

★ Roll Call Number

Agenda Item Number

12

.....  
September 8, 2008

Date .....

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on August 21, 2008, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Quincy Place, LLC, represented by David Rogers (officer) to rezone property located in the vicinity of 2501 24<sup>th</sup> Street from "R1-60" One-Family Low-Density Residential District and "R-3" Multiple-Family Residential District to a Limited "R-3" Multiple-Family Residential District, to allow redevelopment of the property for new multiple-family residential use, subject to the owner of the property agreeing to the following conditions:.

1. Any multiple-family residential use of the property shall have a maximum of 36 dwelling units. (Note: any multiple-family residential use of the property with more than 27 dwellings units is subject to the Zoning Board of Adjustment granting the necessary Exception from the zoning regulations.)
2. Any building shall be constructed to predominantly face 24<sup>th</sup> Street and have a front yard setback of approximately 30 feet.
3. Any off-street parking shall be either to the side or to the rear of any building constructed and not between the street and any building.

The subject property is more specifically described as follows:

North 220 feet measured on the East lot line of Lot 25 and all Lot 26, Murray Hill, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held in the Council Chambers at City Hall at 5:00 p.m. on September 22, 2008, at which time the City Council will hear both those who oppose and those who favor the proposal.

( continued )

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2. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED by \_\_\_\_\_ to adopt.

FORM APPROVED:

Roger K. Brown  
 Roger K. Brown  
 Assistant City Attorney

(ZON2008-00104)

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

Date \_\_\_\_\_

September 3, 2008

Agenda Item 12

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 August 21, 2008, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 12-0 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** to find the proposed "R-3" Multiple-Family Residential District **not** in conformance with the Des Moines' 2020 Community Character Plan's current land use designation of Low-Density Residential.

By separate motion Commissioners recommended 12-0 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			



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

ALL-AMERICA CITY  
1949, 1976, 1981  
2003

**APPROVAL** to amend the Des Moines' 2020 Community Character Plan future land use designation from Low Density Residential to Mixed-Use and Density Residential.

By separate motion Commissioners recommended 12-0 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 from from Quincy Place, LLC represented by David Rogers (officer) to rezone property located at 2501 24<sup>th</sup> Street to rezone the entire parcel known as 2501 24<sup>th</sup> Street to a Limited "R-3" Multiple-Family Residential District subject to the owner agreeing to the following conditions:

1. Any multiple-family residential use of the property has a maximum 36 dwelling units. (Note: any multiple-family residential use of the property with more than 27 dwellings units is subject to the Zoning Board of Adjustment granting the necessary Exception from the zoning regulations.)
2. Any building shall be constructed to predominantly face 24<sup>th</sup> Street and have a front yard setback of approximately 30 feet.
3. Any off-street parking shall be either to the side or to the rear of any building constructed and not between the street and any building.

**STAFF RECOMMENDATION AND BASIS FOR APPROVAL**

Part A) Staff recommends the Commission find the proposed "R-3" Multiple-Family Residential District not in conformance with the Des Moines' 2020 Community Character Plan's current land use designation of Low-Density Residential.

Part B) Staff recommends that the Des Moines' 2020 Community Character Plan future land use designation be amended from Low Density Residential to Mixed-Use and Density Residential.

Part C) Staff recommends rezoning the entire parcel known as 2501 24<sup>th</sup> Street be rezoned to a Limited "R-3" Multiple-Family Residential District subject to the owner agreeing to the following conditions:

1. Any multiple-family residential use of the property has a maximum 36 dwelling units. (Note: any multiple-family residential use of the property with more than 27 dwellings units is subject to the Zoning Board of Adjustment granting the necessary Exception from the zoning regulations.)

2. Any building shall be constructed to predominantly face 24<sup>th</sup> Street and have a front yard setback of approximately 30 feet.
3. Any off-street parking shall be either to the side or to the rear of any building constructed and not between the street and any building.

### Written Responses

3 In Favor

4 In Opposition

## **STAFF REPORT**

### **I. GENERAL INFORMATION**

1. **Purpose of Request:** The applicant is seeking to rezone the entire site to a Limited "R-3" Multiple-Family Residential District so that the zoning conditions are applicable to the entire parcel. The northern 60 feet (27%) of the subject property is zoned "R1-60" District while the balance is already zoned "R-3" District. The applicant intends to seek low-income tax credits from the State and construct a multiple-family residential structure upon demolition of the existing unoccupied nursing home.

