



Roll Call Number

21-0425

Agenda Item Number

59

Date March 8, 2021

RESOLUTION HOLDING HEARING ON REQUEST FROM WESLEY RETIREMENT SERVICES FOR APPROVAL OF A PROPOSED AMENDMENT TO THE WESLEY ACRES PUD CONCEPTUAL PLAN FOR PROPERTY AT 3520 GRAND AVENUE AND 401 37TH STREET

WHEREAS, on February 8, 2021, by Roll Call No. 21-0196, the City Council received a communication from the City Plan and Zoning Commission advising that the Commission voted 8-4-1 to APPROVE a request from Wesley Retirement Services, Inc. (owner), represented by Rob Kretzinger (officer), to review and approve a proposed Amendment to the Wesley Acres PUD Conceptual Plan on property located at 3520 Grand Avenue and 401 37th Street ("Property") to allow building additions for the north and west entries with reconfiguration of the adjacent parking lot areas including extension of parking to the north toward Grand Avenue, to allow a building addition for resident swimming pool and auditorium use on the west, to allow a terrace/pond landscape feature in the north side of the site, to allow expansion of the existing parking lot within the front yard area along 37th Street, to allow renovation of the central courtyard area, to allow expansion of beer, wine, and liquor service within the Chamberlain Mansion and within all other dining service areas, to remove Children's Garden and Preschool use as a permitted use, and to revise the list of permitted accessory uses to include restaurant, assembly/event space, residential support service, studio or instructional service, adult daycare, and indoor sports/recreation, subject to the following conditions:

- 1. All stucco shown on the building elevations shall meet the standards necessary to be considered "Major Façade Material", as contained in City Code Chapter 135;
2. All brick shown on the building elevations shall be full-dimensional brick and not thin brick;
3. Provision of a note to state that any refuse collection container will be within an enclosure constructed of masonry walls that match the primary building and steel gate;
4. The off-street parking lot within the western portion of the "PUD" Conceptual Plan shall not extend any closer to the front property line along 37th Street than the existing "Wesley Bolton" building and shall not include a drive approach from 37th Street;
5. All lighting used to illuminate off-street parking areas shall use full-cutoff directional lighting to prevent glare and light spillover onto streets and abutting N-zoned lots;
6. Any new parking area shall be landscaped with the buffer being reviewed and approved by the Plan and Zoning Commission during the Development Site Plan review. This requires side and rear buffer plantings to lessen the impact of any parking on adjoining residential properties;
7. Any future PUD Final Development Site Plan for the site shall require certification by a licensed engineer that the stormwater basin on the southern portion of the site functions as designed;
8. Provision of a note that states any sale or service of alcoholic liquor, wine and/or beer shall be in accordance with the necessary permit or license obtained through the Office of the City Clerk as approved by the City Council; and
9. Compliance with all administrative review comments of final "PUD" Conceptual Plan documents; and



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WHEREAS, the Property is legally described as follows:

LOT 1 OFFICIAL PLAT OF LOT 5 OF PIERCE'S SUBDIVISION OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 78, RANGE 24 WEST OF THE 5TH P.M. AND LOTS 3 AND 4 OF THE OFFICIAL PLAT OF LOTS 1 THROUGH 24 OF SECTION 7, TOWNSHIP 78, RANGE 24 WEST OF THE 5TH P.M., EXCEPT THAT PART AS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 00° (DEGREES) 09' (MINUTES) 57" (SECONDS) EAST ALONG THE EASTERLY LINE OF SAID LOT 1, A DISTANCE OF 617.54 FEET; THENCE SOUTH 89°45'23" EAST ALONG THE NORTHERLY LINE OF SAID LOT 1, A DISTANCE OF 165.15 FEET; THENCE SOUTH 00°04'49" EAST ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 333.0 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°04'49" EAST ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 325.15 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTH 89°26'27" WEST ALONG THE SOUTH LINE OF SAID LOT 1 A DISTANCE OF 263.37 FEET; THENCE NORTH 00°15'28" WEST, 259.0 FEET; THENCE NORTH 45°00'00" EAST 91.12 FEET; THENCE NORTH 89°45'23" EAST, 199.64 FEET TO THE POINT OF BEGINNING; AND THAT PART OF THE SOUTH 200.0 FEET OF THE NORTH 540.0 FEET OF LOT 5 (EXCEPT THE WEST 33 FEET THEREOF) OF THE OFFICIAL PLAT LOTS 1 THROUGH 24 OF SECTION 7, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M.; AND ALL OF LOT 1 IN PORTLAND PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

WHEREAS, on February 8, 2021, by Roll Call No. 21-0196, it was duly resolved by the City Council that the request for approval of the Amendment to the PUD Conceptual Plan be set down for hearing on February 22, 2021, at 5:00 p.m., by electronic means to encourage and maintain social distancing to curb the spread of COVID19 in the community, without public access to the meeting location; 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 PUD Conceptual Plan Amendment; and

WHEREAS, on February 22, 2021, by Roll Call No. 21-0321, the City Council opened and continued the hearing on said proposed Amendment to the PUD Conceptual Plan to the City Council meeting on March 8, 2021 at 5:00 P.M., by electronic means; and

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WHEREAS, in accordance with said notice, those interested in said proposed PUD Conceptual Plan, Amendment 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 and all statements of interested persons and arguments of counsel, any objections to the proposed Amendment to the Wesley Acres PUD Conceptual Plan are hereby overruled, and the hearing is closed.
2. The proposed Amendment to the Wesley Acres PUD Conceptual Plan, as on file in the Community Development Department, is hereby found to be in conformance with PlanDSM: Creating Our Tomorrow Plan and is hereby approved as stated above.

MOVED BY Mandelbaum TO ADOPT ;

Property owner shall be required to annually submit a storm water detention maintenance report to the City Storm Water Utility to demonstrate continued functional operation of the approved storm water management improvements. In the event that said report does not demonstrate continued functional operation, the property owner shall comply with City recommendations to repair or maintain said improvements within a timeline approved by the City's Public Works Director or be subject to public nuisance or similar legal action by the City and the landscaping will be executed in advance of any Certificate of Occupancy.

FORM APPROVED: Judy K. Parks-Kruse

Judy K. Parks-Kruse
Assistant City Attorney

(ZON2020-00141)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL (6 YEAS, 1 NAY).

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.

MOTION CARRIED APPROVED
J. M. Franklin Cownie Mayor

P. Kay Cmelik City Clerk