



Date November 18, 2013

WHEREAS, on November 4, 2013, by Roll Call No. 13-1721, the City Council duly resolved that a public hearing to be held on November 18, 2013, at 5:00 p.m., in the Council Chambers at City Hall, 400 Robert D. Ray Drive in Des Moines, to consider a proposal from Beaverdale Partners, LLC (owner) represented by Jeffrey Ewing (officer) , to amend the approved Rice Development Partners PUD Planned Unit Development District Conceptual Plan for property located in the vicinity of 3001 Beaver Avenue, to revise the name to Beaverdale Cooperative Housing PUD and to allow development of a three-story 54-unit multiple-family dwelling for senior living; and

WHEREAS, due notice of the hearing was published in the Des Moines Register on November 7, 2013, as provided by law, setting forth the time and place for hearing on the proposed amendment to the approved PUD Conceptual Plan; and

WHEREAS, at a public hearing on October 17, 2013, the Plan and Zoning Commission recommended by a vote of 7-5 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. A note shall be added to the PUD Conceptual Plan to state that installation of all public utilities and sewers to serve the subject property shall meet City design standards and be installed at the developer's expense.
2. The PUD Conceptual Plan needs to contain additional details regarding the stormwater main connecting to the existing sewer within 40th Place right-of-way, including its size (15-inch diameter), that it will be constructed to City standards at the developers expense and dedicated to the City for future City maintenance.
3. The PUD Conceptual Plan shall indicate the 30-foot-wide easement for sanitary sewer that crosses the southwestern corner of the site and include a note to state that no structures or signs shall be placed within the easement.
4. The PUD Conceptual Plan shall include additional information, including cross sectional drawings that identify the depth and side slopes of the proposed basin and capacity calculations for the basin.
5. The PUD Conceptual Plan shall include a 6-foot tall solid wood fence along the north and east property lines. However, the portion of the fence within 30 feet of Adams Avenue property line shall only be 3 feet tall.



Date November 18, 2013

-2-

6. The PUD Conceptual Plan shall demonstrate whether pedestrian access to Wallace Lane will be provided. If it is provided, the PUD Conceptual Plan shall demonstrate a sidewalk that connects to other proposed sidewalks within the development.
7. The PUD Conceptual Plan shall demonstrate that the existing fencing along the pedestrian access to Wallace Lane shall be replaced with black vinyl-coated chain-link fencing.
8. The PUD Conceptual Plan shall demonstrate that the buffer yard plantings (two overstory trees and six evergreen trees per 100 lineal feet) will be provided within a 20-foot wide buffer along the entire north and east property lines. This will cause the northern driveway to be shifted approximately 10 feet to the south.
9. The PUD Conceptual Plan shall clarify whether any existing trees are proposed to be removed and provide adequate justification for their removal. Any approved removals shall be subject to the City's mitigation ordinance.
10. The PUD Conceptual Plan shall reflect an overall unified landscaping design, including foundation plantings, plantings surrounding the off-street parking area, and plantings within the planter bed within the off-street parking area as well as street tree plantings.
11. The PUD Conceptual Plan shall be revised to reflect a street tree every 30 lineal feet along both the Beaver Avenue and Adams Avenue frontage.
12. The note on the PUD Conceptual Plan regarding the Beaver Avenue Streetscape shall be revised to state that any future PUD Development Plan shall include design elements of the Beaver Avenue Streetscape along the Beaver Avenue frontage, including but not limited to a minimum 6-foot wide sidewalk, a 6-foot wide planting strip, black streetlight pole(s), black LED street light fixtures, and appropriate tree species.
13. A note shall be added to the PUD Conceptual Plan to state that a minimum 5-foot wide sidewalk and 5-foot wide planting strip will be provided along the Adams Avenue frontage from Beaver Avenue to the west edge of the proposed driveway access along Adams Avenue.
14. The developer shall provide a street lighting design for the Beaver Avenue frontage that complies with the City's street lighting standards.



Date November 18, 2013

-3-

15. A note shall be added to state that existing wood utility distribution poles along Beaver Avenue shall be replaced with black poles that match the Beavertdale streetscape at the developer's expense and any overhead service crossings over Beaver Avenue shall be undergrounded at the developer's expense.
16. A public access easement shall be provided for sidewalks along Beaver Avenue and Adams Avenue that extend onto the subject property.
17. The building elevations for the structure shall be revised in accordance with the following:
 - a) A predominant building entrance feature oriented toward Beaver Avenue shall be provided on the west facade and shall be designed to the satisfaction of the Community Development Director. The PUD Conceptual Plan shall demonstrate a sidewalk that connects this entrance to the public sidewalk along Beaver Avenue.
 - b) All building materials shall be clearly labeled on the PUD Conceptual Plan.
 - c) At least two-thirds of the surface area of building façades facing Beaver Avenue or Adams Avenue, as well as the two shorter end facades, shall be sided with brick or stone. At least one-third of the building façades facing the internal parking lot shall be sided with brick or stone.
 - d) A note shall be added to state that any horizontal overlap siding and trim shall consist of cement board material.
 - e) Gables on the structure shall include exposed rafters, decorative beams or braces, and/or shake-style cement board siding.
 - f) A note shall be added to state that all windows on the structure shall be double-hung with a multi-light over single pane "craftsman" style.
 - g) A note shall be added to state that all exterior entry doors on the structure shall have multi-light "craftsman" style windows.
 - h) A note shall be added to state that all windows and exterior entry doors on the structure shall have trim surrounds of at least 4 inches in width.



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Date November 18, 2013

-4-

- i) A note shall be added to state that the roof will have architectural-type asphalt shingles with a minimum 30-year warranty.
 - j) A note shall be added to state that any decks that are not fully recessed into the structure shall be constructed with steel frames and steel support posts.
 - k) A note shall be added to state that any HVAC equipment shall vent through the roof and rooftop vents shall be complimentary in color to the roofing material. Any rooftop mechanical equipment shall be mounted on the private parking lot side of the building and architecturally screened from view.
 - l) A note shall be added to state that all utility meters, transformers, ground-mounted equipment, and other utilities shall be placed on building facades that face the private parking lot.
18. The note on the PUD Conceptual Plan regarding monuments signs must be clarified to state that any freestanding signage will be monument-style with bases constructed of brick or stone materials that match the masonry materials used on the primary structure.
19. The PUD Conceptual Plan shall demonstrate the location of any outdoor refuse collection container enclosure and provide a statement that any such structure will be constructed with brick or stone materials that match the masonry materials used on the primary structure and steel gates. Any enclosure structure should also include non-gated pedestrian entrance and be sized to accommodate recycling containers. If no outdoor enclosures are proposed, then a note should be added to state that all refuse collection containers must be located within the building.
20. A note shall be added to the PUD Conceptual Plan to state that all site lighting shall be directed downward and shielded from adjoining properties. Any pole mounted lighting along private walkways shall not exceed 15 feet in height and any pole mounted lighting in the parking lot shall not exceed 20 feet in height. Private light poles, pole mounted light fixtures and building mounted light fixtures are to be similar in style to a black KIM archetype light fixture.

WHEREAS, in accordance with the published notice those interested in the 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.



Roll Call Number

Agenda Item Number

49

Date November 18, 2013

-5-

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 amendments to the approved PUD Conceptual Plan for the property in the vicinity of 3001 Beaver Avenue, and more specifically described below, are hereby overruled and the hearing is closed.

The West 5 acres of Lot 5 of the Official Plat of the South 1/2 of the Northwest 1/4 of Section 29, Township 79 North, Range 24 West of the 5th P.M.; and, Lot C, Ashby Manor, 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 above.

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 and to approve the proposed amendment to the PUD Conceptual Plan.

FORM APPROVED:

Michael F. Kelley, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MOORE				
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

CITY ATTORNEY

Jeffrey D. Lester

DEPUTY CITY ATTORNEYS

Mark Godwin
Lawrence R. McDowell
Kathleen Vanderpool

ASSISTANT CITY ATTORNEYS

Roger K. Brown
Ann M. DiDonato
David A. Ferree
Glenna K. Frank
Gary D. Goudelock, Jr.

Michael F. Kelley
Vicky L. Long Hill
Katharine J. Massier
Carol J. Moser
Douglas P. Philip



November 14, 2013

HONORABLE MAYOR AND MEMBERS OF
THE DES MOINES CITY COUNCIL

Re: Amendment of the previously approved PUD Conceptual Plan for the Rice Field site

Executive Summary

The action before the City Council regarding the Rice Field site, for consideration at the public hearing scheduled for November 18, 2013, is the consideration for approval of an amendment to the previously approved PUD Conceptual Plan, to allow the Rice Field site to be developed with a single three-story multiple-family dwelling for senior living. This action is governed by Sec. 134-695, which provides in relevant part as follows:

The council may approve or disapprove the conceptual plan . . . , as submitted or as amended after hearing before the commission, or may require such changes in the plan . . . as the council deems necessary to preserve the intent and purpose of this chapter [being Chapter 134, Zoning,] to promote public health, safety, morals and general welfare.

The City Plan and Zoning Commission has recommended that the amendment to the previously approved PUD Conceptual Plan be approved with conditions.

The proposed amendment may be approved or approved with conditions by the City Council upon the affirmative vote of four of its members. The proposed amendment may be denied by the City council upon the affirmative vote of a majority of quorum.

Discussion

1. History and Present Zoning Status of the Rice Field site.

Iowa Law requires that zoning regulations "be made in accordance with a comprehensive plan". I.C. §414.3(1). The Des Moines 2020 Community Character Plan was adopted on March 26, 2007, by Roll Call No. 00-3381, to serve as the City's comprehensive plan for zoning purposes. The Des Moines Community Character Plan includes a Proposed Land Use Map which serves as a guide for how the City of Des Moines should be developed in the future. Any amendments to

the Official Zoning Map are required by Iowa law to "be made in accordance with" the Proposed Land Use Plan and should serve to implement that Plan.

Comprehensive plans, such as the Des Moines 2020 Community Character Plan, are not static. The Iowa Code provides: "Following its adoption, a comprehensive plan may be amended by the council at any time. I.C. §414.3(4)(c).

On March 26, 2007, by Roll Call No. 07-571, the City Council amended the Des Moines 2020 Community Character Plan to change the future land use designation of the Rice Field site at 3001 Beaver Avenue. The northern half of the site was designated as Low/Medium Density Residential. This designation allows a mix of single-family duplex, and small multiple-family residential units, with a net density of up to 12 units per acres. The southern half of the site was designated as Commercial: Pedestrian-Oriented Neighborhood Node. This designation allows for small-scale commercial development serving primarily the adjacent neighborhood with up to 50,000 square feet of commercial space. Development in this classification should serve the needs of both the pedestrian and the motorist. While the future land use classification identifies the least restrictive, highest density uses allowed, it also permits any development of a more restricted, lower density type.

On March 26, 2007, by Roll Call No. 07-574, the City Council waived readings and enacted Ordinance No. 14,637, which rezoned the Rice Field site to the PUD Planned Unit Development District.

On March 26, 2007, by Roll Call No. 07-572, the City Council conditionally approved a PUD Conceptual Plan for the development of the Rice Field site. The approval was subject to the PUD Conceptual Plan being amended to incorporate a lengthy list of additional requirements, including a requirement that the PUD Development Plan be approved by the City Council. Normally the review and approval of a PUD Development Plan is an administrative function handled by the City staff.

On September 24, 2007, by Roll Call No. 07-1894, the City Council approved a PUD Development Plan for the Rice Field site, subject to the PUD Development Plan being amended to incorporate another list of additional requirements, including a requirement that the project be served by a public storm sewer to be constructed within the Wallace Lane right-of-way.

At this time, the Des Moines 2020 Community Character Plan designates the north half of the Rice Field site as Low/Medium Density Residential, and the south half as Commercial: Pedestrian-Oriented Neighborhood Node. The entire Rice Field site is zoned to the PUD Planned Unit Development District, and is subject an approved PUD Conceptual Plan that allows the site to be redeveloped with a mix of residential and commercial uses, containing of 55 dwellings and 15,810 square feet devoted to commercial use.¹

¹ The information regarding the contents of the approved PUD Conceptual Plan is taken from the Zoning Administrator's letter dated February 26, 2007, and filed with Roll Call No. 07-572 of March 26, 2007, which approved such Plan, and the letter dated October 29, 2013, and filed with Roll Call No. 13-1721, which scheduled a hearing to be held on November 18, 2013, to consider the pending amendment to the approved PUD Conceptual Plan.

2. The Nature of the Pending Amendment to the Approved PUD Conceptual Plan.

The Community Character Plan designates the southern portion of the Rice Field site as Commercial: Pedestrian-Oriented Neighborhood Node and the northern portion of the site as Low/Medium Density Residential. The current future land use designations for the Rice Field site were adopted in anticipation that the site would be used in conformance with the previously approved PUD Conceptual Plan. The proposed amendment to the PUD Conceptual Plan reduces the number of permitted dwelling units from 55 to 54, eliminates the commercial space and reconfiguring the site layout to increase the setbacks and green space. For these reasons the Zoning Administrator has recommended that the amendment is in substantial conformance with the Des Moines 2020 Community Character Plan. No amendment to the Des Moines 2020 Community Character Plan is proposed.

The Rice Field Site is zoned PUD Planned Unit Development District. No amendment to the official Zoning Map for the Rice Field site is proposed.

The matter now before the City Council is a proposed amendment to the previously approved PUD Conceptual Plan. The City Zoning Administrator and the City Plan and Zoning Commission have recommended that the proposed amendment be approved.

3. The City Council may Approve or Deny the Proposed Amendment to the PUD Conceptual Plan by Resolution Supported by the Affirmative Vote of Four of its Members.

Iowa Code §380.4 establishes the general rule that: "Passage of an ordinance, amendment or resolution requires a majority vote of all the members of the City Council." The phrase "all of the members of the council" as used in this general rule is defined in I.C. §380.1 (1) as "all of the seats of the council including a vacant seat and a seat where a member is absent, but does not include a seat where the council member declines to vote by reason of a conflict of interest." Since there are seven seats on the Des Moines City Council, at least four affirmative votes are required to constitute a majority vote. This is not affected by the presence of the vacant seat last held by Brian Meyer.

This general rule is subject to various exceptions. There are two exceptions that must be considered under the present circumstances. The first exception is created by the language in §414.5 of the Iowa Code, and the second by Section 134-700 of the Des Moines City Code.

Iowa Code §414.5 addresses the process for amending the zoning regulations, restrictions and boundaries that are established by ordinance. It contains a protest provision which requires a supermajority vote by the City Council to approve zoning changes that fall within the scope of the provision.

414.5 Changes — protest.

The regulations, restrictions, and boundaries may, from time to time, be amended, supplemented, changed, modified, or repealed. *Notwithstanding section 414.2, as a part*

of an ordinance changing land from one zoning district to another zoning district or an ordinance approving a site development plan, a council may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this section or any adjournment of the hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change. In case, however, of a written protest against a change or repeal which is filed with the city clerk and signed by the owners of twenty percent or more of the area of the lots included in the proposed change or repeal, or by the owners of twenty percent or more of the property which is located within two hundred feet of the exterior boundaries of the property for which the change or repeal is proposed, the change or repeal shall not become effective except by the favorable vote of at least three-fourths of all the members of the council. The protest, if filed, must be filed before or at the public hearing. The provisions of section 414.4 relative to public hearings and official notice apply equally to all changes or amendments.