If rezoned to "R-3" District, the 67,540-square foot site would be permitted to have 27 units (1 per 2,500 square feet of lot are). However, the applicant has indicated that if the site is successfully rezoned, they will likely receive an Exception from the "R-3" District regulations from the Zoning Board of Adjustment necessary to construct 36 dwelling units. This would require the Board to grant an Exception of 624 square feet of lot area less than the minimum required 2,500 square feet of lot area per dwelling unit.

Future redevelopment of the site for multiple-family residential use would be subject to review and approval of a site plan under Design Guidelines for Multiple-Family Residential by the Plan and Zoning Commission.

2. **Size of Site:** 220 feet by 307 feet or 67,540 square feet (1.55 acres).
3. **Existing Zoning (site):** The northernmost 60 feet of the subject property is zoned "R1-60 One-Family Low-Density Residential District and the balance is zoned "R-3" Multiple-Family Residential District.
4. **Existing Land Use (site):** The subject property currently contains an unoccupied nursing home with a paved parking lot.
5. **Adjacent Land Use and Zoning:**

*North – "R1-60", Uses are single-family residential.*

*South – "R-3", Use is a multiple-family residential complex with two 8-unit structures.*

*East – "R-3"; Use is a heavily vegetated portion of the Freedom for Youth campus.*

*West – "R1-60", Uses are 24<sup>th</sup> Street and single-family residential.*

6. **General Neighborhood/Area Land Uses:** The subject property is located in an area that transitions from commercial and multiple-family residential uses along Hickman Road to single-family residential uses to the north.
7. **Applicable Recognized Neighborhood(s):** NA.
8. **Relevant Zoning History:** NA.
9. **2020 Community Character Land Use Plan Designation:** Low-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, prior to the City Council Hearing. The recommendation of the Commission will be forwarded to the City Council.

## II. ADDITIONAL APPLICABLE INFORMATION

1. **Drainage/Grading:** Drainage and grading shall be evaluated during the site plan review process before the site can be graded or developed. Any Site Plan must conform to the storm water management requirements in the Site Plan policies. In addition, the applicant will be required to comply with Iowa DNR requirements for a Storm Water Pollution Prevention Plan (SWPPP).
2. **Landscaping/Screening:** Future redevelopment of the site as multiple-family residential would be subject to review and approval of a Site Plan under design guidelines for multiple-family residential. Any such Site Plan shall be required to adhere to the landscape standards applicable to the "R-3" District.

The site contains very few mature trees since the majority of the site is currently covered by the existing building and parking. There is a courtyard within the existing nursing home that contains approximately 4 overstory trees. It is likely that these trees will be damaged during demolition of the existing building. Staff believes that the overstory trees, understory trees, and other landscaping required by the landscape standards applicable to any submitted site plan would be sufficient to mitigate the loss of these existing trees.

3. **Traffic/Street System:** The subject site has 220 feet of frontage along 24<sup>th</sup> Street. The City's Traffic and Transportation staff has determined that 24<sup>th</sup> Street can adequately handle the traffic generated by any future development of the site as multiple-family residential.
4. **Access & Parking:** Future construction of a multiple-family residential structure would be subject to provision of 1-½ off-street parking spaces per dwelling unit. The submitted conceptual layout demonstrates a 54-space parking lot on the southern portion of the site located to the side and to the rear of the structure.
5. **2020 Community Character Plan:** The current Low-Density Residential future land use designation permits a maximum 6 dwelling units per net acre, whereas Mixed Use and Density Residential permits densities of over 17 dwelling units per net acre. The applicant indicates that the most units they intend to construct a maximum of 36 units on the site, which would represent a density of 23.2 dwelling units per acre. Staff recommends that a condition of approval be that the property is limited to a maximum 36 dwelling units, although any multiple-family residential use of the property with more than 27 dwellings units would be subject to the Zoning Board of Adjustment granting the necessary Exception to the zoning regulations.

**6. Urban Design:** The submitted conceptual site layout demonstrates placement of an apartment building oriented toward 24<sup>th</sup> Street having a 30-foot front yard setback with off-street parking located to the side and to the rear of the structure. Staff believes that this is the most appropriate layout for the neighborhood character given the parcel adjacent to the south contains two apartment buildings each having a 30-foot front yard setback with parking located to the rear.

