



Date February 9, 2009

WHEREAS, on January 26, 2009, by Roll Call No. 09-091, it was duly resolved by the City Council, that the City Council consider a proposal from Hubbell Realty Company to rezone certain property located in the vicinity of 921 Murphy Street from C-3B District Classification to PUD Planned Unit Development District classification, and to approve the proposed PUD Conceptual Plan for such property, and that such proposal be set down for hearing on February 9, 2009 at 5:00 p.m., in the Council Chamber at City Hall; and

WHEREAS, due notice of said hearing was published in the Des Moines Register on January 29, 2009, as provided by law, setting forth the time and place for hearing on said proposed amendment to the approved PUD Conceptual Plan; and,

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the property located in the vicinity of 921 Murphy Street, more fully described as follows (the Property):

Parcel F:

A parcel of land being part of Lots 9, 10, and P, Factory Addition Plat 3, an Official Plat, more particularly described as follows: Commencing at the Northeast corner of Lot 10, said Factory Addition Plat 3; thence South 15° (degrees) 25' (minutes) 13" (seconds) East along East line of said Lot 10, a distance of 20.73 feet to the Point of Beginning; thence continuing South 15° (minutes) 25' (minutes) 13" (seconds) East along the East line of said Lot 10 and Lot 9 of said Factory Addition Plat 3 a distance of 604.84 feet; thence South 74° (degrees) 32' (minutes) 06" (seconds) West a distance of 628.91 feet; thence North 07° (degrees) 52' (minutes) 20" (seconds) West a distance of 610.98 feet; thence North 74° (degrees) 37' (minutes) 02" (seconds) East a distance of 548.65 feet to the Point of Beginning.

Also

510 SW 9th Street:

Lot 11, and Lot 12 except the South 52.8 feet of said Lot 12, and the North 635.2 feet Lot J, Factory Addition Plat 3, an Official Plat, and the vacated South 6 inches of Murphy Street Right-of-Way lying North of and adjoining said Lot 11, and the West 6 inches of vacated SW 9th Street Right-of-Way lying East of and adjoining said Lot 11, and a 6 inch square of SW 9th Street Right-of-Way lying East of and adjoining said South 6 inches of Vacated Murphy Street Right-of-Way, said Factory Addition Plat 3, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

from the C-3B District Classification to the PUD Planned Unit Development District classification; and

WHEREAS, the Plan and Zoning Commission has recommended that the proposed amendment to the approved PUD Conceptual Plan be approved, subject to the conceptual plan being first amended as set forth in the attached letter from the Planning Administrator; and,

Date February 9, 2009

WHEREAS, in accordance with the published notice those interested in said 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; 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 said proposed amendments to the approved PUD Conceptual Plan for the property in the vicinity of 921 Murphy Street, are hereby overruled and the hearing is closed.

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 below.

3. The 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 set forth in the attached letter from the Planning Administrator, and subject to the Community Development Director finding that such conditions have been satisfied by the amendments to the plan.

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

FORM APPROVED:



 Michael F. Kelley
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
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

Date _____

January 16, 2009

Agenda Item 47

Roll Call # _____

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held January 15, 2009, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	X			
JoAnne Corigliano	X			
Shirley Daniels				X
Jacqueline Easley	X			
Dann Flaherty	X			
Bruce Heilman	X			
Ted Irvine	X			
Jeffrey Johannsen				X
Greg Jones	X			
Frances Koontz				X
Jim Martin	X			
Brian Millard	X			
Mike Simonson	X			
Kent Sovern	X			

APPROVAL of a request from Hubbell Realty Company (developer) represented by Casey Port (officer) to find the proposed rezoning in conformance with the Des Moines' 2020 Community Character Plan's future land use designation of Commercial: Auto-Oriented, Small-Scale Strip Commercial.

