



Roll Call Number

20-0471

Agenda Item Number

45

Date March 9, 2020

RESOLUTION HOLDING HEARING ON REQUEST FROM NEWBURY LIVING TO REZONE AND APPROVE PUD CONCEPTUAL PLAN FOR PROPERTY LOCATED AT 3801, 3721, 3707 AND 3705 GRAND AVENUE AND 3810 INGERSOLL AVENUE

WHEREAS, on February 24, 2020, by Roll Call No. 20-0332, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on February 6, 2020, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Newbury Living (applicant), represented by Frank Levy (officer), to rezone real property locally known as 3801, 3721, 3707 and 3705 Grand Avenue and 3810 Ingersoll Avenue ("Property") from "R-4" Multiple-Family Residential District and "NPC" Neighborhood Pedestrian Commercial District to "PUD" Planned Unit Development, and to approve the "3801 Grand Avenue" PUD Conceptual Plan for the Property, to allow for development of a 4-story, 57-unit multi-household independent senior living apartment building, in addition to an existing 4-story, 35-unit independent senior living apartment building, an existing 3-story, 56-unit assisted living apartment building, and an existing 2-story, 5,720-square foot office building, subject to the following revisions to the PUD Conceptual Plan:

1. Provision of a note that states, "landscaping and buffering shall be provided in accordance with the City's Landscaping Standards in place at the time the Development Plan is submitted, or exceeded as illustrated on the Conceptual Plan or as determined necessary by the City's Planning Administrator."
2. Provision of a note that states, "all site lighting shall be directed downward and shielded from adjoining properties. Any pole mounted lighting along private walkways shall not exceed 15 feet in height and any pole mounted lighting in a parking area shall not exceed 20 feet in height."
3. Provision of a note that states, "direct light trespass beyond property lines is prohibited. The maximum horizontal illuminance at grade and the maximum vertical illuminance at five feet above grade measured at the property line should not exceed Illuminating Engineering Society of North America (IESNA) recommended practices for light trespass. (0.5 foot-candles for residential, 2.0 foot-candles for commercial). The Development Plan must contain illuminance models showing light levels throughout the site."
4. Provision of a note that states, "all utility and similar service lines to buildings on the property shall be located underground."
5. Provision of a note that states, "all overhead utility and similar service lines within the adjoining portions of rights-of-way shall be located underground with any Development Plan."
6. Provision of a note that states, "all utility meters, transformers, ground-mounted equipment, and other utilities shall be placed along rear or side facades that are internal to the site to the satisfaction of the City's Planning Administrator."
7. Provision of a note that states, "all reuse and recycling containers shall be stored within a building or within a trash enclosure constructed of masonry walls with solid steel gates as approved with any Development Plan."
8. Provision of a note that states "all roof-mounted equipment shall be screened on all sides equal to the height of the equipment with architecturally integrated material."
9. Provision of a note that states "the finalized number and placement of drive approaches shall be determined with any PUD Development Plan."

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10. Note D for Tract 2 on Sheet 1 shall be revised so that it references the parking standards for the MX2 District.
11. Note G for Tract 2 on Sheet 1 shall be revised so that the first and third sentences are deleted.
12. Provision of a note that states "any Development Plan shall comply with the City's storm water management requirements to the satisfaction of the City Engineer."
13. Provision of a note that states "tree removal and mitigation calculations must be submitted with any PUD Development Plan in accordance with Section 42-550 of the Municipal Code."; and

WHEREAS, on February 24, 2020, by Roll Call No. 20-0332, it was duly resolved by the City Council that request to rezone the Property and for approval of the PUD Conceptual Plan, be set down for hearing on March 9, 2020 at 5:00 P.M., in the Council Chamber at City Hall; 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 Zoning Ordinance; and

WHEREAS, in accordance with said notice, those interested in said proposed rezoning and 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; and

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property locally known as 3801, 3721, 3707 and 3705 Grand Avenue and 3801 Ingersoll Avenue, legally described as:

THE EAST 50 FEET OF LOT 13; ALL OF LOTS 14, 15, 16; THE SOUTH 68.75 FEET OF LOT 17; THE SOUTH 434.00 FEET OF LOT 18; THE SOUTH 300 FEET OF LOT 19; ALL OF LOT 20; AND THE SOUTH 292 FEET OF LOT 22 ALL IN THE OFFICIAL PLAT OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

from "R-4" Multiple-Family Residential District and "NPC" Neighborhood Pedestrian Commercial District to "PUD" Planned Unit Development, to allow for development of a 4-story, 57-unit multi-household independent senior living apartment building, in addition to an existing 4-story, 35-unit independent senior living apartment building, an existing 3-story, 56-unit assisted living apartment building, and an existing 2-story, 5,720-square foot office building.

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 and all statements of interested persons and arguments of counsel, any objections to the proposed rezoning of the Property to "PUD" Planned Unit Development District, and any objections to the proposed "3801 Grand Avenue" PUD Conceptual Plan with revisions as set forth above, are hereby overruled, and the hearing is closed.

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2. The proposed rezoning of the Property, as legally described above, to "PUD" Planned Unit Development District, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

3. The proposed "3801 Grand Avenue" 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 final passage of an ordinance rezoning the Property as set forth herein, and subject to the revisions to the PUD Conceptual Plan as set forth above, and subject to the Community Development Director finding that such revisions have been satisfied by amendments to the Plan.

MOVED BY Mandelbaum TO ADOPT.

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

(ZON2019-00237)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

J. M. Franklin Cownie Mayor

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.

P. Kay Cmelik

City Clerk