

**CITY OF WEST DES MOINES
BOARD OF ADJUSTMENT COMMUNICATION**

Meeting Date: November 14, 2018

Item: Grand Living at West Des Moines, 540 S. 51st Street – Approval of Five Story Continuum Care Facility Use – Ryan Companies – PC-004095-2018

Requested Action: Approval of a Permitted Conditional Use Permit for a 172-unit Continuum Care Facility

Case Advisor: Kara Tragesser, AICP 

Applicant's Request: The applicant, Ryan Companies, with permission from Hy-Vee Inc., is seeking approval to establish a 172 unit continuum care facility at 540 S. 51st Street (see Attachment B – Location Map). The property is governed by the Wistful Vista Planned Unit Development ordinance and the regulations for the Support Commercial and uses of both Support Commercial and Professional Commerce Park. The use is classified under SIC 805, Nursing and Personal Care Facilities and is a Permitted Conditional Use in this zoning district. The use is proposed to include 35 independent living units, 103 assisted living units, and 34 memory care units.

City Council Subcommittee: This item was presented to the Development and Planning City Council Subcommittee on June 11, 2018. The Subcommittee was supportive of the request as long as parking needs were being met.

Staff Review and Comment: This request was distributed to other City departments and other agencies for their review and comment. The proposed building is five stories in height (see Attachment C – Elevations) with the 172 units and appears to be able to meet parking needs for the mix of unit types (see Attachment D – Site Plan).

The site plan was submitted on November 8, 2018, and has entered the development review process. The proposed site plan appears to meet required building setbacks, required access, and landscaping requirements. At this time, there are no variances which appear to be needed for the use.

Staff has received comments regarding the Permitted Conditional Use permit and mainly are concerns with traffic generation and with delay at the Hawthorne Drive intersection with S. 50th Street (see Attachment E – Citizen Comments). A traffic study for the site is underway as of the writing of this staff report. There are no significant comments or recommendations for the site. The intersection activity was not part of this traffic study. The Traffic Engineer indicated that the intersection was studied in the past and at that time did not warrant a traffic signal, but he did indicate that they are aware of the intersection and its operation and is being watched for a future traffic signal.

Permitted Conditional Use Permit Findings: Ryan Companies' application for a Permitted Conditional Use Permit to establish a continuum of care facility was reviewed by various City departments. Based upon that review and any conditions of approval, the following findings have been made on the proposed project:

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.
2. 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 has 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.

Staff Recommendations and Conditions of Approval: 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 to approve the Permitted Conditional Use Permit to establish a SIC 8805 Use for a continuum of care facility at 540 S. 51st Street, subject to meeting all City Code requirements and regulations.

Noticing Information: On October 31, 2018, notice of the November 13, 2018, Board of Adjustment Public Hearing on this project was published in the Des Moines Register. Notice of this public hearing was also mailed to surrounding property owners within 370 feet of the subject property on October 31, 2018.

Applicant: Ryan Companies
533 South Third Street Suite 100
Minneapolis MN 55415
Jim Gooley
612-271-4869
Jim.gooley@ryancompanies.com

Property Owner: Hy-Vee, Inc.
5820 Westown Parkway
West Des Moines IA 50266

Attachments:

- Attachment A - Permitted Conditional Use Resolution
Exhibit A – Conditions of Approval
- Attachment B - Location Map
- Attachment C - Elevations
- Attachment D - Proposed Site Plan
- Attachment E - Citizen Comments

Prepared by: K Tragesser City of West Des Moines 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 – BOA-2018- 16

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES, APPROVING THE PERMITTED CONDITIONAL USE PERMIT (PC-003878-2018) FOR THE PURPOSE OF ALLOWING A FIVE STORY, 172 UNIT CONTINUUM CARE FACILITY AT 540 S. 51ST STREET

WHEREAS, pursuant to the provisions of Title 9, of the West Des Moines Municipal Code, the applicant, Ryan Companies, with permission from Hy-Vee, Inc., has requested approval for a Permitted Conditional Use Permit to allow a five story, 172 unit, continuum of care facility at 540 S. 51st and legally described as:

Legal Description of Property

PARCEL 2017-168 OF THE PLAT OF SURVEY OF LOT 2 IN WISTFUL VISTA PLAT 5, AN OFFICIAL PLAT RECORDED SEPTEMBER 26, 2017 IN BOOK 16660 AT PAGE 502 IN THE RECORDS OF THE OFFICE OF THE RECORDER OF POLK COUNTY, IOWA;
LOT 2 IN WISTFUL VISTA PLAT 6, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, POLK COUNTY, IOWA, AN OFFICIAL PLAT RECORDED IN BOOK 7506 PAGE 343 OF THE RECORDS OF THE POLK COUNTY, IOWA RECORDER EXPECTING THEREFROM PARCEL "A" OF LOT 2, WISTFUL VISTA PLAT 6, AS SHOWN ON PLAT OF SURVEY RECORDED IN BOOK 11009, PAGE 934, INSTRUMENT NO. 2005-00089404 OF THE RECORDS OF THE POLK COUNTY, IOWA RECORDED;
PARCEL "A" OF LOT 2, WISTFUL VISTA PLAT 6, AS SHOWN ON PLAT OF SURVEY RECORDED IN BOOK 11009, PAGE 934, INSTRUMENT NO. 2005-00089404 OF THE RECORDS OF THE POLK COUNTY, IOWA RECORDED
TOGETHER WITH THE BENEFIT OF ACCESS DRIVE AS DEPICTED IN DECLARATION OF EASEMENT, COVENANTS AND RESTRICTIONS DATED OCTOBER 20, 2016, FILED OCTOBER 21, 2016 IN BOOK 16234 PAGE 596.

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 November 14, 2018, the Board of Adjustment held a duly-noticed public hearing to consider the application for Permitted Conditional Use Permit

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, or as amended orally at the Board of Adjustment hearing, are adopted.

