



Date October 21, 2013

WHEREAS, on October 7, by Roll Call No. 13-1558, the City Council duly resolved to consider a request from Youth Emergency Services to rezone certain property located in the vicinity of 918 Southeast 11th Street from the C-1 Neighborhood Retail Commercial District classification to the PUD Planned Unit Development District classification, and to approve the proposed PUD Conceptual Plan for such property, and that such proposal be set down for hearing on October 21, 2013, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of the hearing was published in the Des Moines Register on October 12, 2013, as provided by law, setting forth the time and place for hearing on the proposed amendment to the Zoning Ordinance; and,

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the property located in the vicinity of 918 Southeast 11th Street, more fully described as follows (the "Property"):

Vacated Vale Street Right-of-Way North of and adjoining and vacated intervening North/South alley Right-of-Way, and also vacated 20 feet Railroad Avenue Right-of-Way located South of and adjoining, and all Block 6, Allens Second Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

from the C-1 Neighborhood Retail Commercial District classification to the PUD Planned Unit Development District classification; and,

WHEREAS, on September 19, 2013, the Plan and Zoning Commission recommended by a vote of 10-0 that the proposed rezoning and PUD conceptual plan be approved, subject to the conditions identified in the attached letter from the Planning Administrator; and,

WHEREAS, in accordance with the notice those interested in the proposed rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council.

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

1. Upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning and PUD Conceptual Plan are hereby overruled and the hearing is closed.

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



45A


Date October 21, 2013

- 1) Addition of a note that any Development Plan shall comply with all Tree Preservation and Mitigation Ordinances.
- 2) Revision of the stormwater management statement to reflect compliance with the minimum requirements in the City's Site Plan policies.
- 3) Indication of conceptual location(s) for storm water management features.
- 4) Restoration of the Southeast 11th Street right-of-way to remove encroachment of off-street parking in addition to providing a minimum five-foot off-street parking setback with a three-foot landscape screen on both Southeast 10th Street and Southeast 11th Street.
- 5) Provision of minimum bufferyard requirements as applicable to "R-3" Districts as part of any future off-street parking extension.
- 6) Relocation of the public sidewalk to the south shall be shown based on the displacement by proposed building addition.
- 7) Revision of the parking standards to define parking requirements as they are required for shelters for the homeless contained in Section 134-1377(a)(30).
- 8) Provision of a note requiring architectural screening of any roof top mechanical units as part of any building addition.
- 9) Provision of fencing details for all site fencing to be permitted.

3. The rezoning to the PUD Planned Unit Development District classification and the PUD Conceptual Plan for the Property described above, which are on file in the Community Development Department, are hereby approved, subject to the plan being first amended to satisfy the conditions set forth in the attached letter from the Planning Administrator, and subject to the Community Development Director finding that such conditions have been satisfied by the amendments to the plan.

MOVED by _____ to adopt and approve the rezoning to the PUD District classification and Conceptual Plan, subject to final passage of the rezoning ordinance.

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

September 25, 2013

Date _____

Agenda Item 45A

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 September 19, 2013, the following action was taken regarding a request from Youth Emergency Services (owner) represented by Stephen Quirk (officer) for the following action related to rezoning of property located at 918 Southeast 11th Street.

COMMISSION RECOMMENDATION:

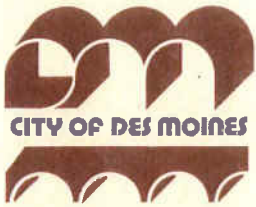
After public hearing, the members voted 10-0 as follows:

| Commission Action: | Yes | Nays | Pass | Absent |
|--------------------|-----|------|------|--------|
| Dory Briles | X | | | |
| JoAnne Corigliano | X | | | |
| Shirley Daniels | X | | | |
| Jacqueline Easley | | | | X |
| Tim Fitzgerald | X | | | |
| Dann Flaherty | X | | | |
| Jann Freed | X | | | |
| John "Jack" Hilmes | X | | | |
| Ted Irvine | | | | X |
| Greg Jones | X | | | |
| William Page | | | | X |
| Christine Pardee | | | | X |
| CJ Stephens | X | | | |
| Vicki Stogdill | | | | X |
| Greg Wattier | X | | | |