By separate motion Commissioners recommended 11-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	X			
JoAnne Corigliano	X			
Shirley Daniels				X
Jacqueline Easley	X			
Dann Flaherty	X			
Bruce Heilman	X			
Ted Irvine	X			
Jeffrey Johannsen				X
Greg Jones	X			
Frances Koontz				X
Jim Martin	X			
Brian Millard	X			
Mike Simonson	X			
Kent Sovern	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

APPROVAL to rezone property located at 921 Murphy Street from "C-3B" Central Business District Mixed-Residential District to a "PUD" Planned Unit Development District and PUD Concept Plan subject to the following conditions: (ZON2008-00142)

1. Prohibition of off-premise advertising signs as a permitted use.
2. All building walls with frontage on SW 11th Street shall have a 24-foot minimum height.
3. The materials and patterns of the front and side walls shall be extended to the portions of the rear walls that are visible from the adjoining streets via the access drives.
4. Any trash enclosure constructed shall consist of masonry walls and solid steel gates.
5. Provision of bike racks throughout the development.
6. Provision of a Class "A" sidewalk and street trees in planter beds along Dart Way and the portion of Murphy Street east of the proposed driveway.
7. The uninterrupted path portion of the sidewalks along Murphy Street, SW 11th Street and Dart Way shall be 6 feet in width.
8. Provision of a 7-foot wide sidewalk along SW 9th Street.
9. Provision of a minimum of one planter island per row of parking for the three double rows in the internal lot.

Written Responses

- 0 In Favor
- 0 In Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the Commission find the requested rezoning in conformance with the Des Moines' 2020 Community Character Plan.

Part B & C) Staff recommends approval of the proposed rezoning and PUD Concept Plan subject to the following conditions:

1. Prohibition of off-premise advertising signs as a permitted use.
2. All building walls with frontage on SW 11th Street shall have a 24-foot minimum height.
3. The materials and patterns of the front and side walls shall be extended to the portions of the rear walls that are visible from the adjoining streets via the access drives.
4. Any trash enclosure constructed shall consist of masonry walls and solid steel gates.
5. Provision of bike racks throughout the development.
6. Provision of a Class "A" sidewalk and street trees in planter beds along Dart Way and the portion of Murphy Street east of the proposed driveway.
7. The uninterrupted path portion of the sidewalks along Murphy Street, SW 11th Street and Dart Way shall be 6 feet in width.
8. Provision of a 7-foot wide sidewalk along SW 9th Street.
9. Provision of a minimum of one planter island per row of parking for the three double rows in the internal lot.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed flex office park would contain three buildings located near the edges of the property. Customer parking would generally be located between the buildings and the streets with an internal lot for loading and employee parking. The internal lot would primarily be shielded from view by the buildings.
2. **Size of Site:** 10.62 acres.

3. **Existing Zoning (site):** "C-3B" Central Business Mixed Use District.
4. **Existing Land Use (site):** Stetson Building Products and vacant land.
5. **Adjacent Land Use and Zoning:**

North – "C-3B"; Use is vacant land.

South – "C-3B"; Uses are a convenience store and the DART offices and maintenance facility.

East – "C-3A"; Uses are office and flex space buildings.

West – "C-3B"; Use is vacant land.

6. **General Neighborhood/Area Land Uses:** The subject site is located in the southwest portion of the downtown. The area generally consists of vacant land, commercial uses and light industrial uses. It is located in the eastern portion of the planned Riverpoint West redevelopment area.
7. **Applicable Recognized Neighborhood(s):** Downtown Des Moines Neighborhood.
8. **2020 Community Character Land Use Plan Designation:** Downtown Support Commercial.

The 2020 Community Character Plan states the following regarding this land use designation.

Downtown/ Support Commercial: General businesses, retail and service establishments, limited high density residential, mixed use developments, and work centers that support the downtown core providing their own off-street parking.

9. **Applicable Regulations:** The Commission reviews all proposals to amend zoning regulations or zoning district boundaries within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in §414.3 of the Iowa Code. The Commission may recommend that certain conditions be applied to the subject property if the property owner agrees in writing, in addition to the existing regulations. The recommendation of the Commission will be forwarded to the City Council.

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 submitted Concept Plan references the uses permitted in the "C-3A" District and the "C-2" District, but prohibits the following uses.