## **SUMMARY OF DISCUSSION**

Bert Drost: Presented staff report and recommendation.

Greg Jones: Asked if they flipped their plan so that the parking lot would be on the north side and their building on the portion already zoned "R-3", would they even need to rezone.

Bert Drost: Stated this would limit the number of units to 19 and that any parking lot extending into the "R1-60" district must be approved by the Commission.

Larry Hulse: The applicant has been very cooperative in that the conditions applied to the rezoning would apply to the entire property.

Leisha Barcus: Asked for clarification on the number of dwelling units being proposed.

Bert Drost: If rezoned to "R-3" District, the 67,540-square foot site would be permitted to have 27 units (1 per 2,500 square feet of lot area). However, the applicant has indicated that if the site is successfully rezoned, they will likely apply for an Exception from the "R-3" District regulations from the Zoning Board of Adjustment necessary to construct 36 dwelling units. This would require the Board to grant an Exception of 624 square feet of lot area less than the minimum required 2,500 square feet of lot area per dwelling unit. We are recommending a limit of 36 units so they cannot seek approval for more from the Board of Adjustment.

Kent Sovern: Asked how the Plan and Zoning Commission can take action that allows for more units.

Larry Hulse: They could only do so if the Zoning Board of Adjustment grants an Exception.

Mike Kastner, Architects Schipper Kastner, 3716 Ingersoll, representing Quincy Place: Stated that they did attend a neighborhood meeting and the neighbors expressed some concern about the original design 3-story building. They revised the plan to address their concerns. Instead of one large L-shape 3 story building, they moved parking access into the center, and put the higher density area to the north instead of to the south.

Brian Millard: Asked about the stormwater problems on the site.

Mike Kastner: Stated they are looking at more of an underground storage

JoAnne Corigliano: Asked about the wooded area to the east.

Bert Drost: It is the Freedom for Youth Ministry campus and contains a waterway

## **CHAIRPERSON OPENED THE PUBLIC HEARING**

*The following individuals spoke in opposition:*

William Little, 2406 Holcomb: Concerned with the increase of bad elements in the area and the streets would not be able to handle the increased traffic. He also stated that Hickman Road floods often.

Bruce Heilman: Right now a substantial apartment complex can go into that property as long as they design it with the proper setback. However, this gives us an opportunity to put restriction on the entire project and the commission is very aware restriction is needed.

Jennie Jacobs, 2531 24<sup>th</sup> Street: Stated that she would like to see more home owners in the neighborhood. She is concern with the increase in traffic and the parking on 24<sup>th</sup> street. She felt that the radius of notification was too small that there are more people that would be affected by this proposal. She would like to see that site used for something such as another nursing home. This neighborhood is already close to a lot of drama and activity and maybe this will push it over the edge.

Brian Millard: Asked if the applicant was on the property and encouraged them to form a neighborhood association.

Laura Rettig, 2535 24<sup>th</sup> Street: Stated that there have been attempts to form a neighborhood association. She is also concerned with the increase traffic with the children playing at night, the parking, and the increase of difficulty of getting in and out of property.

Carlos Cluff, 2315 Holcomb: Stated that the rezoning needs to go through but is opposed to the proposed building on the property. The concerns of the neighbors are traffic, the roadways are not sufficient, and the quality of life in the neighborhood will be lessened. Another concern is needing someone who lives here and not in Winnipeg, Canada that has a mutual investment and will keep the money here in town.

David Rodgers, 1310 NW 2<sup>nd</sup> Street, Ankeny: The property is owned by Quincy Place, LLC and he partners in the liability and corporation and is the local manager. It became absolutely clear that this property will never be a nursing home so we had to find something else to do with it. They like the neighborhood, and they know there are a few problems.

Renie Neuberger, 2425 S. 12<sup>th</sup> Street, West Des Moines, Tax Credit Consultant for the developer Joseph Waltman: Stated that this project is similar to Jack Hatch's project. She explained how the projects are inspected annually by the Iowa Finance Authority and they are kept in repair. If the two apartment units to the south were Low Income Tax Credit project, these folks would not complain. This will be about a \$6 to a \$6.3 million dollar project. Joseph Waltman did talk to Jennie and said if she could get someone to put a nursing home there then he would consider it. A multi-family tax credit project is the best for this site.