APPROVAL of the requested vacation of the north 20 feet of Railroad Avenue south of and adjoining the subject property subject to retention of easements or relocation by the owner of any public utilities in place; to find the requested rezoning to PUD Planned Unit Development is in conformance with the Des Moines' 2020 Community Character Plan; **APPROVAL** of the requested rezoning from Limited "C-1" Neighborhood Retail Commercial District to "PUD" Planned Unit Development; and **APPROVAL** of the proposed PUD Conceptual Plan subject to the following revisions:

(11-2013-1.14& ZON2013-00141)

- 1) Addition of a note that any Development Plan shall comply with all Tree Preservation and Mitigation Ordinances.
- 2) Revision of the stormwater management statement to reflect compliance with the minimum requirements in the City's Site Plan policies.
- 3) Indication of conceptual location(s) for storm water management features.



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

- 4) Restoration of the Southeast 11th Street right-of-way to remove encroachment of off-street parking in addition to providing a minimum five-foot off-street parking setback with a three-foot landscape screen on both Southeast 10th Street and Southeast 11th Street.
- 5) Provision of minimum bufferyard requirements as applicable to "R-3" Districts as part of any future off-street parking extension.
- 6) Relocation of the public sidewalk to the south shall be shown based on the displacement by proposed building addition.
- 7) Revision of the parking standards to define parking requirements as they are required for shelters for the homeless contained in Section 134-1377(a)(30).
- 8) Provision of a note requiring architectural screening of any roof top mechanical units as part of any building addition.
- 9) Provision of fencing details for all site fencing to be permitted.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends approval of the recommended vacation subject to retention of easements or relocation by the owner of any public utilities in place.

Part B) Staff recommends that the Commission find the proposed rezoning to PUD Planned Unit Development in conformance with the Des Moines' 2020 Community Character Plan.

Part C) Staff recommends approval of the requested rezoning to PUD Planned Unit Development.

Part D) Staff recommends approval of the proposed PUD Conceptual Plan subject to the following revisions:

- 1) Addition of a note that any Development Plan shall comply with all Tree Preservation and Mitigation Ordinances.
- 2) Revision of the stormwater management statement to reflect compliance with the minimum requirements in the City's Site Plan policies.
- 3) Indication of conceptual location(s) for storm water management features.
- 4) Restoration of the Southeast 11th Street right-of-way to remove encroachment of off-street parking in addition to providing a minimum five-foot off-street parking setback with a three-foot landscape screen on both Southeast 10th Street and Southeast 11th Street.
- 5) Provision of minimum bufferyard requirements as applicable to "R-3" Districts as part of any future off-street parking extension.
- 6) Relocation of the public sidewalk to the south shall be shown based on the displacement by proposed building addition.
- 7) Revision of the parking standards to define parking requirements as they are required for shelters for the homeless contained in Section 134-1377(a)(30).
- 8) Provision of a note requiring architectural screening of any roof top mechanical units as part of any building addition.
- 9) Provision of fencing details for all site fencing to be permitted.