SECTION 2. The PERMITTED CONDITIONAL USE PERMIT (PC-003878-2018) to allow a five story, 172 unit continuum care facility at 540 S. 51st Street is approved, subject to compliance with all the conditions in the staff report 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 November 14, 2018.

Thomas M. Cunningham, Chair

ATTEST:

Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Board of Adjustment for the City of West Des Moines, Iowa, at a regular meeting held on November 14, 2018, by the following vote:

AYES:
NAYS:
ABSTAIN:
ABSENT:

ATTEST:

Recording Secretary

EXHIBIT A

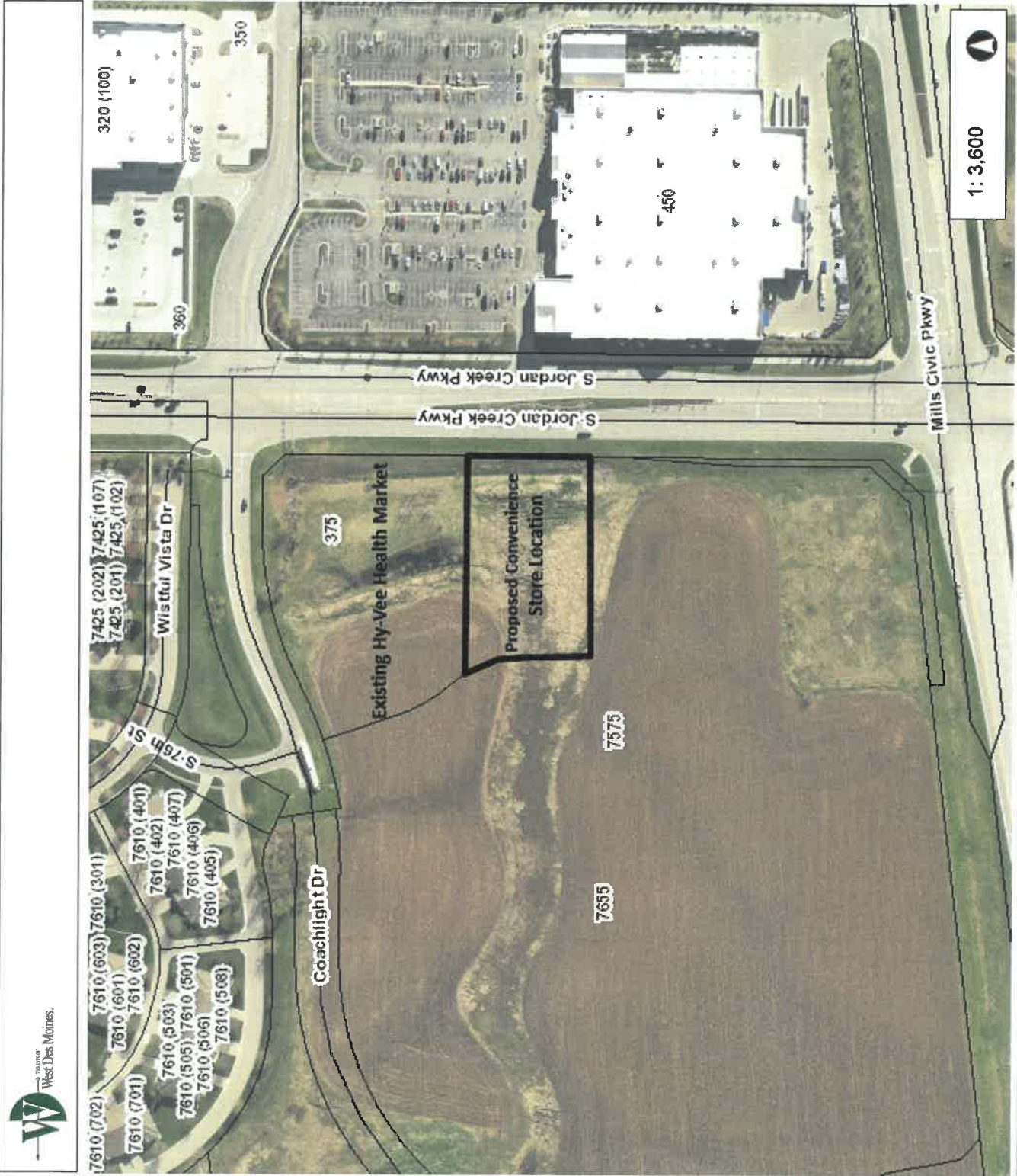
None

ATTACHMENT B



Legend

- Addresses
- Corporate Limits
- Parcels

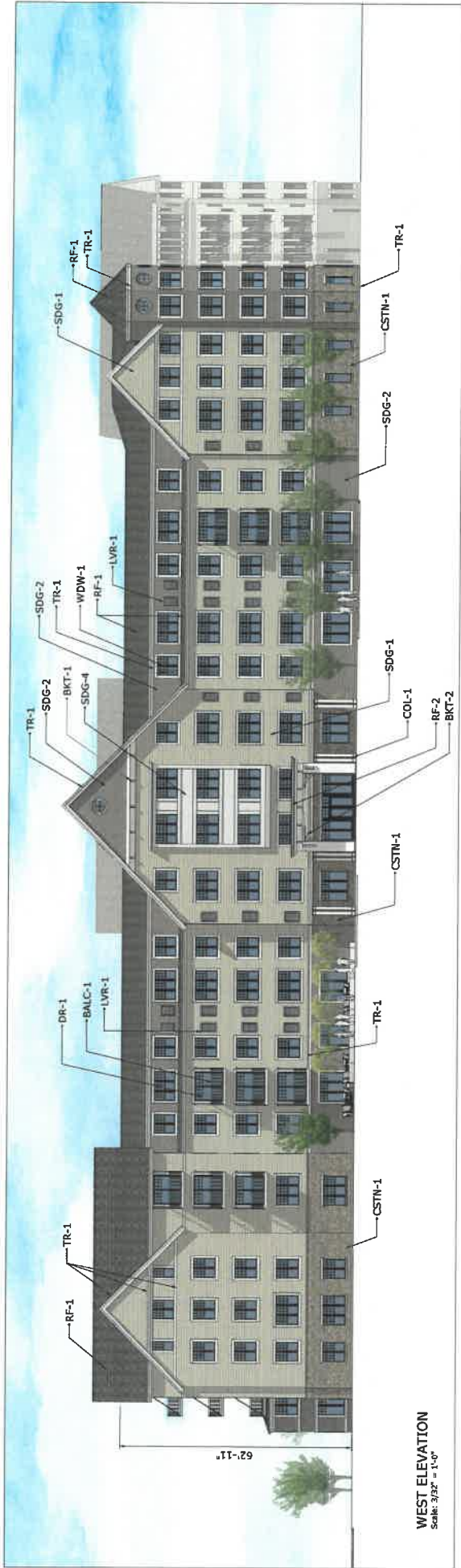


1: 3,600

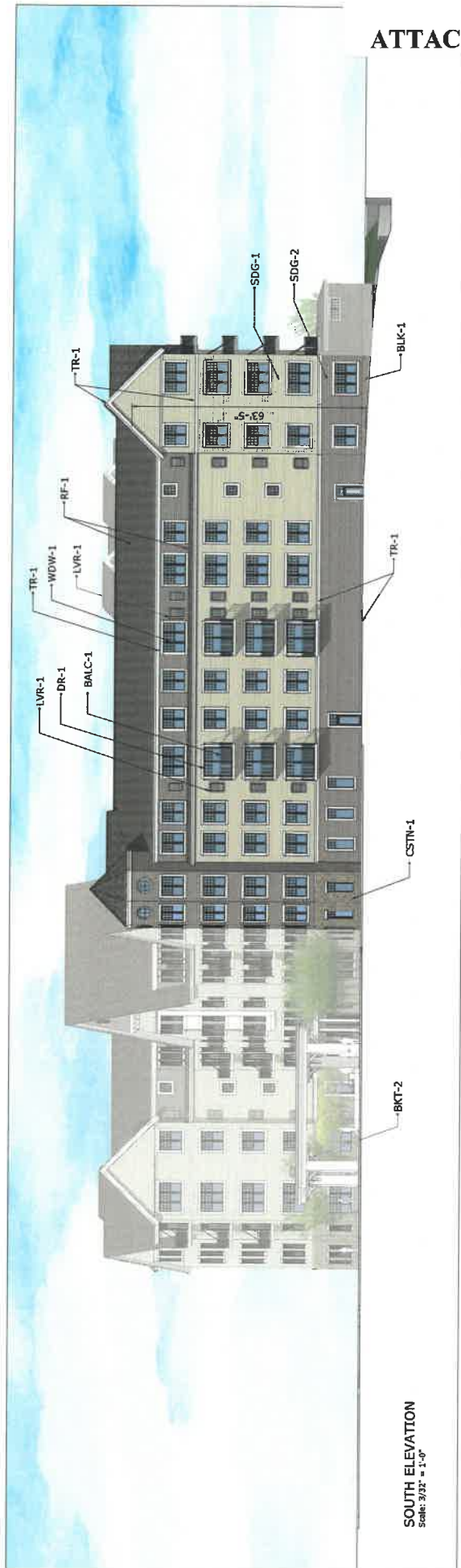


Disclaimer: The City of West Des Moines makes no warranties regarding the accuracy or completeness of the data provided herein.
THIS MAP IS NOT TO BE USED FOR NAVIGATION





WEST ELEVATION
Scale: 3/32" = 1'-0"



SOUTH ELEVATION
Scale: 3/32" = 1'-0"

