# CITY OF WEST DES MOINES BOARD OF ADJUSTMENT COMMUNICATION

Meeting Date: July 27, 2016

Item: Morningstar Senior Housing, 6030 Village View Drive - Approval of an approximately

73,000sf assisted living and memory care facility - Confluent Development - PC-003053-

2016

Requested Action: Approval of a Permitted Conditional Use Permit

Case Advisor: Brian Portz, AICP

Applicant's Request: The applicant, Confluent Development, in conjunction with the property owner, Todd Rueter, are requesting approval of a Permitted Conditional Use Permit to allow construction of an approximately 73,000sf assisted living and memory care facility to be located at 6030 Village View Drive. The proposal is to construct 56 assisted living units and 29 memory care units within one building on the property. The property is part of the Jordan Creek Business Park development with an underlying zoning of Professional Commerce Park (PCP). Per the Zoning Code, nursing and personal care facilities (SIC 8051) are a Permitted Conditional (Pc) use in a PCP district.

<u>History</u>: The subject property was annexed into the City in 2003 as a part of the Mills Civic Parkway Annexation. The property was originally platted in 2004 as a part of Davis Estates Plat 1. In September of 2006, a Zone Change Specific Plan was approved for the property outlining the specific development regulations for the property and the other parcels within the Jordan Creek Business Park. The property was re-platted in 2007 as Lot 4 of Jordan Creek Business Park. In May of 2016, an existing 40' roadway easement on the south side of this property was vacated by the City Council at the request of the property owner to make way for the proposed Morningstar development.

<u>City Council Subcommittee</u>: This item was presented to the Development & Planning City Council Subcommittee on May 2, 2016. Permitted Conditional Use applications generally are presented to the subcommittee for information only; no discussion was had about the request.

Staff Review and Comment: There are no outstanding issues. Staff would note the following:

- 40' Roadway Easement: In May of 2016, at the request of the current owner of the subject property, the City Council approved the vacation of a 40' Roadway Easement along the south side of the property. This easement was part of an 80' wide roadway easement: the applicant's 40' easement plus a 40' roadway easement along the north boundary of the property immediately to the south of Lot 4. The easement was established in the early 1970's for a county road through this area. The land in this area was part of unincorporated Dallas County at the time the easement was established. With the realignment of Mills Civic to the south as part of the Jordan Creek Town Center project, the need for the road was negated. The easement was left in place at that time since development of the area was unknown. The property owner requested the vacation of the easement to allow for the proposed development.
- <u>South 60<sup>th</sup> Street Access</u>: The existing driveway to the property from S. 60<sup>th</sup> Street is located on the property line between the subject property and the property to the south, owned by Craig Coxe. This driveway will be used by Morningstar to access their site. Since a portion of the driveway is located on Craig Coxe's property, the current owner of the subject property, Todd Rueter, purchased a portion of Coxe's property to provide for access to the Rueter property. This transaction has been completed. As a part of the transaction, an ingress/egress easement was executed to allow connection to the S. 60<sup>th</sup> Street driveway access for Craig Coxe's property. In addition, an ingress egress easement will also be executed between Mr. Rueter and Morningstar to allow both properties shared access to S. 60<sup>th</sup> Street.
- 30' Ingress/Egress Easement: In addition to the 40' roadway easement, a 30' ingress/egress easement was located along the south side of the subject property in anticipation of the vacation of the roadway easement. The ingress/egress easement was to provide for access to S. 60th Street for the subject property and the

properties immediately to the south. The applicant is proposing parking for the assisted and memory care facility over the ingress/egress easement, which is not permitted. The property owner of this property purchased a strip of land along the northern boundary of the property immediately to the south to ensure access for the properties to the south. Connection rights for the Craig Coxe property was established as part of the purchase. With the purchase of the strip of land and the establishment of connection rights, the ingress/egress easement is no longer needed. The applicant has submitted a vacation request to vacate the ingress/egress easement. This will be considered by the City Council on August 8, 2016. A condition of approval is recommended that this easement be vacated prior to a building permit being issued for the project.

- Building Architecture: The proposed architecture of the building is not consistent with the precedent images established with the Specific Plan. This is due to the fact that the proposed use of the property is a residential type of use and is therefore proposed to be designed to be more residential in character. Because the building is at a perimeter edge location and not in the middle of the development, and because the building is implementing colors and materials consistent of the rest of the Jordan Creek Business Park development, staff is comfortable with that proposed even though it is more residential in character.
- <u>Property West of Coxe:</u> Mr. Rueter owns the property to the west of Mr. Coxe. Mr. Rueter intends to retain the land purchased from Craig Coxe to provide for future access for his property to S. 60<sup>th</sup> Street. This property also has access to the private street/drive immediately to the west of the property. There are no plans for development of this property at this time.
- <u>MidAmerican Energy Transformer:</u> There is an existing MidAmerican Energy electric transformer located on the east side of the site that is not contained within a utility easement. The applicant is working with MidAmerican Energy to execute a private utility easement for this structure. The location of the structure does not impact the proposed site plan as designed.

<u>Permitted Conditional Use Permit Findings</u>: The following findings have been made on the proposed permitted conditional use:

- 1. The proposed development and use is consistent with the West Des Moines Comprehensive Plan in that the project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan.
- The proposed development and use does assure compatibility of property uses within the zone and general
  area in that this project was reviewed by various City Departments for compliance with the Zoning
  Ordinance.
- 3. All applicable standards and conditions have been imposed which protects the public health, safety and welfare in that this project was reviewed by various City Departments and public agencies for compliance with the various state and local regulations. Based upon that review a finding is made that the project has been adequately conditioned to protect the health, welfare, and safety of the community.
- 4. There is adequate on-site and off-site public infrastructure to support the proposed development in that this project was reviewed by various public agencies and City Departments and public utilities to ensure that either the petitioner will construct or the project has been conditioned to construct adequate public infrastructure to serve the development.
- 5. The proposed development and use have met the requirements contained in the City Code in that this project was reviewed by various City Departments and public agencies and the project has complied with or has been conditioned to comply with all City Code requirements.
- 6. The proposed development and use is in keeping with the scale and nature of the surrounding neighborhood in that the proposed project is consistent with the Zoning regulations and the Comprehensive Plan which designates this site as suitable for development such as that proposed by this project.

