

Date April 9, 2012

WHEREAS, on March 26, 2012, by Roll Call No. 12-0458 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 Hubbell Realty Company to amend the approved Riverwoods Planned Unit Development PUD and Conceptual Plan for property located in the vicinity of 2210 East Park Avenue to a separate PUD Planned Unit Development named Riverwoods Terrace with a new Conceptual Plan used for the property; 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, the Plan and Zoning Commission by a vote of 8-0-2 at a public hearing on March 15, 2012 recommended that the separate Riverwoods Terrace PUD and 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. A standard added that any solid waste collection container shall be within an enclosure constructed of masonry that is architecturally compatible with the primary building and shall have solid steel gates.
2. Provision of street trees along all adjoining street right-of-ways in accordance with standards and spacing for residential districts and the trees will count towards the 50% tax abatement requirement.
3. Addition of a requirement that all building or wall mounted signage shall comply with the "C-1" District standards for assisted living use.
4. Identification of the approximate location of all proposed storm water management facilities to the satisfaction of the Permit and Development Administrator.

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

-2-

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 2210 East Park Avenue, and more specifically described below, are hereby overruled and the hearing is closed.

Lot 3, Woods on the River Plat 1, an Official Plat and Outlots Y and Z, Woods on the River Plat 2, 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.

3. The Riverwoods Terrace PUD and 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				

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.

MOTION CARRIED APPROVED

 Mayor

 City Clerk

Request from Hubbell Realty Company (owner) represented by Steve Niebuhr (officer) to rezone property at 2210 East Park Avenue.		File # ZON2012-00018		
Description of Action	Review and approval to rezone the property from "PUD" Planned Unit Development to "PUD" Planned Unit Development with a new Conceptual Plan for use of the property and Approval of a Conceptual Plan for "Riverwoods Terrace" for a single-story residential complex with 70 beds for assisted living and memory care.			
2020 Community Character Plan	Commercial: Pedestrian-Oriented Neighborhood Commercial Center			
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	2	2		
Outside Area				
Plan and Zoning Commission Action	Approval	8-0-2	Required 6/7 Vote of the City Council	Yes
	Denial			No