The highlighted language in I.C. §414.4 above was interpreted and applied by the Iowa Supreme Court in *Kane V. City of Cedar Rapids* 537 N.W. 2nd 718 (Iowa, 1995). In that case, as in the present, property was rezoned from a single-family residential district to allow the development of a multiple-family housing project, and a "site development plan" was approved for the "Yaw condominium project" which involved the construction of a residential condominium. *Id.* at 720. The condominium was not built. Two more revisions to the site development plan were then approved by resolution of the Cedar Rapids City Council. "By resolution, the council repealed the Yaw condominium site plan and approved the church revised site development plan. The Church project was not constructed." *Id.* The second revision, identified as the "Peiffer site development plan" was then proposed to allow the construction of twin six-story condominium towers on the premises. *Id.* The second revision was recommended for approval by the city planning commission and was set for public hearing before the Cedar Rapids City Council. "At the hearing the council received a written protest signed by over fifty residents." *Id.* At the close of the hearing, "the council approved by resolution the Peiffer revised site development plan by a vote of three to two." *Id.* at 721.

A group of the surrounding homeowners challenged the city council's actions. They asserted, among other claims, that Iowa Code §414.5 requires that the revised site development plan be approved by ordinance upon a supermajority vote. While not specifically stated by the Supreme Court, the Court appears to have assumed that the written protest received in opposition to the revised site development plan constituted a legally sufficient protest petition.

The Iowa Supreme Court made the following observations regarding the site development plan, which are equally applicable to the PUD Conceptual Development Plan for the Rice Field site.

In 1984 the provisions of section 414.5 were amended to clarify the eligibility of property owners to protest and to require that the written protest be filed with the city clerk. 1984 Iowa Acts ch. 1176, § 1. The statute was further amended in 1985. Added to the statute, as the second and third sentence, was the following:

Notwithstanding section 414.2, as a part of an ordinance changing land from one zoning district to another zoning district or an ordinance approving a site

development plan, a council may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this section or any adjournment of the hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change.

1985 Iowa Acts ch. 9, § 2.

The surrounding property owners urge the addition of "or an ordinance approving a site development plan" was intended to require a site development plan to be approved by ordinance. . . .

The approval of a site development plan is not rezoning. The site development plan is a map showing the configuration of the property, the location and dimensions of the proposed buildings, landscape data, engineering data and other factual information relating to the intended development of the property. The site plan allows the city to assure compliance with the city zoning regulations and other various city codes and regulations.

. . .

Although the 1979 original Yaw site development plan and rezoning request was submitted to the city and approved and adopted by city ordinance, the repeal of the site development plan and the approval of the revised plan submitted by the church was by council resolution. When a site development plan is not submitted with a request to rezone the property, council approval by resolution is sufficient.

The city has authority to establish zoning districts and to regulate and restrict construction and the use of building structures and land. Iowa Code §§ 414.1, .2. Prior to the 1985 amendment, the statute required a super majority vote of the council before amendment of regulations, restrictions, and boundaries of the zoning ordinance if a protest was filed. The 1985 amendment included the additional language "or an ordinance approving a site development plan." By its plain language, this phrase applies only to an ordinance that approved a site development plan. **The city's provisions allowing approval of a revised site development plan by resolution can be harmonized with Iowa Code section 414.5. We conclude that Iowa Code section 414.5 does not require a three-fourths, super majority, of the members of the council to approve the revised site plan.**

Consistent with the holding in Kane V. Cedar Rapids, the City of Des Moines has historically interpreted I.C. §414.5 to not apply to adoption or amendment of PUD Conceptual Plans. However, by Ordinance No. 12,076 passed on November 22, 1993, the City of Des Moines has imposed a supermajority vote requirement on the adoption of amendments to an approved PUD Conceptual Plan under limited circumstances. That ordinance amended Section 2A-14.01(I) (now recodified as §134-700), by the addition of the highlighted language below:

Any change in a conceptual plan proposed after the city council has approved the plan pursuant shall be resubmitted in the same manner as the original conceptual plan. Any such change, except an insubstantial change as hereinafter described, shall be

considered in the same manner as the original conceptual plan. However, any proposed change to the approved conceptual plan which:

(1) is disapproved by the Plan and Zoning Commission; or,

(2) would increase the allowed number of dwelling units or the allowed square footage of commercial space, and which is the subject of written protest filed with the City Clerk duly signed by the owners of 20 percent or more of the property which is located within two hundred (200) feet of the exterior boundaries of the property proposed for change

shall not become effective except by the favorable vote of at least four-fifths of all members of the Council. An insubstantial change may be approved by the Planning Director if it complies with the standards of this section. Within the meaning of this subsection, insubstantial changes are those changes, as determined by the Planning Director, to be minor and in harmony with the intent and objectives of this section.

The above language, now recodified in §134-700 of the Zoning Ordinance, imposes a supermajority vote requirement for the amendment of a previously approved PUD Conceptual Plan only under the two circumstances identified in the highlighted language above. The limited circumstances when a supermajority vote may be required establishes three levels of review for the approval of amendments to a previously approved PUD Conceptual Plan.

At the lowest level are those minor amendments determined by the Community Development Director to be minor and in harmony with the intent and objectives of the PUD District Regulations, which can be administratively approved without review by the City Council.

At the highest level are those major amendments which are either: 1) recommended for denial by the Plan and Zoning Commission; or, 2) would increase the allowed number of dwelling units or the allowed square footage of commercial space, and which is the subject of sufficient protest. Such major amendments can only be approved upon the favorable vote of at least six members of the City Council.

In the middle are those amendment which require approval upon the favorable vote of at least 4 members of the City Council.

The proposed amendment to the approved PUD Conceptual Plan for the Rice Field site falls in the middle ground identified above. It is not a minor amendment subject to administrative approval, and it is not a major amendment that can only be approved upon a supermajority vote of the City Council. The proposed amendment can be approved - or denied - by resolution passed upon the affirmative vote of at least 4 members of the City Council.

4. Limitation to Senior Housing.

The proposed PUD Conceptual Plan for the Rice Field Site identifies the proposed use as senior housing. That has a specific definition under Iowa law and the Des Moines City Code. Iowa law and the Des Moines City Code prohibit housing discrimination on the basis of "familial status". I.C. §216.8A and Des Moines City Code Sec. 62-101. The housing discrimination laws prohibit providers of housing from representing that the housing is senior housing or otherwise attempting to discourage occupancy by individuals with children, or women who are pregnant, unless the housing satisfies the following definition of "housing for older persons" set forth in City Code Sec. 62-102. The term is similarly defined in I.C. §216.12.

[T]he term "housing for older persons" means housing:

- (1) Provided under any state or federal program that is specifically designed and operated to assist elderly persons, as defined in the state or federal program, that the human rights commission determines to be consistent with determinations made by the Secretary of Housing and Urban Development;
- (2) Intended for and solely occupied by persons 62 years of age or older; or
- (3) For 80-percent occupancy by at least one person 55 years of age or older per unit, and providing significant facilities and services specifically designed to meet the physical or social needs of the persons, and the housing facility must publish and adhere to policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.

To qualify as senior housing as identified in the proposed amendment to the approved PUD Conceptual Development Plan, while complying with the City and state laws regarding housing discrimination, the Rice Field site will be required to operate as "housing for older persons" as defined above.

Sincerely,



Roger K. Brown
Assistant City Attorney
515-283-4541

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October 29, 2013

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 October 17, 2013, the following action was taken regarding a request from Beaverdale Partners, LLC (owner) represented by Jeffrey Ewing (officer) for review and approval of an amendment to the Rice Development Partners PUD Conceptual Plan on property located at 3001 Beaver Avenue revising the name to Beaverdale Cooperative Housing PUD and allowing development of a three-story 54-unit multiple-family dwelling for senior living.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 4-8 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		

DENIAL of the applicant's request and recommend to the City Council that they reconsider purchasing the property and prior to that hold a public hearing to rezone or void the existing PUD.

By separate motion Commissioners recommended 7-5 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		



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

Commission Action:	Yes	Nays	Pass	Absent
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 request to amended the PUD Conceptual Plan be subject to the following revisions: (ZON2013-00163)

1. A note shall be added to the PUD Conceptual Plan to state that installation of all public utilities and sewers to serve the subject property shall meet City design standards and be installed at the developer's expense.
2. The PUD Conceptual Plan needs to contain additional details regarding the stormwater main connecting to the existing sewer within 40th Place right-of-way, including its size (15-inch diameter), that it will be constructed to City standards at the developers expense and dedicated to the City for future City maintenance.
3. The PUD Conceptual Plan shall indicate the 30-foot-wide easement for sanitary sewer that crosses the southwestern corner of the site and include a note to state that no structures or signs shall be placed within the easement.
4. The PUD Conceptual Plan shall include additional information, including cross sectional drawings that identify the depth and side slopes of the proposed basin and capacity calculations for the basin.
5. The PUD Conceptual Plan shall include a 6-foot tall solid wood fence along the north and east property lines. However, the portion of the fence within 30 feet of Adams Avenue property line shall only be 3 feet tall.
6. The PUD Conceptual Plan shall demonstrate whether pedestrian access to Wallace Lane will be provided. If it is provided, the PUD Conceptual Plan shall demonstrate a sidewalk that connects to other proposed sidewalk within the development.
7. The PUD Conceptual Plan shall demonstrate that the existing fencing along the pedestrian access to Wallace Lane shall be replaced with black vinyl-coated chain-link fencing.
8. The PUD Conceptual Plan shall demonstrate that the buffer yard plantings (two overstory trees and six evergreen trees per 100 lineal feet) will be provided within a 20-foot wide buffer along the entire north and east property lines. This will cause the northern driveway to be shifted approximately 10 feet to the south.
9. The PUD Conceptual Plan shall clarify whether any existing trees are proposed to be removed and provide adequate justification for their removal. Any approved removals shall be subject to the City's mitigation ordinance.

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11. The PUD Conceptual Plan shall be revised to reflect a street tree every 30 lineal feet along both the Beaver Avenue and Adams Avenue frontage.
12. The note on the PUD Conceptual Plan regarding the Beaver Avenue Streetscape shall be revised to state that any future PUD Development Plan shall include design elements of the Beaver Avenue Streetscape along the Beaver Avenue frontage, including but not limited to a minimum 6-foot wide sidewalk, a 6-foot wide planting strip, black streetlight pole(s), black LED street light fixtures, and appropriate tree species.
13. A note shall be added to the PUD Conceptual Plan to state that a minimum 5-foot wide sidewalk and 5-foot wide planting strip will be provided along the Adams Avenue frontage from Beaver Avenue to the west edge of the proposed driveway access along Adams Avenue.
14. The developer shall provide a street lighting design for the Beaver Avenue frontage that complies with the City's street lighting standards.
15. A note shall be added to state that existing wood utility distribution poles along Beaver Avenue shall be replaced with black poles that match the Beaverdale streetscape at the developer's expense and any overhead service crossings over Beaver Avenue shall be undergrounded at the developer's expense.
16. A public access easement shall be provided for sidewalks along Beaver Avenue and Adams Avenue that extend onto the subject property.
17. The building elevations for the structure shall be revised in accordance with the following:
 - a) A predominant building entrance feature oriented toward Beaver Avenue shall be provided on the west facade and shall be designed to the satisfaction of the Community Development Director. The PUD Conceptual Plan shall demonstrate a sidewalk that connects this entrance to the public sidewalk along Beaver Avenue.
 - b) All building materials shall be clearly labeled on the PUD Conceptual Plan.
 - c) At least two-thirds of the surface area of building façades facing Beaver Avenue or Adams Avenue, as well as the two shorter end façades, shall be sided with brick or stone. At least one-third of the building façades facing the internal parking lot shall be sided with brick or stone.
 - d) A note shall be added to state that any horizontal overlap siding and trim shall consist of cement board material.

- e) Gables on the structure shall include exposed rafters, decorative beams or braces, and/or shake-style cement board siding.
 - f) A note shall be added to state that all windows on the structure shall be double-hung with a multi-light over single pane "craftsman" style.
 - g) A note shall be added to state that all exterior entry doors on the structure shall have multi-light "craftsman" style windows.
 - h) A note shall be added to state that all windows and exterior entry doors on the structure shall have trim surrounds of at least 4 inches in width.
 - i) A note shall be added to state that the roof will have architectural-type asphalt shingles with a minimum 30-year warranty.
 - j) A note shall be added to state that any decks that are not fully recessed into the structure shall be constructed with steel frames and steel support posts.
 - k) A note shall be added to state that any HVAC equipment shall vent through the roof and rooftop vents shall be complimentary in color to the roofing material. Any rooftop mechanical equipment shall be mounted on the private parking lot side of the building and architecturally screened from view.
 - l) A note shall be added to state that all utility meters, transformers, ground-mounted equipment, and other utilities shall be placed on building facades that face the private parking lot.
18. The note on the PUD Conceptual Plan regarding monuments signs must be clarified to state that any freestanding signage will be monument-style with bases constructed of brick or stone materials that match the masonry materials used on the primary structure.
19. The PUD Conceptual Plan shall demonstrate the location of any outdoor refuse collection container enclosure and provide a statement that any such structure will be constructed with brick or stone materials that match the masonry materials used on the primary structure and steel gates. Any enclosure structure should also include non-gated pedestrian entrance and be sized to accommodate recycling containers. If no outdoor enclosures are proposed, then a note should be added to state that all refuse collection containers must be located within the building.
20. A note shall be added to the PUD Conceptual Plan to state that all site lighting shall be directed downward and shielded from adjoining properties. Any pole mounted lighting along private walkways shall not exceed 15 feet in height and any pole mounted lighting in the parking lot shall not exceed 20 feet in height. Private light poles, pole mounted light fixtures and building mounted light fixtures are to be similar in style to a black KIM archetype light fixture.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends that any approval of the amended PUD Conceptual Plan be subject to the following revisions:

1. A note shall be added to the PUD Conceptual Plan to state that installation of all public utilities and sewers to serve the subject property shall meet City design standards and be installed at the developer's expense.
2. The PUD Conceptual Plan needs to contain additional details regarding the stormwater main connecting to the existing sewer within 40th Place right-of-way, including its size (15-inch diameter), that it will be constructed to City standards at the developers expense and dedicated to the City for future City maintenance.
3. The PUD Conceptual Plan shall indicate the 30-foot-wide easement for sanitary sewer that crosses the southwestern corner of the site and include a note to state that no structures or signs shall be placed within the easement.
4. The PUD Conceptual Plan shall include additional information, including cross sectional drawings that identify the depth and side slopes of the proposed basin and capacity calculations for the basin.
5. The PUD Conceptual Plan shall include a 6-foot tall solid wood fence along the north and east property lines. However, the portion of the fence within 30 feet of Adams Avenue property line shall only be 3 feet tall.
6. The PUD Conceptual Plan shall demonstrate whether pedestrian access to Wallace Lane will be provided. If it is provided, the PUD Conceptual Plan shall demonstrate a sidewalk that connects to other proposed sidewalk within the development.
7. The PUD Conceptual Plan shall demonstrate that the existing fencing along the pedestrian access to Wallace Lane shall be replaced with black vinyl-coated chain-link fencing.
8. The PUD Conceptual Plan shall demonstrate that the buffer yard plantings (two overstory trees and six evergreen trees per 100 lineal feet) will be provided within a 20-foot wide buffer along the entire north and east property lines. This will cause the northern driveway to be shifted approximately 10 feet to the south.
9. The PUD Conceptual Plan shall clarify whether any existing trees are proposed to be removed and provide adequate justification for their removal. Any approved removals shall be subject to the City's mitigation ordinance.
10. The PUD Conceptual Plan shall reflect an overall unified landscaping design, including foundation plantings, plantings surrounding the off-street parking area, and plantings within the planter bed within the off-street parking area as well as street tree plantings.