<u>Noticing Information</u>: On July 8, 2016, notice of the July 27, 2016, Board of Adjustment Public Hearing on this project was published in the *Des Moines Register*. Notice of this public hearing was mailed to surrounding property owners within 370 feet of the subject property on July 11, 2016.

Staff Recommendations and Conditions of Approval for the Permitted Conditional Use Permit: Based upon the review of the proposal, a finding of consistency with the goals and policies of the Comprehensive Plan, and compliance with the findings necessary for approval, staff recommends the Board of Adjustment adopt a resolution for approval of the Permitted Conditional Use Permit to allow an approximately 73,000sf assisted living and memory care facility (SIC 8051) at 6030 Village View Drive, subject to meeting all City Code requirements and regulations and the following:

- 1. The existing 30' ingress/egress easement on the south side of the property being officially vacated by the City Council prior to a building permit being issued for the site; and,
- 2. Prior to issuance of a full building permit (issuance of a footing and foundation permit is allowed), the applicant submitting a copy of the executed ingress/egress easement to allow S. 60<sup>th</sup> Street access and cross access between the subject site and the Craig Coxe property immediately to the south; and,
- Prior to an occupancy permit, including temporary occupancy being issued for the site, a signed Storm Water Maintenance Facility Agreement and required certification letter and as-builts for the subject site be submitted to the City.

**Property Owner:** Todd Rueter

1621 Glen Oaks Drive West Des Moines, IA 50266

Applicant: Confluent Development

2240 Blake Street, Suite 200

Denver, CO 303-573-6500 H. McNeish

hmcneish@confluentdev.com

Applicant's Representatives: Civil Design Advantage

3405 SE Crossroads Drive, Suite G

Grimes, IA 50111 515-369-4400 Doug Mandernach dougm@cda-eng.com

Attachments:

Attachment A - Permitted Conditional Use Resolution
Exhibit A - Conditions of Approval

Attachment B Location Map
Attachment C Site Plans

Attachment D Building Elevations

Prepared by: B. Portz, Development Services PO Box 65320 West Des Moines IA 50265-0320 515-222-3620 When Recorded, Return to: City Clerk, City of West Des Moines PO Box 65320 West Des Moines IA 50265-0320

### RESOLUTION

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES, APPROVING A PERMITTED CONDITIONAL USE PERMIT (PC-003053-2016) TO ALLOW AN ASSISTED LIVING AND MEMORY CARE FACILITY (SIC 8051) AT 6030 VILLAGE VIEW DRIVE

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Confluent Development, in conjunction with the property owner, Todd Rueter, have requested approval of a Permitted Conditional Use permit to allow construction and operation of an approximately 73,000sf assisted living and memory care facility (SIC 8051) to be located at 6030 Village View Drive, and legally described as follows:

Legal Description of Property

Lot 4, Jordan Creek Business Park, an official plat within the City of West Des Moines, Polk County, Iowa.

WHEREAS, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

WHEREAS, on July 27, 2016, the Board of Adjustment held a duly-noticed public hearing to consider the application for Permitted Conditional Use Permit (PC-003053-2016):

**NOW, THEREFORE,** THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings, for approval, in the staff report, dated July 27, 2016, or as amended orally at the Board of Adjustment hearing of July 27, 2016, are adopted.

SECTION 2. PERMITTED CONDITIONAL USE PERMIT (PC-003053-2016) to allow an approximately 73,000sf assisted living and memory care facility (SIC 8051) at 6030 Village View Drive is approved, subject to compliance with all the conditions in the staff report, dated July 27, 2016, including conditions added at the Hearing, and attached hereto as Exhibit "A", if any. Violation of any such conditions shall be grounds for revocation of the entitlement, as well as any other remedy which is available to the City.

	PASSED AND ADOPTED on July 27, 2016.
	Michael R. Blaser, Chairperson
ATTE	Γ:
	Recording Secretary
City o	I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Board of Adjustment for the Vest Des Moines, Iowa, at a regular meeting held on July 27, 2016, by the following vote:
	AYES:
	NAYS: ABSTAIN:
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ATTE	•

