

Date..... April 9, 2012.....

WHEREAS, on March 26, 2012, by Roll Call No. 12-0459, it was duly resolved by the City Council, that a public hearing to be held on April 9, 2012, at 5:00 p.m., in the Council Chambers at City Hall, to consider a proposal from Wesley Retirement Services, Inc. to amend the approved Wesley Acres PUD Conceptual Plan for property located at 3520 Grand Avenue to allow beer and wine sales for on-site consumption as part of the food service for residents as a permitted use, to make revisions to the allowed signage program to accommodate new branding, and to define the permitted exterior design for a 5,470-square foot adult daycare building addition; and

WHEREAS, due notice of said hearing was published in the Des Moines Register on March 29, 2012, as provided by law, setting forth the time and place for hearing on said proposed amendment to the approved PUD Conceptual Plan; and

WHEREAS, at a public hearing on March 15, 2012, the Plan and Zoning Commission recommended by a vote of 10-0 that the proposed amendment to the approved PUD Conceptual Plan be approved, subject to the following conditions and subject to the conceptual plan being first amended as set forth in the attached letter from the Planning Administrator:

1. Compliance with administrative review comments of final PUD Conceptual Plan documents.
2. Limitation of the beer and wine sales to the Grand Dining Center, with access restricted to residents, employees, and their guests only. Consumption and sales shall not occur and closer than 900 feet to any daycare or preschool use within the property.
3. Issuance of sign permits for all the installed signs described on the amendment and provision of a key in the Conceptual Plan to show location of each separate sign in the sign plan to a location on the site along with details of external illumination. A note should be included that no external illumination of any sign shall be directed onto any adjoining residential property.

WHEREAS, in accordance with the published notice those interested in said proposed amendment to the approved 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.

Date April 9, 2012

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, statements of interested persons and arguments of counsel, the objections to said proposed amendments to the approved PUD Conceptual Plan for the property in the vicinity of 3520 Grand Avenue, and more specifically described below, are hereby overruled and the hearing is closed.

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 described as follows:

Commencing at the Northeast corner of said Lot 1; thence South 0° (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 0° 04' 49" East along the East line of said Lot 1, a distance of 333.0 feet to the Point of Beginning; thence South 0° 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 0° 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.

2. The proposed amended PUD Conceptual Plan is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan, subject to the conditions identified below.

Date April 9, 2012

3. The amended PUD Conceptual Plan for the Property described above, which is on file in the Community Development Department, is hereby approved, subject to the plan being first amended to satisfy the conditions recommended by the Plan and Zoning Commission as set forth in the attached letter from the Planning Administrator, and subject to approval of such amendments by the Community Development Director.

MOVED by _____ to adopt.

FORM APPROVED:


 Michael F. Kelley
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				
MOTION CARRIED			APPROVED	

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.

