



**Date** May 4, 2009

AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 5525 SE 14<sup>th</sup> Street from Limited R-3 Multiple-Family Residential District to R-3 Multiple-Family Residential District, removing the limitation of senior residential housing.

which was considered and voted upon under Roll Call No. 09-\_\_\_\_\_ of April 20, 2009; again presented.

Moved by \_\_\_\_\_ that this ordinance be considered and given second vote for passage.

(Second of three required readings)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

**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.

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

# Hubbell Realty Company

5525 SE 14<sup>th</sup> Street

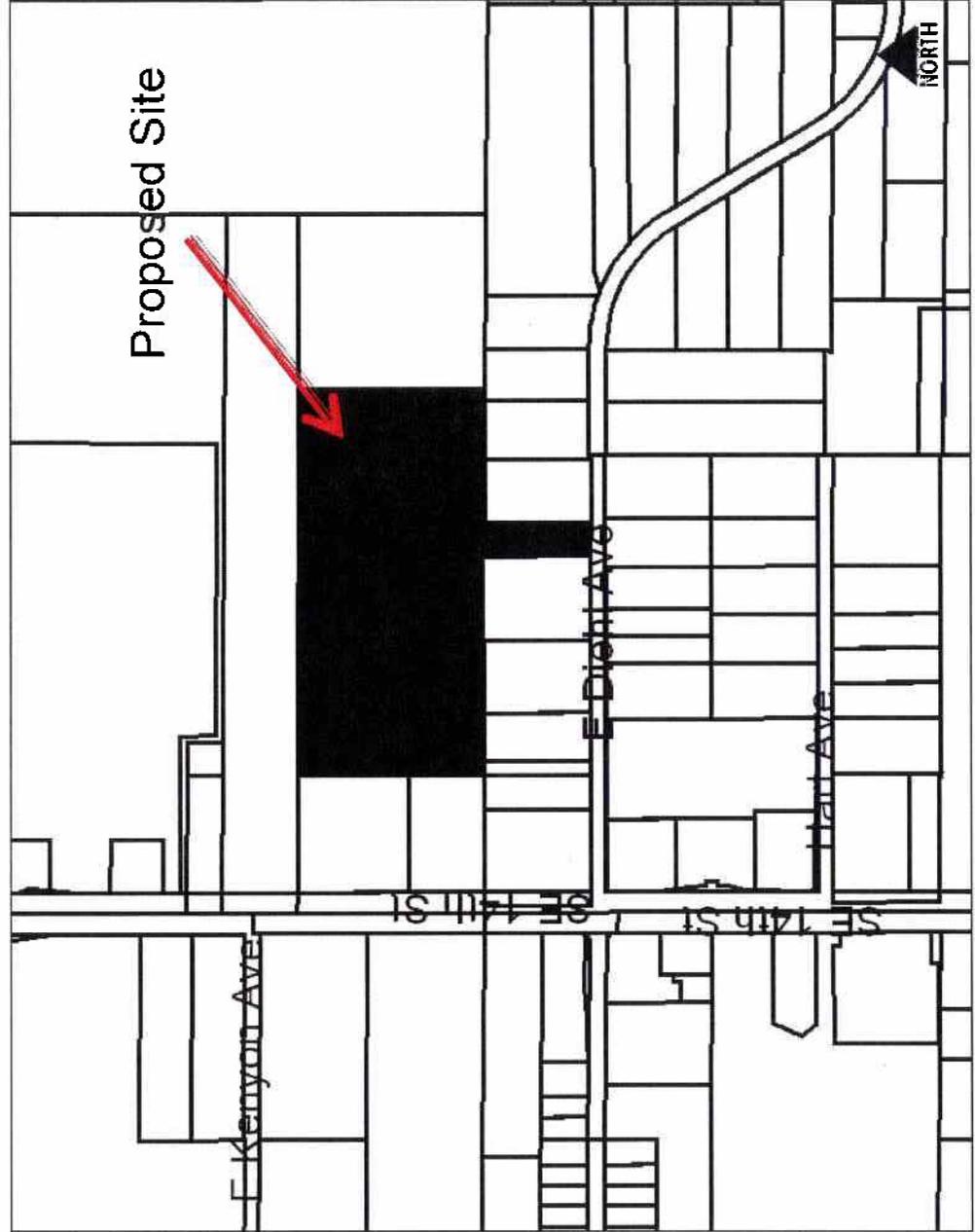
ZON2008-00191

City Council Meeting

May 4, 2009



# Vicinity Map



# Aerial & Zoning Map

Hubbell Realty Company - 5525 SE 14th Street

ZON2008-00191



# Aerial Map

Hubbell Realty Company - 5525 SE 14th Street

ZON2008-00191





★ Roll Call Number  
09-688

50  
 Agenda Item Number  
6A

Date April 20, 2009

AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 5525 SE 14<sup>th</sup> Street from Limited R-3 Multiple-Family Residential District to R-3 Multiple-Family Residential District, removing the limitation of senior residential housing.

presented.

Moved by Hensley that this ordinance be considered and given first vote for passage; refer to the City Manager to report back on the following items at the May 4th meeting at the second consideration of the ordinance:  
 1). Density 2). Traffic - Ingress/Egress 3). Storm Water flow  
 4). Alternate location on SE 14th 5). 2020 Community Character Plan - best use of the property

FORM APPROVED:

(First of three required readings)

Michael F. Kelley  
 Michael F. Kelley  
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER		✓		
VLASSIS	✓			
TOTAL	6	1		

MOTION CARRIED APPROVED  
T. M. Franklin Cownie Mayor

**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.

Diane Rauh City Clerk

Date \_\_\_\_\_

enda Item \_\_\_\_\_ 50

Call # \_\_\_\_\_



8900 Westown Parkway  
West Des Moines, IA 50266  
www.hubbellrealty.com  
515-243-3228  
FAX 515-280-2000

April 30, 2009

RE: Melbourne Apartments, S.E. 14<sup>th</sup> Street, Des Moines

Mayor and Council Members:

We appreciate your consideration of our request to rezone the site at 5525 SE 14<sup>th</sup> Street. Below we have listed the issues raised to date, along with an explanation of how our project addresses these issues.

**Access:**

- We have an agreement in principal with Tasty Taco to provide access across the east side of Tasty Taco. This access will not circulate through the Tasty Taco parking lot. This will complete the frontage road as requested by staff out to Diehl Avenue. This also will avoid connection to Diehl on a strip of land, which is part of this parcel in between the existing houses that front Diehl as requested by the neighbors.