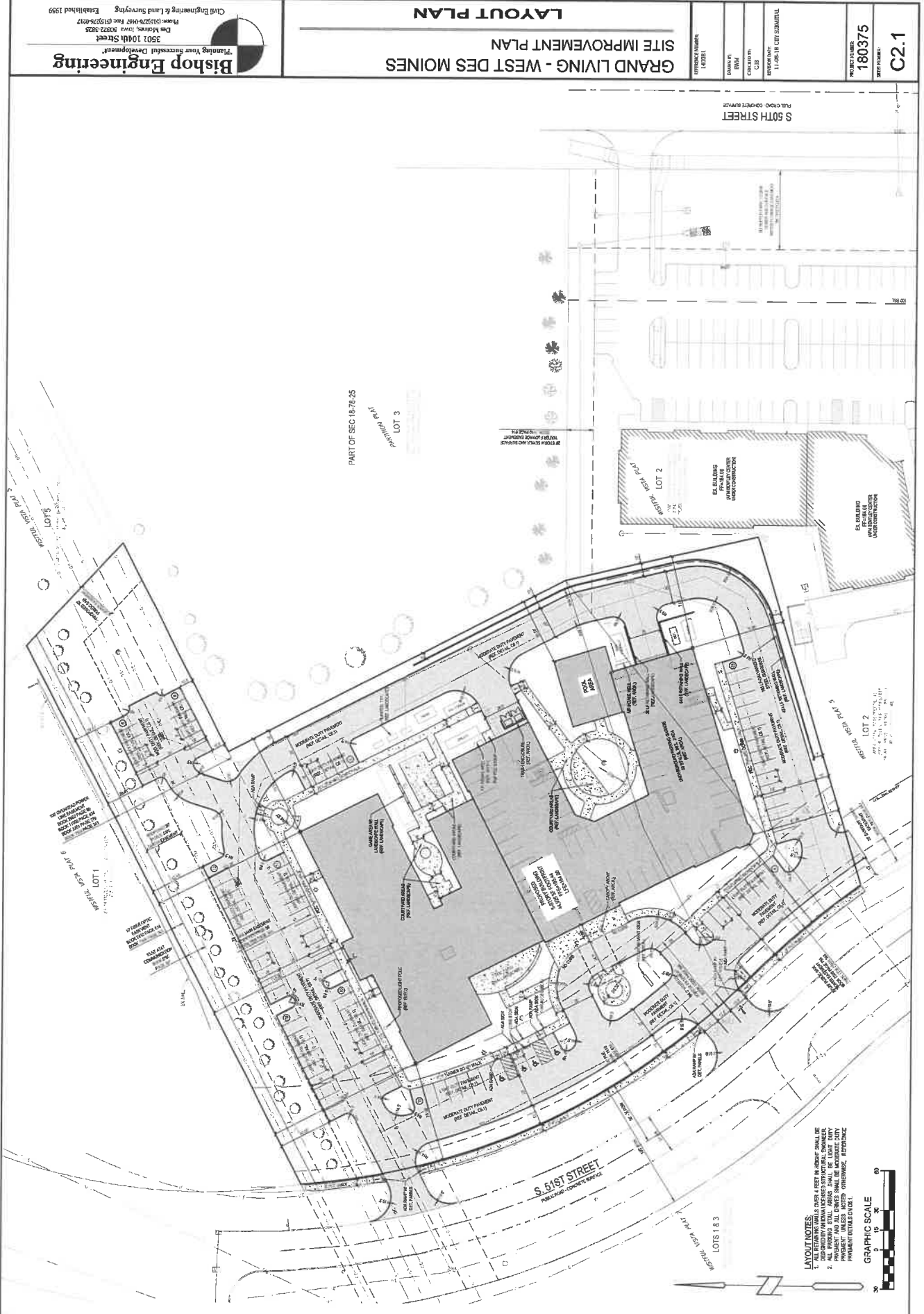
Grand Living West Des Moines

November 8, 2018 | Elevations

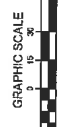


PRELIMINARY - NOT FOR CONSTRUCTION

11/05/19 11:20 AM PLANS AND PROJECTS 201910011 GRAND LIVING WEST DES MOINES CIVIL ENGINEERING LAYOUT PLAN



LAYOUT NOTES
 1. ALL RETAINING WALLS OVER 4 FEET IN HEIGHT SHALL BE CONCRETE OR MAINTAINING WALLS SHALL BE CONCRETE.
 2. ALL PAVED AREAS SHALL BE CONCRETE OR ASPHALT PAVEMENT AND ALL DRIVEWAYS SHALL BE ASPHALT DRIVEWAYS.
 3. ALL DRIVEWAYS SHALL BE ASPHALT DRIVEWAYS.
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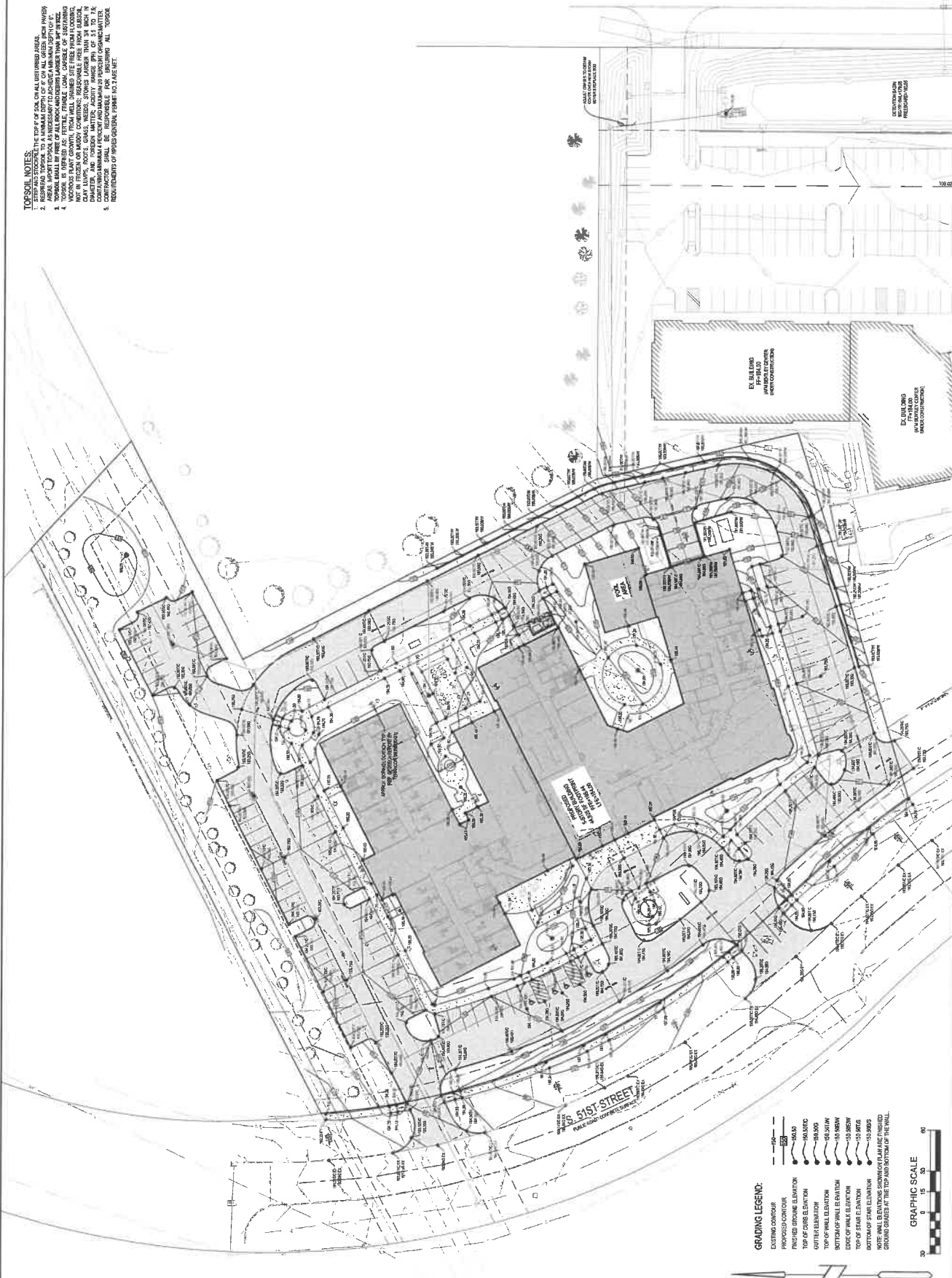
GRAND LIVING - WEST DES MOINES SITE IMPROVEMENT PLAN LAYOUT PLAN