11. The PUD Conceptual Plan shall be revised to reflect a street tree every 30 lineal feet along both the Beaver Avenue and Adams Avenue frontage.
12. The note on the PUD Conceptual Plan regarding the Beaver Avenue Streetscape shall be revised to state that any future PUD Development Plan shall include design elements of the Beaver Avenue Streetscape along the Beaver Avenue frontage, including but not limited to a minimum 6-foot wide sidewalk, a 6-foot wide planting strip, black streetlight pole(s), black LED street light fixtures, and appropriate tree species.
13. A note shall be added to the PUD Conceptual Plan to state that a minimum 5-foot wide sidewalk and 5-foot wide planting strip will be provided along the Adams Avenue frontage from Beaver Avenue to the west edge of the proposed driveway access along Adams Avenue.
14. The developer shall provide a street lighting design for the Beaver Avenue frontage that complies with the City's street lighting standards.
15. A note shall be added to state that existing wood utility distribution poles along Beaver Avenue shall be replaced with black poles that match the Beavertown streetscape at the developer's expense and any overhead service crossings over Beaver Avenue shall be undergrounded at the developer's expense.
16. A public access easement shall be provided for sidewalks along Beaver Avenue and Adams Avenue that extend onto the subject property.
17. The building elevations for the structure shall be revised in accordance with the following:
 - a) A predominant building entrance feature oriented toward Beaver Avenue shall be provided on the west facade and shall be designed to the satisfaction of the Community Development Director. The PUD Conceptual Plan shall demonstrate a sidewalk that connects this entrance to the public sidewalk along Beaver Avenue.
 - b) All building materials shall be clearly labeled on the PUD Conceptual Plan.
 - c) At least two-thirds of the surface area of building façades facing Beaver Avenue or Adams Avenue, as well as the two shorter end facades, shall be sided with brick or stone. At least one-third of the building façades facing the internal parking lot shall be sided with brick or stone.
 - d) A note shall be added to state that any horizontal overlap siding and trim shall consist of cement board material.
 - e) Gables on the structure shall include exposed rafters, decorative beams or braces, and/or shake-style cement board siding.
 - f) A note shall be added to state that all windows on the structure shall be double-hung with a multi-light over single pane "craftsman" style.

- g) A note shall be added to state that all exterior entry doors on the structure shall have multi-light "craftsman" style windows.
 - h) A note shall be added to state that all windows and exterior entry doors on the structure shall have trim surrounds of at least 4 inches in width.
 - i) A note shall be added to state that the roof will have architectural-type asphalt shingles with a minimum 30-year warranty.
 - j) A note shall be added to state that any decks that are not fully recessed into the structure shall be constructed with steel frames and steel support posts.
 - k) A note shall be added to state that any HVAC equipment shall vent through the roof and rooftop vents shall be complimentary in color to the roofing material. Any rooftop mechanical equipment shall be mounted on the private parking lot side of the building and architecturally screened from view.
 - l) A note shall be added to state that all utility meters, transformers, ground-mounted equipment, and other utilities shall be placed on building facades that face the private parking lot.
18. The note on the PUD Conceptual Plan regarding monuments signs must be clarified to state that any freestanding signage will be monument-style with bases constructed of brick or stone materials that match the masonry materials used on the primary structure.
19. The PUD Conceptual Plan shall demonstrate the location of any outdoor refuse collection container enclosure and provide a statement that any such structure will be constructed with brick or stone materials that match the masonry materials used on the primary structure and steel gates. Any enclosure structure should also include non-gated pedestrian entrance and be sized to accommodate recycling containers. If no outdoor enclosures are proposed, then a note should be added to state that all refuse collection containers must be located within the building.
20. A note shall be added to the PUD Conceptual Plan to state that all site lighting shall be directed downward and shielded from adjoining properties. Any pole mounted lighting along private walkways shall not exceed 15 feet in height and any pole mounted lighting in the parking lot shall not exceed 20 feet in height. Private light poles, pole mounted light fixtures and building mounted light fixtures are to be similar in style to a black KIM archetype light fixture.

Written Responses

2 In Favor

31 In Opposition

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed amendment to the PUD Conceptual Plan would allow development of the site with a 3-story building that would contain 54 dwelling units for senior citizens. The PUD Conceptual Plan proposes 32 parking spaces within a private parking lot to the east of the building and 60 indoor parking spaces beneath the building that would be accessed by overhead garage door at both ends of the building.

The previously approved PUD Conceptual Plan allowed development of the site with 55 dwelling units and 15,810 square feet of commercial space. It included up to 30 apartments and commercial space within two mixed-use structures framing a pedestrian plaza at the corner of Beaver and Adams Avenues, 7 row house residential units fronting Beaver Avenue, and 18 single-family bi-attached residential townhome units internal to the site. The PUD Conceptual Plan also provided an off-street parking lot to the rear of the mixed-use structures with approximately 68 stalls to serve the commercial space and 24 underground parking stalls to serve the apartments.

The current request is not a request to change zoning. The subject property is already zoned "PUD" District. This is a request to amend the approved PUD Conceptual Plan. Previous requests and lawsuits to prevent the sale of the property by the Des Moines Public School District (DMPS) have failed. The subject property was sold by DMPS to Ewing Land Development and Services LLC (dba Beaverdale Partners, LLC) on December 15, 2010 for \$285,000.

2. **Size of Site:** 4.42 acres.
3. **Existing Zoning (site):** "PUD" Planned Unit Development District.
4. **Existing Land Use (site):** The site has been vacant since the demolition of Rice Elementary School in 2000.
5. **Adjacent Land Use and Zoning:**

North – "R1-60", Uses include eight single-family residential properties.

South – "C-0", Uses include Adams Avenue and a 3-story, 42-unit apartment building for senior citizens known as Beaver & Adams Senior Apartments.

East – "R1-60". Uses include eight single-family residential properties.

West – "R1-60", Uses include Beaver Avenue, five single-family dwellings, one 3-unit multiple-family residential structure, and Holy Trinity Catholic Church & School.

6. **General Neighborhood/Area Land Uses:** The subject property is located on the east side of Beaver Avenue just north of Adams Avenue. The site is located just north of the commercial node at the intersection of Beaver Avenue and Urbandale Avenue. The site is bounded by low-density residential uses to the north and east. Holy Trinity Catholic Church & School and residential uses are located on the west side of Beaver Avenue

to the west and a multiple-family residential structure for senior citizens is located on the south side of Adams Avenue.

7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Beaverdale Neighborhood. This neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on September 27, 2013 and a Final Agenda on October 11, 2013. Additionally, separate notifications of the hearing for this specific item were mailed on September 27, 2013 (20 days prior to the public hearing) and on October 7, 2013 (10 days prior to the public hearing) to the Beaverdale Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Beaverdale Neighborhood Association notices were mailed to Mike Tiedens, 2520 45th Street, Des Moines, IA 50310.

The applicant held neighborhood meetings on August 29, 2013 and October 7, 2013. The applicant will provide a summary of the meetings at the public hearing.

8. **Relevant Zoning History:** On March 26, 2007, the City Council adopted Ordinance #14,637 to rezone the site from "R1-60" District to "PUD" District. At that time, the Council also approved the Rice Development Partners PUD Conceptual Plan that allowed development of the site with up to 55 dwelling units and 15,810 square feet of commercial space.
9. **2020 Community Character Land Use Plan Designation:** The Des Moines' 2020 Community Character Plan future land use plan designates the southern portion of the site as Commercial: Pedestrian-Oriented Neighborhood Node and the northern portion of the site as Low/Medium-Density Residential. The requested amendment to the PUD Conceptual Plan does not require the designations to be amended, as the amendment would reduce the number of permitted dwelling units from 55 to 54 and eliminate the commercial space. The proposed 54 dwelling units represent a net density of 12.22 dwelling units per acre for the 4.42-acre site.
10. **Applicable Regulations:** The Commission reviews all proposals to amend zoning boundaries or regulations 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 make recommendations to the City Council on conditions to be made 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 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 the City Code 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 amended PUD Conceptual Plan 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.

II. ADDITIONAL APPLICABLE INFORMATION

1. **PUD Standards:** The following are standards from Section 134-704 of the City Code that provide the foundation that all PUD Concept Plans should be based on.

- A) All uses proposed in a PUD planned unit development district plan shall be in harmony with the existing or anticipated uses of other properties in the surrounding neighborhood and shall generally be in conformance with the city's land use plan. The design of a PUD development shall be based on harmonious architectural character; compatible materials; orderly arrangement of structures and open space; and conservation of woodlands, streams, scenic areas, open space and other natural resources.

The proposed amendment to the PUD Conceptual Plan would allow development of a multiple-family residential structure with 54 dwelling units for senior citizens. The proposed PUD Conceptual Plan preserves most of the existing mature trees on the site and provides a significant number of additional trees and plantings. The proposed structure would be setback at least 30 feet from any property line, which is compatible with the surrounding character of the neighborhood. Staff is recommending multiple revisions to the proposed elevations of the building that are necessary to ensure the building will be compatible with the architectural character of the Beaver Avenue Corridor. Those modifications, including a substantial increase in the usage of brick or stone, are detailed in the "Urban Design" section of this report.

- B) Setbacks and other appropriate screens shall be provided around the boundary of a PUD development to protect the adjoining district properties. Only in exceptional circumstances shall such a setback be less than the amount of the setback which the adjoining district is required to maintain from the PUD development.

The proposed structure would be setback at least 30 feet from any property line, which is compatible with the surrounding character of the neighborhood. The proposed PUD Conceptual Plan also includes a significant vegetated buffer along the north and east property lines. Staff is also recommending that a 6-foot tall solid wood fence be provided along the north and east property lines.

- C) A PUD development shall comply with all applicable city ordinances, specifications and standards relating to all dedicated street, sanitary sewer and storm sewer facilities and to surface drainage and floodwater retention.

The proposed amendment to the PUD Conceptual Plan demonstrates that the development will comply with all specifications and standards relating to all dedicated street, sanitary sewer and storm sewer facilities and to surface drainage and floodwater retention. The plan includes a stormwater basin within the northwestern portion of the site that outlets to the existing storm sewer within 40th Place right-of-way. Additional details are provided in the "Storm Water & Utilities" section of this report.

- D) The streets surrounding a PUD development must be capable of accommodating the increased traffic that would be generated by the new development. The development shall be designed to provide maximum feasible separation of vehicular traffic from pedestrian ways and recreational areas. If turning lanes or other forms of

traffic controls within or adjacent to the development are deemed necessary by the city council, the developer shall provide the necessary improvements.

The surrounding street network would be capable of accommodating the traffic generated by the proposed apartment building for senior citizens. The proposed amendment to the PUD Conceptual Plan indicates that the proposed development would generate a maximum of 186 trips per day, which represents a 1.5% increase in traffic along Beaver Avenue. Additional details are provided in the "Traffic/Street System" of this report.

- E) Off-street parking and loading spaces shall be provided as appropriate to the size and character of the development. Each off-street loading space shall be not less than ten feet in width and 25 feet in length. All off-street parking spaces shall be provided in accordance with the requirements of subsection 134-1377(g).

The proposed amendment to the PUD Concept Plan proposes 32 parking spaces within a private parking lot to the east of the building and 60 indoor parking spaces beneath the building, for a total of 92 parking space, or 1.7 spaces per dwelling unit. This exceeds the standard minimum requirement of 0.5 parking per dwelling unit for housing for senior citizens.

- F) Where appropriate to the size and character of a PUD development, provision shall be made therein for open space for recreation and other outdoor uses, and for places of worship, convenience shopping and other community services.

The proposed amendment to the PUD Concept Plan demonstrates a large open space area within the northeastern portion of the site, as well as smaller open space area at the southwestern and northwestern portions of the site. The proposed amendment results in a significant increase in open space area over the approved PUD Conceptual Plan. The proposed PUD Conceptual Plan also states the site with be "generously landscaped" and provide garden plots for the residents.

2. **Storm Water & Utilities** A note must be added to the PUD Conceptual Plan to state that installation of all public utilities and sewers to serve the subject property shall meet City design standards and be installed at the developer's expense.

Stormwater on the site is currently discharged onto Wallace Lane through a pipe within an 8-foot-wide area containing a pedestrian connection to Wallace Lane. There is no storm sewer within Wallace Lane right-of-way. The PUD Conceptual Plan demonstrates a stormwater basin within the northeastern portion of the site. Staff recommends that the PUD Conceptual Plan include additional information, including cross sectional drawings that identify the depth and side slopes of the proposed basin and capacity calculations for the basin.

The PUD Conceptual Plan also states that the developer would discharge water from the basin to an existing storm sewer within 40th Place right-of-way north of Ashby Avenue. This would be achieved by constructing a 15-inch storm sewer main within the right-of-way of Wallace Lane and 40th Place. The storm sewer extension would be designed and constructed to the City's public storm sewer standards at the developer's expense and then dedicated to the City for future City maintenance. No storm sewer intakes are proposed on Wallace Lane.

The PUD Conceptual Plan states that sanitary sewer for the development would be directed to the existing main within Wallace Lane right-of-way. There is an existing 6-inch main between the site and Wallace Lane. While the condition of this line is currently unknown, the PUD Conceptual Plan states that a new line will be constructed, if necessary, in order to connect to the main within Wallace Lane right-of-way.

There is an existing sanitary sewer running diagonally across the southwestern corner of the site. While the proposed building would be adequately setback from this sewer, the PUD Conceptual Plan must identify the 30-foot-wide easement for this sewer. The PUD Conceptual Plan should also state that no structures or signs shall be placed within the easement.

Any grading of the site is subject to issuance of a grading permit from the Permit and Development Center.

- 3. Landscaping & Buffering:** The proposed PUD Conceptual Plan states that the off-street parking lot would be landscaped in accordance with the landscaping standards as applicable to the "C-2" District. The PUD Conceptual Plan must reflect an overall unified landscaping design, including foundation plantings, plantings surrounding the off-street parking area, and plantings within the planter bed within the off-street parking area, as well as street tree plantings.