Recording Secretary

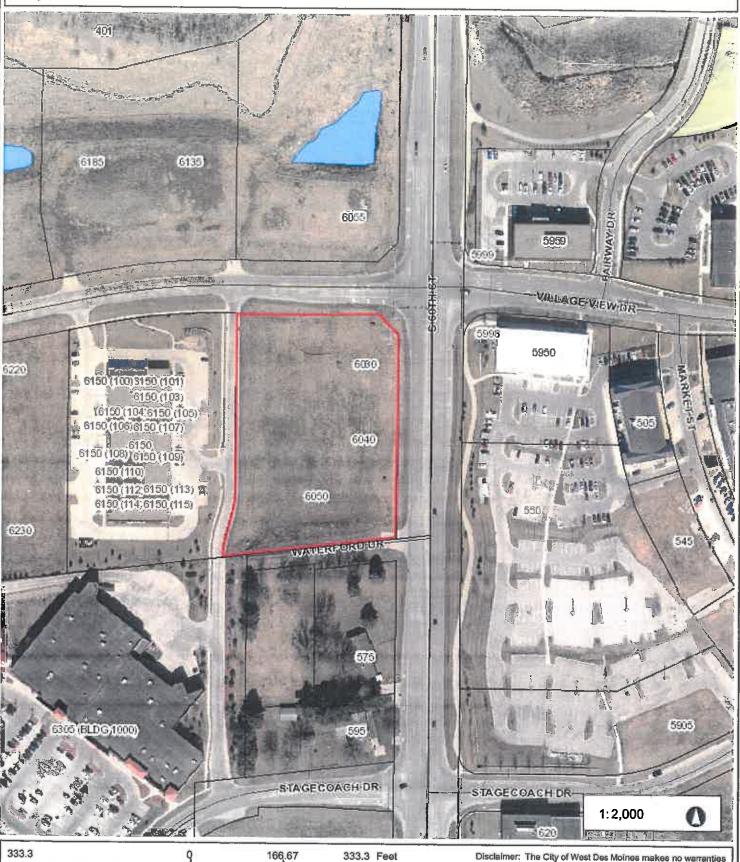
### Exhibit A Conditions of Approval

- 1. The existing 30' ingress/egress easement on the south side of the property being officially vacated by the City Council prior to a building permit being issued for the site; and,
- 2. Prior to issuance of a full building permit (issuance of a footing and foundation permit is allowed), the applicant submitting a copy of the executed ingress/egress easement to allow S. 60th Street access and cross access between the subject site and the Craig Coxe property immediately to the south; and,
- Prior to an occupancy permit, including temporary occupancy being issued for the site, a signed Storm Water Maintenance Facility Agreement and required certification letter and as-builts for the subject site be submitted to the City.



## Morningstar

### ATTACHMENT B



NAD\_1983\_StatePlane\_lowa\_South\_FiPS\_1402\_Feet © City of West Des Moines, Iowa

Disclaimer: The City of West Des Moines makes no warranties regarding the accuracy or completeness of the data provided

THIS MAP IS NOT TO BE USED FOR NAVIGATION

# MORNINGSTAR AT JORDAN CREEK

ATTACHMENT C

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### VICINITY MAP

NOT TO SCALE

### OWNER

TODO MUETER 1621 GLEN CAKS DR WEST DES MONES IA 50266

### **APPLICANT**

CONFLUENT DEVELOPMENT CONTACT: H MCNEISN 2240 BLAKE ST. SUITE 200 DENVER, CO 80205 PH: (303) 373-6300

### **ENGINEER**

### SURVEYOR

CIVIL DESIGN ADVANTAGE, LLC CONTACT: SHIKE BROOMER 3495 SE CROSSROADS DRIVE, SLITE G GRIMES, IOWA 90111

### **ARCHITECT**

ROSEMANN & ASSOCIATES, P.C. CONTACT: DONALD E. ROSEMANN 2809 LARIMER STREET DENVER, COLORADO 80205-2222 PH. (303)281-8229

### SUBMITTAL DATES

216 FD41 309MITTE TO GITT 3G: 7-14-	317年	PLAN	SUBMITTAL SUBMITTAL SUBMITTAL SUBMITTAL SUBMITTAL	то	aty	43:	4-15- 6-02- 6-21- 7-03- 7-14-
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### LEGAL DESCRIPTION

### ZONING

JORDAN CREEK BUSINESS PARK SPECIFIC PLAN WITH UNDERLYING ZONING OF PROFESSIONAL GOMMERCE PARK (PCP)

### **PROJECT SITE ADDRESS**

S. GOTH STREET

### **EXISTING/ PROPOSED USE**

SENIOR HOUSING, ASSISTED LIVING AND MEMORY CARE

### **DEVELOPMENT SUMMARY**

2.89 ACRES (126,094 SF)

JORDAN CREEK BUSINESS PARK SPECIFIC PLAN WITH UNDERLYING ZONING OF PROFESSIONAL COMMERCE PARK (PCP)

### SETEACKS: FRONT: 25" SIDE: 25' REAR: NONE

OPEN SPACE CALCULATION: TOTAL SITE:

= 126,094 SF (2.89 AC.)

SPACE COMMENT OF THE PROPERTY OF THE PROPERTY

### OPEN SPACE PROVIDED = 41,682 SF (33.12)

ASSISTED LIVING: 56 UNITS

MEMORY CARE: 25 UNITS

TOTAL: 85 UNITS 85 UNITS (29.4 UNITS PER ACRE)

PARKING: TOTAL PROVIDED

### DATE OF SURVEY

FEBRUARY 16, 2016

### **BENCHMARKS**

WDM,000 ENTERSECTION OF 80TH STREET AND WISTFUL MISTA DRIVE, 150  $\pm$  FEET NORTH ON 90TH STREET, INTERSECTION OF 90TH STREET, AND BEECH TREE DRIVE, 520 FEET SOUTH ON 80TH STREET, 31 FEET WEST OF CENTERLINE 60TH STREET. ELEV = 179.99

WDM.8118 NORTHEAST CORNER OF INTERSECTION OF SOUTH BOTH STREET AND MILLS CIVIC PARKWAY, 18,5 FEET SOUTHEAST OF TRAFFIC SIGNAL, POLE, 1.5 FEET FIRE SOUTHEAST OF FACE OF SIDEWALK, 31 FEET WEST OF FIRE HYDRANT, STANDARD ELEV 201.57

### CONSTRUCTION SCHEDULE

ANTICIPATED START DATE = 7-25-16 ANTICIPATED FINISH DATE = 7-26-17

# WEST DES MOINES, IOWA

### INDEX OF SHEETS

DESCRIPTION

C1.1 TOPOGRAPHIC SURVEY/ DEMOUTION PLAN

C2.1 DIMENSION PLAN

UTILITY PLAN

C5.1 **DETAILS** 

TRASH ENCLOSURE DETAIL

LANDSCAPE PLAN

# confluent development







1-800-292-8989 www.lowsonscall.com

### **UTILITY WARNING**

ANY UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY AND RECORDS OBTAINED BY THIS SURVEYOR. THE SURVEYOR MAKES NO GUARANTEE THAT THE UTILITIES NOTHER AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UTILITIES SHOWN ARE IN THE EXACT LOCATION SHOWN.



3405 SE CROSSROADS DR. SUITE G, GRIMES, IOWA 50111 PH: (515) 369-4400 Fax: (515) 369-4410 PROJECT NO. 1602.048

### **GENERAL LEGEND**

PROPOSED PROJECT BOUNDARY LOT LINE SECTION LINE CENTER LINE RIGHT OF WAY PERMANENT EASEMENT TEMPORARY FASIMENT TYPE SW-501 STORM INTAKE TYPE SW-503 STORM INTAKE TYPE SW-SOS STORM INTAKE

TYPE SW-301 SANITARY MANHOLE STORM/SANITARY CLEANOUT WATER VALVE

FIRE HYDRANT ASSEMBLY DETECTABLE WARNING PANEL STORM SEVER STRUCTURE NO.