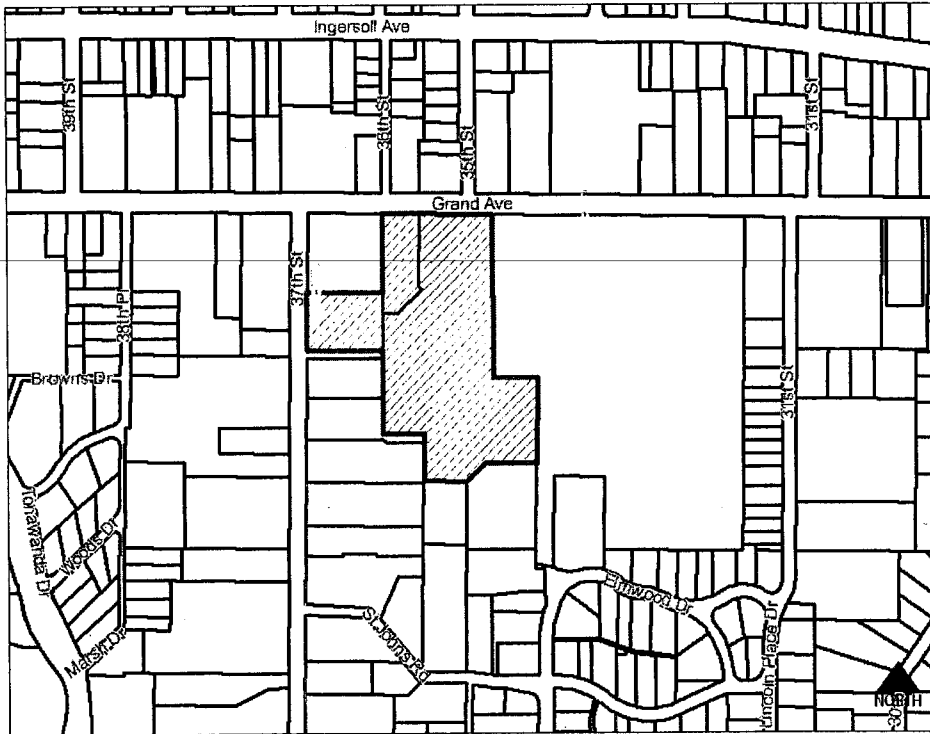
 Mayor

 City Clerk

Request from Wesley Retirement Services, Inc. (owner) represented by Shareen Anderson (officer) for an amendment to the Wesley Acres PUD Conceptual Plan for property located at 3520 Grand Avenue.			File # ZON2012-00020	
Description of Action	Review and approval for an amendment to the Wesley Acres PUD Conceptual Plan for property located at 3520 Grand Avenue, to allow beer and wine sales for on-site consumption as part of the food service for residents as a permitted use, to make revisions to the allowed signage program to accommodate new branding, and to define the permitted exterior design for a 5,470-square foot adult daycare building addition.			
2020 Community Character Plan	High-Density Residential			
Horizon 2035 Transportation Plan	No Planned Improvements			
Current Zoning District	"PUD" Planned Unit Development District			
Proposed Zoning District	"PUD" Planned Unit Development District			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	20	4		
Outside Area				
Plan and Zoning Commission Action	Approval	10-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

Wesley Retirement Services Inc - 3520 Grand Avenue

ZON2012-00020



Date April 9, 2012

Agenda Item 47

Toll Call # _____

March 21, 2012

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 March 15, 2012, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Tim Fitzgerald	X			
Dann Flaherty				X
John "Jack" Hilmes				X
Joel Huston				X
Ted Irvine	X			
Greg Jones	X			
William Page	X			
Christine Pardee	X			
Mike Simonson	X			
CJ Stephens	X			

APPROVAL of a request from Wesley Retirement Services, Inc. (owner) represented by Shareen Anderson (officer) for an amendment to the Wesley Acres PUD Conceptual Plan for property located at 3520 Grand Avenue, to allow beer and wine sales for on-site consumption as part of the food service for residents as a permitted use, to make revisions to the allowed signage program to accommodate new branding, and to define the permitted exterior design for a 5,470-square foot adult daycare building addition subject to the following:

1. Compliance with administrative review comments of final PUD Conceptual Plan documents.
2. Limitation of the beer and wine sales to the Grand Dining Center, with access restricted to residents, employees, and their guests only. Consumption and sales shall not occur and closer than 900 feet to any daycare or preschool use within the property.



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

3. Issuance of sign permits for all the installed signs described on the amendment and provision of a key in the Conceptual Plan to show location of each separate sign in the sign plan to a location on the site along with details of external illumination. A note should be included that no external illumination of any sign shall be directed onto any adjoining residential property.

Written Responses

20 In Favor

4 In Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the proposed amendment to the Wesley Acres PUD Conceptual Plan subject to the following:

1. Compliance with administrative review comments of final PUD Conceptual Plan documents.
2. Limitation of the beer and wine sales to the Grand Dining Center, with access restricted to residents, employees, and their guests only. Consumption and sales shall not occur and closer than 900 feet to any daycare or preschool use within the property.
3. Issuance of sign permits for all the installed signs described on the amendment and provision of a key in the Conceptual Plan to show location of each separate sign in the sign plan to a location on the site along with details of external illumination. A note should be included that no external illumination of any sign shall be directed onto any adjoining residential property.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking approval of a campus signage program that was implemented within the past six months as well as to redefine a previously proposed expansion of an adult day care area. Additionally, the applicant is proposing to add beer and wine sales to the food service dining offerings for residents. This is proposed to be within the Grand Dining Center, which is restricted to residents and employees by a key lock system and is over 900 feet from the Children's Garden Daycare Center within the campus.
2. **Size of Site:** Approximately 13.9 acres with 430' of frontage on Grand Avenue.
3. **Existing Zoning (site):** "PUD" Planned Unit Development.
4. **Existing Land Use (site):** High-density residential retirement living campus, to include a healthcare facility and adult and children daycare centers.
5. **Adjacent Land Use and Zoning:**

North – “R-4”, Use is high density residential.