The PUD Conceptual Plan proposes a landscape buffer along the north and east property lines that includes two (2) overstory trees and six (6) evergreen trees per 100 lineal feet, except for a portion of the north property line near the driveway. Staff believes it is reasonably necessary to provide the buffer within a 20-foot wide area along the entire north and east property lines. This will cause the northern driveway to be shifted approximately 10 feet to the south.

The PUD Conceptual Plan states that a 6-foot tall solid fence would not be provided along the north and east property lines. However, staff recommends that a 6-foot tall wood fence should be provided to minimize any impact on the adjoining residential uses. The portion of the fence within 30 feet of the front property line along Adams Avenue shall only be 3 feet tall.

There are seven (7) existing mature trees within the southern portion of the site and six (6) existing mature trees within the northeastern portion of the site. The PUD Conceptual Plan generally demonstrates that the proposed placement of the building and off-street parking area minimizes the impacts on these trees and includes a note stating that "many of the existing trees on the site will be protected during construction and are to remain and be incorporated into the proposed site improvements." While it appears the majority, if not all, existing trees would remain, Staff recommends that the PUD Conceptual Plan clarify whether any existing trees are proposed to be removed and provide adequate justification for their removal. Any approved removals are subject to the City's mitigation ordinance.

In addition to the proposed street trees along Beaver Avenue, Staff recommends that a street tree also be provided every 30 lineal feet along the Adams Avenue.

- 4. Beaver Avenue Streetscape:** The subject property is located along Beaver Avenue in close proximity to the planned streetscape project that will install design elements such as sidewalk enhancements, decorative light fixtures, a planting strip, and street trees of

desired species. The proposed PUD Conceptual Plan includes a statement that "the development team intends to work with the Beaverdale Neighborhood Association to incorporate design elements of the current streetscape project into the project". It also demonstrates a street tree every 30 lineal feet along the Beaver Avenue frontage. Staff recommends that the note regarding the Beaver Avenue Streetscape shall be revised to state that any future PUD Development Plan shall include design elements of the Beaver Avenue Streetscape along the Beaver Avenue frontage, including but not limited to a minimum 6-foot wide sidewalk, a 6-foot wide planting strip, black streetlight pole(s), black LED street light fixtures, and appropriate tree species. The developer must provide a street lighting design for the Beaver Avenue frontage that complies with the City's street lighting standards.

Staff also recommends a note be added to the PUD Conceptual Plan to state that existing wood utility distribution poles along Beaver Avenue shall be replaced with black poles that match the Beaver Avenue streetscape at the developer's expense and that any overhead service crossings over Beaver Avenue be undergrounded at the developer's expense.

Staff also recommends a note shall be added to the PUD Conceptual Plan to state that a minimum 5-foot wide sidewalk and 5-foot wide planting strip will be provided along the Adams Avenue frontage from Beaver Avenue to the west edge of the proposed driveway access along Adams Avenue. A public access easement must be provided if the sidewalk encroaches onto the subject property.

- 5. Traffic/Street System:** The PUD Conceptual Plan contains a traffic analysis that states the proposed development (54 dwelling units for senior citizens) is expected to generate a maximum of 186 trips per day, based on 100% occupancy. Traffic counts obtained in 2012 show that adjoining Beaver Avenue carries 13,000 cars per day. The City's Traffic and Transportation Division staff estimate that the maximum daily capacity is 18,000, indicating that Beaver Avenue can accommodate the traffic generated by the development. Thus, the traffic analysis indicates that the development would cause a maximum traffic increase of about 1.5% on Beaver Avenue, which would have only a minor impact on the surrounding street grid.

In comparison, the previously approved development would generate a maximum of 940 trips per day, based on 100% occupancy of all of the development.

- 6. Access & Parking:** The proposed PUD Conceptual Plan demonstrates that the development would be served by a drive approach from Beaver Avenue and a drive approach from Adams Avenue. The PUD Conceptual Plan proposes 32 parking spaces within a parking lot to the east of the building and 60 indoor parking spaces beneath the building.

There is currently a sidewalk that connects the site to Wallace Lane through an 8-foot wide portion of the subject property. The submitted PUD Conceptual Plan does not appear to retain this pedestrian access. If it is intended to be retained, the PUD Conceptual Plan must demonstrate a sidewalk that connects to other proposed sidewalk within the development. Regardless of whether a sidewalk connection is provided, staff recommends that the existing fencing along the existing pedestrian access to Wallace Lane be replaced with black vinyl-coated chain-link fencing.

7. **Urban Design:** The subject property is located in an area that was originally developed with Revival/Neoclassical architecture, which includes a mix of Tudor, Spanish Revival, Dutch Revival, and Colonial Revival. Characteristics of such include roof ridge parallel to the street broken by steep gables, use of brick, and the concentration of detail at doors and windows. Staff believes that the submitted elevations need to be modified in order to be compatible with the architectural character of the Beaver Avenue Corridor.

The proposed PUD Conceptual Plan demonstrates the 3-story structure would primarily be oriented towards the private parking lot and would provide only a nondescript entrance oriented toward Beaver Avenue. Staff believes that it is vital that the building have a distinct entrance along Beaver Avenue that engages the streetscape. Therefore, a staff recommends that a predominant building entrance feature oriented toward Beaver Avenue be provided on the west façade that is designed to the satisfaction of the Community Development Director. Such a feature could include elements, such as a gable roof, a porch feature, and/or additional windows. The PUD Conceptual Plan must also demonstrate a sidewalk that connects this entrance to the public sidewalk along Beaver Avenue.

The proposed PUD Conceptual Plan provides elevations that demonstrate the 3-story building would primarily be clad with horizontal overlap siding, with brick materials on portions of the façade near the entrances and the building ends. In order to be compatible with the character of the surrounding area, staff recommends that the elevations be revised so that at least two-thirds of the surface area of building façades facing Beaver Avenue or Adams Avenue, as well as the two shorter end facades, shall be sided with brick or stone, and so that at least one-third of the building façades facing the internal parking lot shall be sided with brick or stone. Staff also recommends that a note be added to state that any horizontal overlap siding and trim shall be cement board material.

The proposed elevations demonstrate that each dwelling unit would have an outdoor balcony. In order to ensure long term durability of these balconies, staff recommends that any decks that are not fully recessed into the structure must be constructed with steel frames and steel support posts.

Staff also recommends that additional design details be provided to demonstrate that the building will be compatible with the character of the Beaverville area. Gables on the structure should include exposed rafters, decorative beams or braces, and/or shake-style cement board siding. All windows on the structure should be double-hung with a multi-light over single pane "craftsman" style and all exterior entry doors on the structure should have multi-light "craftsman" style windows. Staff also recommends that a note be added to state that all windows and exterior entry doors on the structure will have trim surrounds of at least 4 inches in width.

The PUD Conceptual Plan states that the roof will be comprised of 30-year warranty shingles. Staff recommends that this be clarified to state that the roof will have architectural-type asphalt shingles with a minimum 30-year warranty.

Staff recommends that any HVAC equipment vent through the roof and that rooftop vents be complimentary in color to the roofing material. Staff also recommends that any rooftop mechanical equipment be mounted on the private parking lot side of the building and architecturally screened from view. Furthermore, all utility meters,

transformers, ground-mounted equipment, and other utilities shall be placed on building facades that face the private parking lot.

8. **Signage:** The proposed PUD Conceptual Plan indicates that the development will have three (3) monument signs, including one (1) at the intersection of Beaver Avenue and Adams Avenue and one (1) at each of the driveway entrances. These are intended to match the character of the development and will be constructed with materials to match the development. Staff recommends that the note be clarified to state that any freestanding signage will be monument-style with bases constructed of brick materials that match the brick or stone materials used on the primary structure. The sign proposed at the corner must be located outside the 30-foot wide sanitary sewer easement.
9. **Refuse Collection:** The proposed PUD Conceptual Plan does not address refuse collection. Staff recommends that the PUD Conceptual Plan demonstrate the location of any outdoor refuse collection container enclosure and provide a statement that any such structure will be constructed with brick or stone materials that match the masonry materials used on the primary structure and steel gates. Any enclosure structure should also include non-gated pedestrian entrance and be sized to accommodate recycling containers. If no outdoor enclosures are proposed, then a note should be added to state that all refuse collection containers must be located within the building.
10. **Site Lighting:** The proposed PUD Conceptual Plan does not address site lighting. Staff recommends that a note be added to state that all site lighting shall be directed downward and shielded from adjoining properties. Any pole mounted lighting along private walkways shall not exceed 15 feet in height and any pole mounted lighting in the parking lot shall not exceed 20 feet in height. Private light poles, pole mounted light fixtures, and building-mounted light fixtures are to be similar in style to a black KIM archetype light fixture.

SUMMARY OF DISCUSSION

Erik Lundy presented the staff report and recommendation.

Vicki Stogdill Christine Pardee asked when was the original PUD conceptual plan approved.

Erik Lundy stated March 26, 2007.

Vicki Stogdill Christine Pardee asked could staff address any sunset provisions for that approval.

Mike Ludwig noted that condition #20 about lighting did not get copied to the staff report sent out to the Commissioners. In regards to previous approval, Erik did state that the original concept plan was approved on March 26, 2007 and the final development plan was then approved on September 24, 2007. That final development plan had a number of conditions, the most significant was the requirement that "No development could commence until there was a agreement for construction of the storm sewer and Wallace Lane." At that time it was about a \$600,000 storm sewer project and the preliminary terms of agreement were on the agenda and approved and that was roughly 1/3, 1/3, 1/3 share between the City of Des Moines, the school district, and the developer. There was never

an agreement finalized for that sewer construction. Therefore they could not proceed with construction.

In 2010 the Planning Commission did have discussion about whether or not a hearing should be held to void the existing PUD. Code section 134-708 states that if the developer fails to submit a final development plan within two years of approval the concept plan or to commence construction in accordance with schedule outlined on the development plan the Commission shall schedule a public hearing and at that hearing they have to consider all circumstances relevant to the developer's failure and shall vote to recommend what measures to take. Those measures may include rezoning of the property back to "R1-60" zoning district or referral of it to the legal department for enforcement.

The first condition regarding failure to submit a final development plan was not applicable. The final development plan was approved by City Council six months after the concept plan was approved. The failure to proceed with development – Staff advised the Planning Commission on May 20 that staff was not aware of any previous action to void a plan unit development taken by the Planning Commission or the City of Des Moines. On June 3, 2010 staff advised the Commission there was a new owner developer, Ewing Development imminent. The developer had already scheduled a pre-application meeting for June 15 and staff had also advised Ewing Development and the Planning Commission that any amendments to the PUD would not be approved administratively. Finally, staff urged the Planning Commission that staff's preference is to have one hearing on a revised plan versus a hearing on whether or not to void the existing plan and then a second hearing to consider a new plan for the property. The Commission at that time agreed with staff recommendation and the Commission indefinitely delayed the hearing for reconsideration.

The actual transfer of property did not occur until December 2010. There were a couple of things that caused that. One was estate issues of the previous developer. Two was a lawsuit against the school district on the sale of the property. That lawsuit was not ruled on until 2009. No developer could have proceeded with development of the property until there was clear title transferred. Circumstances that the Commission would have to take into consideration to void the PUD include the fact that the Council approval of that final development plan prohibited any commencement of construction until there was an agreement on the sewer and said agreement was never reached. The estate issues of the developer prevented the execution of agreements regarding the transfer of the property and prevented consultants from completing work on the project. No developer would have commenced construction prior to March or April of 2009 due to the lawsuit on the sale of the property. There was also a historic downturn in the economy which would have effected financing for part of that time. When the lawsuit was settled and the school district was allowed to sell the property there was a public bid, there were at least two parties to bid. One group was a successor of Friends of Rice Field. Ewing Development had the highest bid of \$285,000. They won the bid and the school district sold them the property. It was transferred on December 15, 2010. The original PUD Concept Plan remains valid. The item before the Commission is not to rezone the property and it is not a comprehensive plan amendment. The existing zoning is PUD and it remains PUD. The Comp Plan designation call mixed use commercial and a low to medium density residential designation. This plan eliminates any commercial proposal on the property. The original PUD included residential and now it is a 100% residential project. This is simply a consideration of a new concept plan for the property.

Greg Wattier asked if there is a point in this process or has it already happened where this would go through the Urban Design Review Board.

Mike Ludwig stated the new proposed plan has no City financial assistance in the project beyond 5 year tax abatement which any residential development is entitled. The conditions state that the developer is responsible for installing the sewer, and the streetscape. It would not go before the Urban Design Review Board under these circumstances.

Greg Wattier asked if the Commission can request that this go before the Urban Design Review Board because he has never seen so many requirements and many of them have to do with architectural comments and guidelines.

Mike Ludwig stated he would have to defer to the Legal Department staff to advise. The way the code is written is the final development plan is an administrative review. The original concept plan was approved with a condition that the Final Development Plan be approved by City Council due to the amount of financial assistance by the City. From staff's perspective, we looked at the conditions that were on the previous approval and tried to carry that same level of finish over to the new plan. We anticipated there would be a lot of questions about design so on this project staff was more specific on the conditions. Staff was following existing approved PUD as guidance for those recommendations.

Roger Brown stated the Urban Design Review Board is given some responsibility to advise the City Council on design matters. It would be highly unusual in this circumstance but it is within their powers. It would really be for the City Council to refer it to them for review. He suggested if the Commission believes there should be further review of it they can ask the City Council to also seek review and comment from the Urban Design Review Board but it would be up to the City Council. The Commission cannot directly send this item to the Urban Design Review Board.

Josh Cowman 909 W. 16th Street, Pella, IA with Ewing Development and Beaverdale Partners gave a presentation. He explained that Senior Housing Coops is their focus and why they are passionate about senior housing. A Housing Cooperative is a joint ownership in a housing development in which members own a share. The members/share owners are part of the cooperative corporation which owns the building, land and common areas. The cooperative structure brings back the spirit of community and sociability, democratic governance and the participatory nature of the cooperative contributes to healthier living and enhances the lives of its members. Some community benefits are seniors remain in the area to anchor the community's economic, social and inter generational foundations. The foundation resources of the seniors contributions are retained in the community and frees up existing homes for first time homebuyers or young families. The cooperative does pay full real estate taxes and creates employment opportunities. Why Coop members:

- Because members remain in control at a time in life when most other alternatives require sacrificing control
- They preserve their equity. There is no spend down of assets.
- They preserve their tax benefits of homeownership
- They save money through more efficient use of resources and there is no profit to outside owner
- They do not pay for services they don't want or need
- They enjoy improved health through daily participation in a community energized by that governance, social activities and development new friendships.

- It is a FHA HUD insured Master Mortgage that they all participate in there is one Master Mortgage not individual mortgages
- Member owned, member controlled
- Affordable form of homeownership
- Operates not for profit
- Tax benefits and return on investment
- Internal and external maintenance is included
- Promotes the ease of resale and community lifestyle

Some of the concerns with the existing PUD they are trying to address: One they are saving the existing trees at Beaver and Adams and throughout the site they are going to allow for much more green space, reduce some concerns about density. Two the PUD would also reduce the concerns about increased traffic and noise. Three Senior housing coop would be a pretty good neighbor verses the density of the commercial on the existing PUD. Four they are addressing the stormwater issues without the request for financial assistance from the City or burden the tax payers. He showed a snapshot of what they are proposing and stated they are in agreement with and already in the process of implementing all of staff recommendations except for fencing which neighbors have indicated they don't want and the request to shift the driveway from the north lot line.

