

Date March 9, 2009

An Ordinance entitled, "AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 921 Murphy Street from the C-3B Central Business District Mixed Residential District to the PUD Planned Unit Development District classification",

which was considered and voted upon for the first time under Roll Call No. 09- 226 of February 9, 2009, and considered and voted upon for the second time under Roll Call No. 09- 317 of February 23, 2009, again presented.

Moved by \_\_\_\_\_ that this ordinance do now pass.

ORDINANCE NO. \_\_\_\_\_

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
<b>TOTAL</b>				
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.

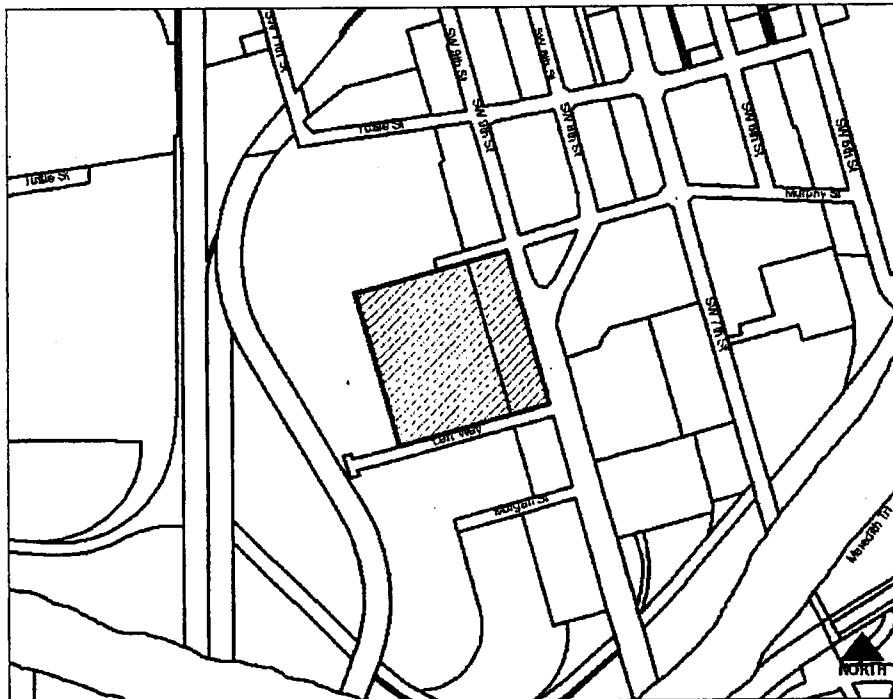
\_\_\_\_\_ City Clerk

09-217  
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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	
<b>Description of Action</b>		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.			
<b>2020 Community Character Plan</b>		Downtown: Support commercial			
<b>Horizon 2025 Transportation Plan</b>		No Planned Improvements.			
<b>Current Zoning District</b>		"C-3B" Central Business District Mixed-Residential District			
<b>Proposed Zoning District</b>		"PUD" Planned Unit Development District.			
<b>Consent Card Responses</b>		In Favor	Not In Favor	Undetermined	% Opposition
Inside Area		0	0		<20%
Outside Area					
<b>Plan and Zoning Commission Action</b>		Approval	11-0	<b>Required 6/7 Vote of the City Council</b>	
		Denial		Yes	No
					X

Hubbell Realty Co - 921 Murphy Street

ZON2008-00142



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47A 49  
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Prepared by:	Michael F. Kelley, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, IA 50309	515/283-4124
Return Address:	City Clerk - City Hall, 400 Robert D. Ray Dr., Des Moines, IA 50309	
Title of Document:	City of Des Moines, Ordinance No. _____	
Grantor/Grantee:	City of Des Moines, Iowa	
Legal Description:	See below.	

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 921 Murphy Street from the C-3B Central Business District Mixed Residential District to the PUD Planned Unit Development District classification.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, be and the same is hereby amended by rezoning and changing the district classification of certain property located in the vicinity of 921 Murphy Street , more fully described as follows:

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 9<sup>th</sup> 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 9<sup>th</sup> Street Right-of-Way lying East of and adjoining said Lot 11, and a 6 inch square of SW 9<sup>th</sup> 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 Central Business District Mixed-Residential District to the PUD Planned Unit Development District classification.

Sec. 2. This ordinance shall be in full force and effect from and after the later of its passage and publication as provided by law.

Sec. 3. That the City Clerk is hereby authorized and directed to cause certified copies of the vicinity map, this ordinance, and proof of publication of this ordinance to be properly filed in the office of the Polk County Recorder.

FORM APPROVED:

  
\_\_\_\_\_  
Michael F. Kelley  
Assistant City Attorney

Date \_\_\_\_\_  
 Agenda Item \_\_\_\_\_ **49**  
 Roll Call # **09-317**  
**32**

January 16, 2009

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 11<sup>th</sup> 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 11<sup>th</sup> Street and Dart Way shall be 6 feet in width.
8. Provision of a 7-foot wide sidewalk along SW 9<sup>th</sup> 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 11<sup>th</sup> 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 11<sup>th</sup> Street and Dart Way shall be 6 feet in width.
8. Provision of a 7-foot wide sidewalk along SW 9<sup>th</sup> 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 9<sup>th</sup> Street to the east, DART Way to the south and SW 11<sup>th</sup> 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 9<sup>th</sup> Street to the east and DART Way to the south. The property will be bordered by planned extensions of SW 11<sup>th</sup> 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 identifies 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 11<sup>th</sup> 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 11<sup>th</sup> 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 11<sup>th</sup> 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 Saltgaver 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 9<sup>th</sup> 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.

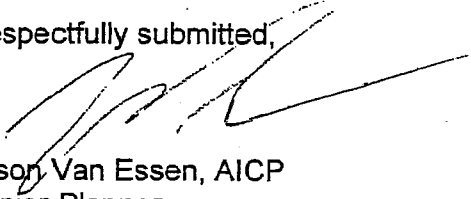
Motion passed 11-0

09-017  
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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.
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8. Provision of a 7-foot wide sidewalk along SW 9<sup>th</sup> 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