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Date May 10, 2021

RESOLUTION HOLDING HEARING ON REQUEST FROM AHEPA MANAGEMENT COMPANY TO REZONE PROPERTY LOCATED AT 1111 EAST ARMY POST ROAD

WHEREAS, on April 19, 2021, by Roll Call No. 21-0613, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on April 1, 2021, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from AHEPA Management Company (purchaser), represented by Steve Beck (officer), to rezone the real property locally known as 1111 East Army Post Road (“Property”) from CX Mixed Use District to Limited RX2 Mixed Use District, to allow construction of a multi-household building intended for senior (age 55+) Household Living use and allowing residential units on all floors, including ground floor level, subject to the following condition:

1. Any Household Living use of the Property shall be limited to senior (age 55+) residents; and

WHEREAS, on April 19, 2021, by Roll Call No. 21-0613, it was duly resolved by the City Council that the request to rezone the Property be set down for hearing on May 10, 2021 at 5:00 P.M., by electronic means in accordance with the Governor’s and Mayor’s Proclamations and to encourage and maintain social distancing to curb the spread of COVID19 in the community, without public access to the meeting location; and

WHEREAS, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said proposed rezoning; and

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

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property locally known as 1111 East Army Post Road, legally described as:

An irregular shaped portion of Lot 12, Southridge Plat No. 2, an Official Plat, Des Moines, Polk County, Iowa, more particularly described as follows: Commencing at the southwest corner of said Lot 12; thence N00°42’50”W along the west line of said Lot 12, a distance of 94.00 feet; thence N90°00’00”E, a distance of 51.00 feet to the point of beginning; thence N00°42’50”W parallel with and 51.00 feet east of the west line of said Lot 12, a distance of 436.65 feet; thence N89°17’10”E, a distance of 455.20 feet; thence S00°10’24”W, a distance of 185.00 feet; thence S89°17’10”W, a distance of 43.00 feet; thence S00°10’24”W, a distance of 256.75 feet; thence N90°00’00”W, a distance of 405.39 feet to the point of beginning.

Subject to and together with any and all easements and restrictions of record.

Containing 187,488 Square Feet (4.30 Acres)

Date May 10, 2021

from CX Mixed Use District to Limited RX2 Mixed Use District, construction of a multi-household building intended for senior (age 55+) Household Living use and allowing residential units on all floors, including ground floor level, subject to the above-stated condition.

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, and any and all statements of interested persons and arguments of counsel, any objections to the proposed rezoning of the Property to Limited RX2 Mixed Use District are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, to Limited RX2 Mixed Use District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY _____ TO ADOPT.

FORM APPROVED:

/s/ Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

(ZON2021-00029)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

MOTION CARRIED APPROVED

CERTIFICATE

I, P. KAY CMELIK, 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

Mayor

April 13, 2021

Date May 10, 2021
 Agenda Item 51
 Roll Call # _____

Honorable Mayor and City Council
 City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their April 1, 2021 meeting, the following action was taken regarding a request from AHEPA Management Company (purchaser) represented by Steve Beck (officer) to rezone property located at 1111 East Army Post Road from "CX" Mixed Use District to "RX2" Mixed Use District, to allow development of the property with senior Household Living use allowing dwelling units on the ground floor level.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 13-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles	X			
Abby Chungath	X			
Kayla Berkson	X			
Jann Freed	X			
Johnny Alcivar	X			
Lisa Howard	X			
Carolyn Jenison	X			
Greg Jones	X			
William Page	X			
Rocky Sposato	X			
Steve Wallace	X			
Greg Wattier	X			
Emily Webb	X			

APPROVAL of Part A) The proposed "RX2" Mixed Use District is in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan land use designation of Regional Mixed Use, and

Part B) **APPROVAL** of the request to rezoning the subject property from “CX” Mixed Use District to “RX2” Mixed-Use District subject to any household living use being limited to senior living. (ZON2021-00029)

Written Responses

2 in Favor

0 in opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed “RX2” Mixed Use District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan land use designation of Regional Mixed Use.