Eric Cannon 2727 SW Snyder Blvd with Snyder & Associates, Inc stated they will be making a vast improvement to the area by handling the stormwater issue that he believes bogged down the previous project. The site currently all drains to the north. There is no public storm sewer on Wallace and there is no public storm sewer on Ashby. The closest public storm sewer for the project is on 40th Place. They will be handling all of the storm water from this property that currently drains over the retaining wall into these rear yards containing the water entirely on site with a detention basin. They will be installing storm sewer along Wallace and Ashby and on 40th Place tying this site into existing storm sewer. This information has been presented to both of the neighborhood meetings. Staff is aware as well. They will providing more specific information to this as part of their PUD response. Currently the property has a 6 foot chain link fence all along the east side and all along the north side of the property that is a remnant of when the school was there. Specifically, on the north side that fence is cast into that retaining wall. The discussion with the neighbors as part of the neighborhood meetings is that a lot of them would not like to have a 6 foot cedar fence, it would feel closed in boxed in. They enjoy the site lines now. We noted that we are purposely not having that 6 foot cedar fence as part of the project in response to the feedback they got from the neighbors. That is one condition that they would request to be removed from staff recommendation. The developer has openly committed that if any of these neighbors would like to have their fence replaced they would be willing to make that improvement but the fully opaque cedar fence was something that was not well received from the neighbors. The other item of discussion is the 20 foot buffer on both the north and east property line. As part of the concept plan they took the requirement for the number of overstory evergreen trees per 100 lineal feet took that total quantity of plant material and incorporate that into the entire northern perimeter and eastern perimeter of the project. They do only have this parking lot approximately ten feet off that property line. The main reason for that is if they did push this down 20 feet it would result in this building encroaching into the two existing evergreens. One of the main components of the developer provided to them was they did not want to impact any of the existing trees on the property. They wanted to maintain all of them. This was one compromise they identified as part of the concept plan was to be able to protect these trees along Beaver and Adams they needed to be a little bit closer here than what they normally would want to

be and what staff is currently requesting. They are providing the same quantity of plant material they are just only 10 feet off of the property line versus 20.

CJ Stephens asked how many trees will be removed in that storm sewer project.

Eric Cannon stated he does not anticipate in removing any trees. It would go down right along the edge of the curb line. They would have to remove a portion of the street, everything would be done within the right of way it would not be done on private property.

CJ Stephens asked if they are trying to achieve any LEED certification for this building.

Josh Cowman stated they always try to be as green as possible in their development. They meet several LEED criteria just by the way they build their projects anyway but they don't really approach the points because they are not gaining enough anyway like the benefit or things of that nature. Those costs are fronted by the coop members who own the building so they try to be as conscious as possible to still keep the project affordable. Right now no specific LEED standards are proposed.

CJ Stephens asked if condo association fees are associated with this.

Josh Cowman stated there is a share price that the members pay and then there is an ongoing monthly fee that covers the existing master mortgage, property taxes. 50% of that monthly fee is tax deductible as part of that coop concept. As part of this HUD process they are required to be 60% pre-reserved to start construction so they have had a couple of initial informational meetings. They are currently 38% reserved on the project so there has been a lot of interest from the neighbors.

CJ Stephens asked if this is called the Vintage.

Josh Cowman stated yes Vintage Park Cooperative.

CJ Stephens stated she does not consider herself vintage so don't know if she would be interested in moving into a building called vintage.

Greg Wattier asked about creating significant entry.

Josh Cowman stated that it was one concern of theirs just from a building security standpoint. That access point is kind of the community gathering room and generally a court yard area anyway so he believes that they can kind of enhance that and obtain what the City is requesting.

Greg Wattier stated that according to staff their recommendation is a predominant building entrance feature and his hope is that if they did that it would not be a faux feature but would actually be a building entrance.

Josh Cowman stated the main entrance will be around the other side of the building and that could be a secondary entrance. They already do kind of a court yard covered area in that place anyway so he believe just from a standpoint of what they do generally it is going to hit the requirement that the City has recommending.

Greg Wattier asked if they are willing to provide access points out or not necessarily because of security.

Josh Cowman stated they do provide access. It is a secure building with security cameras and things of that nature and secured access.

Greg Wattier asked if they had concerns with the numerous comments that talk about craftsman style.

Josh Cowman stated no they try to fit in as best they can in the communities that they come into. Craftsman is pretty vague would be his only comment.

Christine Pardee asked if this is a low income project.

Josh Cowman stated yes there are minimum income requirements not maximum requirements in order to live there.

Dann Flaherty asked could the building be put in the back and leave the field open.

Josh Cowman stated they considered all those options. In his opinion that was the worst approach because the neighbors backyard view would be a three-story building whereas the way the ground sits now it sits kind of low off of Beaver which allows them to take that structure and almost shrink it a little bit and build it into that hillside. The proposal provides better site view and also keeps in line with some of the urban design standards of hiding the parking from Beaver.

Greg Jones left the meeting @ 8:15 p.m.

CHAIRPERSON OPENED THE PUBLIC HEARING

Pam Nagel 4045 Adams Avenue stated she has the longest contiguous lot line with the property and she is one of the people who asked to not have the cedar fence and she did read in the recommendation that the first 30 feet should be 3 feet high and then go to the 6 foot. Right now her biggest concern is the storm sewer. She believes the developer has an excellent idea. She is glad someone is finally addressing it after the City and school district did not in the last 100 years so she is glad it is being done by the developer at their cost. She has two concerns in addition to that:

- The fence – for years after the school went down the wind blows across and she has snow drifts that top the 4 foot fence and hides her driveway. She shovels out in the morning, the evening and through the night. She does not want any fence. She rather have the leaves and the snow blow by and deal with that as it comes.
- The trees – she is glad they are going to save the trees. If they are going to plant trees along her lot line they will interfere with the trees that she already has. She has 4 mature trees along there that she planted. She is a certified nurseryman and she planted species at the time thought would be okay one being an Emerald Ash. She hopes there can be some leeway for them to work with the plantings that are almost on the lot line now. They have gotten big. Flexibility in how they plant is needed because if they plant right next to her trees they are going to cut the roots and secondly interfere with the growth habit of both the new trees and the old trees. There is one tree that needs to go. It is a dog tree and an eye sore and she hopes the Commission do not fight with them about taking down that tree.

She addressed the ash tree in the corner where the retention pond is. She has a personal interest she hand budded those trees and grew them from a whip, she chose the tree they came from, she grew the trees and they were planted there as a memorial. However, that was before the Emerald Ash Bore. So if they should go in the retention pond she would feel bad because she personally budded them in 1981 and those are her babies but things come and go.

Richard Jewett 2422 Maryland Pike stated he was representing several people who could not be at the meeting tonight and asked for a few extra minutes. People in the audience would relinquish their 5 minutes so he could finish.

Dann Flaherty asked who would relinquish their 5 minutes by a show of hands and he explained that they would not be allowed to speak.

Richard Jewett stated he represented people with Friends of Rice Field signs in their yards and more. Rice Field cannot speak for itself but shows how it feels by its beauty and neighborhood activity. Zoning is about balancing stability with change. We should attempt to preserve the best features of our community while progressively upgrading features that are in need of improvement. Zoning is also about the welfare of our community as a whole and not about the welfare of any one property owner or even a group of property owners. The Iowa Supreme Court instructs us a property owner does not have a vested right in the continuation of a particular zoning classification. In reviewing an ordinance we are predominantly concerned about the general purpose of the ordinance not any hardship that may result in an individual case. Quality Refrigerated Incorporated versus the City of Spencer 586 NW 2nd 202. The Iowa legislature tells us in Section 18-B1 Iowa Smart Planning Principles 7 that community character, planning, zoning, development, and resource management should promote activities and development that are consistent with the character and architectural style of the community and should not respond to local values regarding a physical character of the community. In order to decide whether a zoning change fosters the welfare of our community we should have a good understanding of where we have been and the direction the community wishes to go. In regard to the present request for a zoning change an ordinance of the City of Des Moines makes the history of Rice Field particularly relevant to our discussion this evening. The ordinance that requires an evaluation of the history of Rice Field is, as you said Section 134-708 failure to submit development plan or to commence construction. If the developer either fails to submit a development plan within the time requirements of the Section 134-696 of this division or to commence construction in accordance with the time schedule set forth in the development plan. A public hearing shall be scheduled before the Plan and Zoning Commission regarding such failure and the developer shall be served prior notice therefore by certified mail. At such meeting the Commission shall consider all circumstances relevant to the developer's failure and shall vote to recommend to the City Council that appropriate remedial measures be initiated, which measures may include the initiation of rezoning of the subject property to the zoning classification effective immediately prior to the rezoning of the subject property to a PUD classification and referral of the matter to the legal department for institution of enforcement proceedings and the courts pursuant to Section 134-31, 134-32. Upon receipt of the recommendations of the Commission the City shall act to initiate remedial measures in conformity to the Commission's recommendations or to initiate such other remedial measures as the Council determines to be reasonable necessary under the circumstances.

So they believe that the issue before the Commission is what remedy should be recommended to the City Council for the PUD Mixed Use classification placed on the property. The Iowa Supreme Court guides us by the following requirements: Zoning must be in accord with the comprehensive plan. *Holland versus City Council of Decorah* 622 NW 2nd 681, 685, Iowa 2003. Iowa Code Section 414.3 requires that zoning regulations should be made in accordance with a comprehensive plan. *Wolf versus the City of Ely* 493 NW 2nd 846, 847 Iowa 1992. *Soka versus a Zoning Board of Adjustment of Harlan #5-062/031227* Iowa 2005. As in the *Soka* case in Beaverdale there have never been a suggestion that the zoning area one residential district was not in accord with the comprehensive plan. We appeared before this body previously in opposition to the last request for a change in zoning to the Planned Unit Development Mixed Use. Our argument were that this portion of Beaver Avenue was designated a residential protected corridor by the comprehensive plan. For a litany of reasons delineated in the City's Comprehensive Plan zoning should be restricted to "R1" Single Family Dwelling. The primary reason is that apartments and commercial infill adjacent to large single-family homes build as early as 1915 with large front lawns were best served according to the comprehensive plan by "R1" Infill. Apartments and commercial buildings would lead to degradation of the "R1" housing an eventual loss of the residential corridor. The benefit of a residential corridor over a commercial corridor is that it introduces the residential nature of the community, slows traffic and is pedestrian friendly. From the perspective of Beaverdale as a whole the current PUD violates every zoning principle articulated in the comprehensive plan designed to protect single-family residential neighborhoods. It is noteworthy to remind the Commission and the public that Rice Field had been designated as a public park by a duly constituted government entity. According to the last time they appeared before this Commission they gave an exhaustive presentation of benefit to urban parks, what Rice Field offered based upon research of the National Trust of Public Land in Washington, DC. The research found unequivocally that urban park have a transformational effect on urban living for the better. They increase property values, encourage community renewal and provide cohesiveness. They promote wellness both physical and psychological. The overwhelming evidence gathered by research around the country as well as Iowa law and our City ordinances prove beyond doubt that a park or school yard is the best use for Rice Field as it has the potential to provide for the welfare of the community in diverse ways. It is obvious that if park land is developed the development that results will diminish home values as well as the well being of the community. Further it is well documented that the healthy urban living requires 10 acres of park land per 1000 population. Beaverdale, Ward 1 northwest ward has the least amount of public park land in the metro area with 2 acres per 1000. The northeast ward have 9 acres per 1000 population, the southeast ward have 14 acres per 1000 population and the southwest ward have 42 acres per 1000 population. The Iowa Supreme Court considers a PUD to be zoning. An amendment to a PUD is a change in zoning. The process the City of Des Moines utilized when approving the change in zoning for the current PUD Mixed Use was to change the underline zoning enact the PUD Mixed Use one minute later. The two steps to this are effectively a single action. We urge the Commission to recommend the zoning be returned to the classification before the PUD Mixed Use was adopted and return to "R1" Residential. There are Supreme Court cases that support that. Finally "amendment to the PUD" does not comport with the comprehensive plan and does not serve the welfare of the neighborhood. The only poll of the community ever made was the Scientific Essman Survey which showed that 75% of the community wanted an enhanced park at Rice Field and 67% wanted it left alone. The Beaverdale Community completely rejected senior housing as a use for Rice Field. Senior housing was said to be not a good fit for the community. In fact Ewing Development was not even allowed to present their proposal at a meeting held at Hoover High School where the six plans that were proposed

for Rice Field were to be considered by the citizens. A single use multi residential block building with its back to the community where trees are not planted to separate pedestrians from traffic implements no principles of the comprehensive plan relating to our residential neighborhood predominately an "R1" in nature. Under the new proposal Rice Field would go from an open to the public designation to being closed to the public. Finally, additionally senior housing is not needed in Beaverville. Only 5% of the elderly leave their homes. The overwhelming numbers within this 5% are people with chronic health problems and or physical or psychological problems. Fifty-five years old and other healthy seniors are not leaving their homes in significant numbers. He ask that we receive and file a number of petitions.

Bruce Butler 2420 Beaver Avenue ask the developer for the age of the people he said already signed up.

Dann Flaherty stated that the developer could address this question during rebuttal time.

Bruce Butler stated there is a statistic out there that 90% of the people that go to assistive living are 90 years old. The target for this development is 55 years old and he don't see any 55 years old going to this development. He does have a client that is interested in it that is over 80 years old and he wonders whether this senior housing is appropriate for the age demographic. He has read every single case that mentions a PUD Appellate case in Iowa. Every time a PUD have been accused of spot zoning the Iowa Supreme Court or the Court of Appeals have said yes a PUD is spot zoning every single time. But they have said spot zoning is not the end of the question. The question is whether it is illegal spot zoning. An illegal spot zoning is depended upon whether or not it comports with the comprehensive plan, whether it supports the community welfare. It is doubtful, Mr. Ludwig's opinion to the contrary, that the Iowa Supreme Court is going to allow a City to place a PUD on an area and then have carte blanche forever on what goes inside that area. It essentially classifying it as PUD removes it from a 150 years of zoning law and that is just not going to happen. To change this from a PUD Mixed Use to a PUD single use is a conceptually substantial change and it effects the whether it is in conformity with the character of the community and whether it is in the best interest of the community both questions at the Iowa Supreme Court ask when it determined whether a change in zoning is legal or not or whether the spot zoning is legal or not. For those reasons he believes that the Commission should as Mr. Jewett requested go with the recommendation that this PUD be returned to "R1" zoning and start fresh from the beginning.

