+ STALLS
SUB TOTAL	MIN 10 STALLS

**COMMUNITY
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communityliving.solutions.com

*Creating. Embracing. and Sustaining
Positive Living Communities.*

IFC, RFC, AND ROWAN BRANCH
RENOVATION

SCOTTISH RITE PARK

2909 WOODLAND AVE. DES MOINES, IA 50312

SITE PLAN

LANDSCAPE
PLAN
PROJECT
24-102
DATE
02/04/25
SHEET
SP101

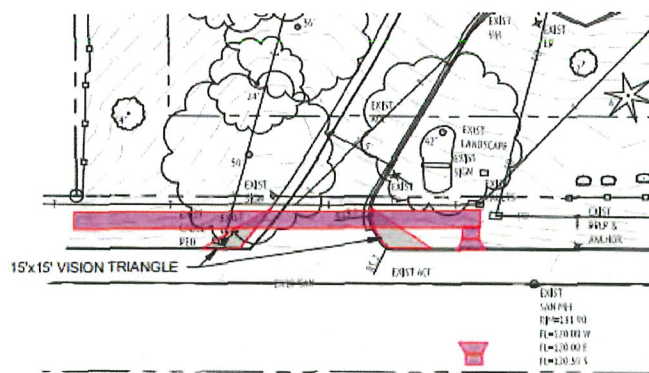






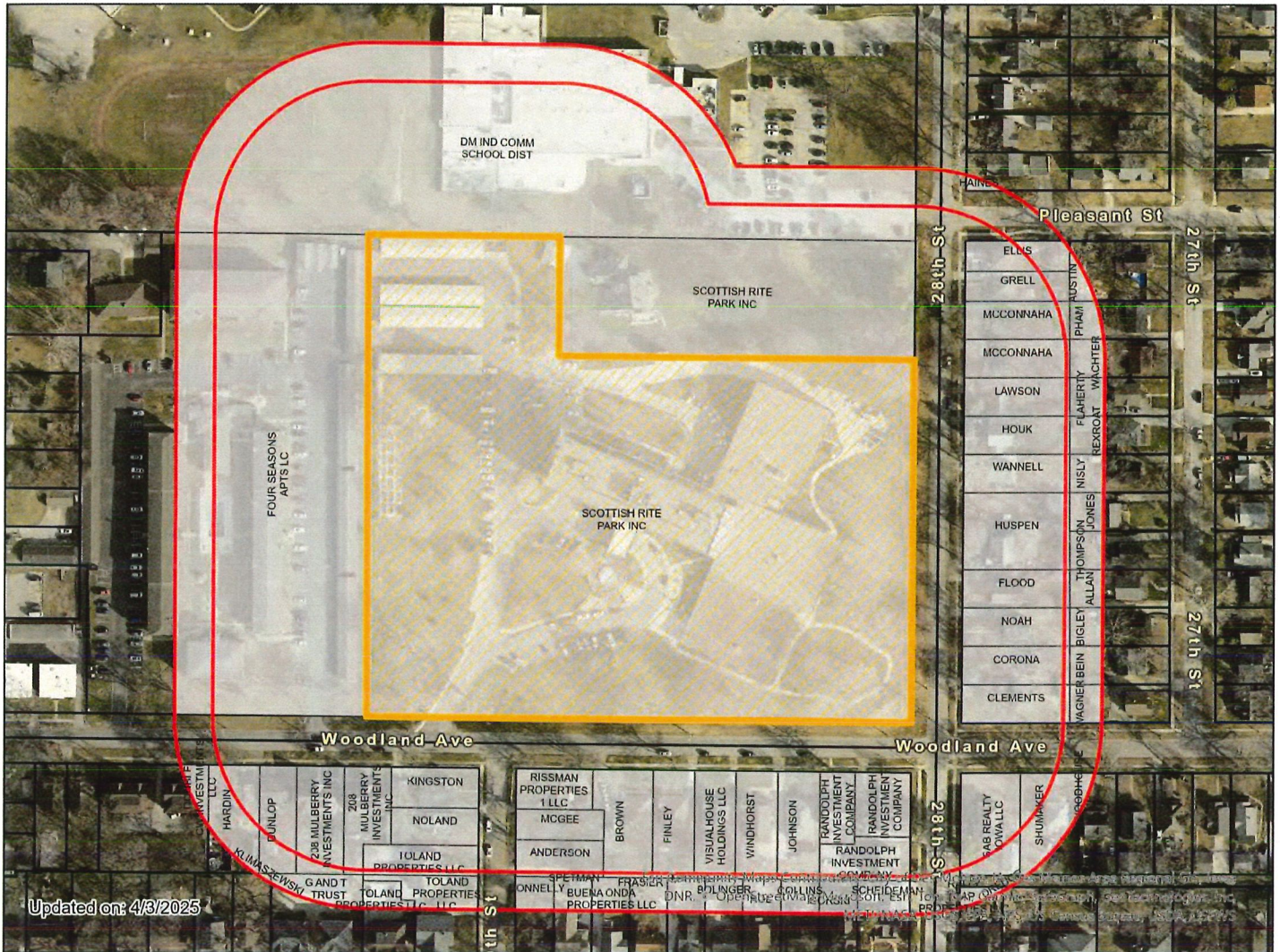






Scottish Rite Park Inc 2909 Woodland Avenue

SITE-2024-000132



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