South – “R1-80”, Use is large lot single-family residential.

East – “R-4”, Uses are Des Moines University Osteopathic School of Medicine and single-family homes.

West – “R-3”& “R-4”, Uses are high density residential, Sisterhood of the PEO, and the First Church of Christian Science.

6. **General Neighborhood/Area Land Uses:** The surrounding neighborhood uses primarily consist of high density residential and institutional uses along Grand Avenue with large lot estate single-family homes to the south and a timbered landscape in between.
7. **Applicable Recognized Neighborhood(s):** Greenwood Historic Neighborhood Association.
8. **Relevant Zoning History:** The original PUD zoning was approved in 1992. Subsequent amendments to the Conceptual Plan have allowed for various minor additions and new buildings on the site. The most recent amendment was made by the City Council on May 9, 2011 and included expansion of the parking areas to add 66 spaces of off-street parking.
9. **2020 Community Character Land Use Plan Designation:** High Density Residential.

10. **Applicable Regulations:** The Commission reviews all proposals to amend zoning boundaries or regulations within the City of Des Moines. This includes amendments to PUD Concept Plan that would increase the use density or intensity or make expansion to the built density. The Commission may make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Landscaping and Natural Features:** The previously approved amendment proposed landscaping along newly added parking areas. Enforcement staff will review the site prior to issuing a Certificate of Zoning Compliance for those improvements. No new landscaping is proposed for the subject amendment. However, the applicant is still obligated to maintain previously approved landscape material.
2. **Drainage/Grading:** Engineering and Public Works staff has reviewed the Conceptual Plan with regard to drainage impacts. The additional improvements will require compliance with storm water management standards applicable to sites with any Development Plan revision. This includes any necessary amendment to detention improvements for water quality purposes and for flood control. The Conceptual Plan shows the previously approved storm water management improvements. Final Development Plans for the proposed addition will be reviewed by Engineering staff for consideration of the additional impervious surface.

- 3. Land Use:** The amendment proposes to add beer and wine sales to residents dining in the Grand dining hall of the complex. In other Zoning districts this would be viewed as a restaurant. The licensed premises would normally be required to maintain a 75-foot separation under Zoning from any parcel containing a licensed day care. In this case the applicant also operates a day care for children on the same parcel.

Because the property is zoned PUD, it is not technically subject to the 75-foot separation, and cannot seek relief from the Board of Adjustment for the use of selling wine and beer. However in reviewing the proposed sale of wine and beer as an amended use to the PUD staff seeks to consider the same intent for protection of the day care.

The beer and wine sales is written in the amendment to be limited to the Grand Dining Center, which is over 900 feet away from the licensed daycare and preschool. In addition the dining center is not open to the public and is limited to residents and their guests. Access to the dining area is protected by a key lock control. Staff believes that so long as the beer and wine sales meet these limitations, the intent of the requirements applicable to other zoning districts is maintained.

- 4. Urban Design:** An architectural elevation view for the proposed addition to the healthcare/daycare center has been submitted with the amendment. The proposed addition would have a single-story flat roof design. The addition is proposed with exterior material of facebrick to match the existing building. Soffits of stucco material are proposed above aluminum windows below an aluminum coping and matching decorative metal railing on the roof. The proposed addition will generally only be visible from within the site. Staff believes that this is compatible with the existing campus buildings and surrounding neighborhood.

- 5. Signs:** The applicant recently installed 15 freestanding signs throughout the premises to improving wayfinding within the campus. (See sheet SP4 of the Conceptual Plan, with locations shown as "A" on sheets SP2 & SP3). These signs augment some previously approved signs. Because the proposed signs all contain the applicant's new branding, they are considered identification signs and require amendment to the Conceptual Plan along with issuance of sign permits by the Permit and Development Center. If they did not contain the branding, they could be permitted administratively.

Staff believes that the size and number of signs are within the scale and purpose of the approved campus use. Additionally, staff believes that the branding and design are in character with the campus and the surrounding neighborhood. The final Conceptual Plan needs to key the specific sign to specific location on the plan for permitting purposes rather than just showing a generic label of a new sign for the locations. Also, any proposed external illumination for any of the signs needs to be described. The applicant will need to ensure any lighting for signs is not directed towards any adjoining residential property.