Nancy Stillians 1604 24th Place stated she is not a resident but have been following this matter since 2003. She was impressed when she went to the meeting where this team presented this plan. It seemed of the many plans she has seen this is an honorable plan. The decision of the Commission is going to be one that if it is simply on all of these details and all of these little ordinances and so on it is not going to be a decision that is the right decision. What is not known hurts in many cases. There is so much that is not known about this whole Rice Field issue that rather than get into those things she would simply say the right thing could not be done if the Commission allows this now at this time. She respects this Commission. This looks like a decent plan but would like to think that Mr. Ewing would want to know what had gone on. There have been at least seven instances of officials committing malfeasance in this. Rice Field was a public field that was the way it was suppose to be when Rice Field was torn down. The political pot was stirred. Delay is not going to hurt anything. If anyone wants more information she will be happy to provide it or ask that they read the 75 page chronology on the whole issue.

Jim Johnson 1918 Avalon Road stated he has been following this since the beginning and he noted a couple of controversial projects involving green space and developers. There is something a little perverse about the rush to eliminate public spaces. Spaces where people can gather together.

Diana Kebedu 4004 Amick Avenue stated they have come before the Commission, City Council and various groups over the past seven years. She comes before the Commission because she believes their community is going to be seriously violated. There are some decisions that need to be made by our public officials. The developer has said that this project is needed in our community and others in position of power making decisions have tried to tell this community what is best for them and their children. She knows the Commission was favorable the last time they were before them and at the City Council some decision was made there. She doesn't believe that it is ever too late to right a wrong. She hears talk that they have already decided this, that the train is moving it can't stop. That is not true. When something is not right and there has been an injustice and people's welfare and well being is not being respected we need to stop in this community and listen to the people who are calling out to you. She is sure the developers are wonderful people, talented. She is hearing all the talk about all the wonderful quality building materials but if this development needs all of this extensive buffering from the community, why does it need that buffering. Because it is not right for the community. She hears talk about the water. Bill Stowe, highly respected in this community, stood before one of the deciding groups and said Rice Field is a big green sponge and if left alone there will be no need to mitigate any water problems. Water is flowing also off of Beaver Avenue because all of Beaverdale has stormwater issues. Rice Field is not causing them. When a structure is put on Rice Field and pavement then that is when it will be a need to mitigate it. That will be very expensive. Most neighbors surrounding that field have signs in their yard saying no to development. Some people have asked why aren't they seeing more signs, the answer is it cost money to pay and put up sign. The City leaders and people in position of power are not listening that is over a century green space, a covenant with the community not unlike the square in Pella, Iowa.

Sharon Iverson 4120 Amick stated she got involved with this years ago as a voice for the children. So she is here to represent the children who have used this field and would like to continue. They already have four senior housing developments in Beaverdale. She pointed out that the children are told they should go to Hoover or out of Beaverdale to find a place to play sports. What will be left for children to play in. You form a community around a green space usually a public school. They lost the public school, do they have to lose their village green. She asked the Commission to look out for the community and the children.

Jim Clark 1410 Beaver Avenue asked if tax abatement is involved with this property.

Mike Ludwig stated they would be eligible for 5 year residential but tax abatement does not require review by the Urban Design Review Board.

Jim Clark stated existing PUD is not a residential PUD the zoning is being changed on the property.

Mike Ludwig stated a Residential PUD concept plan is proposed.

Jim Clark stated he still believes that there is government involvement through the tax payers involvement. He asked about the number of parking spaces. He believes that the traffic will increase and with 54 units and if they are couples there would be 108 people and like he and his wife they both drive separate cars. Then there are also visitors. Where will the adequate parking be.

Paul Melton 3118 Beaver Avenue asked about what could be done about the north entrance off of Beaver. His driveway is right across the street from it. Right now there is a three lane street with traffic going both ways and a turning lane in the middle. His concern is not only will he have to watch both lanes and the turning lane but now he will have to watch across the street. He is not in favor of any more lights. Also truck traffic that will be going in and out of that entrance.

Kevin Munyon 3124 Beaver Avenue stated his concern is the same as Mr. Melton. It will be difficult to back out onto Beaver Avenue looking out for traffic going both ways, the turn lane and now the entrance across the street. He also agrees that this project will result in more commercial traffic and increased traffic. The proposal for using brick making the project look nice is on the side that you can't see from Beaver Avenue and it is the people's backyard along the north and the east. He believes that the brick should be flipped over around the other direction then there will be more open green space. He believes that the park should stay a park.

Ross Schaffner 4046 Wallace Lane stated he agrees with everyone who has spoken in opposition of the applicant's request. More than just kids or people who live in Beaverville use Rice Field. In regards to traffic there is a huge Hy-Vee being developed about a ¼ mile north of Rice Field which will probably create increased traffic in addition to this proposal which will be problematic. He showed the Commission a picture of kids practicing football on Rice Field as one of the examples the field is used for.

Joan Thorup 4047 Ashby Avenue stated she is concerned with the increased traffic and believes the increased traffic will cause major traffic problems.

Rebuttal

Josh Cowman stated that some of the concerns that were expressed tonight were addressed at both of the public meetings. In regards to the parking there are 60 underground parking stalls below the building. That is why it appears to be a lack of surface parking. This project is an independent senior housing cooperative so there will not be any large semi-truck deliveries. There is no commercial kitchen in the building. The biggest truck that will be coming through there will be the garbage truck.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Vicki Stogdill stated it sounds like the Commission failed to exercise their right to void the existing PUD in June 2010. She would like to make a motion that the Commission do that tonight.

Roger Brown stated what is before the Commission to act on tonight is an application for site plan approval. The Commission can approve it, approve it with conditions or deny it. He ask that in their discussion they give reasons for their decisions. If they were to choose denial and to recommend City Council initiate further action to rezone the property back to something else again he would ask that the Commission state the justification for that

decision. He clarified that this Commission cannot consider this property to be public property. It was owned by the school board and sold to a private developer. The owner of this property has allowed people to use it, just as you might allow the neighborhood kids to use your front yard. That does not make it public property. It is not a public park. It is private property and they have the right to make a valuable, profitable use of their property. He asked the Commission to decide on the merits based on the site plan regulations that have been identified in staff report. Does this meet the standards for a PUD conceptual plan? If the standards are not met then identify what standards aren't met.

Dann Flaherty asked then if the previous motion was in order.

Roger Brown stated the Commission could forward a recommendation to City Council that they consider initiating an active rezoning but he believes the Commission should also act on the application that is before them.

Ted Irvine asked would it accomplish the same thing if they moved staff and voted it up or down. Asked Commissioner Stogdill if her motion was to vote against staff and then take up a completely separate motion that suggest that the Commission would recommend to Council. He clarified that the Plan and Zoning Commission makes recommendation to the City Council. Nothing the Commission does is final.

Vicki Stogdill asked if that is the proper order in which to do it.

Roger Brown stated a motion has to pass with a majority vote. If that motion to deny were to not pass it does not mean that the plan is approved.

Greg Wattier stated he gets the impression that it is all or nothing. It is 100% green space, leave it the way it is today or nothing. That there is no sort of compromise in any way of any sort of development. The traffic and the parking are moot points as anyone knows when trying to find parking and getting back out on Beaver when there is a game going on there. He offered a thought to the developer. He personally believes that this plan is significantly better than the previous plan. It is well thought out on a number of things. The mass of the building is fairly consistent with some of the masses of buildings in that area and he believes that the applicant can do a better job demonstrating that. He believes the applicant's plan fails on the perception and the reality of the development connecting into the neighborhood and connecting into the community. Everything from fences to trees, the way the building turns it back and the entry is the perception that it is a very private inward thing. He believes the design of this project could open itself up and integrate into the community would be much better for the neighborhood. He also encourages the applicant not to use a standard floor plan. This is an extremely unique site and so instead of a long shaped building maybe it is more of a compact building that would allow significantly more green space to the south. Eliminating the retail is a positive, if there were retail spaces the traffic would definitely be a problem.

Christine Pardee commented that this is a very challenging issue and she would like to express her gratitude for the residents that have stuck in and paid attention and given so much of their time over the years.

Greg Wattier stated if this moves forward then more work should be done instead of having all of these conditions.

CJ Stephens stated she believes that this property is private property now so speaking of this as a park is irrelevant at this point. The court has now ruled that the applicant now owns this property and if they follow the rules they can develop it. The Commission does not have a choice. This neighborhood has two excellent parks and her neighborhood has zero parks. She commends the people for fighting for green space but at this point she is struggling with the fact this is private property. The Commission cannot say retain green space.

Vicki Stogdill stated she agrees that it is privately owned. However, she does not know if she was at that meeting in June when it was decided by the Commission not to consider that.

Mike Ludwig stated the meeting was June of 2010.

Vicki Stogdill stated that she was not on the Commission at that time. She does not know the reason that went into that. It sounds if they are waiting for these court cases to be resolved. They decided let's let this play out and see how the chips fall when all of the court cases are settled. So that came and went and this Commission never revisited that is why she is saying it is private property and not a park. This Commission has a duty to follow the rules and that is this property was not developed in a timely manner that it was suppose to, when the PUD was approved. So the Commission does have the ability to go back and revisit that. That is what her motion is about.

John "Jack" Hilmes asked for clarification that there was reference to approval of site plan and that this is an amended PUD Concept Plan.

Dann Flaherty stated he was correct.

COMMISSION ACTION:

Vicki Stogdill made a motion to deny the applicant's request and recommend to the City Council that they reconsider purchasing the property and prior to that hold a public hearing to rezone or void the existing PUD.

Motion failed 4–8 (Vicki Stogdill, Jacqueline Easley, Dann Flaherty and Jann Freed voted in support and Ted Irvine, Shirley Daniels, Greg Wattier, Christine Pardee, Dory Briles, JoAnne Corigliano, John "Jack" Hilmes, and CJ Stephens voted in opposition)

John "Jack" Hilmes moved staff recommendation to approve the amended PUD Conceptual Plan be subject to the following revisions:

1. A note shall be added to the PUD Conceptual Plan to state that installation of all public utilities and sewers to serve the subject property shall meet City design standards and be installed at the developer's expense.
2. The PUD Conceptual Plan needs to contain additional details regarding the stormwater main connecting to the existing sewer within 40th Place right-of-way, including its size (15-inch diameter), that it will be constructed to City standards at the developers expense and dedicated to the City for future City maintenance.

3. The PUD Conceptual Plan shall indicate the 30-foot-wide easement for sanitary sewer that crosses the southwestern corner of the site and include a note to state that no structures or signs shall be placed within the easement.
4. The PUD Conceptual Plan shall include additional information, including cross sectional drawings that identify the depth and side slopes of the proposed basin and capacity calculations for the basin.
5. The PUD Conceptual Plan shall include a 6-foot tall solid wood fence along the north and east property lines. However, the portion of the fence within 30 feet of Adams Avenue property line shall only be 3 feet tall.
6. The PUD Conceptual Plan shall demonstrate whether pedestrian access to Wallace Lane will be provided. If it is provided, the PUD Conceptual Plan shall demonstrate a sidewalk that connects to other proposed sidewalk within the development.
7. The PUD Conceptual Plan shall demonstrate that the existing fencing along the pedestrian access to Wallace Lane shall be replaced with black vinyl-coated chain-link fencing.
8. The PUD Conceptual Plan shall demonstrate that the buffer yard plantings (two overstory trees and six evergreen trees per 100 lineal feet) will be provided within a 20-foot wide buffer along the entire north and east property lines. This will cause the northern driveway to be shifted approximately 10 feet to the south.
9. The PUD Conceptual Plan shall clarify whether any existing trees are proposed to be removed and provide adequate justification for their removal. Any approved removals shall be subject to the City's mitigation ordinance.
10. The PUD Conceptual Plan shall reflect an overall unified landscaping design, including foundation plantings, plantings surrounding the off-street parking area, and plantings within the planter bed within the off-street parking area as well as street tree plantings.
11. The PUD Conceptual Plan shall be revised to reflect a street tree every 30 lineal feet along both the Beaver Avenue and Adams Avenue frontage.
12. The note on the PUD Conceptual Plan regarding the Beaver Avenue Streetscape shall be revised to state that any future PUD Development Plan shall include design elements of the Beaver Avenue Streetscape along the Beaver Avenue frontage, including but not limited to a minimum 6-foot wide sidewalk, a 6-foot wide planting strip, black streetlight pole(s), black LED street light fixtures, and appropriate tree species.
13. A note shall be added to the PUD Conceptual Plan to state that a minimum 5-foot wide sidewalk and 5-foot wide planting strip will be provided along the Adams Avenue frontage from Beaver Avenue to the west edge of the proposed driveway access along Adams Avenue.

14. The developer shall provide a street lighting design for the Beaver Avenue frontage that complies with the City's street lighting standards.
15. A note shall be added to state that existing wood utility distribution poles along Beaver Avenue shall be replaced with black poles that match the Beavertown streetscape at the developer's expense and any overhead service crossings over Beaver Avenue shall be undergrounded at the developer's expense.
16. A public access easement shall be provided for sidewalks along Beaver Avenue and Adams Avenue that extend onto the subject property.
17. The building elevations for the structure shall be revised in accordance with the following:
 - a) A predominant building entrance feature oriented toward Beaver Avenue shall be provided on the west facade and shall be designed to the satisfaction of the Community Development Director. The PUD Conceptual Plan shall demonstrate a sidewalk that connects this entrance to the public sidewalk along Beaver Avenue.
 - b) All building materials shall be clearly labeled on the PUD Conceptual Plan.
 - c) At least two-thirds of the surface area of building façades facing Beaver Avenue or Adams Avenue, as well as the two shorter end facades, shall be sided with brick or stone. At least one-third of the building façades facing the internal parking lot shall be sided with brick or stone.
 - d) A note shall be added to state that any horizontal overlap siding and trim shall consist of cement board material.
 - e) Gables on the structure shall include exposed rafters, decorative beams or braces, and/or shake-style cement board siding.
 - f) A note shall be added to state that all windows on the structure shall be double-hung with a multi-light over single pane "craftsman" style.
 - g) A note shall be added to state that all exterior entry doors on the structure shall have multi-light "craftsman" style windows.
 - h) A note shall be added to state that all windows and exterior entry doors on the structure shall have trim surrounds of at least 4 inches in width.
 - i) A note shall be added to state that the roof will have architectural-type asphalt shingles with a minimum 30-year warranty.
 - j) A note shall be added to state that any decks that are not fully recessed into the structure shall be constructed with steel frames and steel support posts.
 - k) A note shall be added to state that any HVAC equipment shall vent through the roof and rooftop vents shall be complimentary in color to the roofing material. Any rooftop mechanical equipment shall be mounted on the private parking lot side of the building and architecturally screened from view.

l) A note shall be added to state that all utility meters, transformers, ground-mounted equipment, and other utilities shall be placed on building facades that face the private parking lot.

18. The note on the PUD Conceptual Plan regarding monuments signs must be clarified to state that any freestanding signage will be monument-style with bases constructed of brick or stone materials that match the masonry materials used on the primary structure.

19. The PUD Conceptual Plan shall demonstrate the location of any outdoor refuse collection container enclosure and provide a statement that any such structure will be constructed with brick or stone materials that match the masonry materials used on the primary structure and steel gates. Any enclosure structure should also include non-gated pedestrian entrance and be sized to accommodate recycling containers. If no outdoor enclosures are proposed, then a note should be added to state that all refuse collection containers must be located within the building.