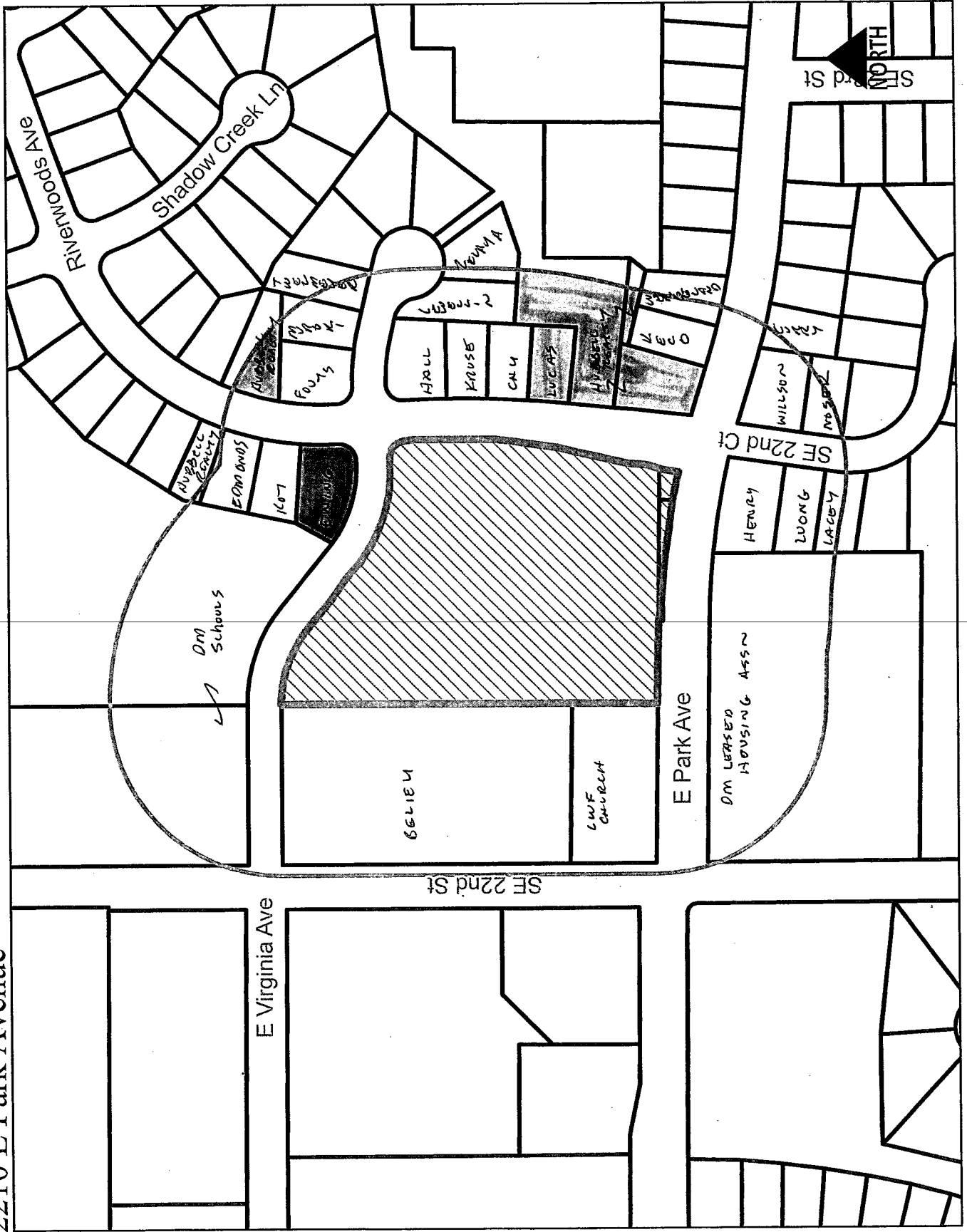
Hubbell Realty Company (Riverwoods Terrace PUD) -
2210 E Park Avenue

ZON2012-00018



Hubbell Realty Company (Riverwoods Terrace PUD) -
2210 E Park Avenue

ZON2012-00018



Date April 9, 2012

Agenda Item 48

Roll 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 9-0-1 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 Hubbell Realty Company (owner) represented by Steve Niebuhr (officer) Part A) to find the proposed rezoning in conformance with the Des Moines' 2020 Community Character Plan.

By separate motion Commissioners recommended 8-0-2 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	



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 of a request from Hubbell Realty Company (owner) represented by Steve Niebuhr (officer) Part B) to rezone property at 2210 East Park Avenue from Riverwoods “PUD” District to Riverwoods Terrace “PUD” District; and Part C) the approval of the “Riverwoods Terrace” Conceptual Plan subject to the following revisions to the document:
(ZON2012-00018)

1. A standard added that any solid waste collection container shall be within an enclosure constructed of masonry that is architecturally compatible with the primary building and shall have solid steel gates.
2. Provision of street trees along all adjoining street right-of-ways in accordance with standards and spacing for residential districts and the trees will count towards the 50% tax abatement requirement.
3. Addition of a requirement that all building or wall mounted signage shall comply with the “C-1” District standards for assisted living use.
4. Identification of the approximate location of all proposed storm water management facilities to the satisfaction of the Permit and Development Administrator.

Written Responses

2 In Favor

2 In Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the Commission find the proposed rezoning in conformance with the Des Moines’ 2020 Community Character Plan.

Part B) Staff recommends approval of rezoning the subject property from Riverwoods “PUD” District to Riverwoods Terrace “PUD” District.