Bruce Heilman: Asked how important is it that the project goes through with 36 units.

Renie Neuberger: Stated that she could not answer right now, but it might be possible to do less.

Dave Rodgers: Stated that he thought it will have to be 36 units or 19 market rates through IFA.

Brian Millard: Asked if the commission moves this through, would they try to reach the rest of the neighborhood.

Dave Rodgers: Answered yes.

Jacqueline Easley: Voiced concern about the language barriers and note that there is assistance in our community that can help with interpretation.



Larry Hulse: The future site plan must be approved by the Commission which includes building materials.

Billie Little, 2406 Holcomb: Stated that he is thirteen and still considered a kid. A lot of kids hang out and ride their bikes up and down the street. The apartments are not a good idea because of the traffic and because of the elementary school on the hill of Holcomb. The most recent event is today a beer bottle was in his yard, which had to come from either the apartments, Tommy's or who knows where.

### **CHAIRPERSON CLOSED THE PUBLIC HEARING**

Larry Hulse: Noted that the site plan that they presented tonight was much improved from the first one and suggested when they come back to the commission they limit their design to 2 or 2 ½ stories.

Bruce Heilman: Would like them to develop a list of considerations when they come back with the number of units, keep the units to the south of the project for existing multi-family, and the town home look project lining the street.

Brian Millard: Would also like for them to consider using the property to the north as a buffer.

Larry Hulse: These are not conditions just considerations.

Leisha Barcus: Asked if the city would consider doing multi language cards.

Larry Hulse: Stated that they are very difficult to do. However, staff will look into it.

Jeff Johannsen: Thanked the neighborhood, especially the young man, and suggested that the neighborhood work with the developer as much as possible and vice versa.

Bruce Heilman Moved staff recommendation to find the proposed "R-3" Multiple-Family Residential District **not** in conformance with the Des Moines' 2020 Community Character Plan's current land use designation of Low-Density Residential.

Motion passed 12-0.

Bruce Heilman Moved staff recommendation that the Des Moines' 2020 Community Character Plan future land use designation be amended from Low Density Residential to Mixed-Use and Density Residential.

Motion passed 12-0.

Bruce Heilman Moved staff recommendation to rezone the entire parcel known as 2501 24<sup>th</sup> Street to be rezoned to a Limited "R-3" Multiple-Family Residential District subject to conditions:

Motion passed 12-0

Respectfully submitted,

*Bert Drost*

Bert Drost, AICP  
Senior City Planner

BAD:clw

Attachment

Request from Quincy Place, LLC represented by David Rogers (officer) to rezone property located at 2501 24 <sup>th</sup> Street.				File #	
				ZON2008-00104	
<b>Description of Action</b>	Rezone the entire parcel known as 2501 24 <sup>th</sup> Street to be rezoned to a Limited "R-3" Multiple-Family Residential District subject to the owner agreeing to conditions:				
<b>2020 Community Character Plan</b>	Low-Density Residential.				
<b>Horizon 2025 Transportation Plan</b>	No Planned Improvements.				
<b>Current Zoning District</b>	"R1-60" One-Family Low Density District.				
<b>Proposed Zoning District</b>	"R-3" Multiple-Family Residential District.				
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	3	4			
Outside Area		1			
<b>Plan and Zoning Commission Action</b>	Approval	12-0	<b>Required 6/7 Vote of the City Council</b>	Yes	X
	Denial			No	

Quincy Place LLC - 2501 24th Street

ZON2008-00104



Item 2008 00104 Date 8-16-08

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

(Circle One)  
**RECEIVED**

Print Name Lawrence E Gardner

Signature *Lawrence M. Gardner*  
Executive of Estate

Address 2804 Muldurnia Creek Circle  
Ankeny IA

AUG 18 2008

COMMUNITY DEVELOPMENT  
DEPARTMENT

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

*Really make no difference to me*

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

Item 2008 00104 Date AUG 14, 08

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

(Circle One)  
**RECEIVED**

Print Name CHUEN NGUYEN

Signature *Chuen Nguyen*

Address 2520 Military Pkwy

AUG 20 2008

COMMUNITY DEVELOPMENT  
DEPARTMENT

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



12

Item 2008 00104 Date 8-17-08

I  (am not) in favor of the request.