Part B) Staff recommends approval of the request to rezoning the subject property from “CX” Mixed Use District to “RX2” Mixed-Use District subject to any household living use being limited to senior living.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The rezoning would allow construction of a multiple-household dwelling intended for low-income senior (age 55+) residents with residential uses on all floor. “CX” District allows residential uses on upper stories only. Any construction must be in accordance with a site plan reviewed and approved by the City’s Development Services Department. The proposed “RX2” Mixed Use District would allow for review under the General Building Type (Chapter 135-2.7), Flat Building Type (Chapter 135-2.11), or Row Building Type (Chapter 135-2.12) requirements.
2. **Size of Site:** 4.3 acres (187,488 square feet).
3. **Existing Zoning (site):** “CX” Mixed-Use District.
4. **Existing Land Use (site):** Open space and surface parking lot associated with Southridge Mall.
5. **Adjacent Land Use and Zoning:**
 - North** – “CX”; Uses are open space and surface parking lot associated with Southridge Mall.
 - South** – “CX”; Uses are open space and surface parking lot associated with Southridge Mall.
 - East** – “CX”; Use is Southridge Mall.
 - West** – “PUD”; Uses are a mix of single-household and multiple-household uses.
6. **General Neighborhood/Area Land Uses:** The subject property is located along the east side of Southeast 5th Street, west of Southridge Mall, and south of the intersection with East Army Post Road.

- 7. Applicable Recognized Neighborhood(s):** The subject property is in the Somerset Neighborhood. The neighborhood association was notified of the hearing by mailing of the Preliminary Agenda on March 12, 2021 and by mailing of the Final Agenda on March 26, 2021. Additionally, separate notifications of the hearing for this specific item were mailed March 19, 2021 (20 days prior to the hearing) and March 12, 2021 (10 days prior to the hearing) to the 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 on the date of the mailing. The Somerset Neighborhood Association notices were mailed to Mel Pins, 210 East Bundy Avenue, Des Moines, IA 50315.

The applicant is required to send a neighborhood outreach letter to the neighborhood association and to all property owners within 250 feet of the site. They must submit a summary of that outreach to staff three (3) days before the public hearing.

- 8. Relevant Zoning History:** None.

- 9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Regional Mixed Use.

- 10. Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, 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 so long as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

- 1. PlanDSM Creating Our Tomorrow:** The subject property is designated "Regional Mixed Use" on the Future Land Use Map. The requested rezoning to "RX2" Mixed-Use District is in conformance with Regional Mixed Use. Plan DSM describes the Regional Mixed Use designation as follows:

Large-scale mixed-use development, located on or at crossroads of major transportation corridors, emphasizing commercial, retail, and parking. High density residential may be incorporated within a development or along edges as transition to adjacent lower density residential. Mixed use may be horizontal as well as vertical, so there is no requirement that every building be mixed. May emphasize active uses (e.g. retail) on the ground floor, particularly at key intersections.

- 2. Permitted Uses:** The "RX2" District is required in order for the proposed senior housing living development to include housing units on the first floor of the building.
- 3. Planning and Design Ordinance:** Any construction must comply with all applicable site plan and design regulations of the Chapter 135 Planning and Design Ordinance.

The "RX2" Mixed Use District would allow for review under the General Building Type (Chapter 135-2.7), Flat Building Type (Chapter 135-2.11), or Row Building Type (Chapter 135-2.12) requirements.

A Large-Scale Development plan would be required at the time sale of the subject property to the applicant is completed, as the platting necessary to facilitate the sale would impact property that is more than 5 acres in size.

- 4. Staff Rationale:** There is a need for housing in this portion of the city that is designed, situated and operated to meet the specific needs of older individuals. The unique needs of seniors include, but are not limited to, age specific recreation opportunities, low grade access points, efficient emergency service access points, and overall design features that provide an environment that is specifically conducive to older individuals. Therefore, staff recommends approval the request subject to any household living use being limited to senior living.

The property is situated on two bus lines with more than one stop within walking distance, as well as a road network that facilitates easy access to the greater regional transportation network. This location would provide senior residents with walkable access to various goods and services and ease of access to recreational locations and activities. Grocery and medical clinic services are nearby as well. The development would also provide an increased transition between the mall and the mixed residential uses to the west.

SUMMARY OF DISCUSSION

Dory Briles asked if any member of the public or the commission desired to speak on the item. No one requested to speak.

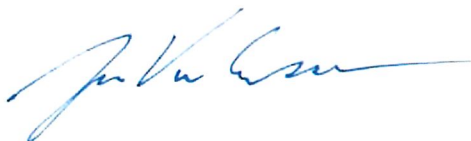
COMMISSION ACTION:

Emily Webb made a motion for:

Part A) The proposed "RX2" Mixed Use District is in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan land use designation of Regional Mixed Use, and Part B) **APPROVAL** of the request to rezoning the subject property from "CX" Mixed Use District to "RX2" Mixed-Use District subject to any household living use being limited to senior living.