**Traffic:**

- We have completed the traffic study as requested by staff, and the results of the study indicate that our project will generate 40% less traffic than the previously proposed senior housing/commercial project proposed for this site. The traffic report also states that the project would generate peak hour volumes between 25-35% lower than the originally proposed senior housing facility and commercial lots. The access point that we propose to use is the existing median cut as approved by the IDOT on to SE 14<sup>th</sup>/Hwy. 69 for this site. The City of Des Moines staff has reviewed our traffic study and is in agreement with the conclusions drawn by the engineer in the traffic study.
- We are adding an additional traffic lane, as part of our project, as requested by staff to the existing SE 14<sup>th</sup> Street frontage on our property. We have also modified our site plan, as recommended in the traffic study, to increase the amount of vehicle stacking capacity provided for the southbound turning movements.
- A dedicated Left-Hand Turn Lane has also been proposed on Diehl. This will facilitate the traffic movements at this intersection. Hubbell Realty is agreeable to paying 50% of the cost of the Left-Hand Turn Lane improvements.

**Density:**

- The 2006 South Side Revitalization Plan and the Des Moines Comprehensive Plan have designated this area for medium density residential (17 units/acre). These plans also call for

higher density residential on higher traffic and business routes, such as S.E. 14<sup>th</sup> Street. The current zoning allows for 240 Over 55 apartment units. We are not asking to change the density per the current zoning. The only change we are asking for is to delete the Over 55 restriction.

- Our project also has more open green space than the previously approved Over 55 Project. We have almost 9 acres of open green space; or 10% more than the previously approved project.
- The previous plan approved by Council for the Over 55 Project also contained 3-story buildings and had drives within 20' of the rear lots of some of the adjacent single-family homes to the south. Our plan has drives no closer than 60' to the rear of these lots.

#### **Storm Water Management:**

- Hubbell Realty is agreeing to reduce the amount of post-project peak storm water runoff by roughly 25 percent beyond the City of Des Moines requirements. The Storm Water Management System will be based on the use of Conservation Practices to allow the storm water runoff to infiltrate back into the groundwater system to reduce runoff potential. The storm water design will incorporate the use of storm water detention basins, deep-rooted native prairie grasses, bioswales, and groundwater recharge trenches.
- Excess storm water that does not reach the groundwater during 100-year storms, will be conveyed to the southeast corner of the property directly to the existing waterway. Upon further review, an easement is not needed to connect to this waterway.
- Storm water infiltration basins will be added to both eastern storm water detention basins to promote ground water recharge and reduce the impact of the common storm events.
- The onsite storm water management measures will include three basins. Each basin will reduce the post project 100-year storm event peak discharges to a predevelopment 2-year storm event flow rate for their catchment area. The north west basin near S.E. 14<sup>th</sup> Street will handle 1.94 acres of the first phase of the site improvements. The south west basin will mitigate the next 4.10 acres of site improvements. The future south east basin will handle the remaining 11.5 acres of site improvements. Additionally, the outlet from the south west basin will be diverted in a proposed swale, which will be bermed to direct the discharge along the southern property line to the south east basin to eliminate the direct storm water runoff onto the southern neighbors.
- A berm will be added to the South property line which abuts the neighbors. This will ensure any potential surface water will not escape the site onto the neighboring properties.

- The site layout currently has approximately 9 acres of green space, which is greater than is required by the City of Des Moines, and which will also reduce potential runoff.

**Crime:**

- Hubbell is very sensitive to the effects of crime and participates in the Multi-Family Crime-Free Housing Project as sponsored by the Des Moines Police Department. Hubbell has an exhaustive screening program for its applicants, including background checks, credit checks, criminal record check, etc. Hubbell has a zero tolerance position on crime.
- Hubbell has purchased a graffiti camera to monitor all of its multi-family projects for security and safety. There will be no basketball courts or other features that generally attract loitering and crime. Income levels for residents of the complex are restricted to singles earning no more than \$30,180. Three person households can earn up to \$38,820. These salary levels are entry-level positions of many of the downtown employers such as Principal, Nationwide, Wells Fargo, etc., and are not more prone to crime than other income levels.
- Hubbell Realty Company has agreed to provide a 6' fence along the south property line adjoining the neighbor's property to deter any entry from the apartment residents.

**School Access For Children:**

- Students from this project would attend Lovejoy Elementary School. Lovejoy Elementary will bus all students from this site to the school; therefore children will not be required to cross SE 14<sup>th</sup> as was feared by the neighbors.
- There is also a crosswalk with pedestrian button on the traffic signal on Diehl and S.E. 14<sup>th</sup>.

**Building Construction:**

Our project will incorporate brick and cementboard siding as durable long-term materials. The percentage of brick is in excess of what is required by the zoning.

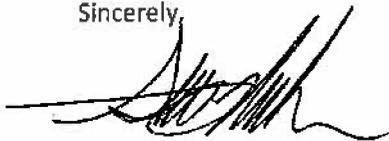
- The project also will contain many amenities for the residents and families, including:
  - Splash pad
  - State-of-the Art Exercise Facility
  - Business Center
  - Playground
  - Clubhouse
  - Laundry in the apartments
  - Storage in the apartments

- The project will also incorporate Green-Building techniques to achieve a Home Energy Rating System (HERS) index of 80, such as:
  - Wall insulation of R19 and roof insulation of R50
  - Energy Star appliances
  - Energy Star lighting
  - Low VOC paint and adhesives
  - Use 25% or more reclaimed materials
  - 0.93 Energy Factor electric water heaters
  - High-efficiency Watersense toilets, 1.28 gallons/flush
  - Green label carpet
  - HVAC equipment with 13 SEER and 90 AFUE
  
- The project has received Council endorsement necessary to receive the IFA Tax credits and we have a buyer for the tax credits.
  
- The project has received the Enterprise Zone approval.
  
- The project was awarded the Section 42 Tax Credits necessary by IFA.
  
- The project has the support of South Des Moines Chamber of Commerce.
  
- The project has the support of the Southside Revitalization Partnership.

