



.....  
**Date** ..... February 25, 2013 .....

WHEREAS, on February 11, 2013 by Roll Call No. 13-0206, the City Council duly resolved that a public hearing be held on February 25, 2013, at 5:00 p.m., in the Council Chambers at City Hall, 400 Robert D. Ray Drive in Des Moines to consider a proposal from Hubbell Realty Company (developer) represented by Steve Niebuhr (officer), to amend the approved Riverpoint Flex Office Park West PUD Planned Unit Development District Conceptual Plan for property located in the vicinity of 510 Southwest 9<sup>th</sup> 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; and

WHEREAS, due notice of the hearing was published in the Des Moines Register on February 15, 2013, as provided by law, setting forth the time and place for hearing on the proposed amendment to the approved PUD Conceptual Plan; and

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

WHEREAS, in accordance with the published notice those interested in the 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 the proposed amendments to the approved PUD Conceptual Plan for the property in the vicinity of 510 Southwest 9<sup>th</sup> Street, and more specifically described below, are hereby overruled and the hearing is closed.

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. 9<sup>th</sup> Street right-of-way lying East of and adjoining Lot 11; and a 6 inch square piece of S.W. 9<sup>th</sup> 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.



Date February 25, 2013

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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.

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.

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 amended 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 following conditions recommended by the Plan and Zoning Commission as set forth in the attached letter from the Planning Administrator, and subject to approval of such amendments by the Community Development Director:



**Date** ..... February 25, 2013 .....

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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.
8. Provision of a Class "A" sidewalk and street trees in planter beds along SW 11<sup>th</sup> 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 9<sup>th</sup> 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.



**Roll Call Number**

**Agenda Item Number**

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**Date** February 25, 2013

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- 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.

MOVED by \_\_\_\_\_ to adopt and to approve the proposed amendment to the PUD Conceptual Plan.

FORM APPROVED:

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

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

Hubbell Realty Company - 510 SW 9th Street - PUD Amendment ZON2013-00001



37

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 9 <sup>th</sup> Street. The subject property is owned by 510 SW 9 <sup>th</sup> Street, LLC.			File # <b>ZON2013-00001</b>		
<b>Description of Action</b>	Approval of an amendment to the Riverpoint Flex Office Park West PUD Conceptual Plan on property located at 510 Southwest 9 <sup>th</sup> 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 conditions.				
<b>2020 Community Character Plan</b>	Support Commercial				
<b>Horizon 2035 Transportation Plan</b>	No Planned Improvements				
<b>Current Zoning District</b>	"PUD" Planned Unit Development 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	6				
Outside Area					
<b>Plan and Zoning Commission Action</b>	Approval	<b>14-1</b>	<b>Required 6/7 Vote of the City Council</b>	Yes	N/A
	Denial			No	

Hubbell Realty Company - 510 SW 9th Street - PUD Amendment ZON2013-00001



February 13, 2013

Date \_\_\_\_\_

Agenda Item 37

Honorable Mayor and City Council  
City of Des Moines, Iowa

Roll Call # \_\_\_\_\_

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held February 7, 2013, the following action was taken regarding a request from Hubbell Realty Company (developer) represented by Steve Niebuhr (officer) to amend the Riverpoint Flex Office Park West PUD Conceptual Plan on property located at 510 Southwest 9<sup>th</sup> Street.

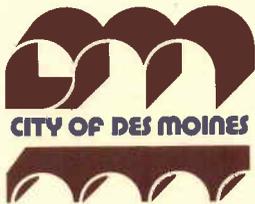
**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 14-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles	X			
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Tim Fitzgerald	X			
Dann Flaherty	X			
John "Jack" Hilmes	X			
Ted Irvine	X			
Greg Jones	X			
William Page	X			
Christine Pardee	X			
Mike Simonson	X			
CJ Stephens	X			
Vicki Stogdill		X		
Greg Wattier	X			

**APPROVAL** of the proposed Conceptual Plan amendment subject to the following conditions: (ZON2013-00001)

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.



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

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.
8. Provision of a Class "A" sidewalk and street trees in planter beds along SW 11<sup>th</sup> 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 9<sup>th</sup> 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.