1. *Taverns and nightclubs.*

2. *Mobile home parks.*
3. *Used car lots, except as accessory use to new vehicles dealership.*
4. *Adult entertainment businesses.*
5. *Automobile washing and oil changing establishments except as an accessory use for new vehicle sales.*

Staff recommends that "off-premises advertising signs" be added to the list of prohibited uses. Staff believes that with this additional prohibited use that the proposed development would generally match the uses in the surrounding area and the future uses identified in the Des Moines 2020 Community Character Plan.

The architectural character and site design are discussed in Section II, subparagraph 2 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 applicant is proposing 25' setbacks from SW 9th Street to the east, DART Way to the south and SW 11th Street to the west. The applicant is proposing a 0' setback from Murphy Street to the north. The site is surrounded by "C-3B" and "C-3A" zoning districts. For comparison, the "C-3B" District design guidelines require a minimum of 70 percent of the building frontage be set within one foot of the front lot line for commercial buildings. The "C-3A" District has no building setback requirements.

- 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 submitted concept plan indicates that storm water will be handled by a combination of conventional detention and conservation practices, which may involve permeable pavements, infiltration trenches or other methods. The plan does include a bioretention facility in the middle of the site.

- 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 subject property is bordered by SW 9th Street to the east and DART Way to the south. The property will be bordered by planned extensions of SW 11th Street to the west and Murphy Street to the north. Staff believes that the existing and proposed street network would be capable of accommodating the traffic generated by the proposed development.

- 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 submitted Concept Plan indentifies 713 off-street parking spaces and 94 on-street spaces that adjoin the site. It also includes a note stating that parking will be provided in accordance with the Zoning Ordinance. The existing "C-3B" zoning does not require the

provision off street parking. However, any parking provided must conform to the design standards of section 134-1377 of the Zoning Ordinance.

- 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.

N/A.

2. **Urban Design:** The subject property is currently zoned "C-3B" Central Business Mixed-Use District and most of the adjoining properties are as well. The intent of this district is to create a vibrant mixed-use area. Staff believes the goals of this zoning district should be used as a guide for the proposed development. The following language is from the Zoning Ordinance and describes the intent of the "C-3B" District.

Sec. 134-1005. Statement of intent.

The C-3B central business mixed-use district is intended to provide for medium to high density residential and medium to high intensity pedestrian oriented office, retail, commercial, and mixed-use (commercial / residential) development. It is intended this district not be mapped outside the downtown area.

A) Architecture:

The subject site provides a transition between the single-story flexspace developments to the east and the planned mixed-use, Riverpoint West area to the west. Staff believes that building height and materials are important factors in providing an appropriate transition between these two areas.

Staff recommends that all buildings that front SW 11th Street be a minimum of 24 feet in height. The Riverpoint West Plan has identified the land to the west for residential development. Staff anticipates this development will consist of 3-story apartments or row houses. Staff believes 24 feet is adequate to provide a visual balance to both sides of SW 11th Street and to shield the view of the roofs from the future residential developments to the west.

The submitted Concept Plan indicates that the higher quality materials and design patterns on the front façade of the buildings will be carried to the side facades, while the rear would be utilitarian in appearance. The rear walls will not be visible from the public right-of-way except at the three access drives. Staff recommends that the materials and patterns on the front and side walls be extended to the portions of the rear walls that are visible from the adjoining streets. The enhanced materials would generally need to extend to a point equivalent to the rear of the adjoining building.

B) Site Improvements & Landscaping:

The Concept Plan includes an urban streetscape along SW 11th Street consisting of a Class "A" sidewalk with street trees located in planter beds. Staff believes this concept should be extended along DART Way and the portion of Murphy Street that is east of the proposed driveway. These two streets are going to be important access points to the Riverpoint West area and an urban streetscape will help create an appropriate transition into the area from the east.

The staff recommendation in Section III of this report also includes comments on sidewalk travel path widths, trash enclosure design, parking lot landscape islands and bike racks. Staff believes these are all important elements in creating a quality development.