PROJECT NUMBER:	180375
DATE:	11/05/19
CLIENT:	11-05-19 CITY OF DES MOINES
DESIGNER:	CUB
DATE:	11/05/19
PROJECT NUMBER:	180375
DATE:	11/05/19
CLIENT:	11-05-19 CITY OF DES MOINES
DESIGNER:	CUB
DATE:	11/05/19

C2.1

PRELIMINARY - NOT FOR CONSTRUCTION

15/03/18 1:30 27 AM I:\LAND PROJECTS\2018\180323 GRADING LIVING WEST DES MOINES\DWG\GRADING.DWG



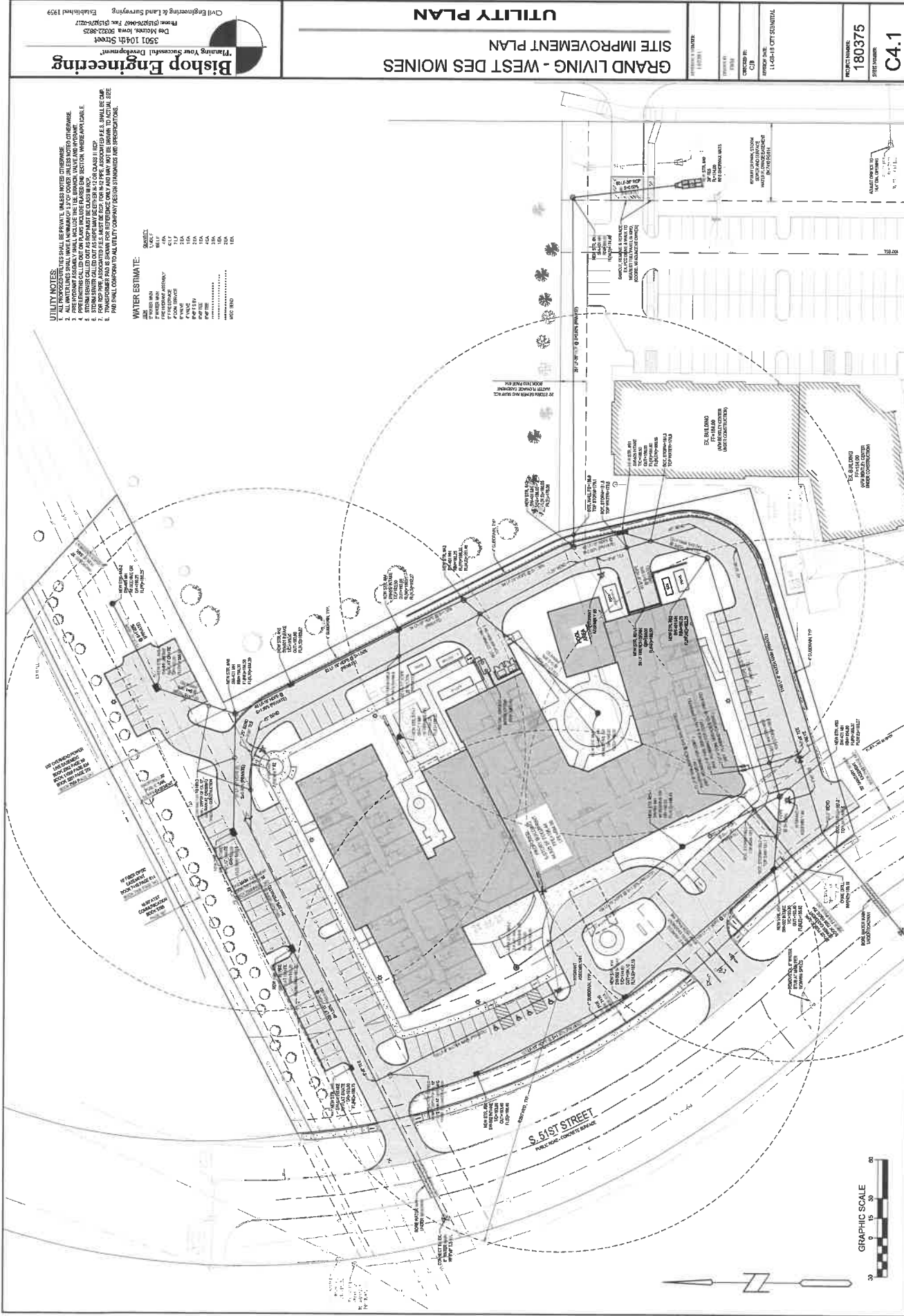
- TOPSOIL NOTES:**
1. TOPSOIL SHALL BE 4" MINIMUM DEPTH OF AUSTRIAN GRASS.
 2. RESURFACE TOPSOIL TO A MINIMUM OF 4" DEPTH.
 3. AREAS IMPACT TOPSOIL AS NECESSARY TO ACHIEVE A MINIMUM DEPTH OF 4".
 4. TOPSOIL IS REFERRED AS: FERTILE, FINE, LOCAL, CAPABLE OF SUSTAINING MOST INDIAN GARDEN CROPS WILL PROMOTE SITE FREE FROM FLOODING, CAP FLAWS, ROOTS, GRASS, WEEDS, STONKS LARGER THAN 3/4" IN DIAMETER, AND OTHER DEBRIS.
 5. CONTRACTOR SHALL BE RESPONSIBLE FOR BRUSHING ALL TOPSOIL REMOVED TO A NEARBY AREA FOR REUSE.