### **STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Staff recommends approval of the proposed Conceptual Plan amendment 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.
8. Provision of a Class "A" sidewalk and street trees in planter beds along SW 11<sup>th</sup> 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 9<sup>th</sup> 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.

#### Written Responses

6 In Favor

0 In Opposition

### **STAFF REPORT**

#### **I. GENERAL INFORMATION**

1. **Purpose of Request:** The subject property was rezoned from "C-3B" District to "PUD" District in 2009. The existing Conceptual Plan allows the development of three, one-story commercial buildings and surface parking. The proposed amendment would allow the development of four-story buildings containing a mix of residential and commercial uses.
2. **Size of Site:** 10.62 acres.
3. **Existing Zoning (site):** Riverpoint Flex Office Park West "PUD" District, Downtown Overlay District, and "GGP" Gambling Games Prohibition Overlay District.
4. **Existing Land Use (site):** 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):** The subject property is within the Downtown Des Moines Neighborhood. This neighborhood was notified of the meeting by mailing of the Preliminary Agenda on January 22, 2013. Additionally, separate notifications of the hearing for this specific item were mailed on January 16, 2013 (20 days prior to the hearing) and on January 28, 2013 (10 days prior to the hearing) to the Downtown Des Moines Neighborhood Associations and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda for the meeting was mailed to the neighborhood association on February 1, 2013.

All agendas and notices are mailed to the primary contact person designated to the City of Des Moines Neighborhood Development Division by the recognized neighborhood association. The Downtown Des Moines Neighborhood Association notices were mailed to Jonathan Brendemuehl, 119 4<sup>th</sup> Street, #108, Des Moines, IA 50309.

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

1. *Mobile home parks.*
2. *Used car lots.*
3. *Adult entertainment businesses.*
4. *Automobile washing and oil changing establishments.*
5. *Automobile body and fender repair shops.*

*Staff recommends that the following be added to the list of prohibited uses.*

1. *Communications tower/antenna (unless as an extension of 20 feet or less from a structure.*
2. *Convenience stores with fuel sales.*
3. *Delayed deposit services.*
4. *Pawn brokers.*
5. *Off-premise advertising signs.*

*Staff believes that with these 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 a 2-foot building setback from SW 11<sup>th</sup> Street and Murphy Street. A 90-foot building setback is proposed along SW 9<sup>th</sup> Street. A 12-foot building setback is proposed along DART Way. 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. Staff believes that the proposed setbacks are appropriate for the character of the area.*

- 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 conceptual plan indicates that storm water would be handled by "a combination of conventional detention and conservation practices, which may involve permeable pavements, infiltration trenches, groundwater recharge pits, rain gardens or other methods." Sanitary sewer is available in SW 9<sup>th</sup> Street, Murphy Street, SW 11<sup>th</sup> Street and the west 300 feet of Dart Way. The Permit and Development Center has requested that the approximate locations of storm water facilities be identified on the Conceptual Plan.*

- 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 Murphy Street to the north, SW 9<sup>th</sup> Street to the east, DART Way to the south and SW 11<sup>th</sup> Street to the west. Staff believes that the surrounding street network is 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 Conceptual Plan identifies 402 off-street parking spaces and 52 on-street spaces that adjoin the site.*

- 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.

*The Conceptual Plan shows an open green space in the middle of the development that would include a fenced dog park feature.*

**1. Downtown Overlay District Design Guidelines:** These additional design guidelines are applicable to any development within the Downtown Overlay District.

- A) Projects should demonstrate understanding of the micro and macro context for the project by offering place specific solutions for materiality, massing, uses, fabric and climate that are consistent with the vision of the "What's Next Downtown Plan". In most cases, corporate prototype architecture may not be an acceptable design.

*The "What's Next Downtown Plan" envisions a dense and pedestrian friendly downtown. The proposed four-story building type and mix of uses is appropriate for this area along the southern perimeter of the downtown. The proposed layout of the site speaks to the auto-oriented nature of the adjoining segment of SW 9<sup>th</sup> Street and to the pedestrian orientation envisioned for the SW 11<sup>th</sup> Street corridor.*

*The buildings would consist of a mix of thin brick, cement board and precast concrete siding. The Conceptual Plan's "Architectural Guidelines" state that EIFS would also be an allowed siding material. Staff understands that the applicant may*

want to use EIFS for the band at the top of the ground floor that is where signage would be mounted. The building elevations show this area as consisting of precast concrete. Staff recommends that approval be subject to the use of EIFS as an accent material only.