SANITARY SEWER STRUCTURE NO.

SANITARY SEVER PIPE NO. SANITARY SERVICE STORM SEWER

WATERMAIN WITH SIZE SAWCUT (FULL DEPTH)

—3°4 — (UAC)

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--P/E----

EXISTING SANITARY MANHOLE WATER VALVE BOX FIRE HYDRANT WATER CURB STOR STORM SEWER MANHOLE STORM SEWER SINGLE INTAKE STORM SEWER DOUBLE INTAKE FLARED END SECTION ROOF DRAIN / DOWNSPOUT DECIDUOUS TREE CONIFEROUS TREE DECIDUOUS SHRUB CONFEROUS SHRUB ELECTRIC POWER POLE **GUY ANCHOR** STREET LIGHT POWER POLE W/ TRANSFORMER UTILITY POLE W/ LIGHT ELECTRIC BOX **ELECTRIC TRANSFORMER** ELECTRIC MANHOLE OR VAULT TRAFFIC SIGN TELEPHONE JUNCTION NOX TELEPHONE MANHOLE /VAULT

**(13)** TELEPHONE POLE (L-10) GAS VALVE BOX (fb) CABLE TV JUNCTION BOX CARLE TV MANHOLE AVAILT P-10 KOE JIAM SENCHMARK — #"s ---SOIL BORING -5---5---5--UNDERGROUND TV CARLE

GAS MAIN FIBER OPTIC UNDERGROUND TELEPHONE OVERHEAD ELECTRIC UNDERGROUND ELECTRIC FIELD TILE SANITARY SEWER W/ SIZE STORM SEWER W/ SIZE

\_\_\_\_\_\_\_ \_\_\_\_\_\_\_ — — — IDE — — — 

\_\_\_\_15<sup>®</sup> RCP WATER MAIN W/ SIZE — 8"'tr —

REFER TO GEOTECH ENGINEERING REPORT NO. 186022 PREPARED BY GSI ENGINEERING DATED MARCH 23, 2016 FOR GEOTECHNICAL REQUIREMENTS.

THE PROJECT REQUIRES AN IOWA NPDES PERMIT (2 AND CITY OF WEST DES MONES GRADING PERMIT, CIVE, DESGIN ADVANTAGE WILL PROVIDE THE PERMITS AND THE INITIAL STORM WATER POLLUTION PREVENTION PLAN (SUPPP) FOR THE CONTRACTORS USE DURING CONSTRUCTION, THE CONTRACTOR SHALL SE RESPONSIBLE FOR UPDATING THE SWPPP THROUGHOUT CONSTRUCTION AND MEETING LOCAL, STATE AND FEDERAL REQUIREMENTS.

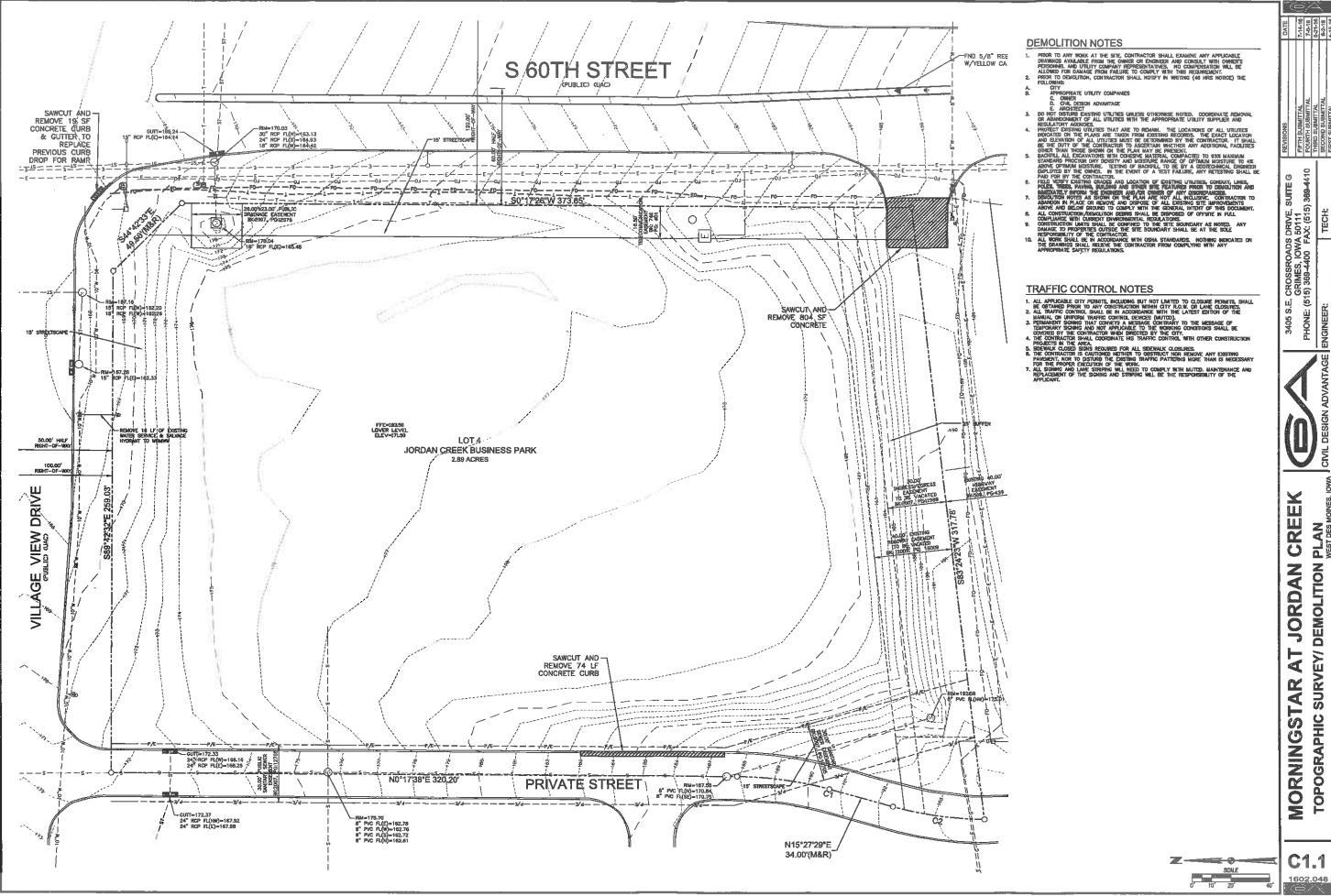
ALL CONSTRUCTION MATERIALS, DUMPSTERS, DETACHED TRAILERS OR SIMILAR TELES ARE PROMITED ON PUBLIC STREETS OR WITHIN THE PUBLIC ROW.