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GRAND LIVING - WEST DES MOINES SITE IMPROVEMENT PLAN GRADING PLAN

PROJECT NUMBER:	180375
SHEET NUMBER:	C3.1
DATE:	11/03/18
DRAWN BY:	EVW
CHECKED BY:	CTC
PROJECT NAME:	11-03-18 CITY SUBMITTAL

PRELIMINARY - NOT FOR CONSTRUCTION



UTILITY NOTES:

1. ALL REPRESENTATIONS SHALL BE PRIVATE, UNLESS NOTED OTHERWISE.
2. ALL UTILITIES SHALL BE SHOWN AS OF DATE OF THIS PLAN, UNLESS NOTED OTHERWISE.
3. ALL UTILITIES SHALL BE SHOWN AS OF DATE OF THIS PLAN, UNLESS NOTED OTHERWISE.
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19. ALL UTILITIES SHALL BE SHOWN AS OF DATE OF THIS PLAN, UNLESS NOTED OTHERWISE.
20. ALL UTILITIES SHALL BE SHOWN AS OF DATE OF THIS PLAN, UNLESS NOTED OTHERWISE.

WATER ESTIMATE:

ITEM	QUANTITY	UNIT PRICE	TOTAL
WATER MAIN	100	1.00	100.00
SEWER MAIN	100	1.00	100.00
WATER SERVICE	100	1.00	100.00
SEWER SERVICE	100	1.00	100.00
WATER VALVE	100	1.00	100.00
SEWER VALVE	100	1.00	100.00
WATER FITTING	100	1.00	100.00
SEWER FITTING	100	1.00	100.00
WATER PIPE	100	1.00	100.00
SEWER PIPE	100	1.00	100.00
WATER MANHOLE	100	1.00	100.00
SEWER MANHOLE	100	1.00	100.00
WATER CLEANOUT	100	1.00	100.00
SEWER CLEANOUT	100	1.00	100.00
WATER TIE-IN	100	1.00	100.00
SEWER TIE-IN	100	1.00	100.00
WATER REPAIR	100	1.00	100.00
SEWER REPAIR	100	1.00	100.00
WATER INSULATION	100	1.00	100.00
SEWER INSULATION	100	1.00	100.00
WATER TESTING	100	1.00	100.00
SEWER TESTING	100	1.00	100.00
WATER CLEANING	100	1.00	100.00
SEWER CLEANING	100	1.00	100.00
WATER PROTECTION	100	1.00	100.00
SEWER PROTECTION	100	1.00	100.00
WATER REMOVAL	100	1.00	100.00
SEWER REMOVAL	100	1.00	100.00
WATER RESTORATION	100	1.00	100.00
SEWER RESTORATION	100	1.00	100.00
WATER REPAIR	100	1.00	100.00
SEWER REPAIR	100	1.00	100.00
WATER INSULATION	100	1.00	100.00
SEWER INSULATION	100	1.00	100.00
WATER TESTING	100	1.00	100.00
SEWER TESTING	100	1.00	100.00
WATER CLEANING	100	1.00	100.00
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WATER PROTECTION	100	1.00	100.00
SEWER PROTECTION	100	1.00	100.00
WATER REMOVAL	100	1.00	100.00
SEWER REMOVAL	100	1.00	100.00
WATER RESTORATION	100	1.00	100.00
SEWER RESTORATION	100	1.00	100.00

UTILITY PLAN
SITE IMPROVEMENT PLAN
GRAND LIVING - WEST DES MOINES

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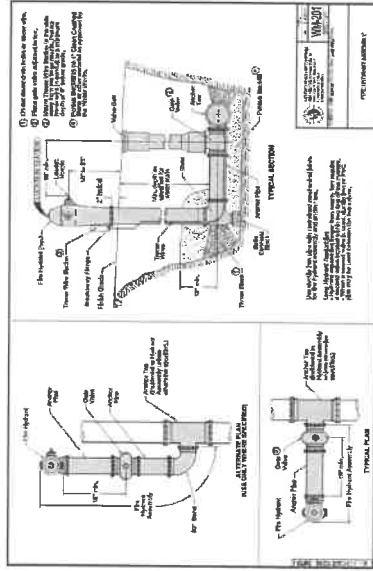
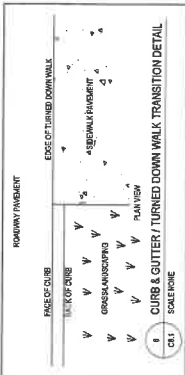
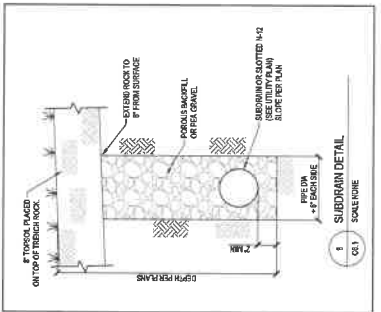
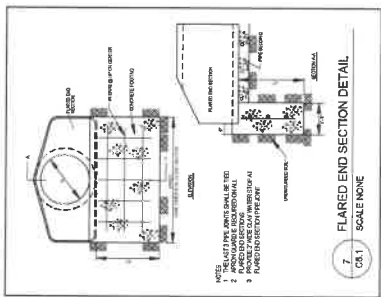
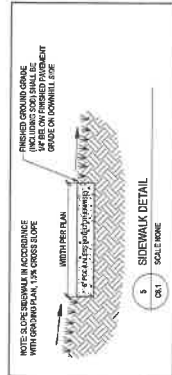
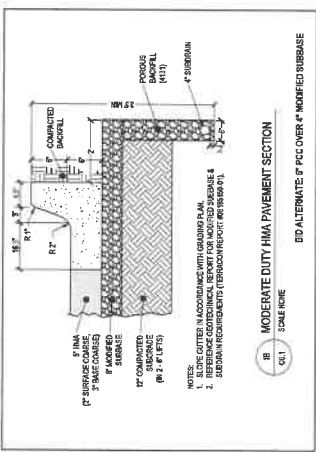
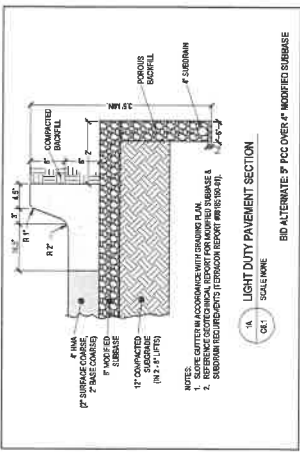
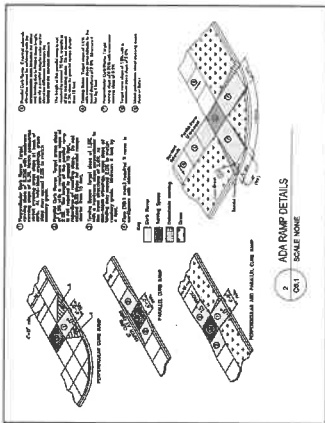
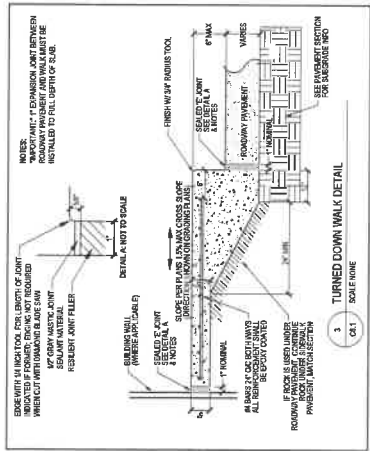
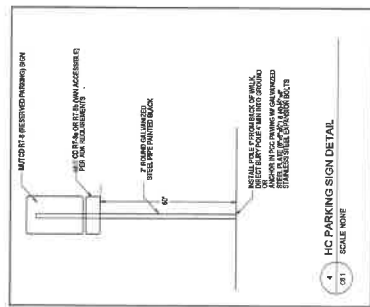
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CLIENT:	GRAND LIVING
DATE:	11/11/2011
DESIGNED BY:	CP
CHECKED BY:	CP
APPROVED BY:	CP
DATE:	11/11/2011
PROJECT LOCATION:	11401 4th Street, Des Moines, IA 50319