- B) Low Impact development techniques should be utilized which implement site water quality control solutions, using materials which are locally available and creating projects which minimize energy consumption.

*The submitted conceptual plan indicates that storm water would be handled by "a combination of conventional detention and conservation practices, which may involve permeable pavements, infiltration trenches, groundwater recharge pits, rain gardens or other methods."*

- C) Connectivity between adjacent properties should be provided or demonstrated for both pedestrian and vehicular circulation.

*The proposed development would encompass an entire city block. It would have two access drives to Murphy Street to the north and two drives to DART Way to the south. Sidewalks are shown throughout the site. Staff believes that a mid-block walk should be provided from the development to SW 9<sup>th</sup> Street. Walks should also be provided along the western drives to Murphy Street and DART Way. Staff also believes that Class "A" sidewalks should be provided along SW 11<sup>th</sup> Street and the portions of Murphy Street and DART Way west of the eastern driveways. It is not clear if a Class "A" sidewalk or a standard sidewalk is proposed along SW 9<sup>th</sup> Street. Staff believes that either is appropriate. However, if a Class "A" sidewalk is proposed for SW 9<sup>th</sup> Street then Class "A" sidewalks should extend the full length of Murphy Street and DART Way.*

- D) The incorporation of 'soft (green) spaces' on site is encouraged.  
E) Where feasible, projects should provide outdoor spaces for people gathering.

*The proposed development includes a green space in the middle of the site. Staff recommends that the development be landscaped in accordance with the "C-3" District Standards, which were developed to fit the character of the downtown area.*

- F) If feasible, connections to adjoining bike paths or on-street bike facilities and on-site bike racks should be provided in close proximity to building entrances.

*The proposed Conceptual Plan includes bike parking areas for each building. Staff has also encouraged the applicant to consider installing a B-cycle Station within the development.*

- G) Building heights. Minimum height for all uses should be the lesser of 36 feet or three stories.

*The architectural elevations indicate the proposed buildings would be four stories in height. However, the Conceptual Plan also includes notes that buildings shall be a maximum of 75 feet in height and that buildings fronting SW 11<sup>th</sup> Street shall be a minimum of 20 feet in height. No minimum heights are noted for other buildings. Staff recommends that the architectural guideline notes on Sheet 3.1 be replaced*

with a note that all buildings will be constructed in substantial conformance with the conceptual building elevations including height and materials.

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H) Bulk standards, building setbacks, orientation, frontage and residential access:

1. All buildings with river frontage should orient towards the river and have building entrances that are oriented to the river and primary street(s).
2. All buildings without river frontage should have entrances oriented toward primary street(s).

N/A.

3. All buildings should have frontage on principal street(s) of not less than 70 percent of the lot.

*The proposed development would encompass 65% of the SW 11<sup>th</sup> Street frontage and 47% of the Murphy Street frontage. The buildings along SW 9<sup>th</sup> Street are separated by parking from the street. They represent 66% of the SW 9<sup>th</sup> Street frontage if they are considered to front the street. The buildings along DART Way represent 58% of the frontage if the eastern building is considered fronting DART Way. It is separated from the street by parking. Staff believes that the proposed frontages are adequate given the development's overall design concept and the character of the area. The site is located in an area that transitions from an auto-oriented pattern along SW 9<sup>th</sup> Street to a planned pedestrian orientation to the west and north.*

4. For commercial and mixed-use buildings, at least 70 percent of the building frontage should be within one foot of the property line.

*The proposed buildings along SW 11<sup>th</sup> Street and Murphy Street would comply with this guideline. The buildings along SW 9<sup>th</sup> Street would be setback 95 feet. The buildings along DART Way would setback 12 feet. Staff believes that an ornamental fence should be provided along the street side perimeter of all parking lots that front a street to address this guideline. If the perimeter fencing is provided, staff believes that the proposed setbacks are adequate given the development's overall design concept and the character of the area.*

5. At least one building entrance for residential uses should directly access the street when a residential use is located above street-level retail or commercial uses.