20. A note shall be added to the PUD Conceptual Plan to state that all site lighting shall be directed downward and shielded from adjoining properties. Any pole mounted lighting along private walkways shall not exceed 15 feet in height and any pole mounted lighting in the parking lot shall not exceed 20 feet in height. Private light poles, pole mounted light fixtures and building mounted light fixtures are to be similar in style to a black KIM archetype light fixture.

Motion passed 7-5 (CJ Stephens, Jann Freed, Dann Flaherty, Jacqueline Easley, and Vicki Stogdill all voted in opposition)

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment

Request from Beavertale Partners, LLC (owner) represented by Jeffrey Ewing (officer) for review and approval of an amendment to the Rice Development Partners PUD Conceptual Plan on property located at 3001 Beaver Avenue.			File #		
			ZON2013-00163		
Description of Action	Approval of an amendment to the Rice Development Partners PUD Conceptual Plan on property located at 3001 Beaver Avenue revising the name to Beavertale Cooperative Housing PUD and allowing development of a three-story 54-unit multiple-family dwelling for senior living subject to conditions.				
2020 Community Character Plan	Low/Medium Density Residential and Commercial: Pedestrian-Oriented Neighborhood Node (current & no change proposed)				
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	31			
Outside Area					
Plan and Zoning Commission Action	Approval	7-5	Required 6/7 Vote of the City Council	Yes	X
	Denial			No	

Beavertale Partners LLC - 3001 Beaver Avenue

ZON2013-00163



Item ZON2013-00163

Date _____

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

(Circle One)

Print Name

PAUL NAGEL

Signature

Paul Nagel

Address

4045 Adams Ave

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

I approve but do not want any fence
on my contiguous lot lines. I also want
no big species trees planted too close to
my existing mature trees

Item ZON2013-00163

Date

10/14/13

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

RECEIVED
COMMUNITY DEVELOPMENT

OCT 17 2013

Print Name

J. M. Rossey

Signature

[Signature]

Address

4207 Adams

DEPARTMENT

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

Item ZON2013-00163 Date 10/15/13

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

RECEIVED
(Circle One)
COMMUNITY DEVELOPMENT Print Name John McRoberts

OCT 21 2013 Signature Joe McRoberts

DEPARTMENT Address 2929 Brewer

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

- ① Not a good use of the land
- ② There are too many Retirement Homes in the area (5)
- ③ The Direction they are to keep 2000 and not easy to finance - it really will be impossible

Item ZON2013-00163 Date 10-10-13

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

RECEIVED
(Circle One)
COMMUNITY DEVELOPMENT Print Name Geraldine Lavia

OCT 16 2013 Signature Geraldine Lavia

DEPARTMENT Address 3106 Brewer Ave

Reason for opposing or approving this request may be listed below: 54 Units in this Development means approximately 95-108 people to come go in the area plus a estimate of 40-50 more cars as well as all the cars including Keaton's park when there is only 50 car spaces underneath a parking area ground. No street parking to accommodate the visitors when Rice was torn down. School board said given space that is a joke. but it was public land what gave them (school board) the right to sell out land. - Before Rice was torn down repairs was given on Rice 2 years free - with new front new 700 sq ft windows & other lots of money wasted. I wish Rice had to be left as is, do not want to build the back side of the house

ZON2013-00163

Item

Date

10-14-13

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

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT

Print Name

J. Ellen McGRANE

Signature

J. Ellen McGrane

OCT 17 2013

Address

3130 Beaver Ave DM

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

Should be kept as a park. This weekend there were kids playing frisbee, kids playing football. We need some reason for young families to be attracted to Beaver Lake. It's been a good neighborhood.

ZON2013-00163

Item

Date

10/9/13

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

RECEIVED
(Circle One)

COMMUNITY DEVELOPMENT

Print Name

LARRY OLSON

Signature

L Olson

OCT 16 2013

Address

4052 Ashby Ave DM IA

DEPARTMENT

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

I AM AGAINST ANY DEVELOPMENT OF RICE FIELD BUT I WOULD ACCEPT DEVELOPMENT THAT FITS STRUCTURES IN THE AREA. THIS DOES NOT.

Item ZON2013-00163 Date 10-8-13

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

(Circle One)
RECEIVED
COMMUNITY DEVELOPMENT
OCT 17 2013

Print Name ROBERT SHAPFNER

Signature Robert Shapfner

Address 7096 WALLACE RD

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

MANY

Item ZON2013-00163 Date 10-9-13

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

(Circle One)
RECEIVED
COMMUNITY DEVELOPMENT
OCT 16 2013

Print Name BRAD BEY

Signature Brad Bey

Address 3136 Beaver Ave

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

Item ZON2013-00163 Date October 13, 2013

I (am) in favor of the request.

(Circle One)
RECEIVED
COMMUNITY DEVELOPMENT DEPARTMENT
OCT 17 2013
Print Name Paul K. Melton
Signature Paul K. Melton
Address 3118 Beaver Ave. Des Moines, IA 50310

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

Already 5 senior housing within 1 mile on Beaver. Proposed development changes how Beaverdale has been known - great place to raise a family & now to be great for seniors. Developers plan to make site totally private. Our home site would be perfect for a family but not likely to be purchased as no public school or place for kids to meet & play.

Item ZON2013-00163 Date 10-11-2013

I (am) in favor of the request.

(Circle One)
RECEIVED
COMMUNITY DEVELOPMENT DEPARTMENT
OCT 17 2013
Print Name Kevin E Munyon
Signature Kevin E Munyon
Address 3124 Beaver Ave DSM 50310

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

Traffic congestion, unsightly back side development, lowering property values, loss of green space for community

ZON2013-00163

Item _____ Date 10/11/13

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

RECEIVED
COMMUNITY DEVELOPMENT
OCT 17 2013

Print Name Denise E. Hogan
Signature [Signature]
Address 3030 10th Pl Des Moines

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

already a highly saturated residential community
with several established senior residences... cannot
green space is an asset to the community.

ZON2013-00163

Item _____ Date 10/13/13

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

(Circle One)
RECEIVED
COMMUNITY DEVELOPMENT
OCT 17 2013

Print Name James Duffy
Signature [Signature]
Address 3204 Beaver Ave

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

This would tear the heart out of Beavercdale.
It may as well be a private country club.
This will add nothing to the quality of life
of the entire Beavercdale where this field
is a focal point the way it now sits.

Item: ZON2013-00163

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

(rezoning of the Rice Field Property)

Print Name Mandy Harris

duplicate

Signature Mandy Harris

Address 3030 4th Place

Item: ZON2013-00163

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

(rezoning of the Rice Field Property)

Print Name Pat Merrick


~~duplicate~~

Signature Pat Merrick

Address 4030 Wallace Ln

Item: ZON2013-00163

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

(rezoning of the Rice Field Property)

Print Name ROB SHAFNER

duplicate

Signature Rob Shaffer

Address 9095 WALLACE AVE, D17, 50310

Item: ZON2013-00163

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

(rezoning of the Rice Field Property)

Print Name Susan L. Jahn ✓

Signature Susan L. Jahn

Address 4116 Wallace Lane

Item: ZON2013-00163

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

(rezoning of the Rice Field Property)

Print Name Cindy Gilbreath ✓

Signature Cindy Gilbreath

Address 4108 Ashby Avenue

Item: ZON2013-00163

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

(rezoning of the Rice Field Property)

Print Name Linda Agnew (Saluri) ✓

Signature Linda Agnew

Address 3132 40th Pl dm ia 50310

Item: ZON2013-00163

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

(rezoning of the Rice Field Property)

Print Name Tyler Kirby ✓

Signature *[Handwritten Signature]*

Address 3114 40th Place BSM, PA 50310

Item: ZON2013-00163

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

(rezoning of the Rice Field Property)

Print Name Cindra Schor ✓

Signature *[Handwritten Signature]*

Address 4060 Ashby Avenue 50310

Item: ZON2013-00163

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

(rezoning of the Rice Field Property)

Print Name Linda L. Skeers ✓

Signature *[Handwritten Signature]*

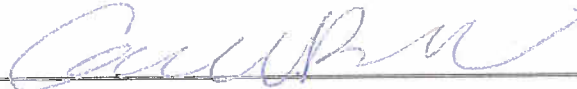
Address 4052 Wallace Ln, BSM 50310

Item: ZON2013-00163

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

(rezoning of the Rice Field Property)

Print Name Carol Benson

Signature 

Address 4038 Adams Ave

Item: ZON2013-00163

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

(rezoning of the Rice Field Property)

Print Name Karen Kennedy

Signature Karen Kennedy

Address 4103 Wallace Ln

Item: ZON2013-00163

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

(rezoning of the Rice Field Property)

Print Name BRAD REA

Signature 

Address 3136 Beaver Ave

Item: ZON2013-00163

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



(rezoning of the Rice Field Property)

Print Name GERALD D. CARPENTER

Signature Gerald D. Carpenter

Address 3100 BEAVER AVE.

Item: ZON2013-00163

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

(rezoning of the Rice Field Property)

Print Name Chase Coker (Renter)

Must be owner

Signature [Signature]

Address 3102 40th Pl

Item: ZON2013-00163

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



(rezoning of the Rice Field Property)

Print Name RON F MCKENZIE

Signature [Signature]

Address 4058 Wallace Lane

Item: ZON2013-00163

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

(rezoning of the Rice Field Property)

Print Name Beverly Katemann ✓

Signature Beverly Katemann

Address 3112 Beaver Ave

Item: ZON2013-00163

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

(rezoning of the Rice Field Property)

Print Name Geraldine Lavia duplicate

Signature Geraldine Lavia

Address 3106 Beaver Ave

Item: ZON2013-00163

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

(rezoning of the Rice Field Property)

Print Name Kevin E Munyon duplicate

Signature Kevin E Munyon

Address 3124 Beaver Ave

Item: ZON2013-00163

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

(rezoning of the Rice Field Property)

Print Name Jo Ellen McGRAVE **duplicate**

Signature Jo Ellen McGrave

Address 3130 Beaver Ave.

Item: ZON2013-00163

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

(rezoning of the Rice Field Property)

Print Name Tammy Merrick ✓

Signature Tammy Merrick

Address 4026 Adams Ave

Item: ZON2013-00163

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

(rezoning of the Rice Field Property)

Print Name James Duffy **duplicate**

Signature James Duffy

Address 3204 Beaver Ave.

Item: ZON2013-00163

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

(rezoning of the Rice Field Property)

Print Name John N. McRobert **duplicate**

Signature John N. McRobert

Address 2929 Beaver
Beaver Adams APTS
42 units

Item: ZON2013-00163

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

(rezoning of the Rice Field Property)

Print Name Connie Harris **duplicate**

Signature Connie Harris **OUTSIDE 250'**

Address 3210 Beaver Ave DM Va
5030

Item: ZON2013-00163

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

(rezoning of the Rice Field Property)

Print Name BRYAN LAWRENCE **outside 250' notification**

Signature Bryan Lawrence

Address 4212 ASHBY AVE

Item: ZON2013-00163

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

(rezoning of the Rice Field Property)

Print Name JAMES LYONS

Signature James Lyons

Address 4120 Ashley Cove



Item: ZON2013-00163

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

(rezoning of the Rice Field Property)

Print Name Michael Bergman

Signature Mike B

Address 4130 Ashby Ave



Item: ZON2013-00163

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

(rezoning of the Rice Field Property)

Print Name LAWRENCE YOUNG

Signature Lawrence Young


Address 4110 Wallace Lane



Item: ZON2013-00163

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

(rezoning of the Rice Field Property)

Print Name Pauline Hoeder 

Signature Pauline Hoeder

Address 4038 Ashby Ave.

Item: ZON2013-00163

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

(rezoning of the Rice Field Property)

Print Name Justin Cody outside 250' notification

Signature Justin Cody

Address 4306 Ashby Ave

Item: ZON2013-00163

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

(rezoning of the Rice Field Property)

Print Name _____

Signature _____

Address _____

Item: ZON2013-00163

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

(rezoning of the Rice Field Property)

Print Name Brian McCallum

Signature Brian McCallum

Address 3100 North place, Des Moines, IA 50310

Item: ZON2013-00163

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

(rezoning of the Rice Field Property)

Print Name KARL DOW

Signature Karl J. Dow

Address 4041 ADAMS AVE, DSM, IA 50310

Item: ZON2013-00163

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

(rezoning of the Rice Field Property)

Print Name Ann Melton **duplicate**

Signature Ann Melton

Address 3118 Beaver Ave, Des Moines, IA 50310

Item: ZON2013-00163

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

(rezoning of the Rice Field Property)

Print Name MARTIE HOMER

Signature [Handwritten Signature]

Address 4035 ADAMS AVE.

Item: ZON2013-00163

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

(rezoning of the Rice Field Property)

Print Name KEVIN RICE **NOT OWNER**

Signature [Handwritten Signature]

Address 3126 40TH PL.

Item: ZON2013-00163

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

(rezoning of the Rice Field Property)

Print Name DENNIS DENTON

Signature [Handwritten Signature]

Address 3118 40TH PLACS DSM 50310

Dear Plan and Zoning Commission members,

The property, located at 3001 Beaver Avenue, and the development of that site has been a very popular issue in the Beaverdale Neighborhood for the last few years. At this time, the Beaverdale Neighborhood Association (BNA) remains neutral on the P.U.D. for this site. (Board members Bill Gray and Sean Bagniewski have recused themselves regarding this topic).

Members of the board have had numerous opportunities to solicit feedback from residents of the neighborhood. The feedback we've received is very decisively mixed. Some residents are in favor of the original P.U.D., other residents are very interested in the new to-be-proposed plan, and there are also residents who would like to see no development on the property.

To date, our board has not discussed the topic in great detail, nor made any formal motions regarding it. Instead, we have focused on facilitating communication between the residents, the property owners, and all other significant stakeholders. We have asked the developer to hold as many public information meetings as possible, as well as to meet with residents near the location for input on the plan.

We have also strongly encouraged the developer to incorporate elements of the Beaver Avenue Streetscape Project into the development. The developer must also address storm sewer issues to ease draining and water pressure on Wallace Lane. We are hoping that these actions by the developer would benefit as many Beaverdale residents as possible.

If you have further questions, please feel free to contact me at your convenience.