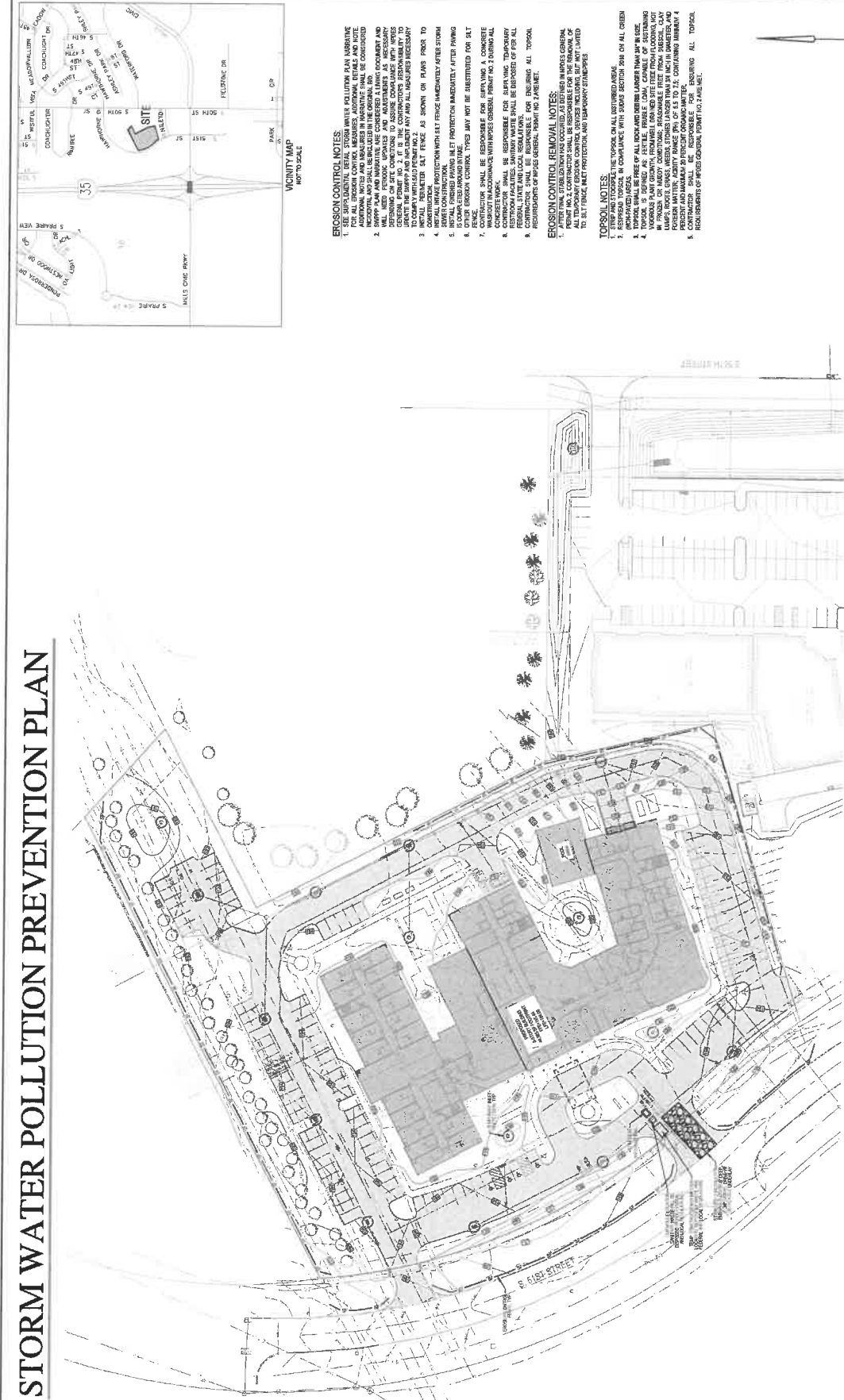
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PROJECT NUMBER:	180375
DATE:	11/20/14
PROJECT NAME:	1100-1101 CITY CENTER
DESIGNED BY:	WKS
CHECKED BY:	WKS
DATE:	11/20/14
SCALE:	AS SHOWN