*It does not appear that the proposal complies with this guideline. Staff will work with the applicant to explore the feasibility of addressing this guideline.*

6. For residential buildings, a maximum setback of 15 feet from the public right-of-way is permitted unless superseded by bulk regulations of the underlying zoning district (i.e. R-HD Residential Historic District, R1-60 Low Density Residential District, etc.).

*The proposed buildings along DART Way and Murphy Street may only contain residential units depending on the market as the site is developed. These buildings comply with the setback guideline for residential buildings.*

- I) Storage of all materials and equipment should take place within completely enclosed buildings.

*No outdoor storage is proposed.*

- J) All refuse collection containers and dumpsters should be enclosed on all sides by the use of a permanent wall of wood, brick or masonry and steel gates which are compatible in design with the principal structure.

*Trash enclosures are proposed throughout the site. Staff recommends that approval be subject to the provision of masonry enclosures with solid steel gates. Staff also believes that each enclosure should have a pedestrian access point that is separate from the main gates and be sized to accommodate recycling bins.*

- K) All open areas not used for off-street loading or parking should be landscaped in accordance with the Des Moines Landscape Standards for C-3 districts.

*Staff recommends that the provision of landscaping in accordance with the "C-3" District landscaping standards be a condition of approval.*

- L) Access doors for any warehouse use and any loading docks should not front on any public street.

*N/A.*

- M) Gas stations/convenience stores should be limited to no more than six pumps and allow no more than 12 vehicles to be fueled at one time.

*No convenience store with fuel sales is proposed. However, staff recommends that it be added to the list of prohibited uses for the site.*

- N) Gas station / convenience stores and canopies, drive-thru facilities for restaurants, banks, parking garages and other auto-dominant uses should not front or have vehicular access on or to a pedestrian corridor as designated in the downtown pedestrian corridor map on file in the office of the city clerk as approved by city council resolution.

*SW 11<sup>th</sup> Street is a designated pedestrian corridor. No driveways or drive-thru facilities are proposed along SW 11<sup>th</sup> Street. The two buildings along SW 9<sup>th</sup> Street have drive-thru lanes identified to the north of each building. These facilities are accessed from within the site and not directly from the adjoining streets.*

- O) Existing curb cuts should be consolidated to the minimum number necessary and be located as directed by the city traffic engineer and community development director.

*The development would have two driveways to Murphy Street to the north and two driveways to DART Way to the south. Staff recommends that approval be subject to the removal of any unused drive approaches including the installation of curbing as needed.*

- P) Parcels proposed for development that are greater than two acres should be rezoned to a planned unit development (PUD) zoning classification.

*The subject site is 10.62-acres in size and is zoned "PUD" District.*

- Q) Auto-dominant uses as described in guideline "N" above should be located in a mixed use commercial center and with buildings possessing a unified commercial design.

*The proposed development complies with this guideline.*

- R) Parking ramps should either include ground floor retail or commercial space, be designed for conversion to retail or commercial space, or have significant architectural detail.

N/A.

## **SUMMARY OF DISCUSSION**

Jason Van Essen presented the report and staff recommendation.

Vicki Stogdill asked if this area flooded in 1993 or 2008.

Jason Van Essen stated the applicant could address that question.

Steve Niebuhr Hubbell Realty Co. 6900 Westown Pkwy, West Des Moines stated the first floor will be commercial or covered parking. They have thought about whether or not this area has flooded and have taken this issue into consideration. Therefore, the residential spaces will be 10 to 11 feet above grade. They have done a great deal of clean up on this site to allow this project to take place. They will have a mix of micro units which are about 473 square feet, one bed room units and two bedroom units. He pointed out they will have a club house which will include a fitness area, internet café, community room and media room along with an outdoor grilling area. Another feature they think will be popular based on their other development around the metro is a private dog park to be placed in the large open green space area.

They have attended two Urban Design Review Board (UDRB) meetings, a preliminary one where they talked about some details regarding the brick returns at the windows. They are putting brick returns at windows as far as the corners of the thin brick. They also talked about the vertical elements and getting more depths out of those because they were originally very thin. Now they are giving them two foot of depth giving them more mass and structure. The last request of the UDRB was about the retail along SW 9<sup>th</sup> and SW 11<sup>th</sup> and the visibility of that retail in relationship to street trees. He asked if there was a way to put in bushes and clump some of the trees together to make sure there is a vital retail sector on that first floor. They agree with UDRB and would like to follow their recommendations. They agree with staff recommendation with the exception of possibly incorporating UDRB's recommendations.