Part C) Staff recommends approval of the “Riverwoods Terrace” Conceptual Plan subject to the following revisions to the document:

1. A standard added that any solid waste collection container shall be within an enclosure constructed of masonry that is architecturally compatible with the primary building and shall have solid steel gates.
2. Provision of street trees along all adjoining street right-of-ways in accordance with standards and spacing for residential districts.
3. Addition of a requirement that all building or wall mounted signage shall comply with the “C-1” District standards for assisted living use.
4. Identification of the approximate location of all proposed storm water management facilities to the satisfaction of the Permit and Development Administrator.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The subject site is located in the Riverwoods “PUD” District, which is generally located north of East Park Avenue and east of SE 22nd Street. The PUD predominately consists of single-family dwellings with townhomes, River Woods Elementary School and undeveloped commercial land along the western perimeter. The site is currently designated for commercial uses that are generally based on the “C-1” District excluding residential development. Any residential use is expressly prohibited under the current PUD Conceptual Plan.

The applicant purchased the subject property from original developer, Clarke Company in 2007 and is proposing to rezone the subject property to a separate new “PUD” designation to allow the development of a 70-bed assisted living and memory care facility. If approved, the proposed Riverwoods Terrace Conceptual Plan would replace the existing Riverwoods Conceptual Plan for this property only. The remaining balance of the Riverwoods “PUD” would remain as currently approved.

2. **Size of Site:** 4.02 acres.
3. **Existing Zoning (site):** Riverwoods “PUD” Planned Unit Development.
4. **Existing Land Use (site):** Undeveloped.

5. **Adjacent Land Use and Zoning:**

North – Riverwoods “PUD”, Uses are undeveloped woodland that is a part of the River Woods Elementary School grounds and single-family dwellings.

South – “R-3” & “R-6”, Uses are multiple-family and single-family dwellings.

East – Riverwoods “PUD”, Uses are single-family dwellings.

West – “C-1”, Uses are vacant commercial building and single-family dwelling.

6. **General Neighborhood/Area Land Uses:** The area consists of a mix of single-family and multiple-family dwellings. The site adjoins a neighborhood commercial node at East Park Avenue and SE 22nd Street intersection.
7. **Applicable Recognized Neighborhood(s):** River Woods Neighborhood Association.
8. **Relevant Zoning History:** The property was rezoned to “PUD” on April 25, 1994. Since that time, the Riverwoods “PUD” Conceptual Plan has been amended five times. The last amendment was approved by the City Council of May 5, 2003 by Roll Call Number 03-1077.
9. **2020 Community Character Land Use Plan Designation:** Commercial: Pedestrian-Oriented Neighborhood Commercial Center.
10. **Applicable Regulations:** Pursuant to Section 134-700, any substantial change in a Conceptual Plan proposed after the City Council has approved the plan pursuant to this

division shall be resubmitted in the same manner as the original conceptual plan. The Commission may make a recommendation to City Council on modifications to the Conceptual Plan so long as they are agreed to by the owner in writing.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Natural Site Features:** The site is undeveloped and relatively flat. It consists of mowed ground cover with a row of trees along the west property line. The Conceptual Plan includes the following note:

“A survey locating all trees greater than 6 inches in diameter on the property will be submitted to and reviewed by City staff with the development plan prior to the commencement of any tree removal, grading, or construction activity.”

Any development of the site is subject to the City’s Tree Removal and Mitigation Ordinance (Section 42-550 of the City Code).

2. **Drainage/Grading:** The site will drain to the southwest corner of the lot to an existing storm water line. The Conceptual Plan includes the following note:

“Storm water management for both quantity and quality will be provided on site for the new development. Various conservation methods will be explored during the site plan process.”

Any development of the site shall comply with the City’s Stormwater Management requirements to the satisfaction of the City’s Permit and Development Center. All grading is subject to an approved grading permit and soil erosion control plan.

3. **Landscaping & Buffering:** The Conceptual Plan states that the site will be developed in accordance with the landscaping standards for the “C-2” District. The “C-2” District standards require the following.

- *Open Space equal to 20% of the site with 1 overstory tree, 1 evergreen tree and 1 shrub per 2,500 square feet of required open space.*
- *Bufferyard with a minimum width of 20 feet with a 6-foot tall opaque fence/screen, and 4 overstory trees and 8 evergreen trees per 100 lineal feet.*
- *Parking & Maneuvering Perimeter Planting Area with a minimum width of 10 feet with 1 overstory tree and 3 shrub per 50 lineal feet.*

The Conceptual Plan shows plantings throughout the site that generally address these requirements. The number, placement and species will be fully evaluated at the development plan stage. Staff recommends that street trees be provided along all street right-of-ways. This would soften the views of the development from the adjoining residential development in addition to providing the typical esthetic and environmental benefits association with street trees.