SUMMARY OF DISCUSSION

There was no discussion.

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one to speak in favor or in opposition of the applicant's request.

COMMISSION ACTION:

Ted Irvine moved staff recommendation for the amendment to the Wesley Acres PUD Conceptual Plan subject to the following:

1. Compliance with administrative review comments of final PUD Conceptual Plan documents.
2. Limitation of the beer and wine sales to the Grand Dining Center, with access restricted to residents, employees, and their guests only. Consumption and sales shall not occur and closer than 900 feet to any daycare or preschool use within the property.
3. Issuance of sign permits for all the installed signs described on the amendment and provision of a key in the Conceptual Plan to show location of each separate sign in the sign plan to a location on the site along with details of external illumination. A note should be included that no external illumination of any sign shall be directed onto any adjoining residential property.

Motion passed 10-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment

Item 2012 00020

Date 3-8-12

47

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

RECEIVED
(Circle One)

COMMUNITY DEVELOPMENT Name Arlene L. Lorenger

MAR 13 2012 Signature Arlene L. Lorenger

DEPARTMENT Address 505 36th St. DM 6012

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

Item 2012 00020

Date 3-6-2012

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

RECEIVED
(Circle One)
COMMUNITY DEVELOPMENT

Name Sandra A. Percy

MAR 13 2012 Signature Sandra A. Percy

DEPARTMENT Address 3660 Grand Ave #940

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

- I do not want larger or lighted or different signage on the street/too ugly.
- The adult day care addition would greatly increase traffic turning ^{into} & exiting the driveway. Hazardous access results.

Item 2012 00020

Date 1070- 47

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

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT

Print Name Helen Johnson

Signature Helen Johnson

MAR 19 2012

Address 505-36 #302

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

There are enough lights and
traffic to Wesley across
already - let alone adding a
bar

Helen Johnson

Item 2012 00020

Date 3-8-12

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

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT

Print Name Beverly Radcliffe

Signature Beverly Radcliffe

MAR 19 2012

Address 505-3674 #204

DEPARTMENT

277-0150

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

I was physically unable to attend your meet-
ing. I do not know where the addition would
be. It is not shown on your map. I do not
know how your situation affects me at
this time. Wesley employees I've talked to
are unaware of the situation. Sorry.

Item 2012 00020 Date 3/10/12 47

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

(Circle One)

RECEIVED Print Name R. Kevin LaGree
COMMUNITY DEVELOPMENT Signature R. Kevin LaGree
MAR 19 2012 Address 3660 Grand Ave, Unit 610

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

Item 2012 00020 Date 2/6/12

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

(Circle One)

RECEIVED Print Name STANLEY A. MILLER
COMMUNITY DEVELOPMENT Signature Stanley A. Miller
MAR 19 2012 Address 3660 GRAND #620

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

AS LONG AS THE SIGNAGE IS NOT
HIGH SPOT LIGHTS, NEON OR FLASHING
LIGHTS.

Item 2012 00020
(am) (am not) in favor of the request.

Date March 7, 2012 47

RECEIVED
COMMUNITY DEVELOPMENT

MAR 19 2012

Print Name James A. Vickery

Signature James A. Vickery

Address 3660 Grand #1020

DM 14 50312-4366

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

Good additions to an outstanding
community business + very good
neighbor.

Item 2012 00020
(am) (am not) in favor of the request.

Date 3-6-12

(Circle One)

Print Name GERRY MULLANE

Signature Gerry Mullane

Address 3660 Grand Ave #410

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

Many of the other retirement services
offer Beer + Wine - (good for Folks)
Adult Wort interfere with our
Building.

Hope it Works for everyone!

Item 2012 00020

Date 3/7/12

47

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

RECEIVED

COMMUNITY DEVELOPMENT
Print Name

Juliet Bliss

MAR 19 2012

Signature

Juliet M. Bliss

DEPARTMENT Address

3663 Grand Ave #904

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

As a life long ORL resident I have watched the progress & growth of Westley Acres. All of their projects have been successful + a benefit to our community. I approve.

Juliet

Item 2012 00020

Date 3/6/12

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

RECEIVED

COMMUNITY DEVELOPMENT

Print Name

Sadye Friso

Signature

Sadye Friso

MAR 19 2012

Address

3663 Grand Ave #501

DEPARTMENT

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

Whatever makes them happy.