(Circle One)

Print Name Gail A Culver  
 Signature Gail A. Culver  
 Address 2415 Holcomb Ave.

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

don't want another trashy bldg  
on the street to decrease property  
values; increased traffic - speeding  
already an issue; parking will  
there be a security officer on duty?

Item 2008 00104 Date 8-17-08

(am not) in favor of the request.  
(Circle One)

Print Name Laure Rettig  
Signature Laure Rettig  
Address 2535 Holcomb

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

Increased traffic, noise, litter, theft  
loss of privacy due to 3 story building (proposed)  
decrease in property value

Item 2008 00104 Date 8-17-08

(am not) in favor of the request.  
(Circle One)

Print Name Gail A Culver  
Signature Gail A Culver  
Address 2415 Holcomb Ave

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

don't want another trashy bldg  
on the street its decrease property  
values; increased traffic speeding

Item 2008 00104 Date 8-14-08

(am not) in favor of the request.

Print Name Carlos Cluff  
Signature Carlos Cluff  
Address 2315 Holcomb

RECEIVED  
(Circle One)

AUG 18 2008

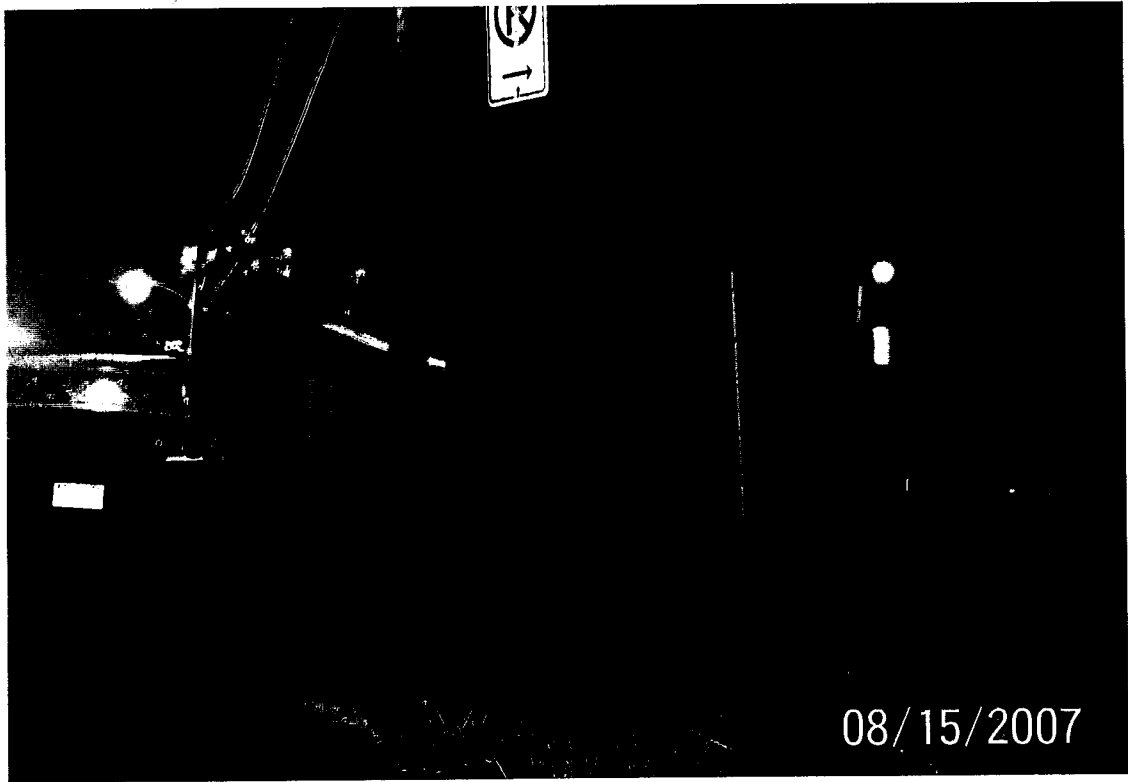
COMMUNITY DEVELOPMENT  
DEPARTMENT

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

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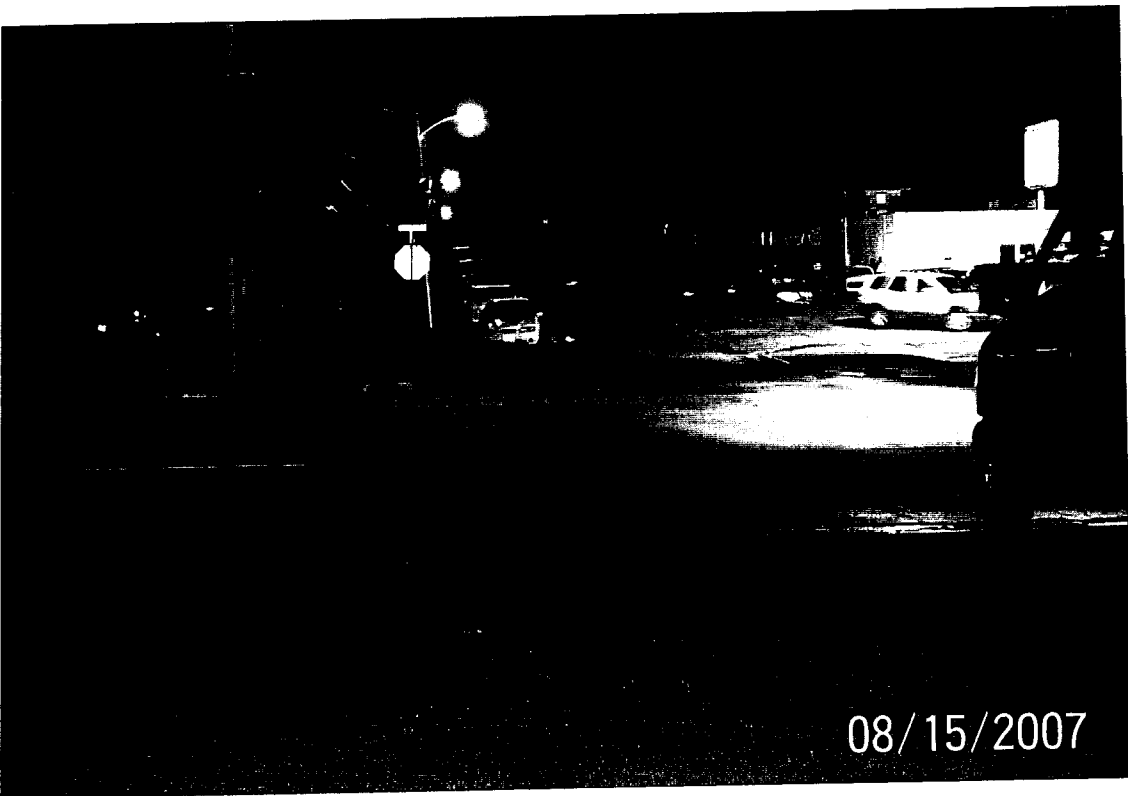
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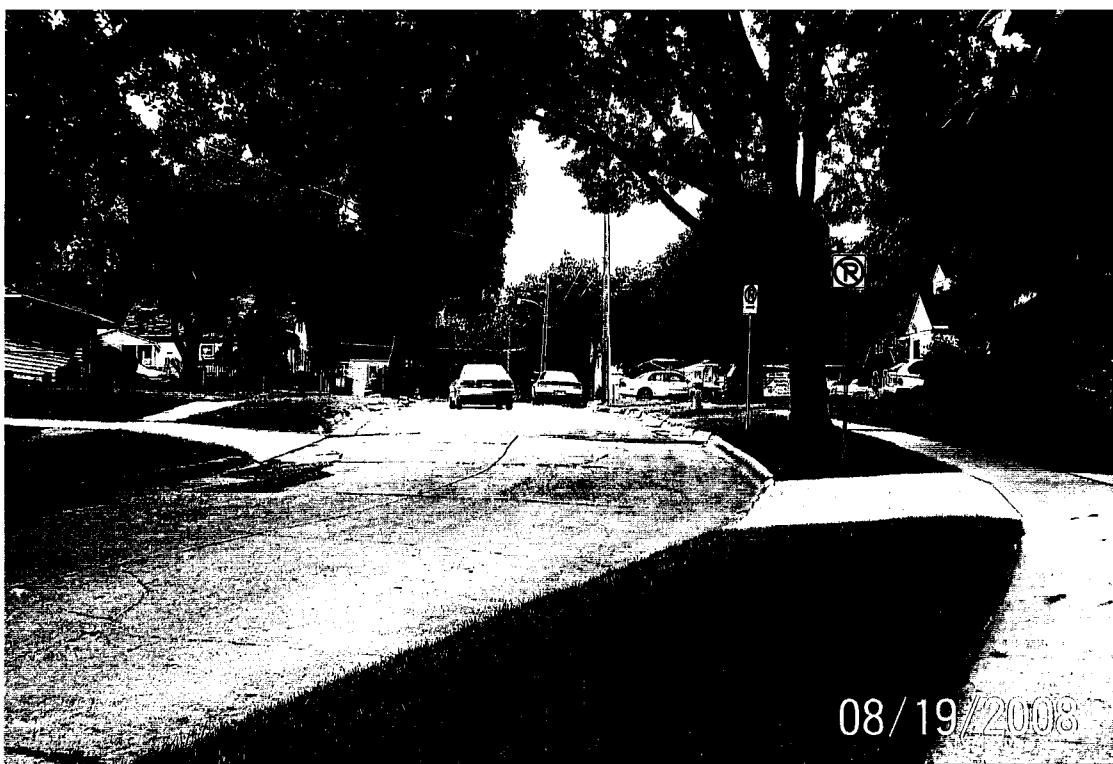
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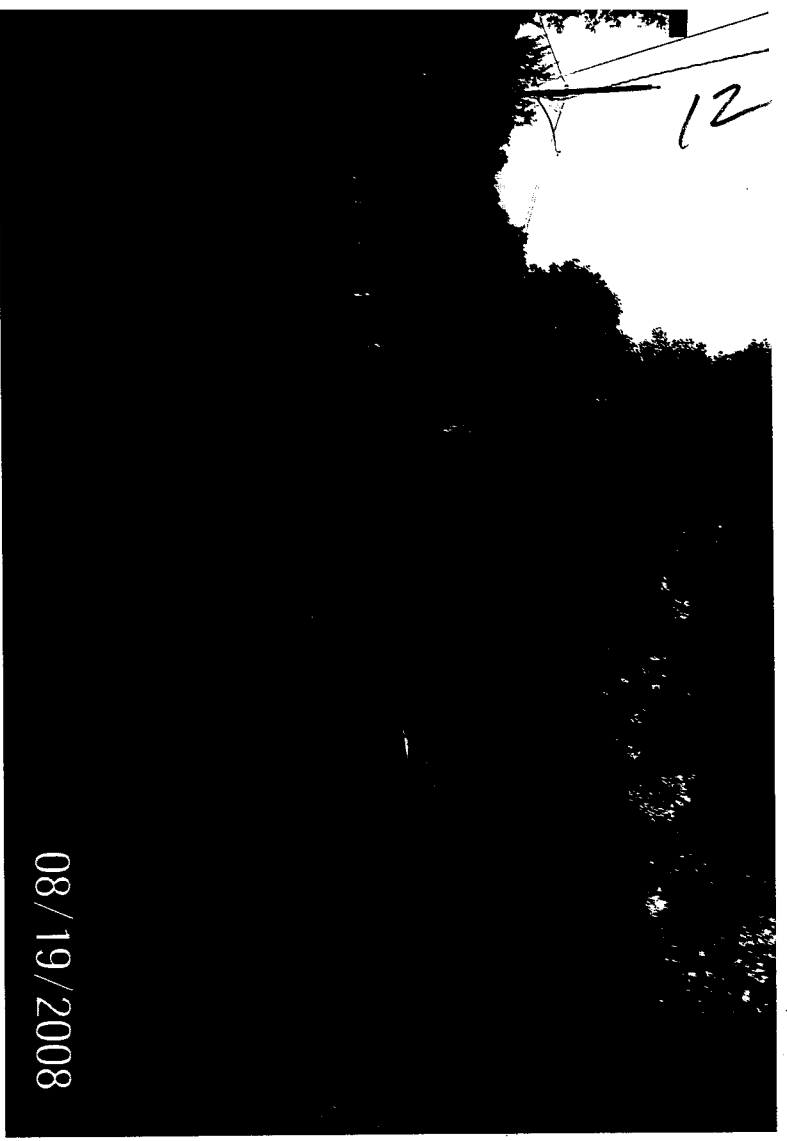
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08/19/2008



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08/19/2008