4. **Access & Parking:** The subject site is bound by East Virginia Avenue to the north, Riverwoods Avenue to the east and East Park Avenue to the south. The development would include a parking lot along the south perimeter with driveways to East Park Avenue and Riverwoods Avenue. A service drive and loading area would be located

along the north perimeter of the site for deliveries and garbage service. It would have a single drive to East Virginia Avenue.

The Conceptual Plan indicates 46 off-street parking spaces. Parking counts for "PUD" Districts are set by the Conceptual Plan. In evaluating parking for PUD Districts, staff generally references the Zoning Ordinance's typical standards. In a standard Zoning District the developer would be required to provide 1 space per 8 beds and 1 space per 2 staff members. The proposed 70 beds would require 9 spaces leaving 37 spaces for a maximum of 74 employees. Staff believes the proposed amount of parking is appropriate for the development.

5. **2020 Community Character Plan:** The subject site is designated as Commercial: Pedestrian-Oriented Neighborhood Commercial Center on the Future Land Use Map. The 2020 Community Character Plan describes this designation as small-to-moderate scale commercial serving an adjacent neighborhood and specialty retail/services with cumulative building totals of 75,000 to 100,000 square feet. The designation is often associated with the "C-1" District, which allows residential uses including assisted living facilities. The proposed use is a natural transitional use from the more intense commercial uses to the west to the single-family dwellings to the east.
6. **Urban Design:** The proposed building would be one-story tall with a gable style roof to blend in with the residential character of the area. The applicant is proposing a mix of masonry and cement board siding with an asphalt shingled roof. The Conceptual Plan identifies a solid waste collection container enclosure to the north of the building but does not provide any design information. Staff recommends that approval be subject to any trash enclosure being constructed of masonry with solid steel gates.

The Conceptual Plan indicates that all free standing signs must be monument in style and limits their size to a maximum of 90 square feet per sign face. The Conceptual Plan also references building or wall mounted signs but does not provide a maximum area or number of signs allowed. The current Riverwoods "PUD" Conceptual Plan references the "C-1" Districts for allowed signage. Staff believes that the amount of building or wall mounted signage allowed in the "C-1" District is a reasonable level for the proposed use.

SUMMARY OF DISCUSSION

Jason Van Essen presented staff report and recommendation.

Steve Niebuhr Hubbell Realty Company 6900 Westown Parkway, West Des Moines stated this property has been a commercial lot and on the market since 1994 with no success. A market study was ordered that indicated assistant living was needed, for the average age of 75 years plus and the response indicated the need for 80 units. They are proposing approximately 60 units of assistant living and 10 units of memory care. The units will range in size from 360 - 700 square feet and will be done in phases. Phase 1 will include 40 units, and Phase 2 will include the remaining 20 units. Some of the amenities are 3 meals home cooked restaurant style, housekeeping, a registered nurse will be available 24 hours a day, 24 hour staff provided, onsite beauty and barber salon, secured building, valet parking, scheduled transportation, activities and other amenities'; this proposal is a good investment and will create a number of jobs.

They did have a neighborhood meeting with Riverwoods Neighborhood Association and Pioneer Park in December and they met with both the Home Owners Association (HOA) on the 28th of February and the Neighborhood Association. Because there were some people who were not able to make the previous meeting they agreed to hold another meeting in March before the City Council hearing.

They agree with staff recommendation but ask for a point of clarification regarding the street trees. They would like for them to count as part of the 50% tax abatement requirement.

Will Page asked if that roof style intended to light a common space.

Brad Lang Solum Lang Architects, 3226 Center Point Road, Suite 201 in Cedar Rapids, IA stated yes and the building is designed to breakdown in PODS and wings with central core area that will push daylight into the common center. He then presented the floor plan.

JoAnne Corigliano asked if the homeowners associations were invited to the meeting with the neighborhood association.