THE MOST RECENT EDITION OF THE SUBAS STANDARD SPECIFICATIONS, THE PUBLIC RIGHTS-OF-WAY ACCESSIBILITY GLICFLINES (PROWAC) AND ALL CITY SUPPLEMENTALS, IF APPLICABLE, SHALL APPLY TO ALL, WORK ON THIS PROJECT



C.01-C5.1

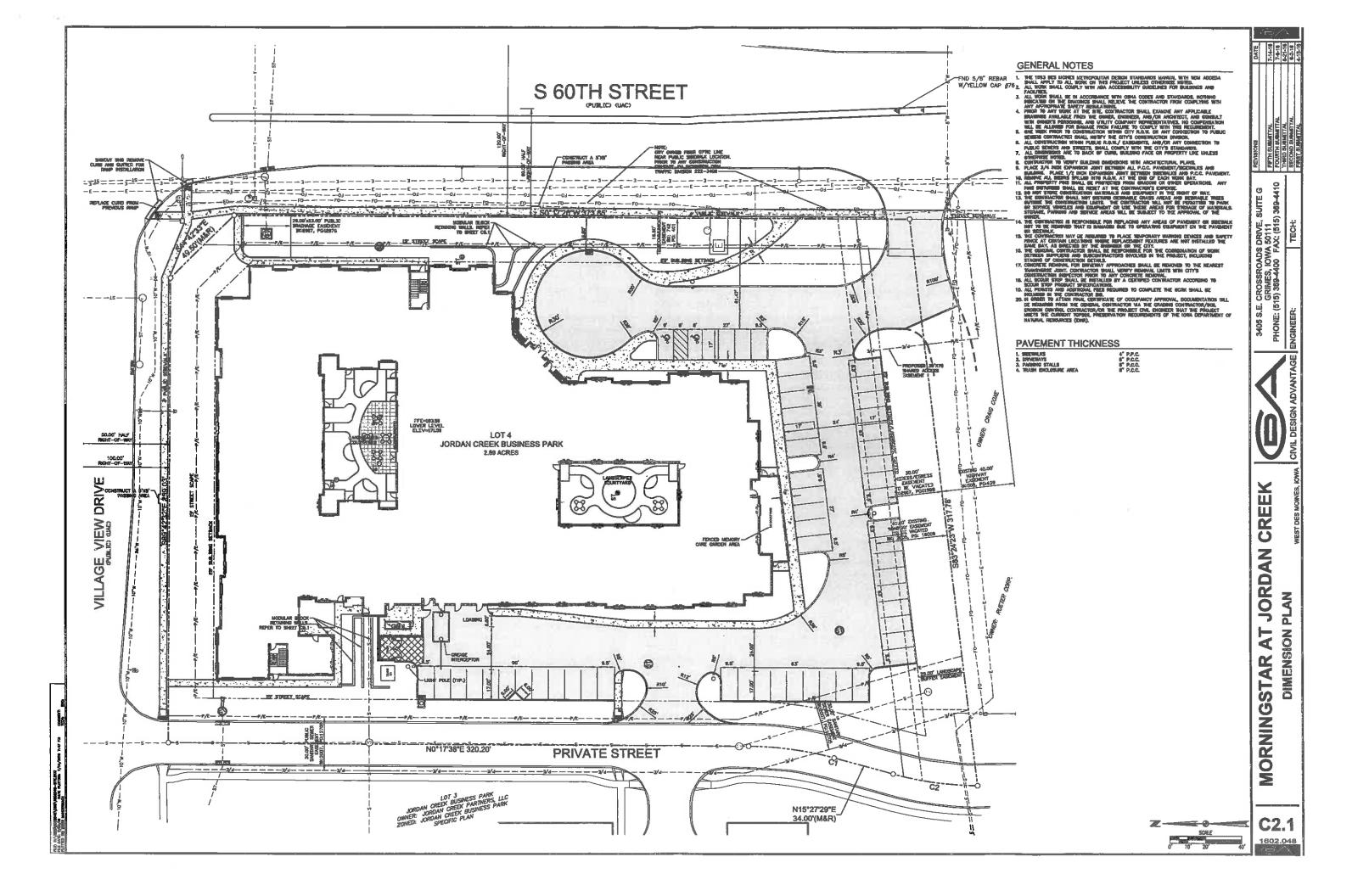
1602. CREEK JORDAN A MORNINGSTAR

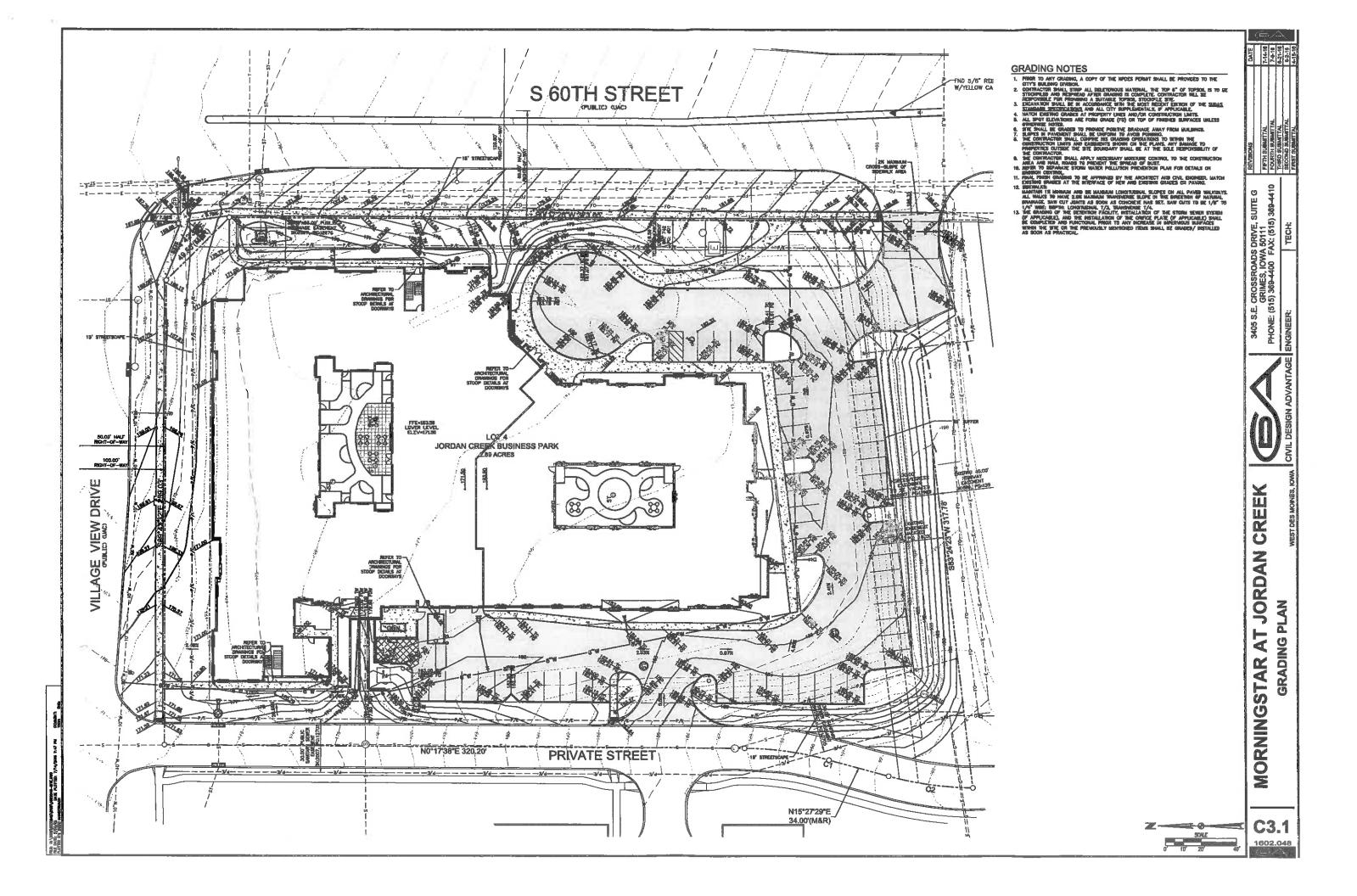


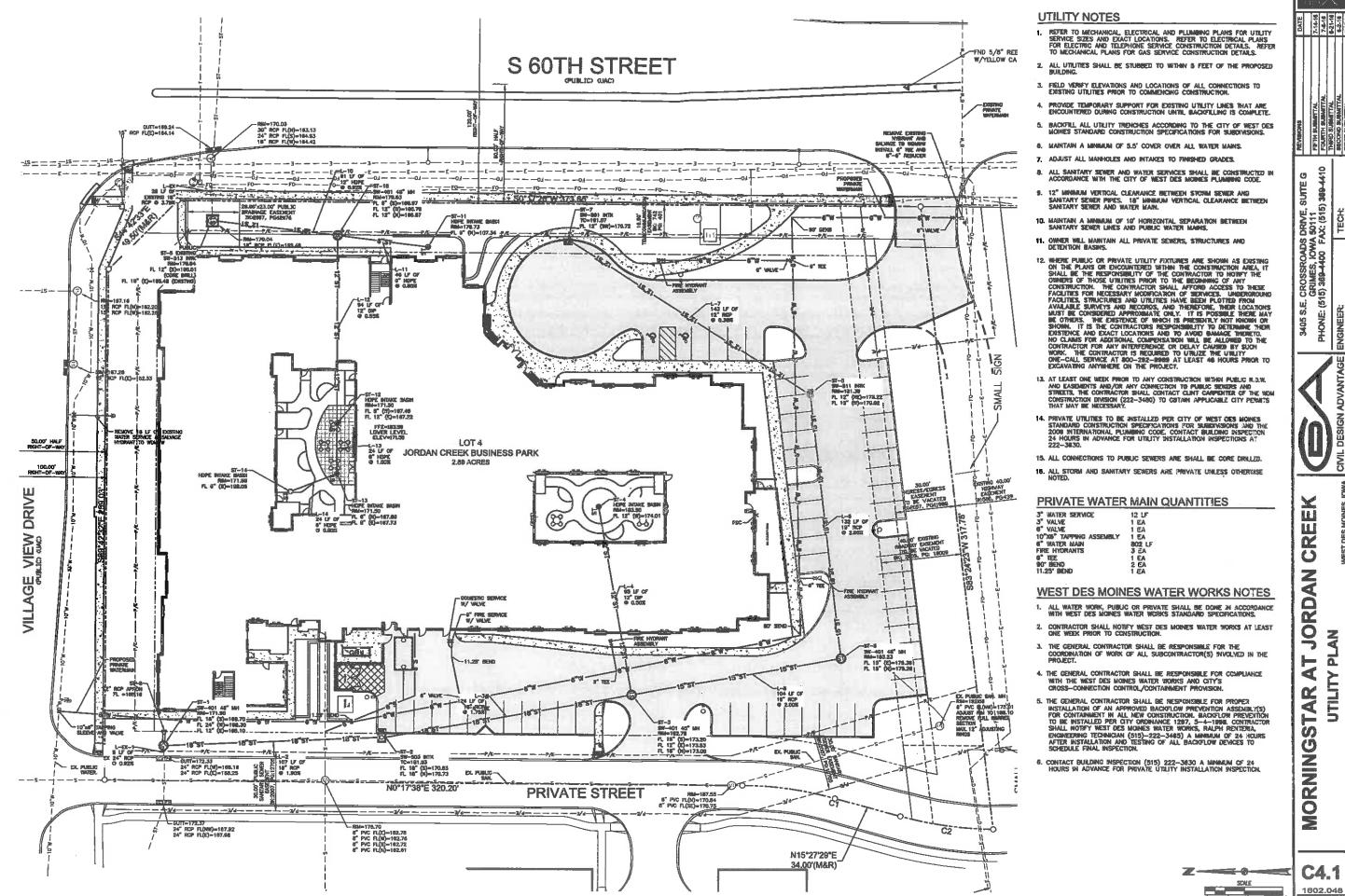
TOPOGRAPHIC SURVEY/ DEMOLITION PLAN

MORNINGSTAR

C1.1

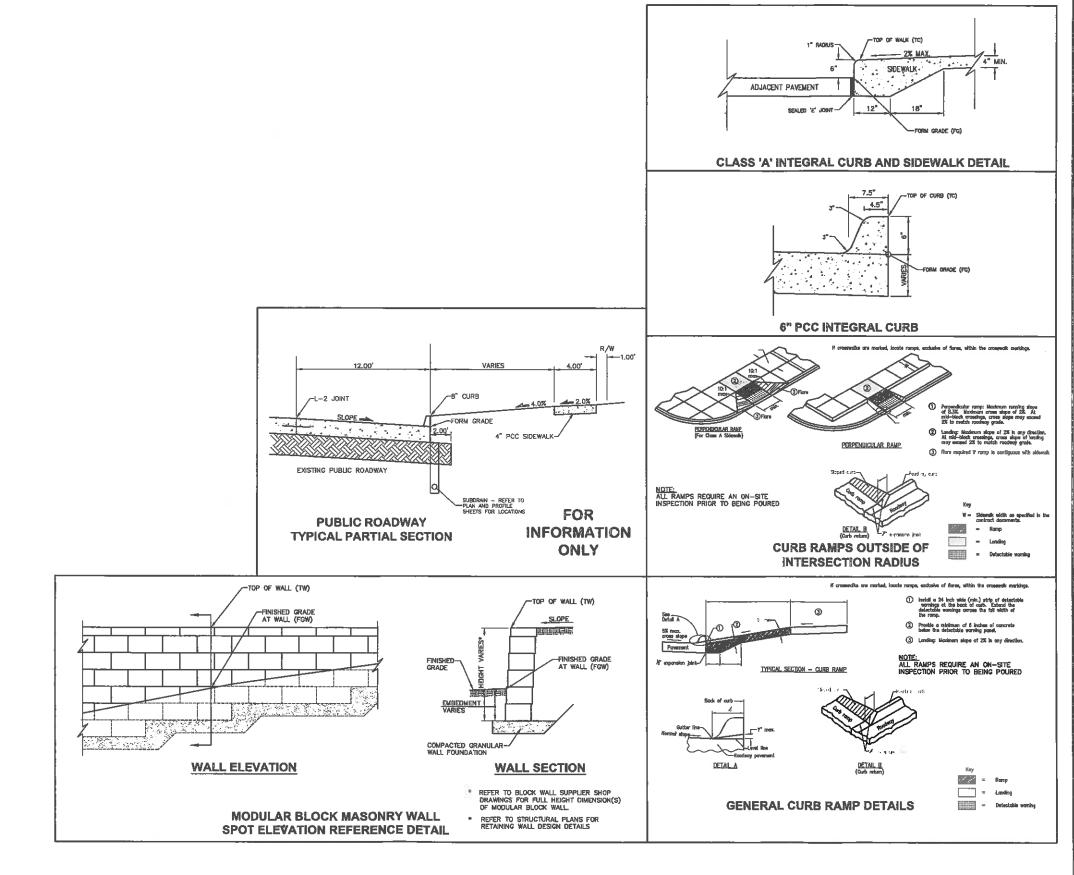