Motion passed: 13-0

Respectfully submitted,



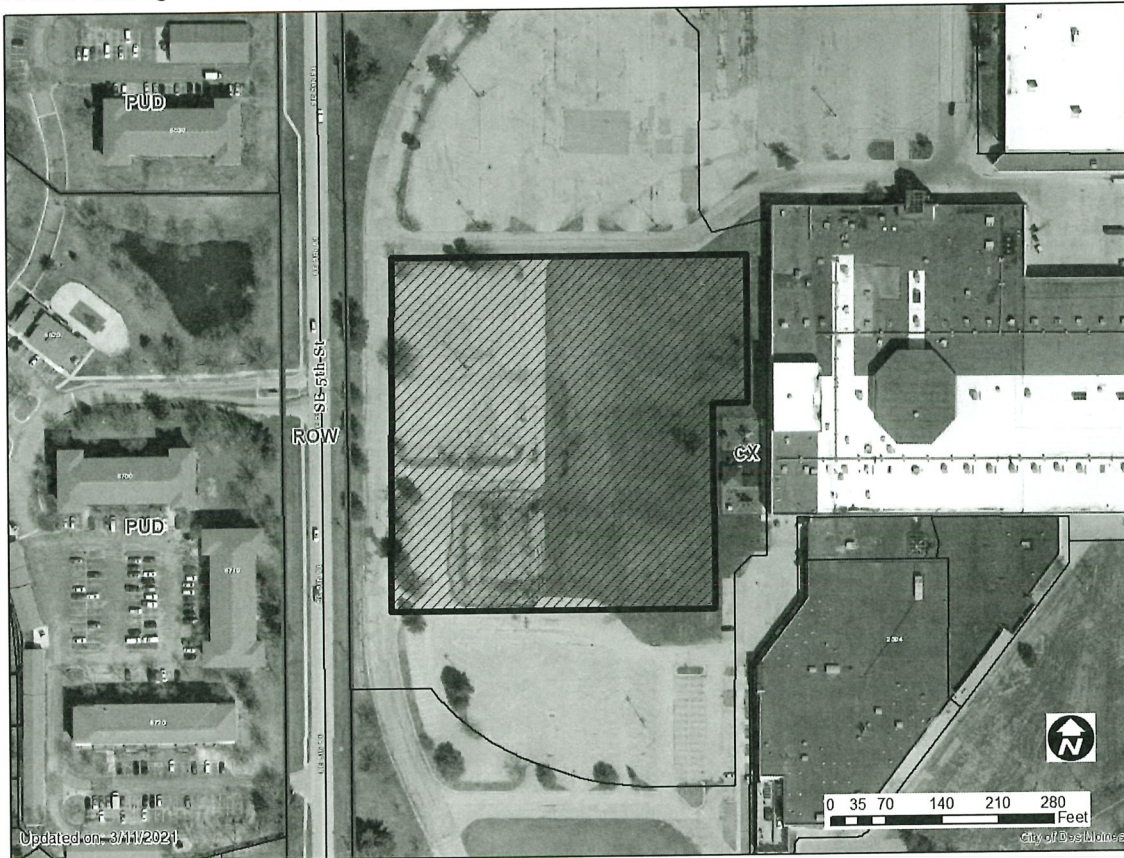
Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh

Request from AHEPA Management Company (purchaser) represented by Steve Beck (officer) for the property located at 1111 East Army Post Road			File # ZON2021-00029		
Description of Action	Rezone property from "CX" Mixed Use District to "RX2" Mixed Use District, to allow development of the property with senior Household Living use allowing dwelling units on the ground floor level.				
PlanDSM Future Land Use	Current: Regional Mixed Use within a Regional Node. Proposed:				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"CX" Mixed Use District				
Proposed Zoning District	"RX2" Mixed Use District				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Outside Area (200 feet)	2	0			
Within Subject Property					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