Steve Niebuhr stated yes they are hoping that they are all there to answer their questions.

Tim Fitzgerald stated that the notices sent out did not go to the homeowners association.

Steve Niebuhr stated that the memory care is another stage of life that this project will be able to accommodate and the market is asking for.

CHAIRPERSON OPENED THE PUBLIC HEARING

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

CHAIRPERSON CLOSED THE PUBLIC HEARING

JoAnne Corigliano stated that she would like to add the neighborhood input from the upcoming neighborhood meeting.

Tim Fitzgerald stated that he is the president of the Riverwoods Neighborhood Association and will be abstaining from this vote. He explained that he will be attending the City Council meeting where he will represent the Riverwoods Neighborhood Association's position.

Ted Irving asked for clarification of the Neighborhood Association and the Home Owners Association and are they asking for two notifications.

Tim Fitzgerald clarified that the homeowners living in that subdivision pay a due to have certain things done for them. Therefore, they should have been notified.

Jason Van Essen explained the notification process.

Steve Niebuhr stated that they would broaden the notification and is happy to invite homeowners association plus the neighborhood association. However, he is concerned

why the homeowners associations have to be notified for a PUD which broadens the area required per the zoning ordinance.

JoAnne Corigliano stated that she understood that this area was to be a recreational area for the HOA which a resident stated she was told when she bought her home.

Steve Niebuhr stated that he has never heard that. He would like to see some type of documentation that supports this.

JoAnne Corigliano stated that she would see what she could do.

COMMISSION ACTION:

Mike Simonson moved staff recommendation Part A) to find the proposed rezoning in conformance with the Des Moines' 2020 Community Character Plan.

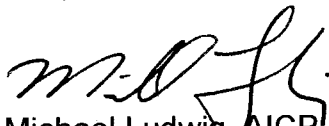
Motion passed 9-0-1 (Tim Fitzgerald abstained)

Mike Simonson moved staff recommendation Part B) the approval of rezoning of the subject property from Riverwoods "PUD" District to Riverwoods Terrace "PUD" District; and Part C) the approval of the "Riverwoods Terrace" Conceptual Plan subject to the following revisions to the document:

1. A standard added that any solid waste collection container shall be within an enclosure constructed of masonry that is architecturally compatible with the primary building and shall have solid steel gates.
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3. Addition of a requirement that all building or wall mounted signage shall comply with the "C-1" District standards for assisted living use.
4. Identification of the approximate location of all proposed storm water management facilities to the satisfaction of the Permit and Development Administrator.

Motion passed 8-0-2 (Tim Fitzgerald and CJ Stephens abstained)

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment

Item 2012 00018 Date 3-5-12

48

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

yet!

(Circle One) **RECEIVED**
COMMUNITY DEVELOPMENT
 Print Name Paul Lippold
 Signature Paul Lippold
 Address 3812 SE 23rd St.
 MAR 19 2012

NEED more INFORMATION

DEPARTMENT

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

WE HAVE NOT HAD ANY INFORMATION ON
 THIS PROJECT. COULD THE DEVELOPER TELL
 US WHATS GOING ON? I KNOW THAT OUR
 NEIGHBORHOOD ASSOCIATION HAS BEEN ASKING
 FOR A MEETING BEFORE THIS HEARING.
 WHAT ARE THEY TRYING TO HIDE?

Item 2012 00018 Date 3-7-12

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

(Circle One) **RECEIVED**
COMMUNITY DEVELOPMENT
 Print Name Jackie Ewing
 Signature Jackie Ewing
 Address 2216 Riverwoods Ave
 MAR 19 2012

DEPARTMENT

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

Item 2012 00018

Date 3-6-12

48

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

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT
DEPARTMENT

Print Name E. Wayne Lucas (Trustee)

Signature Overwoods property owner

MAR 19 2012

Address 3145 22nd Ave Hartford, Ga 5018

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

Item 2012 00018

Date 3/6/12

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

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT
DEPARTMENT

Print Name Hubbell Realty Company

Signature Jenifer Drake, Asst. Secy

MAR 19 2012

Address 6900 Westown Parkway, Wm

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