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SUITE G 5) 369-4410

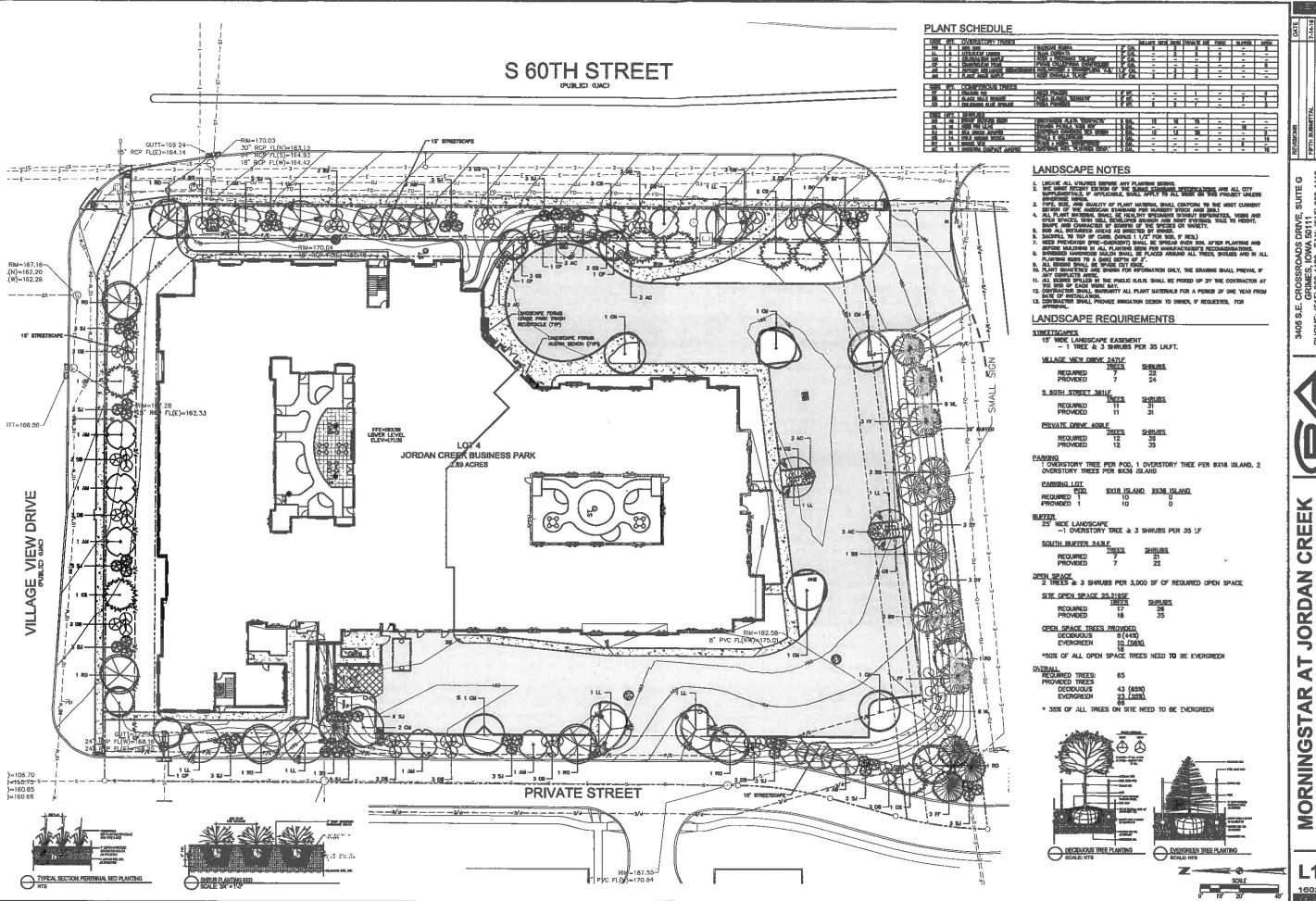
3405 S.E. CROSSROADS DRIVE, SUJ GRIMES, IOWA 50111 PHONE: (515) 369-4400 FAX: (515) 36 ENGINEER:

CREEK

AT JORDAN **DETAILS** 

MORNINGSTAR

C5.1



S.E. CROSSROADS I GRIMES, IOWA ( FE. (515) 369-4400 FA

JORDAN LANDSCAPE PLAN AT

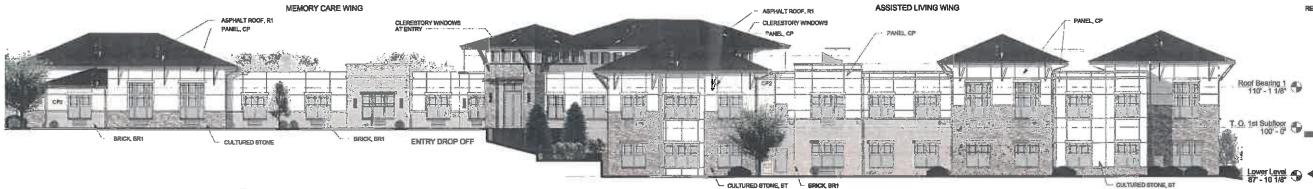
> **L1.1** 1602,048



OSemann &ASSOCI