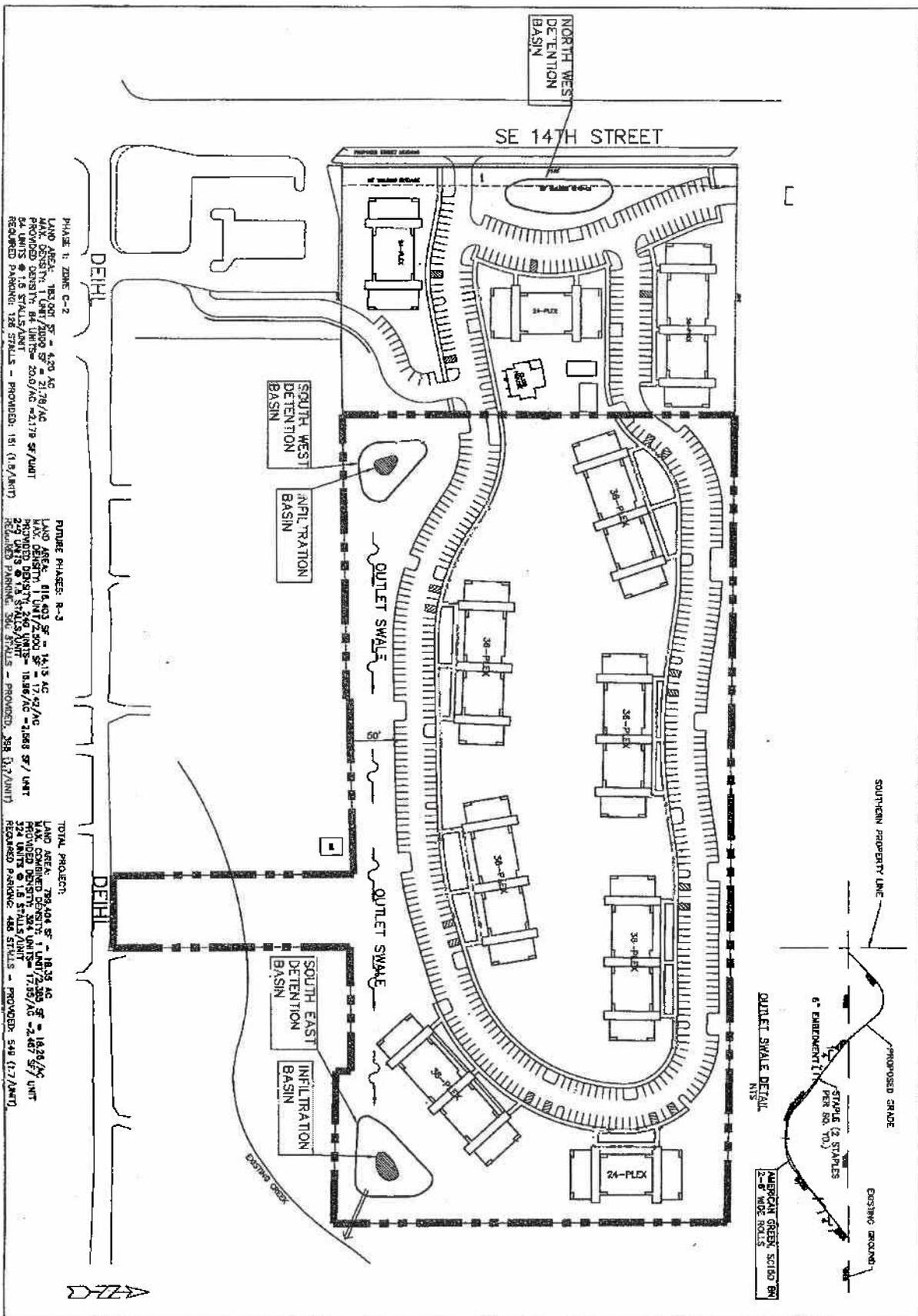
In total, this is a \$42,000,000 investment on our part, when the project is complete. In a recent study of the National Home Builders Association, it is projected that this project will generate 376 jobs, \$28,000,000 in income from all affected industries, and \$10,800,000 in tax revenue (including income, sales and property taxes) to federal, state and local governments.

This project provides an opportunity to have a positive impact on the S.E. 14<sup>th</sup> Street corridor on an underutilized site. We ask for your approval of our request to rezone the property so the project can move forward. If you have any concerns or questions, please feel free to contact me at (515) 280-2048.

Sincerely,



Steve Niebuhr  
Senior Vice President  
Hubbell Realty Company



PHASE 1: ZONE C-2  
 LAND AREA: 793,000 SF - 1.80 AC  
 LAND DENSITY: 1 UNIT/2,000 SF - 21.78/AC  
 PROVIDED DENSITY: 84 UNITS - 20.0/AC - 21.78 SF/UNIT  
 84 UNITS @ 1.6 STALLS/UNIT  
 REQUIRED PARKING: 128 STALLS - PROVIDED: 151 (1.8/UNIT)

FUTURE PHASES: R-3  
 LAND AREA: 818,403 SF - 18.15 AC  
 LAND DENSITY: 1 UNIT/2,500 SF - 17.62/AC  
 PROVIDED DENSITY: 200 UNITS - 18.58/AC - 25.83 SF/UNIT  
 200 UNITS @ 1.6 STALLS/UNIT  
 REQUIRED PARKING: 320 STALLS - PROVIDED: 388 (1.9/UNIT)

TOTAL PROJECT:  
 LAND AREA: 793,404 SF - 18.15 AC  
 LAND DENSITY: 1 UNIT/2,000 SF - 21.78/AC  
 PROVIDED DENSITY: 124 UNITS - 20.0/AC - 21.78 SF/UNIT  
 124 UNITS @ 1.6 STALLS/UNIT  
 REQUIRED PARKING: 480 STALLS - PROVIDED: 549 (1.7/UNIT)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 5525 SE 14<sup>th</sup> Street from Limited R-3 Multiple-Family Residential District to R-3 Multiple-Family Residential District, removing the limitation of senior residential housing.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, be and the same is hereby amended by rezoning and changing the district classification of certain property located in the vicinity of 5525 SE 14<sup>th</sup> Street, more fully described as follows, from Limited R-3 Multiple-Family Residential District to R-3 Multiple-Family Residential District, removing the limitation of senior residential housing:

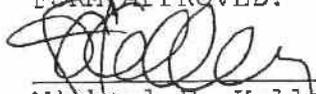
Except the West 400 feet, and except the East 510 feet of the South 538.64 feet, and Except the South 4.5 feet of the East 240.75 feet of the West 1033.5 feet - the South 25 acres of Lot 5, Official Plat of the Northwest Quarter of Section 26, Township 78 North, Range 24 West of the 5<sup>th</sup> P.M.; and, except the West 30 feet and except the East 10.2 feet - Lot 7, Capitol View Acres, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