Item 2012 00020 Date 3-6-12

47

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

(Circle One) **RECEIVED**
COMMUNITY DEVELOPMENT
Print Name Melba Scaglione
Signature Melba Scaglione
MAR 19 2012
Address 3663 Grand #907

DEPARTMENT

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

Item 2012 00020 Date 3-7-12

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

(Circle One) **RECEIVED**
COMMUNITY DEVELOPMENT
Print Name Webster Investments
Signature John Hudson
MAR 19 2012
Address 3663 Grand #62701

DEPARTMENT

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

Item 2012 00020 Date 3/8/12

47

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

RECEIVED
COMMUNITY DEVELOPMENT

Print Name BARBARA H. GRAHAM

MAR 19 2012

Signature Barbara H. Graham

DEPARTMENT

Address 3663 Grand Ave. P.H.C.
Os Meina, Java 50312

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

Item 2012 00020 Date 3/10-12

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

RECEIVED
COMMUNITY DEVELOPMENT

Print Name HANNE HARRIS

MAR 19 2012

Signature Hanne Harris

DEPARTMENT

Address 3663 Grand Ave, 407 LSM 50312

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

Item 2012 00020 Date 3-7-12

47

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

(Circle One)

Print Name

John D. Hudson

RECEIVED
COMMUNITY DEVELOPMENT

Signature

John D. Hudson
3663 Grand #107

Address

MAR 19 2012

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

DEPARTMENT

Item _____ Date 3-8-12

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

(Circle One)

Name

Judy Lonsberry

RECEIVED
COMMUNITY DEVELOPMENT

Signature

Judy Lonsberry

MAR 19 2012

Address

3663 Grand Ave #304

DEPARTMENT

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

Item 2012 00020

Date 3-7-12 47

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

(Circle One) **RECEIVED**
COMMUNITY DEVELOPMENT

MAR 19 2012 Signature

Peggy Edwards
3663 Grand Ave. #202
Des Moines, IA 50312

DEPARTMENT Address

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

Item 2012 00020

Date 3/10/2012

(Circle One) **RECEIVED**
COMMUNITY DEVELOPMENT
(Circle One)

MAR 19 2012

DEPARTMENT

Print Name PAUL J. MEGINNIS

Signature Paul J. Meginnis

Address 3663 Grand Ave #408, DM
50312-4342

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

should enhance their budget as
long as people act responsibly.

Item 2012 00020

Date 03/05/12 47

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

(Circle One)

RECEIVED

Print Name

Robert W Bergman II

COMMUNITY DEVELOPMENT

Signature

RWBergman II

MAR 19 2012

Address

505-36th St #301 D.M.

DEPARTMENT

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

I am in favor...

Item 2012 00020

Date 3/8/12

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

(Circle One)

RECEIVED

Print Name

Mary E. Bryan

COMMUNITY DEVELOPMENT

Signature

Mary E. Bryan

MAR 19 2012

Address

3520 Grand Ave.

Bes Mainer IA 5030

DEPARTMENT

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

I am in favor...

Item 2012 00020 Date 3/6/2012

47

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

(Circle One)
RECEIVED
COMMUNITY DEVELOPMENT

Print Name John M Krontz

Signature John M Krontz

MAR 19 2012

Address 4011 John Lynde Row

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

DEPARTMENT

I approve the request as similar
facilities allow alcohol sales to residents
in the dining areas. I assumed that
Wesley Acres did already. No brainer.

Item 2012 00020 Date 3/7/12

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

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT

Print Name Richard R. Rouse

Signature Richard R. Rouse

MAR 19 2012

Address 3407 Grand Ave

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

DEPARTMENT

Item 2012 00020

Date 3-7-12

47

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

(Circle One)

RECEIVED
 COMMUNITY DEVELOPMENT
 Name Jo A. Campney
 Signature Jo A. Campney
 Address 3524 Grand #703
 MAR 17 2012

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

Wine/beer will only be sold to residents and their guests.

Item 2012 00020

Date 3/9/12

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

(Circle One)

RECEIVED
 COMMUNITY DEVELOPMENT
 Name Philip D. Anthon
 Signature [Signature]
 Address 2729 LAURELWOOD DR
 Urbandale IA 50322
 MAR 19 2012

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

DEPARTMENT