Written Responses

2 In Favor

0 In Opposition

STAFF REPORT

I. GENERAL INFORMATION

- 1. Purpose of Request:** The owner is seeking to develop a two-story, 9,000-square-foot addition to the existing emergency shelter for youth. This would accommodate an additional 27 youth over the existing 72 youth for a maximum of 99. The request also includes vacation of the north 20 feet of adjoining Railroad Avenue to be incorporated into the property. The proposed addition would be constructed within 15 feet of the new south boundary after the vacation and no closer than the existing building that is 10 feet from the east boundary.
- 2. Size of Site:** 2.61 acres.
- 3. Existing Zoning (site):** Limited "C-1" Neighborhood Retail Commercial District.
- 4. Existing Land Use (site):** 37,686-square foot, one-story facility for youth social services and youth emergency shelter. The property was previously the Dunlap School.
- 5. Adjacent Land Use and Zoning:**
 - North** – "PUD", Uses are single-family dwellings.
 - South** – "R1-60", Use is Crivaro Park (formerly Hawthorne Park).
 - East** – "R1-60", Uses are single-family dwellings.
 - West** – "R-3", Uses are multiple-family and two-family dwellings.
- 6. General Neighborhood/Area Land Uses:** The property is located in the southern portion of the Historic East Village in the neighborhood area and is bounded by the Des Moines River, East M.L. King Jr. Parkway, and Southeast 14th Street. This is a mixed residential, commercial, and industrial area.
- 7. Applicable Recognized Neighborhood(s):** The subject property is located within the Historic East Village Neighborhood. This neighborhood was notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhoods on August 30, 2013. Additionally, separate notifications of the hearing for this specific item were mailed on August 30, 2013 (20 days prior) and September 9, 2013 (10 days prior to the scheduled hearing) to the Historic East Village Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the proposed rezoning. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on September 13, 2013.

All agendas and notices are mailed to the primary contact person designated to the City of Des Moines Neighborhood Development Division by the recognized neighborhood association. The Historic East Village notices were sent to Josh Garrett, P.O. Box 1782, Des Moines, IA 50305. The applicant conducted a neighborhood meeting on August 7, 2013. The applicant provided dinner for about four families as part of the discussion. A summary of that meeting will be provided by the applicant at the meeting.

8. Relevant Zoning History: On October 19, 1998, the City Council approved a rezoning to the subject property revising the conditions approved for with the previous rezoning to a Limited "C-1" when the emergency shelter was approved on February 6, 1995. The current conditions were approved as follows:

- A) Only the uses of structures or land listed below shall be permitted on the Property:
- 1) Any use permitted in the "R-2" One and Two Family Residential District.
 - 2) A shelter for a maximum of seventy-two (72) youth subject to any applicable requirements.
 - 3) Clinics or group medical centers including dental clinics, but not including animal clinics or hospitals.
 - 4) Day nurseries, day care centers and nursery schools, with snack bar or concession stand as an accessory use.
 - 5) The following additional uses shall be permitted only within the confines of the existing building or a single story addition to the existing building located within the courtyard now surrounded on three sides by the existing building:
 - (i) Institutions of a religious, educational, or philanthropic nature, including libraries.
 - (ii) Nursing, convalescent, and retirement homes.
 - (iii) Private clubs, lodges, or veterans organizations, excepting those holding a beer permit or liquor license.
 - (iv) Assisted living residential facility - provided the building shall not exceed a Floor Area Ratio of .75 and the individual dwelling units total floor area shall not exceed a maximum of 70 percent of the building total floor area.
- (B) The owner(s)/occupants(s) of the Property shall allow the gymnasium to be open to the surrounding neighborhood area on a scheduled basis and the existing parking lot shall remain open for use in conjunction with the adjoining softball field.
- (C) The owner(s)/occupant(s) of the Property shall install landscaping to provide for a 3 foot high opaque screen on both S.E. 10th and S.E. 11th Streets from the existing parking and loading area as approved by the Planning Director.
- (D) Maximum freestanding sign size shall be 24 square feet.

9. **2020 Community Character Land Use Plan Designation:** Low/Medium Density Residential, which allows for densities of between 8 and 12 dwelling units per acre.

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.

The application, accompanying evidence and conceptual plan required shall be considered by the Plan and Zoning commission at a public hearing. The Commission shall review the conformity of the proposed development with the standards of this division and with recognized principles of civic design, land use planning, and landscape architecture. At the conclusion of the hearing, the Commission may vote to recommend either approval or disapproval of the conceptual plan and request for rezoning as submitted, or to recommend that the developer amend the plan or request to preserve the intent and purpose of this chapter to promote public health, safety, morals and general welfare. The recommendations of the commission shall be referred to the City Council.