09-688 6TA  
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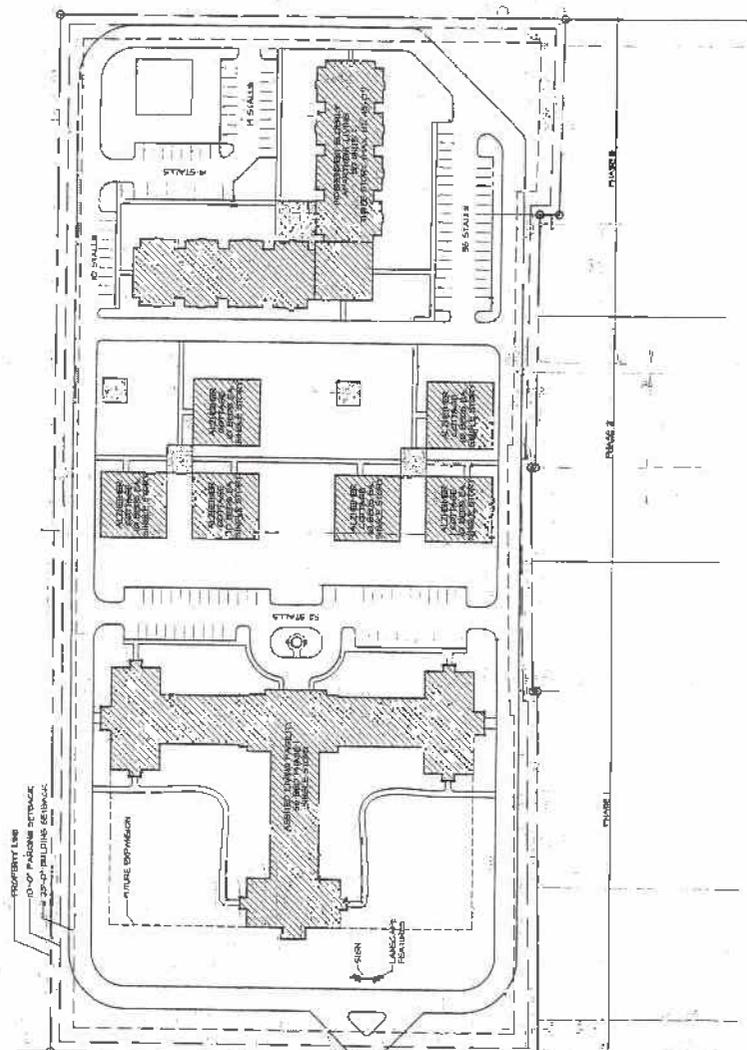
Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Sec. 3. The City Clerk is hereby authorized and directed to cause a certified copy of the Acceptance of Rezoning Ordinance, this ordinance, a vicinity map, and proof of publication of this ordinance, to be properly filed in the office of the Polk County Recorder.

FORM APPROVED:

  
\_\_\_\_\_  
Michael F. Kelley  
Assistant City Attorney

CONCEPT PRESENTED AS PART OF APPROVED ZONING  
 ORD NO. 14,575 OCTOBER 9, 2006  
 CONDITIONS DID NOT LIMIT TO THIS CONCEPT



PRELIMINARY SITE PLAN  
 SCALE: 1" = 40'-0"

DESIGN ALLIANCE INC  
 1000 UNIVERSITY AVE  
 SUITE 110  
 DES MOINES, IOWA 50319  
 P: 515.281.1111  
 WWW.DAIA.COM

PRARIE HILLS @ DES MOINES  
 DES MOINES, IA

THE PRELIMINARY  
 SITE PLAN  
 PROJECT NO. 206018  
 DATE

Sheet C1.1

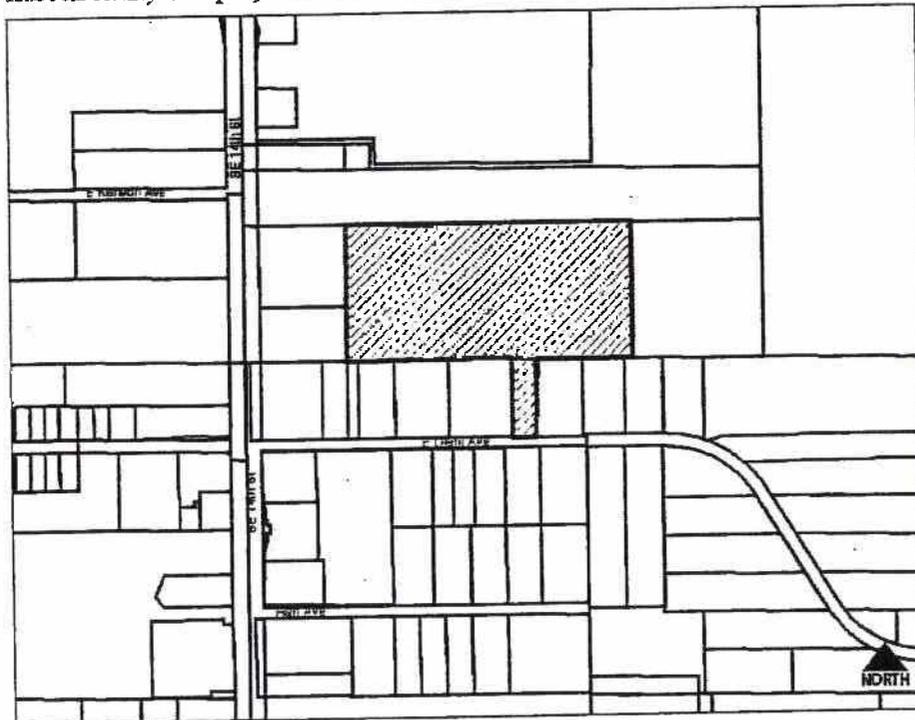
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Request from Hubbell Realty Company (developer) represented by Steve Niebuhr (officer) to rezone property located at 5525 Southeast 14 <sup>th</sup> Street. The subject property is owned by Donald White, Jr.		File #			
		ZON2008-00191			
Description of Action	Rezone property from Limited "R-3" Multiple-Family Residential District to "R-3" Multiple-Family Residential District, removing the limitation of senior residential housing on multiple-family dwellings and allow for up to 240 multiple-family residential dwellings.				
2020 Community Character Plan	Medium-Density Residential				
Horizon 2025 Transportation Plan	No Planned Improvements				
Current Zoning District	Limited "R-3" Multiple-Family Residential District				
Proposed Zoning District	"R-3" Multiple-Family Residential District				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition >20%	
	3	7			
Inside Area					
Outside Area					
Plan and Zoning Commission Action	Approval		Required 6/7 Vote of the City Council	Yes	X
	Failed	5-5		No	

Hubbell Realty Company - 5525 SE 14th Street

ZON2008-00191



Date \_\_\_\_\_

January 16, 2009

Agenda Item 61 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 meeting held January 15, 2009, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 9-1 as follows:



CITY PLAN AND ZONING COMMISSION  
ARMORY BUILDING  
602 ROBERT D. RAY DRIVE  
DES MOINES, IOWA 50309-1881  
(515) 283-4182

ALL-AMERICA CITY  
1948, 1976, 1981  
2003

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	X			
JoAnne Corigliano	X			
Shirley Daniels				X
Jacqueline Easley				X
Dann Flaherty		X		
Bruce Heilman	X			
Ted Irvine	X			
Jeffrey Johannsen				X
Greg Jones	X			
Frances Koontz				X
Jim Martin	X			
Brian Millard	X			
Mike Simonson	X			
Kent Sovern	X			

**APPROVAL** of a request from Hubbell Realty Company (developer) represented by Steve Niebuhr (officer) Donald White, Jr. (owner) to find the proposed rezoning in conformance with the Des Moines' 2020 Community Character Plan.