Mike Ludwig stated he thought the UDRB's recommendation was primarily directed towards SW 11<sup>th</sup> Street where there was going to be that Class A sidewalk and trees.

Steve Niebuhr stated he is not against the Class A as far as doing the walk with the drop face curb. His concern are the trees blocking the visibility of the tenants.

Mike Ludwig stated there are Class A with street trees throughout downtown and the City Arborist is definitely pushing for that. He suggested that the Commission allow staff to continue to work with the applicant to try and find a solution. Staff previously requested an alternate landscape plan to be presented but it has not been submitted.

Greg Jones stated one of the solution to other streetscapes in regards to Class A sidewalks and trees is to locate the trees at points where walls separate tenants.

Steve Niebuhr stated he was not advocating complete elimination of trees he just wanted to make sure that they respect the view corridors for the tenants.

CJ Stephens asked if the applicant has a completion date.

Steve Niebuhr stated it would be in three phases; 111 units in the first phase, 117 in the second phase, and then the rest in the third phase. Expectation is 18 to 24 months between phases.

CJ Stephens asked about the parking. Is there enough parking for this size of a project.

Mike Ludwig stated staff believes there is plenty of parking on the site for the proposed use.

CJ Stephens asked if the applicant is going to charge a fee for their dog park. If buildings are now including free dog parks is revenue being taken away from the City?

Steve Niebuhr stated that their dog park is free and private dog parks are free enterprise. They are not trying to compete with the City. He believes the dog park is an amenity for tenants that can set them apart.

CJ Stephens stated the dog park is a great idea. Is Hubbell entertaining the idea of getting a grocery store downtown.

Steve Niebuhr stated it all relates to roof tops and they are getting ready to deliver a lot of them down in this area and he hopes that will attract a grocery store in the downtown area.

Christine Pardee stated she commends the applicant for integrating a dog park.

Mike Ludwig stated those who were on the Commission when the original flex space was considered there were concerns about getting those buildings oriented to the adjoining streets. This project is a much better project for this site. It is a transition from SW 9<sup>th</sup> to SW 11<sup>th</sup>. By allowing the two buildings along SW 9<sup>th</sup> to be setback it is almost creating a street on the west side of those first two buildings and really treating the western ¾ of the site as a unit and getting those buildings oriented to the street. He thanked Steve Niebuhr for coming to talk to staff very early on this project. It provided an opportunity to really work with staff on the architecture of the buildings and work with the Urban Design Review Board.

Will Page asked if this was a Brownsfield reclamation project.

Steve Niebuhr stated that it gets a Brownsfield award from the State of Iowa but it also have a EPA loan through the City which is over a million dollars in clean up they have done. It was a form of PDM factory site so there was a lot of heavy metals. This site will be cleaned up for residential standards and use.

Will Page asked the status of property surrounding this site. Has it been cleaned or is it still in the state of needing reclamation.

Steve Niebuhr stated the property to the west on the west side of SW 11<sup>th</sup> has been cleaned up to residential standards, north of their site now owned by George Sherman, he is planning to do a residential project there. They are going to clean it up or encapsulate with at least two foot of soil cover.

Bob Ormsby SVPA Architects, 1466 28<sup>th</sup> Street West Des Moines showed some slides to give the Commissioners some orientation of where the buildings will be. The materials they will be using is cement board siding, with brick corners to the units. The base of the building will be a darker brick. At the street level they will be using a neutral color pallet for the cement board. The buildings will be a variation of some neutrals, some neutral warm grays and some tan. They will mixing it up a little bit where not every unit will be the same color but keep it very neutral. The accent for color will be established with the awnings they are looking at on the commercial level.

