



Date February 11, 2013

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 7, 2013, its members voted 14-1 in support of a motion to recommend **APPROVAL** of a request from Hubbell Realty Company (developer) represented by Steve Niebuhr (officer) for review and approval of an amendment to the Riverpoint Flex Office Park West PUD Conceptual Plan on property located at 510 Southwest 9th Street, to allow development of 10.5 acres of vacant land for development of nine (9) mixed-use four-story buildings with a total of 339 residential units on floors 2-4, 4,554 square feet of clubhouse, and up to 85,485 square feet of first-floor commercial space with an option of 92 first-floor parking spaces in lieu of 35,577 square feet of commercial space subject to the following conditions:

1. Prohibition of the following uses:
 - a. Mobile home parks.
 - b. Used car lots.
 - c. Adult entertainment businesses.
 - d. Automobile washing and oil changing establishments.
 - e. Automobile body and fender repair shops.
 - f. Communications tower/antenna (unless as an extension of 20 feet or less from a structure.
 - g. Convenience stores with fuel sales.
 - h. Delayed deposit services.
 - i. Pawn brokers.
 - j. Off-premise advertising signs.
2. Identification of the approximate location of storm water facilities on the Conceptual Plan.
3. Compliance with the "C-3" District Landscaping Standards.
4. Any trash enclosure constructed shall consist of masonry walls with solid steel gates and shall have a separate pedestrian access point and be sized to accommodate recycling bins.
5. Removal of all unused drive approaches with restoration of the right-of-way including curbing.
6. Identification of potential patio space locations for commercial tenants.
7. Provision of an ornamental fence along the perimeter of all street fronting parking lots.



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8. Provision of a Class "A" sidewalk and street trees in planter beds along SW 11th Street and the portion of Murphy Street and DART Way west of the proposed eastern driveways.
9. Provision of a mid-block sidewalk connection to the SW 9th Street sidewalk.
10. Provision of sidewalks along the western driveway to Murphy Street and along the western driveway to DART Way.
11. All building mounted signage shall consist of individual channel letters.
12. The use of exterior insulated finish systems (EIFS) shall be limited to accent type applications.
13. Amendment of the architectural guideline notes on Sheet 3.1 to state that all buildings shall be in substantial conformance with the conceptual building elevations including height and materials.
14. Provision that staff work with the applicant on tree placement abutting the retail bays.

The subject property is more specifically described as follows:

Lot 11; Lot 12 (except for the south 52.8'); the North 635.2' of Lot "J"; vacated south 6 inches of Murphy Street right-of-way lying North of and adjoining Lot 11; the West 6 inches of S.W. 9th Street right-of-way lying East of and adjoining Lot 11; and a 6 inch square piece of S.W. 9th Street right-of-way lying East of and adjoining the said 6 inches of Murphy Street, all in FACTORY ADDITION PLAT NO. 3, an Official Plat, now included in and forming a part of the City of Des Moines, Iowa, EXCEPT those portions thereof conveyed to the City of Des Moines, Iowa, by that Warranty Deed filed February 23, 2011, in Book 13779 at Page 18 in the Office of the Recorder for Polk County, Iowa.

And

Parcel "E" of part of Lots 9, 10, and "P" in Factory Addition Plat No. 3, an Official Plat, as described and depicted on that Plat of Survey filed September 25, 2008, in Book 12787 at Page 858 in the Office of the Recorder for Polk County, Iowa.



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All now included in and forming a part of the City of Des Moines, Polk County, Iowa, and being more particularly described by survey as follows:

Beginning at the Northwest corner of said Parcel "E"; thence North 74°(degrees) 33'(minutes) 01"(seconds) East, 548.65 feet (previously recorded as North 74°37'02" East, 548.65 feet) along the North line of said Parcel "E" to the Northeast corner of said Parcel "E" on the West line of said Lot "J" in Factory Addition Plat No. 3; thence North 74°32'43" East, 167.00 feet (previously recorded as North 74°37'02" East, 167.03 feet) to the East line of said Lot 11 in Factory Addition Plat No. 3; thence South 15°28'39" East, 604.63 feet (previously recorded as South 15°24'28" East) along the East line of said Lots 11 and 12 in Factory Addition Plat No. 3; thence South 74°28'35" West, 166.89 feet (previously recorded as South 74°33'02" West, 166.89 feet) to the Southeast corner of said Parcel "E" on the West line of said Lot "J" in Factory Addition Plat No. 3; thence South 74°28'03" West, 628.91 feet (previously recorded as South 74°32'06" West, 628.91 feet) along the South line of said Parcel "E" to the Southwest corner of said Parcel "E"; thence North 07°56'21" West, 610.98 feet (previously recorded as North 07°52'20" West, 610.98 feet) along the West line of said Parcel "E" to the point of beginning.

Containing 10.50 acres.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on February 25, 2013, at which time the City Council will hear both those who oppose and those who favor the proposal.
2. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.



Roll Call Number

Agenda Item Number

28

Date February 11, 2013

MOVED by _____ to adopt.

FORM APPROVED:

Michael F. Kelley
Assistant City Attorney

(ZON2013-00001)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				
MOTION CARRIED	APPROVED			

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.

Mayor

City Clerk