A separate motion **FAILED** by a vote of 5-5 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus		X		
JoAnne Corigliano		X		
Shirley Daniels				X
Jacqueline Easley				X
Dann Flaherty		X		
Bruce Heilman	X			
Ted Irvine	X			
Jeffrey Johannsen				X
Greg Jones	X			
Frances Koontz				X
Jim Martin		X		
Brian Millard		X		
Mike Simonson	X			
Kent Sovern	X			

**APPROVAL** of a request to rezone property located at 5525 Southeast 14<sup>th</sup> Street from Limited "R-3" Multiple-Family Residential District to "R-3" Multiple-Family Residential District, removing the limitation of senior residential housing on multiple-family dwellings subject to applicant agreeing to the following conditions: (ZON2008-00191)

1. No removal of trees 6" inches or larger in diameter from the subject property until review of a tree inventory and mitigation plan with any site plan submittal or grading permit application.
2. Any development of the site is subject to provision of storm water management in accordance with State Wide Urban Design and Specifications (SUDAS) standards for a two-year frequency storm event developed release rate in addition to requirements for management of more frequent rain events.
3. Any development of the subject property will incorporate conservation design methods for mitigation of storm water from more frequent than two-year storm events.
4. Any Site Plan submittal or platting of the subject property for multiple residential units shall include an update to the professionally prepared traffic study for the property.
5. Primary vehicular access for any multiple family residential development shall be from SE 14<sup>th</sup> Street through the property adjoining to the west in accordance with all applicable Fire and Building codes.
6. Design and materials for any multiple-family structure built on the subject property shall be determined to be compatible with the adjoining residential properties by the Plan and Zoning Commission as part of Site Plan review.

Written Responses

3 In Favor

7 In Opposition

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

Part A) Staff recommends that the requested rezoning be found in conformance with the Des Moines' 2020 Community Character Plan.

Part B) Staff recommends approval of the requested rezoning subject to applicant agreeing to the following conditions:

1. No removal of trees 6" inches or larger in diameter from the subject property until review of a tree inventory and mitigation plan with any site plan submittal or grading permit application.
2. Any development of the site is subject to provision of storm water management in accordance with State Wide Urban Design and Specifications (SUDAS) standards for a two-year frequency storm event developed release rate in addition to requirements for management of more frequent rain events.
3. Any development of the subject property will incorporate conservation design methods for mitigation of storm water from more frequent than two-year storm events.
4. Any Site Plan submittal or platting of the subject property for multiple residential units shall include an update to the professionally prepared traffic study for the property.
5. Primary vehicular access for any multiple family residential development shall be from SE 14<sup>th</sup> Street through the property adjoining to the west in accordance with all applicable Fire and Building codes.
6. Design and materials for any multiple-family structure built on the subject property shall be determined to be compatible with the adjoining residential properties by the Plan and Zoning Commission as part of Site Plan review.

## STAFF REPORT

### I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is conceptually proposing to develop six 36-unit and one 24-unit multiple-family dwellings. This is a density of approximately 13.8 units an acre. The applicant proposes three-story construction, and is seeking to remove the existing Zoning condition that only permits senior living multiple-family residential use. The Development of any proposal involving multiple-family residential dwellings will require review and approval of a Site Plan by the Commission under design guidelines for multiple-family residential.
2. **Size of Site:** Approximately 13.8 acres.
3. **Existing Zoning (site):** Limited "R-3" Multiple-Family Residential District.
4. **Existing Land Use (site):** Vacant land used for agricultural purposes.
5. **Adjacent Land Use and Zoning:**
  - North – Limited "C-2", Use is Dino's Storage mini-warehousing.*
  - South – "R1-80", Uses are single-family residential.*
  - East – "R1-80", Uses are open space and parkland.*
  - West – "C-2", Uses are vacant land and off-premises advertising sign.*
6. **General Neighborhood/Area Land Uses:** The subject property is located just east of commercial property fronting the SE 14<sup>th</sup> Street major commercial corridor. The property is just west of the Ewing Park complex.
7. **Applicable Recognized Neighborhood(s):** Easter Lake Area Neighborhood and South Park Neighborhood.
8. **Relevant Zoning History:** The subject property was rezoned by the City Council to Limited "R-3" on October 9, 2006 with the following conditions accepted by the owner:
  - A. Only the following uses of structures and land shall be permitted upon the Property:
    1. Any use allowed in and as restricted in the "R1-80" One-Family Residential District.
    2. Multiple-family senior residential housing.
  - B. None of the trees over 4 inch in caliper measured one foot above the ground shall be removed from the Property until a tree mitigation plan is approved by the City incident to the approval of a site plan or grading permit.
  - C. Any development of the Property is subject to provision of storm water management in accordance with State Wide Urban Design and Specifications (SUDAS) standards for a two-year frequency storm event developed release rate.
  - D. Any development of the Property will incorporate conservation design methods for mitigation of storm water runoff from more frequent than two-year storm events.

E. Any site plan or platting of the Property for multiple-family residential use shall include a professionally prepared traffic study and access to the subject property shall be based on the traffic study as reviewed and approved by the City Traffic Engineer.

F. In the site plan review process, the design and materials for any multiple-family structure built on the Property shall be reviewed by the City for compatibility with the adjoining residential properties.

9. **2020 Community Character Land Use Plan Designation: Medium Density Residential.**

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, in addition to the existing regulations. The recommendation of the Commission will be forwarded to the City Council.

## II. ADDITIONAL APPLICABLE INFORMATION

1. **Natural Site Features:** The subject property is primarily cultivated land use for agriculture. There is some scattered timber along a drainage swale within the property and along the north, east and south boundary fence lines. A minor drainage way runs through the southern extension of the subject property fronting East Diehl Avenue. Staff recommends retention of the Zoning Condition prohibiting larger tree removal until an inventory and mitigation plan has been reviewed as part of site plan review or grading.

2. **Drainage/Grading:** Development of the site for housing will require approval of a grading and soil erosion control plan in conformance with City standards. Storm water management in accordance with site plan policies will be required prior to development as well. The Commission will review this at the Site Plan stage.

The drainage way to the south of the subject property has experienced some negative impacts during more frequent rain events (less than the five year storm) due to volumes from commercial development on SE 14<sup>th</sup> Street.