#### **CHAIRPERSON OPENED THE PUBLIC HEARING**

*The following spoke in opposition of the applicant's request.*

Tom Reynolds 112 10<sup>th</sup> Street representing DART. He is the chief operating officer of the Des Moines Area Regional Transit authority 1100 Dart Way which is south of this proposed development. He is not before the Commission to say that DART is in opposition of the plan but he is just presenting their concerns so action can be taken. He stated he was first notified of this proposal when he received a notification of this meeting. DART has some concerns that the uses of the new development need to be compatible to what DART is as a neighbor. They would like to be a good neighbor. If the new development is not compatible he believes that appropriate measures should be taken to buffer or safeguard those uses ahead of time. As the region grows so will DART and their impact and increased activity will have an impact on what happens to their surrounding neighbors. The development plan seems to incorporate residential units. DART believes that some of the potential problems that could possibly occur when located adjacent to or near an operating maintenance facility of a public transit agency is the noise from the bus leaving as early as 5:30 a.m. and returning as late as 10:30 p.m. to the facility; and the possible blocking of their radio transmission that they use to communicate with all of their busses because of the building height. His 25 years of experience in the transit agency in the Chicago region has provided him a lot of experience about the conflicts that can occur between a transit facility and residential developments near that facility. The DART 2035 plan is the plan they have endorsed for the next several years which include service improvements with increase of hours and frequency of service. He noted with for safety reasons DART is requesting that no curb cuts be made that will allow access from the development to DART Way, because there are certain period of time when a lot of busses are returning from the garage. DART facility is built on a flood plain of the Raccoon River and has experienced flooding in 1993 and 2008. In 2010 DART was concerned about their detention/retention pond to the west of their property that does not have a proper outflow. Therefore, stormwater drainage around the facility is poor and is a constant

concern to DART. The proposed site has had planned dumping of fill on it for the last year despite the no dumping signs that have been posted. DART is concerned the building up on the base property will increase the flood concerns around them. DART wants to make sure the developer and the subsequent uses are required to hold and disperse their own stormwater with no impact. Finally, there are bus stops on SW 9<sup>th</sup>, they provide service along SW 9<sup>th</sup> and they would encourage that there would be bus stops or at least access that is ADA accessible to those bus stops from the development.

John "Jack" Hilmes asked if DART and the applicant had a chance to talk about the concerns before bringing them to the Commission this evening.

Tom Reynolds stated that he has not. He was not aware of any of the development that was occurring. Therefore he came to the meeting and provide some general comments.

John "Jack" Hilmes asked staff if they had a chance to sit down and visit with the applicant about DART's concerns before this evening.

Mike Ludwig stated the Riverpoint West area has been a master plan for residential development over 10 years. Therefore, the idea of residential being in this area is not a new concept. In regards to the access points along DART Way, even the flex space that was approved previously had access out to DART Way. In regards to the noise concern maybe the applicant can address the construction methods that are being used to buffer the noise especially the units that are closer to DART Way. Staff does send out notification to agencies. This would have come through the pre-application meeting. He is not sure if DART had any representation at this meeting and believes that DART was mailed notice of the proposal at least 20 days prior to the meeting. Staff had not received any comments or calls from DART.

John "Jack" Hilmes stated that DART has been there through the whole planning process and he does not recall anything being said about DART earlier. He is sure the concerns about busses were taken into consideration before development of a 39 million dollar project.

Mike Ludwig reiterated that there has always been residential as part of this Riverpoint West development area.

Tom Reynolds clarified that they are aware that the parcel is going to be developed some time in the future and is not totally against any type of development whether it be residential or commercial. DART just want to have some safeguards and/or buffers that would make this a good development that won't impact them and the people that choose to live there.

Greg Wattier asked if DART plans to move their facility.

Tom Reynolds stated currently their plans are primarily on the service end. DART's location is in a good location because it is near the central area where their bus service is located. DART is a federally funded facility and if there is any decision to move it would require the federal government to actually come in and approve that. If they do move or have to abandon their site for any reason there would have to be some liability for the underappreciated value of that property.

Greg Jones stated he believes this is a urban place and busses are part of it and if the developer does not see a problem with locating near this facility and certainly the people who are going to move in will make that choice.

Ted Irvine stated the DART 2035 plan is a very well circulated document within the community. When the previous two companies were there it was much less consideration given to stormwater and retention/detention. Whenever something new is built it is generally better than what was there. The dumping goes away, when something is built. This is a very good project and believes that Hubbell will work closely with DART.