The Commission reviews all proposals to vacate land dedicated for a specific public purpose, such as for streets and parks, to determine whether the land is still needed for such purpose or may be released (vacated) for other use. The recommendation of the Commission is forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Natural Site Features:** The surrounding area, including the subject property, is within the Flood Insurance Rate Map (FIRM) Zone X; which is a flood hazard area based on elevation, but protected by levee. The site includes existing mature trees. There are three that would be removed to provide for the proposed addition. A statement needs to be added to the Conceptual Plan that all City Tree Preservation and Mitigation Ordinance requirements are applicable for any Development Plan.

2. **Drainage/Grading:** Any development of the site must 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. The Engineering review staff has indicated that the stormwater management statement needs to be revised to reflect compliance with policies adopted for all Site Plans. The Conceptual Plan must provide a brief discussion of the proposed storm water management practices including proposed locations of proposed detention or other drainage improvements to the satisfaction of the Permit and Development Center's Engineering staff.

There is currently not any designed detention for the existing site. The statement in the proposed plan implies that no stormwater management would be provided until a threshold of 83,000 square feet of impervious surface is attained. This is approximately 16,000 square feet more than the existing condition. Stormwater management requirements are required at 10,000 square feet of new impervious surface. This

requirement is outside of the Zoning Ordinance and cannot be waived through the PUD Conceptual Plan approval process.

3. **Utilities:** All necessary utilities are available to the site. There is public sanitary sewer within Railroad Avenue, Southeast 10th Street, and Southeast 11th Street. There is public water main available within Southeast 11th Street. The public storm sewer is available from a manhole across Railroad Avenue at Southeast 10th Street. Further design would be required to determine if the depth of this makes it usable for the subject property. There are not any identified utilities in the proposed 20 feet of Railroad Avenue Proposed for vacation. Any utilities that may be identified would need to have easements reserved or be relocated as part of the addition project.
4. **Landscaping/Open Space:** The proposed open space with the vacation and addition would be approximately 27% of the site. While the addition wouldn't typically trigger compliance with current landscape standards, the proposed Conceptual Plan provides for open space and perimeter lot requirements to be met, with interior lot requirements triggered at such time as parking is expanded.

No bufferyard requirements are proposed from adjoining residential development to the north. The existing parking lot also has portions with nearly a zero setback from the residential PUD to the north. The Conceptual Plan proposes a future parking expansion that would remove any existing setback. Staff believes that the bufferyard requirement should be maintained for any future expansion of off-street parking.

The existing zoning conditions require three-foot screening of the parking lot from Southeast 10th Street and Southeast 11th Street. This is not currently in place. There is also not a minimum required five foot setback on the Southeast 11th Street side. The parking is currently paved with an encroachment into the public right-of-way. This was restored recently to the previous condition as part of a WRA sanitary sewer project. Staff believes that this should be restored at a minimum with the five-foot setback and a three foot landscape screen from Southeast 11th Street should be provided as well. This would cause the loss of around four existing parking spaces.

The current property has a fenced outdoor playground area. The proposed plan does not indicate any plan to shift or move this to another location. Should there be any plan to do this, it must be defined on the Conceptual Plan with details for fence material, height, and location.

5. **Streets/Sidewalk:** The proposed expansion of the shelter is not anticipated to generate enough additional traffic to require any improvements to the surrounding street network. The applicant proposes to vacate the north 20 feet of Railroad Avenue adjoining the subject property. Railroad Avenue has a wide right-of-way with an asphalt paved rural cross-section in this location. Traffic Engineering and Public Works Staff have determined that the requested right-of-way is not necessary for a public purpose. However, the existing public sidewalk on the north side of the street will have to be reconstructed further south to accommodate the proposed addition. This needs to be reflected on the proposed Conceptual Plan.
6. **Parking/Access:** The proposed Conceptual Plan proposes to maintain the existing drive entrances from Southeast 10th Street and Southeast 11th Street along with a loading drive on Railroad Avenue. Parking requirements for shelters are one space per two supervisors or employees and one per 15 beds. This standard should be clarified