Due to the known problems in the drainage way to the south during more frequent storms, staff recommends retaining the Zoning condition requiring development releasing to this drainage way adhere to SUDAS standards which require storm water to be released at the rate of a two-year frequency storm event. Staff also recommends retention of the Zoning condition that any development of the subject property use low impact design or conservation design methods to keep storm water from more frequent than two-year storm events on the site putting it back into the ground instead of releasing it to the natural surface drainage away from the subject property. Consideration of water quality detention is now a requirement for sites over an acre during Site Plan review.

3. **Utilities:** Private utilities to serve the subject property are proposed to be extended through easements on the property to west from SE 14<sup>th</sup> Street. Private on site hydrants will be required in order to provide adequate fire protection. A private pumping station will likely be necessary for the developer to connect sanitary sewer to the public main in SE 14<sup>th</sup> Street.

4. **Landscaping & Buffering:** Development of the subject property will require compliance with the Des Moines Landscape standards. Conformance with these standards will be reviewed by the Commission at the Site Plan stage. Staff recommends that an emphasis be placed on any

bufferyard required to protect residential property to the south. This may involve additional plantings beyond the minimum required or concentration of some open space plantings within the buffer yard.

5. **Traffic/Street System:** The applicant has provided a traffic study analyzing proposed development of the subject property along with the multiple-family development under review for the adjoining property to the west. The submitted development to the west and the proposed development of the subject property will generate 40% less vehicle trips than the previously proposed development, which consisted of senior housing with commercial strip development along Southeast 14th Street.

Traffic and Transportation and Fire Prevention staff have reviewed the study and have determined that outlet to Southeast 14<sup>th</sup> Street is sufficient for the projected volumes of traffic and that a separate access to East Diehl Avenue from the subject property or upgrade of East Diehl Avenue will not be necessary. Future phases of development should re-evaluate the traffic study to ensure the findings are still valid at that point in time.

6. **Access or Parking:** While the actual required street frontage for the subject property under Zoning is along East Diehl Avenue, the applicant is conceptually proposing a single private driveway looping through development with two access connections to adjoining commercial property along Southeast 14<sup>th</sup> Street.

Preliminary evaluation of this concept from the Fire Prevention staff indicates that this is acceptable based on the proposed zoning densities and the fact that multiple-family units will require fire sprinklers in the building. Development of cross access drive connections through the adjoining property to the west to both the Tasty Tacos site and the Dino's storage site are mandatory to avoid a secondary outlet to East Diehl Avenue based on the proposed densities.

Minimum off-street parking will be required to be provided as part of each phase of development. Each dwelling unit will require 1.5 off-street parking spaces.

7. **2020 Community Character Plan:** The proposed concept for the rezoning indicates a range of elderly residential living at a density that is just less than 14 units per acre. The future land use designation for the subject property of Medium Density Residential provides for up to 17 dwelling units per acre. Staff believes that the property should be limited to a maximum of 14 units an acre in order to prevent a higher density which would generate more impervious parking surfaces.
8. **Urban Design:** The applicant has not submitted any conceptual elevations for the architecture of the proposed multiple-family residential buildings. While staff has a concern about the scale of proposed three-story construction in proximity to single-family residences, this must be reviewed with the Site Plan along with the availability of proposed topographic data. The character of any of these buildings as proposed will be reviewed by the Commission under the design guidelines for multiple-family residential during Site Plan consideration.

## SUMMARY OF DISCUSSION

Erik Lundy presented staff report and recommendation.

Bruce Heilman asked if the entrance was a right in and right out on East 14<sup>th</sup>.

Erik Lundy stated there is an opening in the median. Staff is also requiring frontage road access to Diehl through the Tasty Taco site and to SE 14<sup>th</sup> through the Dino's Storage site.

JoAnne Corigliano asked if this plan would require a deceleration lane from the property like the previous plan.

Erik Lundy explained that this plan would require a deceleration lane, which will be talked about on the next agenda item.

JoAnne Corigliano stated that she is concerned with the water runoff and asked if there is a plan to handle this problem.

Erik Lundy stated that the multi-family site plan will come back to the Commission. One of the requirements under the site plan provisions, which are tighter than they were at the previous time of rezoning, is that more frequent storm water events be handled.

Larry Hulse clarified that this project is already zoned "R-3" with some conditions on it. Removing those conditions and setting a maximum number of units that they are going to have is this step of the process. If the zoning is approved then they will go into the engineering of their site plan for Plan & Zoning review. The site plan is where they lay it out to look at details to address water concerns on their property.

Erik Lundy stated the same property owners will receive notification at the time the Commission reviews the site plan.

Doug Saltsgaver, ERG Inc, 2413 Grand Avenue, addressed some of the concerns. With regards to storm water management, staff has recommended a more restrictive standard than typically required on projects. My client is planning to comply with this requirement using conservation methods in addition to detention. With regard to traffic, a traffic study has projected a 40% reduction in traffic compared to the levels predicted on the previously approved development concept. The submitted site plan includes the recommended deceleration lane on SE 14<sup>th</sup> Street.

My client is not willing to make a secondary connection to E. Diehl for a number of reasons. It is too expensive to improve that connection and bring E. Diehl up to an urban standard between there and SE 14<sup>th</sup> Street. Also the steep topography, grading, and tree clearing necessary lend the property to being left in a natural state. Therefore, the recommended cross-access connections become the alternative to satisfy staff's recommendation.

Bruce Heilman asked how they will achieve a 40% reduction in traffic with these apartments over the retirement apartments.

Doug Saltsgaver stated that the previous proposal had commercial uses fronting SE 14<sup>th</sup>.

Bruce Heilman stated that this means that a big traffic increase for the east three-fourths of the site but a big traffic decrease for the frontage on SE 14<sup>th</sup>.

Dann Flaherty asked if soil testing has been done in this area, and the ability for infiltration.

Doug Saltsgaver stated that a soil study has been done and there are some challenges fairly close to SE 14<sup>th</sup> so it will have to be reworked. Infiltration varies throughout the site. We are going to try to rework the soil in some locations to loosen it up to promote water getting back in the ground.

Dann Flaherty asked when roads are being built throughout the project, will they be using permeable concrete?

Doug Saltsgaver stated no, because they still think there are issues with sand and silt getting into those and plugging them up.

Bruce Heilman asked if Hubbell intend to clean up the property adjacent to SE Diehl.

Doug Saltsgaver stated they do intend to clean up the property and be a good neighbor.

Doug Wells, Wells and Associate Architects – 1105 Grand Avenue, West Des Moines. Showed building elevations and gave a brief overview.

JoAnne Corigliano commented that the quality and materials will look nice.