Tim Fitzgerald stated the flooding was an to the City of Des Moines. He believes the federal government has taken steps to alleviate and mitigate the problems that were in that area. The retention pond is going to help DART's property rather than hinder it.

### *Rebuttal*

Steve Niebuhr stated this is the first that he has heard that there may be some concerns. There were discussions with DART back in 2008 and one of the products that came out of the discussion was the no parking on DART Way. Regarding the noise from the bus, he is sure DART operates their facility in compliance with all of the noise and smell requirements and as long as they do that he is sure they will get along just fine. Residential units will be one-story up in the air which should alleviate a lot of the noise issues. There are construction techniques that are put in place to address the noise. This area has always been residential and should not be a surprise.

Ted Irvine asked if Hubbell would be willing to sit down with DART about their concerns.

Steve Niebuhr stated yes but do not think that buildings should be eliminated because there was a flex office park in the same area and they did get DART's input. DART Way is not a dedicated street for DART. It is a public street and yet Hubbell agreed to not park on DART Way.

## **CHAIRPERSON CLOSED THE PUBLIC HEARING**

### **COMMISSION ACTION:**

Mike Simonson moved to approve the proposed Conceptual Plan amendment 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.

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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.
  8. Provision of a Class "A" sidewalk and street trees in planter beds along SW 11<sup>th</sup> 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 9<sup>th</sup> 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.

Motion passed 14-1 (Vicki Stogdill voted in opposition)

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:clw

Attachment

Item 2013-000001

Date 01/31/13

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I (am)  (am not) in favor of the request.

(Circle One)

Print Name George E. Sherman

Signature [Handwritten Signature]

Address 233 Park Ave S, Suite 201, Minneapolis MN, 55415

Reason for opposing or approving this request may be listed below:

RIVER POINT WEST LLC

Item 2013-000001

Date 1-31-13

I (am)  (am not) in favor of the request.

(Circle One)

Print Name Krista Capp Sr VP

Signature [Handwritten Signature]

Address 920 Morgan

Reason for opposing or approving this request may be listed below:

RiverPoint needs more residential opportunities  
SUBJECT PROPERTY &  
ADJACENT PROPERTIES

Item 2013-000001 Date 1-31-13

I  (am)  (am not) in favor of the request.

(Circle One)



Print Name Krista Capp SVP

Signature Krista Capp

Address 100 SW 9th

Reason for opposing or approving this request may be listed below:

Great Use

Item 2013-000001 Date 1-31-13

I  (am)  (am not) in favor of the request.

(Circle One)



Print Name Krista Capp SVP

Signature Krista Capp

Address 100 SW 9th

Reason for opposing or approving this request may be listed below:

Great concept.

Item 2013-000001 Date 1-31-13

I  (am)  (am not) in favor of the request.  
(Circle One)



Print Name Krista Capp, Sr VP  
Signature Krista Capp  
Address 400 SW 8th

Reason for opposing or approving this request may be listed below:

South of MLK needs  
the investment

Item 2013-000001 Date 1-31-13

I  (am)  (am not) in favor of the request.  
(Circle One)



Print Name Krista Capp, Sr VP  
Signature Krista Capp  
Address 500 SW 7th

Reason for opposing or approving this request may be listed below:

Riverpoint needs more  
retail

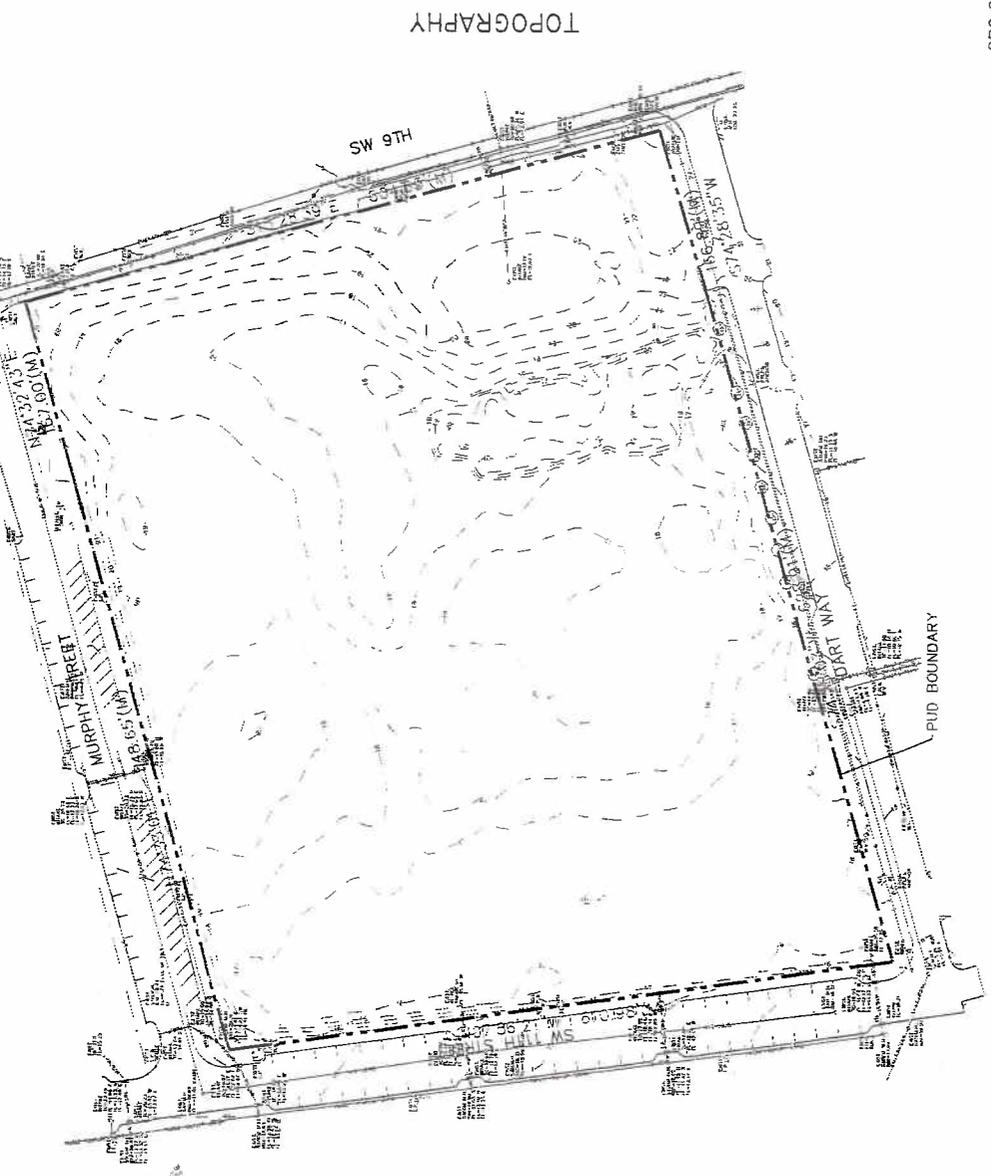




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RIVERPOINT FLEX OFFICE PARK WEST - CONCEPTUAL PLAN		FRC		12-160	
NO.	NO.	NO.	NO.	NO.	NO.
DATE	DATE	DATE	DATE	DATE	DATE
BY	BY	BY	BY	BY	BY
SCALE	SCALE	SCALE	SCALE	SCALE	SCALE
PROJECT NO.	PROJECT NO.	PROJECT NO.	PROJECT NO.	PROJECT NO.	PROJECT NO.
SHEET NO.	SHEET NO.	SHEET NO.	SHEET NO.	SHEET NO.	SHEET NO.
DATE	DATE	DATE	DATE	DATE	DATE

**PRELIMINARY CONCEPTUAL PLAN FOR RIVERPOINT FLEX OFFICE PARK WEST**  
 A PLANNED UNIT DEVELOPMENT IN THE CITY OF DES MOINES, COUNTY OF POLK, STATE OF IOWA  
 SHEET 2.2 OF 6  
 AMENDMENT #2



TOPOGRAPHY

CP2.2

**NOTE:**  
 THE ENGINEER HAS REVIEWED THE PLANS AND FOUND THEM TO BE IN ACCORDANCE WITH THE IOWA SUBDIVISION ACT AND THE IOWA ZONING ORDINANCES. THE ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE PLANS AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREON.