PROJECT NUMBER: 180375
 SHEET NUMBER: C6.1



STORM WATER POLLUTION PREVENTION PLAN



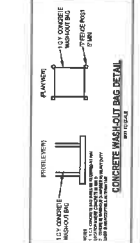
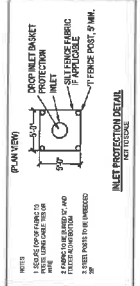
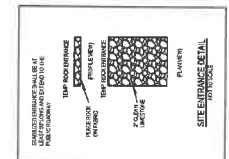
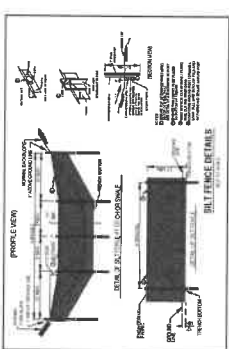
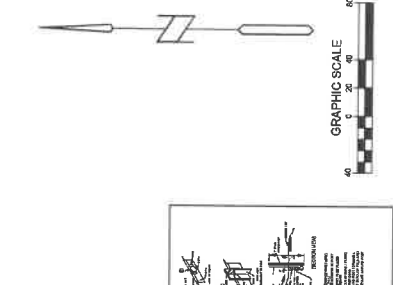
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SWPPP
SITE IMPROVEMENT PLAN
GRAND LIVING - WEST DES MOINES

PROJECT NUMBER: 180375
 SHEET NUMBER: C7.1

DATE: 11/20/2017
 DRAWN BY: DMM
 CHECKED BY: CJP
 REVIEWED BY: 11/20/2017 CITY OF DES MOINES

- EROSION CONTROL NOTES:**
- SEE SUPPLEMENTAL DETAIL STORM WATER POLLUTION PREVENTION PLAN FOR EROSION CONTROL DETAILS. ADDITIONAL NOTES AND MEASURES IN PARAGRAPHS SHALL BE CONSIDERED PART OF THIS PLAN AND MAINTAINED THROUGHOUT CONSTRUCTION AND POST CONSTRUCTION PERIODS UPDATES AND AMENDMENTS AS NECESSARY SHALL BE MADE TO THIS PLAN. IT IS THE CONTRACTOR'S RESPONSIBILITY TO COMPLY WITH ALL CITY ORDINANCES AND ALL MEASURES NECESSARY TO COMPLY WITH ALL CITY ORDINANCES.
 - INSTALL RETENTION SILT FENCE AS SHOWN ON PLANS PRIOR TO ANY EXCAVATION OR EROSION CONTROL MEASURES.
 - INSTALL INLET PROTECTION WITH SILT FENCE IMMEDIATELY AFTER STORM WATER COLLECTION POINTS.
 - COMPLETE ALL EROSION CONTROL MEASURES PRIOR TO ANY CONSTRUCTION ACTIVITIES.
 - CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DES MOINES.
 - CONTRACTOR SHALL BE RESPONSIBLE FOR ENSURING ALL TOPSOIL REMOVAL AND STORAGE IS COMPLETED IN ACCORDANCE WITH ALL CITY ORDINANCES AND ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DES MOINES.
 - CONTRACTOR SHALL BE RESPONSIBLE FOR ENSURING ALL TOPSOIL REMOVAL AND STORAGE IS COMPLETED IN ACCORDANCE WITH ALL CITY ORDINANCES AND ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DES MOINES.
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- TOPSOIL NOTES:**
- STEEP AND TOPOGRAPHIC TOPSOIL ON ALL DISTURBED AREAS SHALL BE PROTECTED WITH SODS OR STRIPES ON ALL DISTURBED AREAS.
 - TOPSOIL SHALL BE STORED IN A COVERED AREA TO PREVENT EROSION AND WEATHERING.
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UTILITY NOTE:
 THE LOCATION OF THE UTILITIES SHOWN ON THE PLANS HAVE BEEN TAKEN FROM THE RECORD DRAWINGS AND FIELD SURVEY. THE LOCATION OF ALL UTILITIES SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DES MOINES.



Tragesser, Kara

From: David & Judy <judafarr2@gmail.com>
Sent: Sunday, November 4, 2018 4:28 PM
To: Tragesser, Kara
Subject: Public hearing

Kara,

Regarding the hearing on Ryan Companies request for a senior living community on South 51st Street, my husband and I have concerns about the increase in traffic along Hawthorne and South 51st Street.

Currently, the intersection of Bentley and South 51st Street is very concerning considering southbound traffic from Mills with an immediate entrance to Wells Fargo Bank to the east, followed by the entrance to HyVee to the west.

Our question is has a traffic forecast study been completed to determine the safety of both drivers and pedestrians should this community be added. Traffic is already a challenge, during late afternoons when the day care is dismissing, and after work hours. A consideration of turn lanes may alleviate some of the concerns.

Thank you.

Dave and Judy Farrington
Carriage Homes

6 Nov 18

To: Lynne Twedt, Development Services Director

I am writing to you in response to your letter, Notice of Public Hearing, regarding the Ryan Companies proposal of a senior living community at 540 S. 51ST ST.

I have no issue with the proposed project. However, the increased traffic at the corner of S. 50TH ST and Hawthorn will add to traffic issues at this corner,

Hawthorn will add to traffic issues at this corner, this intersection has needed traffic lights since Hylce opened years ago. Trying to turn left onto S. 50TH ST. from Hawthorn can be very difficult and time consuming as it is. The additional traffic generated by this project will make the situation worse.

There are times this isn't an issue, but early mornings, until about 8:30-9 AM, and again late afternoon from about 3:30-6 PM this is a serious issue.

Please install traffic lights at this intersection, whether or not this project moves forward, they are badly needed.

Thank you for your consideration. I apologize for the handwritten letter, but my iPad doesn't have a print capability, and I don't have a computer.

Sincerely Yours,

Irving H. Globstat

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