Dann Flaherty asked if open stairwells are proposed, or if they need to be enclosed at some point.

Doug Wells stated that this is a family complex and noted the ability for management to keep it neat. Less collection of debris in the area is a superior situation. Also the open area offers natural circulation alleviating the staleness that enclosed corridors offer.

Dann Flaherty asked if these are rentals not condos.

Doug Wells stated that they are all rentals.

#### CHAIRPERSON OPENED THE PUBLIC HEARING

*The following individuals spoke in opposition*

Robby Robinson, 1590 E. Diehl Avenue, handed clerk a petition to file. He stated when they were annexed they were told it would remain "R-2". There is continued property damage due to the increase water runoff due to the last development at "Stoney Pointe" and the businesses across the road. Several attempts have been made to control the water with no success: the retention pond did not work, they have lost several trees, and the bridge has been replaced three times. All of the future erosion will end up in Easter Lake and the city and county tax payers will be paying for future dredging. Traffic is already a problem and if this project is approved they have concerns regarding increased crime and sewage spills.

Mike Simonson stated that Hubbell's proposal should help the storm water situation.

Robby Robinson stated that there has been nothing but damage to their property.

Kevin Walker 1540 E. Diehl states that his property is washed out and does not want to look at a 3-story building.

Dann Flaherty stated someone is going to buy the property behind him, and asked what is he looking for in its development?

Kevin Walker states he would be looking for better water retention and controlled traffic.

Dann Flaherty asked is there anyone who can resolve the problem by buying this property.

Kevin Walker replied he would have to think about that.

Tim Fitzgerald 2224 Evergreen is concerned with the increase of criminal element, debris and the deterioration of the community as a whole because of over abundance of multi-family housing.

Dann Flaherty asked what should be developed there.

Tim Fitzgerald answered he was not sure of the solution but it is not a 245 unit apartment complex.

Darren Hansen 5115 SE 9<sup>th</sup> stated that he met with the developer and they came up with some nice solutions but is concerned with traffic and the safety of the little children crossing E. 14<sup>th</sup>. He also asked how many parking spaces are shown on the drawing because those spaces will have that many vehicles.

Jim Bollard 4007 SE 26<sup>th</sup> states that he is concerned that if zoning is granted they will have no voice along the corridor. It should stay commercial in front with the back portion for townhomes, or single-family dwellings but not 3-story apartment buildings.

Brian Millard asked about the number of vehicles when it was previously considered.

Dann Flaherty stated that there are 486 parking stalls.

Jan Goode 4501 SE 6<sup>th</sup> Street states that this neighborhood has the highest per capita of section 8, low income housing, rental properties, and crime in the City.

Jim Martin 6916 Starview Street, has concerns with density and the development of the south side.

Brian Millard asked Jim Martin if he was surprised that no real storm water structure has been put in around Diehl. The City has been on notice about this and yet it seems to be worse than it ever was.

Jim Martin stated that he is a little bit surprised, but disappointed might be a better term. There are some hands tied with these issues and there have been some attempts to fix it, but according to the residents those things have not worked and have gotten worse.

Mel Pins, 210 E. Bundy Avenue, expressed concern that the development is too big for the site and it will cause traffic congestion and traffic safety issues.

Wanda Walker 1540 E. Diehl, is concerned with crime, noise level, privacy, traffic congestion, and the water runoff.

Tom Cooper 1730 E. Diehl submitted a petition with 57 signatures and wants Hubbell to know that he and the other signatories are pro development but do not want a transient neighborhood. His concerns are the increase traffic and the water runoff.

Steve Niebuhr, Hubbell Realty Company 6900 Westown Parkway, West Des Moines clarified that under the current zoning they could build 280 units for residents over 55. So they are not asking for any changes in the zoning just to lift the over 55 as it exists. A deceleration lane will be added to SE 14<sup>th</sup>, the traffic study has been done and under the current zoning there will be 40% less traffic with their project than what could be developed because they will be getting rid of that commercial component. Many changes were made due to the neighborhood meeting such as the fence between their property and the properties to the south to address any security concern they may have. A berm was added to alleviate some concerns to surface water that might flow onto those properties on the south and more. He asked that a moratorium not be held on this site while the City does something to solve the regional storm water problems. They would like to develop this site and create economic development.

Jim Martin, (Commissioner) asked if they can build 280 units any way, why remove the senior housing stipulation.

Steve Niebuhr stated that the stipulation on this project is not viable for Hubbell and don't think there is market demand for over 55.

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**CHAIRPERSON CLOSED THE PUBLIC HEARING**

Leisha Barcus asked if the vote can be deferred until the commission hears Item 9.

Mike Kelley affirmed that the vote for item 8 could be deferred until Item 9 was heard.

Bruce Heilman asked the applicant if Item 9 would be developed without rezoning in Item 8.

Steve Niebuhr stated that Item 9 would not go without Item 8.

Brian Millard commented about a moratorium that occurred on another development (Sawyers Landing).

**COMMISSION ACTION**

Mike Simonson moved Part A) Staff recommendation that the requested rezoning be found in conformance with the Des Moines' 2020 Community Character Plan.

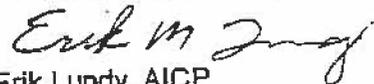
Motion passed 9-1 (Dann Flaherty opposed)

Mike Simonson moved Part B) Staff recommendation to approve the requested rezoning subject to applicant agreeing to the following conditions:

1. No removal of trees 6" inches or larger in diameter from the subject property until review of a tree inventory and mitigation plan with any site plan submittal or grading permit application.
2. Any development of the site is subject to provision of storm water management in accordance with State Wide Urban Design and Specifications (SUDAS) standards for a two-year frequency storm event developed release rate in addition to requirements for management of more frequent rain events.
3. Any development of the subject property will incorporate conservation design methods for mitigation of storm water from more frequent than two-year storm events.
4. Any Site Plan submittal or platting of the subject property for multiple residential units shall include an update to the professionally prepared traffic study for the property.
5. Primary vehicular access for any multiple family residential development shall be from SE 14<sup>th</sup> Street through the property adjoining to the west in accordance with all applicable Fire and Building codes.
6. Design and materials for any multiple-family structure built on the subject property shall be determined to be compatible with the adjoining residential properties by the Plan and Zoning Commission as part of Site Plan review.

Motion failed 5-5 (Leisha Barcus, JoAnne Corigliano, Dann Flaherty, Jim Martin, and Brian Millard opposed)

Respectfully submitted,

  
Erik Lundy, AICP  
Senior Planner

EML:clw

Attachment

Item ZON2008-00191

Date 11-10-08

I (am)  in favor of the request.