PRINTS ISSUED 06.21.16

REVISIONS:



**EAST ELEVATION** 

MEMORY CARE WING ASSISTED LIVING WING ASPHALT ROOF, RT Roof Bearing 1 110 - 1 1/8 BRICK, TRASH BACK OF HOUSE ENTRY Lower Level 87 - 10 1/8"

> WEST ELEVATION 3

- BRICK, BR1

### **ELEVATION MATERIALS**

- CULTURED STONE, ST

CP2 CEMENTITIOUS PANEL W REGLET AT CONTROL JOINTS-ACCENT COLOR MEDIUM TAN ST CULTURED STONE-TAN, STACK STONE



NORTH ELEVATION 2

### MEMORY CARE WING



SOUTH ELEVATION

SHEET TITLE EXTERIOR ELEVATIONS

PROJECT NUMBER: 19028 SHEET NUMBER:

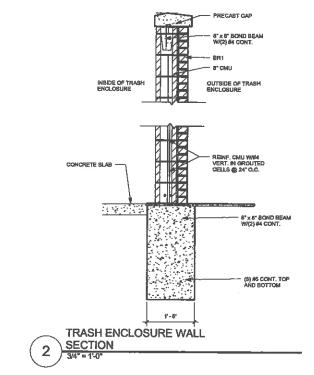
**EW DR** 

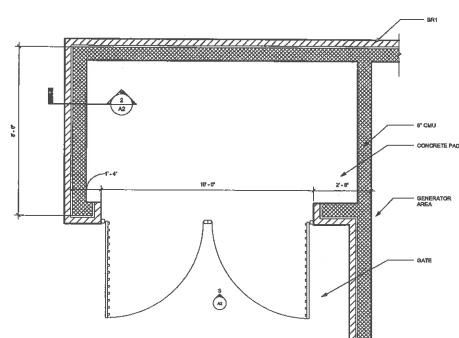
STREET & VILLAGE VIE WEST DES MOINES, IA

60TH



REVISIONS:





1 TRASH ENCLOSURE PLAN

# K rosemann VIEW DR gassalazza , IA

MORNINGSTAR AT JORDAN CREEK 60TH STREET & VILLAGE VIEW DR WEST DES MOINES, IA

SHEET TITLE DETAILS

PROJECT NUMBER: 16028
SHEET NUMBER;

**A2** 

RAWN BY: Author CHECKED BY: Che