AHEPA Management Company, 1111 East Army Post Road

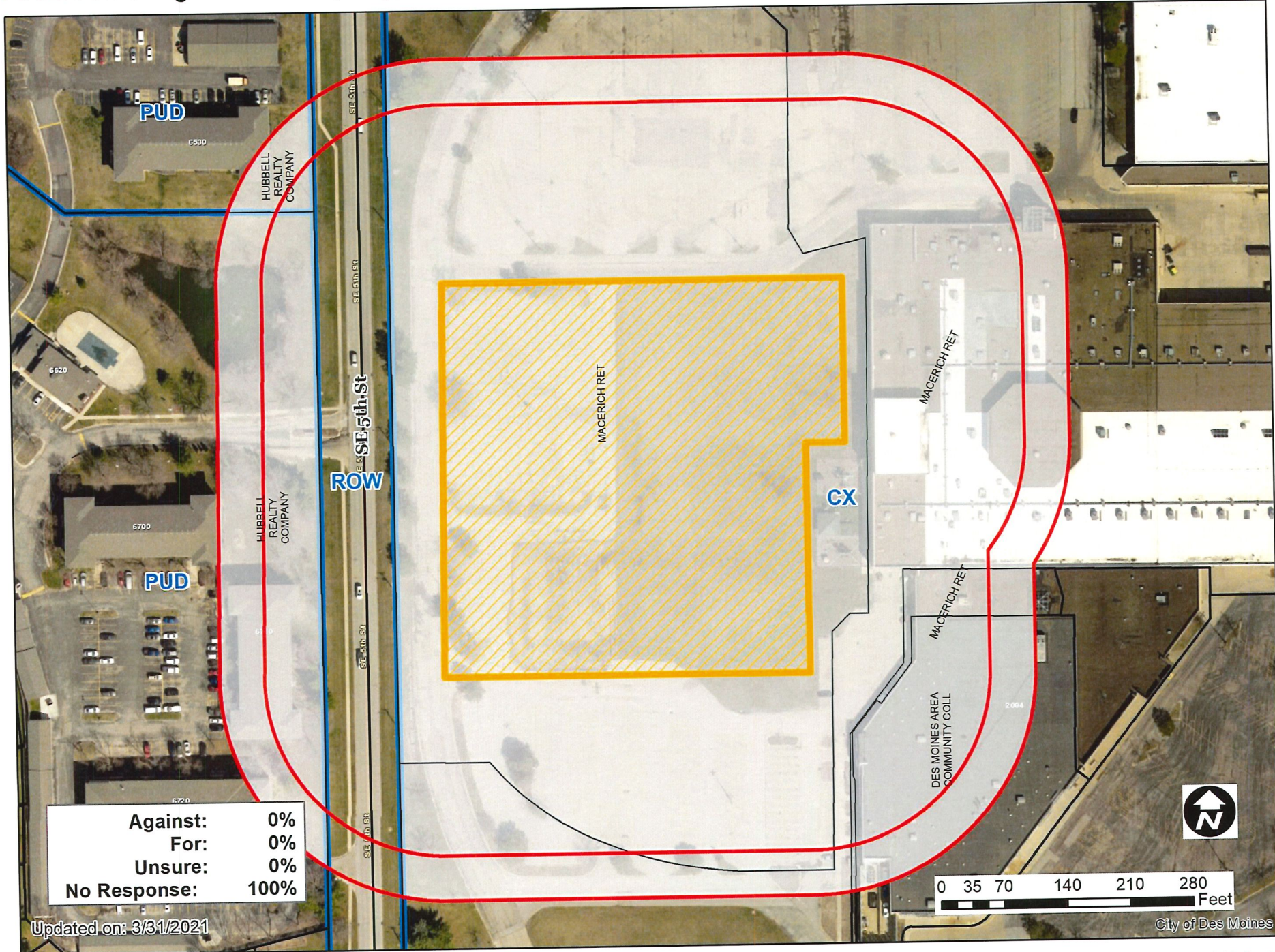
ZON2021-00029



1 inch = 141 feet

AHEPA Management Company, 1111 East Army Post Road

ZON2021-00029



Updated on: 3/31/2021

1 inch = 140 feet

Item: ZON2021-00029 Date: _____

Please mark one of the following

- I am in favor of the request **(CONDITIONALLY)**
- I am not in favor of the request

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT
MAR 29 2021

Signature: *Thelma Prince - President*

Name: SOMERSET NEIGHBORHOOD ASSOC.

Address: 210 E BUNDY AVE, DSM, IA 50315

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

CONDITIONAL SUPPORT FOR REZONING
IF A "SENIOR HOUSING" CONDITION IS
ADDED BY COVENANT OR OTHER RESTRICTION

Item: ZON2021-00029 Date: _____

Please mark one of the following:

- I am in favor of the request
- I am not in favor of the request

Signature: Jane White, Chair

Name: Christ Lutheran Church

Address: 6411 SE 5th St DSM

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

APR 02 2021

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