(Circle One)  
**RECEIVED**

DEC 12 2008

COMMUNITY DEVELOPMENT  
DEPARTMENT

Print Name KEVIN WALKER

Signature [Signature]

Address 1540 E DIEHL AVE

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

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0 It was our understanding that we voted for Senior  
Showing that it couldn't be changed for anything  
7  
0 else. Due to the water problem with this area we will  
not be in favor of this until our water problems are  
7  
0 solved from the erosion it causes to our property.  
This will cause a lot of grief for all involved Home owners

Item ZON2008-00191

Date 12-12-08

I (am)  in favor of the request.

**RECEIVED**

DEC 17 2008

COMMUNITY DEVELOPMENT  
DEPARTMENT

Print Name Manuel Banegas

Signature [Signature]

Address 1515 East Diehl

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

The above request would bring more traffic  
to East Diehl, the entrance being on Diehl.  
Our road is already falling apart and  
destroying our lawns and driveways. More  
traffic would just speed up the erosion of  
our street.

Item ZON2008-00191 Date 12-11-2008 61

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

44 50

(Circle One)  
**RECEIVED** ✓

DEC 15 2008

COMMUNITY DEVELOPMENT  
DEPARTMENT

Print Name Robbie Robinson

Signature Robbie Robinson

Address 1590 E. Diehl Ave.

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

On going water problems from Walter's  
project not yet addressed. No infra-  
structure to support project. We  
have enough low rent apts. on south  
side. Too much traffic. More damage  
will be added from water run-off.

Item ZON2008-00191 Date 12-10-08

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

(Circle One)  
**RECEIVED** ✓

DEC 15 2008

COMMUNITY DEVELOPMENT  
DEPARTMENT

Print Name JAMES SALLERIN

Signature James Sallerin

Address 1590 E. Diehl

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

In increasing this number of the  
public housing on our property  
we don't want all of those  
apartments. Our property will  
be lower in value. You would put us  
down in your back yard but Dr. City

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REASON FOR OPPOSING OR APPROVING THIS REQUEST MAY BE LISTED BELOW:

COMMUNITY DEVELOPMENT DEPARTMENT

DEC 16 2008

(Circle One)

RECEIVED

Address 1565 EAST DIEHL AVE.

Signature Mrs. Russell Collins

Print Name MRS. RUSSELL COLLINS

Date 12-27

Item 16100-8002902

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

Date 12-12-08

Item ZON2008-00191

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

(Circle One)

RECEIVED

Print Name ANTONIA MOSCOSO  
Signature Antonina Moscoso  
Address 1420 E. GRAND

DEC 16 2008

COMMUNITY DEVELOPMENT DEPARTMENT  
REASON FOR OPPOSING OR APPROVING THIS REQUEST MAY BE LISTED BELOW:

① I feel this proposal will disturb the tranquility of the area.  
② With the amount of people dwelling, it would be too congested and overcrowded.

③ Our office TrashTram is now neighboring apartments. I feel very strongly about safety issues and drug trafficking.

Date Dec 10-08

Item ZON2008-00191

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

RECEIVED

DEC 16 2008

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name Cheryl Rice  
Signature Cheryl Rice  
Address 1460 SE Duell

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

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

Item ZON2008-00191 Date 12-10-2008 **HAPPY 50<sup>th</sup> BIRTHDAY**  
 DES MOINES IA 503  
 I (am) (am not) in favor of the request.  
 (Circle One) **11 DEC 2008 PM 2 T**  
**RECEIVED**  
 DEC 16 2008  
 Print Name Easter Lake Stores Inc  
 Signature Ronald J Wood  
 Address 12011 SE Hartford Ave

COMMUNITY DEVELOPMENT DEPARTMENT  
 Reason for opposing or approving this request may be listed below:  
Great Project.

Item ZON2008-00191 Date 12-12-08  
 I (am) (am not) in favor of the request.  
 (Circle One) **RECEIVED**  
 DEC 17 2008  
 COMMUNITY DEVELOPMENT DEPARTMENT  
 Print Name Bill Anderson  
 Signature Bill Anderson  
 Address 3011 Justin Dr.

Reason for opposing or approving this request may be listed below:  
As this is a nice size parcel with limited frontage on E14<sup>th</sup>, the best use is multi-family and or care facility. Commercial interest has been for only the 2-3 acres that front E14<sup>th</sup> Ste  
Bill Anderson

Item ZON2008-00191 Date \_\_\_\_\_  
 I (am) (am not) in favor of the request.  
**RECEIVED**  
 DEC 18 2008  
 COMMUNITY DEVELOPMENT DEPARTMENT  
 Print Name Dino Sfor  
 Signature Dino Sfor  
 Address 5327

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

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We the undersigned are against the rezoning of the property at 5525 S.E. 14St from Limited "R-3" Multiple Family Residential District to "R-3" Multiple Family Residential District, removing the limitation of senior residential housing on multiple-family dwellings and allowing for up to 240 multiple-family residential dwellings. (ZON2008-00191)

PRINT NAME	SIGN NAME	ADDRESS
David Palmer	David Palmer	1890 E Army Post RD
John Sorenson	John Sorenson	6155 SE 19th
Mary Sorenson	Mary Sorenson	6155 SE 19th
Anna Scott	Anna Scott	6160 SE 19th
Mark Stewart	Mark Stewart	6160 SE 19th
Paula Killian	Paula Killian	6160 SE 19th
Joshua Graham	Joshua Graham	6160 SE 19th
Christy Graham	Christy Graham	6160 SE 19th
OTC BASTIAN	OTC Bastian	5985 SE 19th
Kate Mullis	Kate Mullis	5965 SE 19th
Tom Dudley	Tom Dudley	5916 SE 19th
DIXIE DUDLEY	Dixie Dudley	5910 SE 19th
TOMMY A DUDLEY	Tommy A Dudley	5910 SE 19th
James Fisher	James Fisher	5775 SE 19th
BETH FISHER	Beth Fisher	5775 SE 19th
JAN DEIRLING	Jan Deirling	5635 SE 19th
JOHN DEIRLING	John Deirling	5635 SE 19th
Faunne Kinney	Faunne Kinney	5680 SE 19th ST
Rachael Kinney	Rachael Kinney	5700 SE 19th
Michelle Robb	Michelle Robb	5420 SE 19th
Michael Robb	Michael Robb	5420 SE 19th
AMBER LUKSETICH	Amber Luksetich	1870 E Diehl Ave
ANDY LUKSETICH	Andy Luksetich	1870 E Diehl Ave
GREG ELLIS	Greg Ellis	1820 E Diehl Ave
Barb Kelly	Barb Kelly	1840 E Diehl Ave
Dawn Overton	Dawn Overton	1840 E Diehl Ave
Richard D. Smith	Richard D. Smith	1870 E Diehl Ave