Mike Tiedens
Beaverdale Neighborhood Association President
miketiedens@gmail.com
515-554-0392

Cc:
Council members Chris Coleman, Halley Griese, Mayor Cownie



CONCEPTUAL STREETSCAPE PLAN

North Segment

Fagen Drive to North Limit

- Street Trees on West Side
- Dedicated Bike Lanes
- LED Lights
- Concrete Walk and Curb Enhancements
- Storm Sewer Improvements

GROWING IN BEAVERDALE
BELIEVING IN BEAVERDALE



Proposed Intersection

BEAVER AVENUE + URBANDALE AVENUE



Existing conditions - Rick Street Amick Avenue



Existing conditions - View north towards Douglas, Narrow Sidewalks



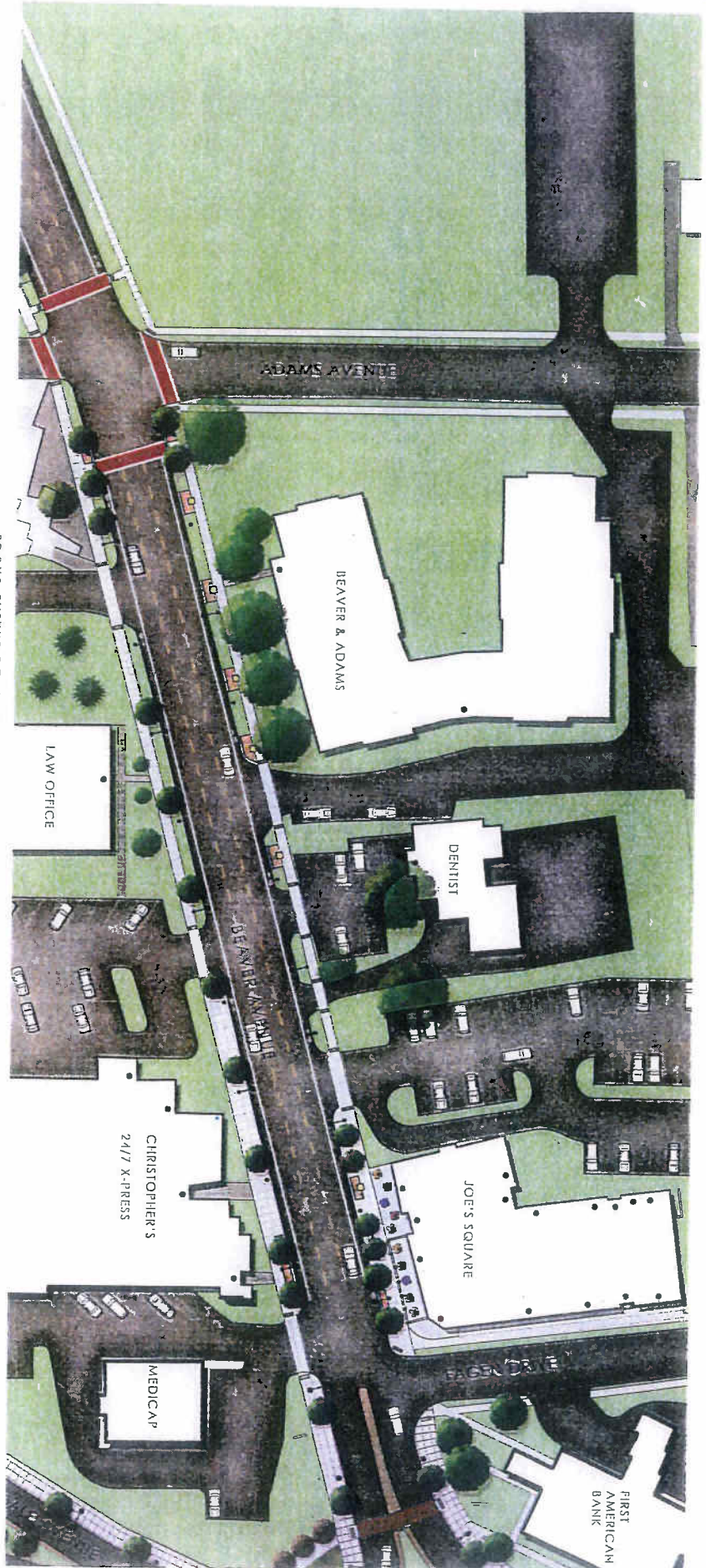
Existing conditions - View north near Boasen the Florist



- Designated bike lane and center turn lane.
- Vegetative street improvements.
- New street trees and sidewalk planters.
- New p.c.c. walk 5' minimum width.

- Designated bike lane and center turn lane.
- Vegetative street improvements.
- New street trees and sidewalk planters.
- New p.c.c. walk 5' minimum width.

- Two way road / continue designated bike lane at Adams Avenue
- Residential vegetative improvements.
- New street trees / sidewalk plantings.
- New p.c.c. walk 5' minimum.
- Modified secondary crosswalk.
- Plantings within bulb-outs.

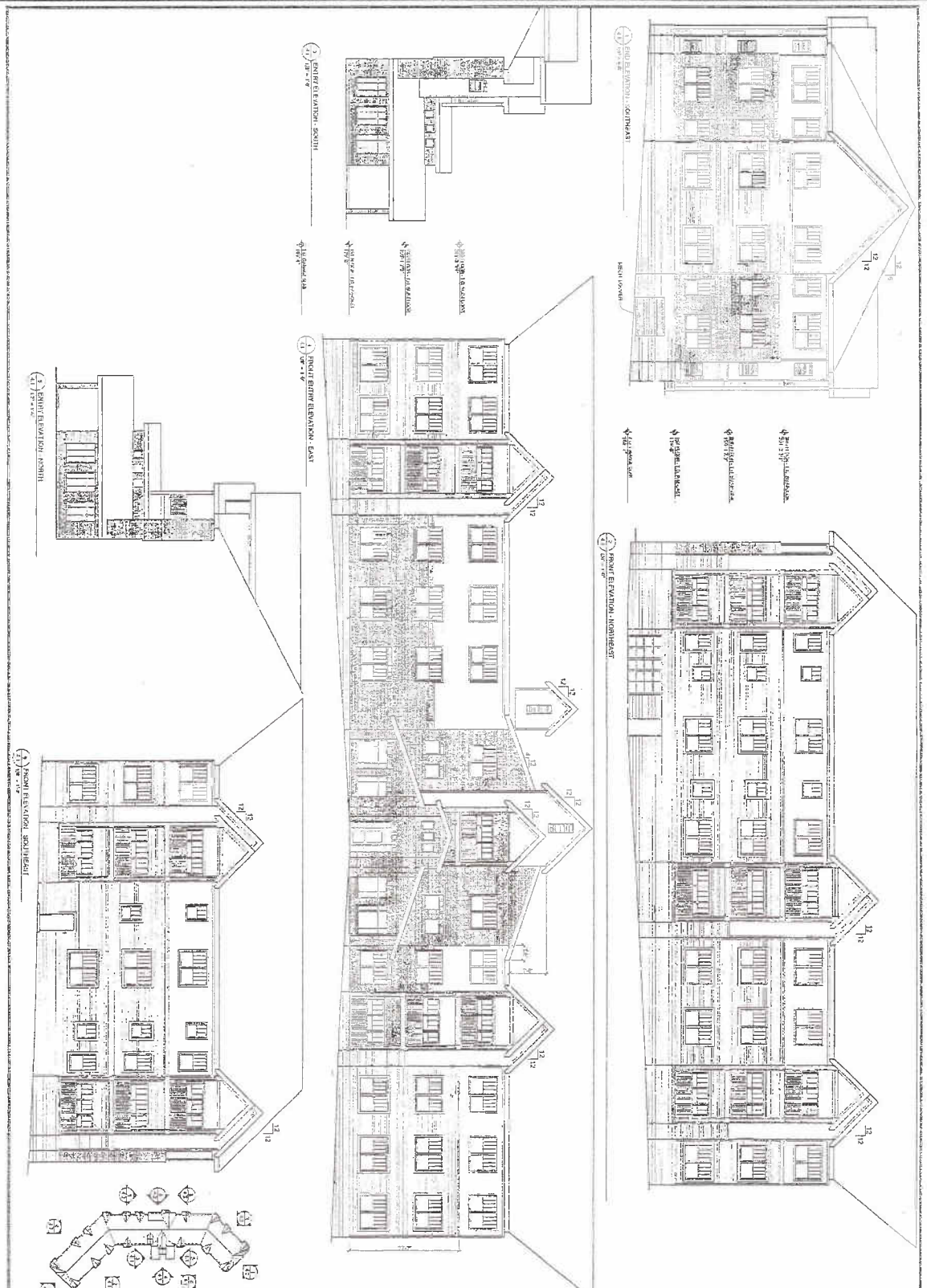


ADAMS AVENUE TO MID-BLOCK

- Install colored-concrete crosswalks at intersection of Beaver Avenue and Adams Avenue.
- Begin use of new light fixtures and consolidation of utility poles and overhead lines.
- Existing three lanes of traffic are maintained. No additional parking is added in this concept. Begin designated bike lane.
- Replace existing curb and gutter and install new concrete sidewalk.
- Street trees, planters, and planting urns are introduced to enhance visual appearance. Conifer trees and shrubs help to screen the Holy Trinity parking lot.
- Green Infrastructure, including rain gardens, are proposed to improve storm water drainage.

MID-BLOCK TO FIFTH DRIVE

- Continue utilization of new light fixtures and consolidation of utility poles and overhead lines.
- Existing three lanes of traffic are maintained and no on street parking is added in this concept. Creation of a designated bike lane.
- Minimize curb cut at 24/7 Express; replace driveway with sidewalk and vegetated planters.
- Replace existing curb and gutter and install new concrete sidewalk.
- Existing street trees to remain in front of Joe's Square.
- Street trees, planters, and planting urns enhance the visual appearance of the corridor.
- Green Infrastructure, including rain gardens, are proposed to improve storm water drainage.



4.1
 FIRST FLOOR PLAN
 SCALE: 1/8" = 1'-0"
 PROJECT: VINTAGE HILLS COOPERATIVE
 A "BEAVERDALE"
 DES MOINES, IA
 DATE: 05/27/20
 DRAWN BY: EDC
 CHECKED BY: EDC
 PROJECT NO.: 1330055
 ISSA ARCHITECTS, INC.
 21222 Jackson St. Suite 375
 Indianola, IA 52638
 ph 562-435-8397 fax 562-235-9673
 email info@issa.com

	BEAVERDALE COOPERATIVE HOUSING PUD CONCEPT PLAN DES MOINES, IA		MARK REVISION DATE BY
	SNYDER & ASSOCIATES, INC. 2727 S.W. SNYDER BLVD. ANKENY, IOWA 50023 515-954-2020 www.snyder-associates.com		Engineer: EDC Technician: JWM Date: 09-18-13 Scale: 1" = 10' Paid By: Pp
	Project No: 1330055		Sheet 4 of 6



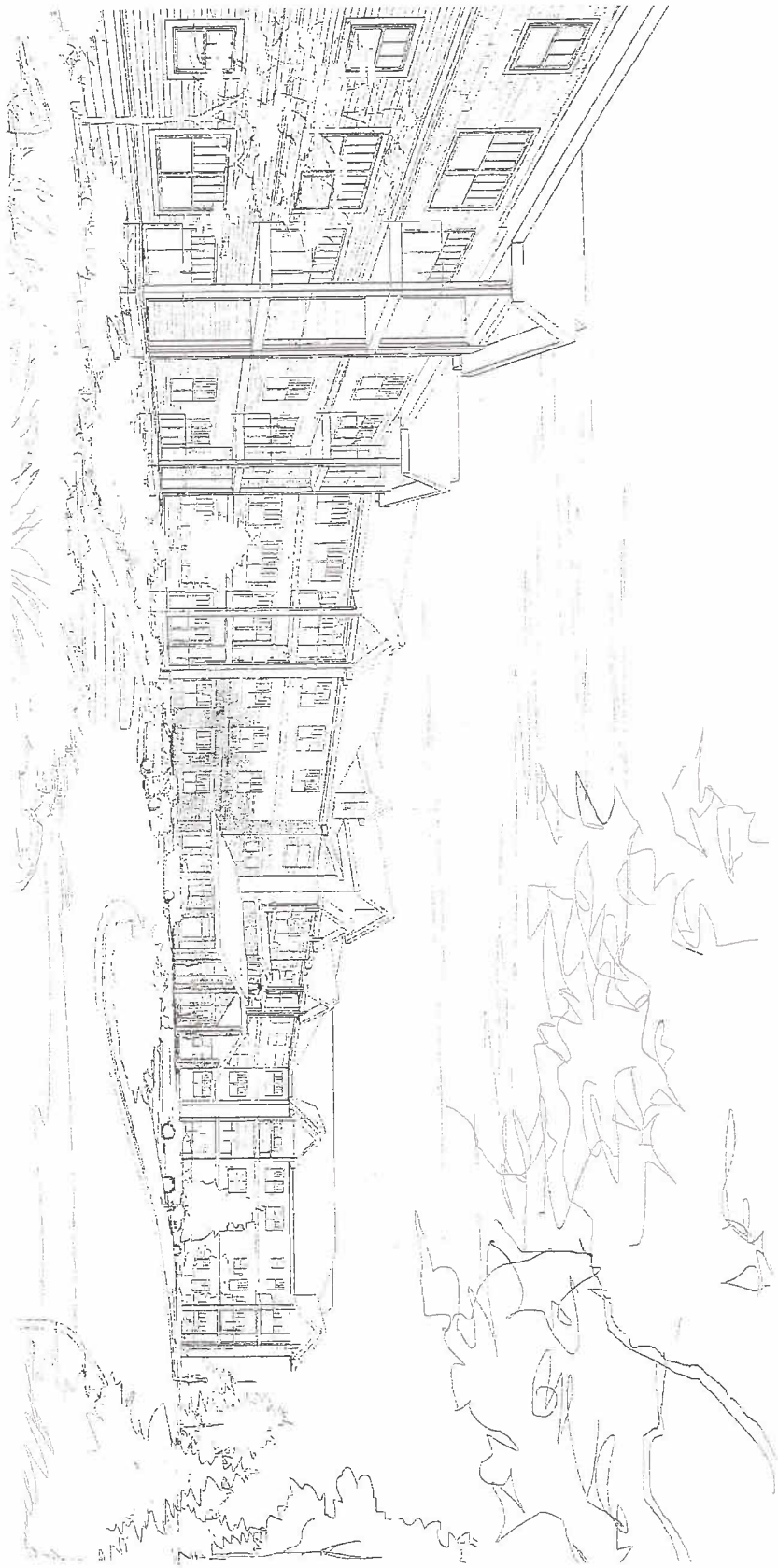
42
 EXTERIOR ELEVATIONS
 15/23
 BEAVERDALE COOPERATIVE HOUSING PUD CONCEPT PLAN
 DES MOINES, IA
 SNYDER & ASSOCIATES, INC.
 2727 S.W. SNYDER BLVD
 ANKENY, IOWA 50025
 515-964-2020 | www.snyder-associates.com

Sheet 5 of 6



BEAVERDALE COOPERATIVE HOUSING
PUD CONCEPT PLAN
DES MOINES, IA
SNYDER & ASSOCIATES, INC.

MARK	REVISION	DATE	BY
Engineer	EDC	Checked By	EDC
Technician	JWM	Date	08-18-13
Project No	1130065	Sheet	5 of 6



Sheet 6 of 6



BEAVERDALE COOPERATIVE HOUSING

PUD CONCEPT PLAN

DES MOINES, IA

SNYDER & ASSOCIATES, INC.

2727 S.W. SNYDER BLVD.
ANKENY, IOWA 50023
515-984-2020 | www.snyder-associates.com

DATE	BY	REVISION
09-18-15	EDC	Scale: 1" = 10'
	JWM	Field SW

Project No: 1130065 Sheet 6 of 6