The City is currently developing bike rack regulations. The current draft suggests that bike parking be provided at a rate of 5% of the number of vehicle spaces provided. This ratio would require the applicant to provide 40 bike spaces, which is generally the equivalent of 20 bike racks. If the PUD Concept Plan is approved staff will work with the applicant to identify the appropriate number and placement of bike racks when the PUD Development Plan is submitted.

SUMMARY OF DISCUSSION

Jason Van Essen presented staff report and recommendation.

Bruce Heilman asked about limiting the 75 foot maximum building height to prevent them from building taller at a later time. There may be a desire to protect view corridors.

Jason Van Essen stated that in their discussion, view considerations were focused on roof top mechanical equipment.

Doug Saltsgaver ERG, Inc., 2413 Grand Avenue stated that the staff report was read and there are no issues. The items will be taken care of.

CHAIRPERSON OPENED THE PUBLIC HEARING

The following individuals spoke in opposition

Brad Miller general manager of the Des Moines Area Regional Transit Authority, 1100 Dart Way stated that he was not opposed to the project but had several concerns. The first concern is whether or not they would be able to maintain the current bus shelter that is on the corner of SW 9th and Dart Way. The second concern is the proposal for on-street parking along Dart Way, which is the only entrance to their facility and would be problematic if people started parking there. However, after talking to Gary Fox earlier today, he informed us that any on-street parking that would be on Dart Way would be inset or expanded so the current travelled width would not be limited. The last concern is the storm water retention pond.

Larry Hulse explained that Brad's questions are appropriate for the next phase and they will get in touch with him about the drainage study information when they get to that phase with a development plan review.

Bruce Heilman asked if the land is owned or leased where the bus shelter is located.

Brad Miller stated that it is in the public right-of-way.

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION

Ted Irvine moved staff recommendation Part A) to find the requested rezoning in conformance with the Des Moines' 2020 Community Character Plan's future land use designation of Commercial: Auto-Oriented, Small-Scale Strip Commercial.

Motion passed 11-0

Ted Irvine moved staff recommendation Part B & C) to approve the proposed rezoning and PUD Concept Plan subject to the following conditions:

1. Prohibition of off-premise advertising signs as a permitted use.
2. All building walls with frontage on SW 11th Street shall have a 24-foot minimum height.
3. The materials and patterns of the front and side walls shall be extended to the portions of the rear walls that are visible from the adjoining streets via the access drives.
4. Any trash enclosure constructed shall consist of masonry walls and solid steel gates.
5. Provision of bike racks throughout the development.
6. Provision of a Class "A" sidewalk and street trees in planter beds along Dart Way and the portion of Murphy Street east of the proposed driveway.
7. The uninterrupted path portion of the sidewalks along Murphy Street, SW 11th Street and Dart Way shall be 6 feet in width.
8. Provision of a 7-foot wide sidewalk along SW 9th Street.
9. Provision of a minimum of one planter island per row of parking for the three double rows in the internal lot.

Respectfully submitted,



Jason Van Essen, AICP
Senior Planner

JMV:clw

Attachment

Request from Hubbell Realty Company (developer) represented by Casey Port (officer) to rezone property located at 921 Murphy Street. The subject property is owned by Hubbell Terminal Corporation.			File # ZON2008-00142		
Description of Action	Rezone property from "C-3B" Central Business District Mixed-Residential District to a "PUD" Planned Unit Development District and Approval of the "Riverpoint Flex Office Park West PUD" Conceptual Plan to allow development of a single-story flex office park with approximately 145,000 square feet of floor area.				
2020 Community Character Plan	Downtown: Support commercial				
Horizon 2025 Transportation Plan	No Planned Improvements.				
Current Zoning District	"C-3B" Central Business District Mixed-Residential District				
Proposed Zoning District	"PUD" Planned Unit Development District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	0	0		<20%	
Outside Area					
Plan and Zoning Commission Action	Approval	11-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Hubbell Realty Co - 921 Murphy Street

ZON2008-00142

