



Date January 14, 2019

**RESOLUTION SETTING HEARING ON REQUEST FROM
RIVER POINT WEST, LLC TO REZONE PROPERTY IN THE VICINITY OF
THE 400 BLOCK OF SOUTHWEST 11TH STREET, TO AMEND THE
GRAY’S STATION PUD CONCEPTUAL PLAN, AND TO APPROVE THE
SLATE AT GRAY’S LANDING PUD CONCEPTUAL PLAN**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on December 20, 2018, its members voted 8-0 in support of a motion to recommend **APPROVAL** of a request from River Point West, LLC (owner), represented by Carole Mette (officer), to rezone property in the vicinity of the 400 block of Southwest 11th Street (“Property”) from “C-3B” Central Business Mixed-Use District to “PUD” Planned Unit Development, to allow redevelopment of the Property with up to 250 multi-family residential dwelling units for senior living within two four-story buildings, and to reduce the Gray’s Station PUD Conceptual Plan area by removing a portion of property within said Plan and transferring said portion to the Slate at Gray’s Landing PUD, and to approve the Slate at Gray’s Landing PUD Conceptual Plan subject to the following conditions:

1. Provision of a note that states “all buildings shall incorporate 360-degree architectural detailing and materials to the satisfaction of the Planning Administrator with any Development Plan.”
2. Provision of a note that states “All brick shall consist of full-depth units.”
3. Provision of a note that states “durable siding materials shall be utilized along the ground level of all buildings to the satisfaction of the Planning Administrator with any Development Plan.”
4. All outward facing ground floor units shall have an exterior door with a sidewalk connection to a public sidewalk or trail to the satisfaction of the Planning Administrator with any Development Plan.
5. All exterior entrances to the ground floor units shall be identifiable as a primary entrance to the unit by variation in the architecture of the building to the satisfaction of the Planning Administrator with any Development Plan.
6. Provision of a note that states “landscaping shall be provided in accordance with the “C-3” District standards or exceeded as illustrated on Sheet 2.”
7. Provision of a note that states “foundation plantings shall be provided around the perimeter of all buildings.”
8. Provision of heavy landscaping and/or art installations in the space between the basement parking ramps and SW 11th Street; and

WHEREAS, the portion of the Property proposed to be rezoned for inclusion in the Slate at Gray’s Landing PUD is legally described as:

(A PART OF AREA 1 FROM PLAT OF SURVEY RECORDED IN BOOK 15105, PAGE 170)

THE EAST HALF OF THAT PART OF LOT 81, FACTORY ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, LYING NORTHERLY OF PARCEL "A" OF SAID LOT 81, AS SHOWN IN PLAT OF SURVEY FILED IN BOOK 13646, PAGE 937, EXCEPT THAT PART DESCRIBED AS FOLLOWS: BEGINNING AT THE MOST NORTHERLY CORNER OF



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SAID LOT 81; THENCE SOUTH 15 DEGREES 30 MINUTES 24 SECONDS EAST ASSUMED BEARING FOR THE PURPOSE OF THIS DESCRIPTION ON THE EASTERLY LINE OF LOT 81 (ALSO BEING THE PRESENT WEST RIGHT-OF-WAY LINE OF SOUTHWEST 11TH STREET) A DISTANCE OF 123.77 FEET TO THE CORNER OF SAID LOT 81; THENCE SOUTH 38 DEGREES 23 MINUTES 23 SECONDS WEST ON THE SOUTHEASTERLY LINE OF SAID LOT 81, A DISTANCE OF 96.65 FEET; THENCE SOUTH 80 DEGREES 31 MINUTES 12 SECONDS WEST A DISTANCE OF 139.23 FEET TO THE NORTHWESTERLY LINE OF SAID LOT 81; THENCE NORTHEASTERLY ON THE NORTHWESTERLY LINE OF SAID LOT 81 BEING A 786.82 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY AND HAVING A 101.9 FOOT LONG CHORD BEARING NORTH 34 DEGREES 40 MINUTES 37 SECONDS EAST A DISTANCE OF 101.98 FEET (ARC LENGTH); THENCE NORTH 38 DEGREES 23 MINUTES 23 SECONDS EAST ON THE NORTHWESTERLY LINE OF SAID LOT 81 A DISTANCE OF 171.15 FEET TO THE POINT OF BEGINNING, AND EXCEPT THAT PART OBTAINED BY THE CITY OF DES MOINES BY AFFIDAVIT OF POSSESSION AND OWNERSHIP FILED IN BOOK 14918, PAGE 295, IN THE OFFICE OF THE RECORDER OF POLK COUNTY, IOWA AND EXCEPT THAT PART LYING SOUTH OF THE FOLLOWING DESCRIBE LINE: COMMENCING AT THE NORTHERLY CORNER OF SAID PARCEL "F"; THENCE SOUTH 7°55'01" EAST ALONG THE EASTERLY LINE OF SAID PARCEL "F", 623.69 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 33°17'39" WEST, 22.57 FEET; THENCE SOUTH 74°30'18" WEST, 144.52 FEET; THENCE WESTERLY ALONG A CURVE CONCAVE NORTH WHOSE RADIUS IS 724.00 FEET, WHOSE ARC LENGTH IS 158.96 FEET AND WHOSE CHORD BEARS SOUTH 80°47'42" WEST, 158.64 FEET TO THE WEST LINE OF THE "EAST HALF" OF SAID LOT 81 AND THE POINT OF TERMINUS AND EXCEPT THAT PART LYING NORTH OF THE FOLLOWING DESCRIBE LINE: COMMENCING AT THE NORTHERLY CORNER OF SAID PARCEL "F"; THENCE SOUTH 07°55'01" EAST ALONG THE EASTERLY LINE OF SAID PARCEL "F", 90.58 FEET TO THE POINT OF BEGINNING; THENCE NORTH 53°08'58" WEST, 21.13 FEET; THENCE SOUTH 81°37'05" WEST, 135.32 FEET TO THE WEST LINE OF THE "EAST HALF" OF SAID LOT 81 AND THE POINT OF TERMINUS.;

(A PART OF AREA 2 FROM PLAT OF SURVEY RECORDED IN BOOK 15105, PAGE 170)

A PARCEL OF LAND BEING PART OF LOTS 6, C, L AND 9 OF FACTORY ADDITION PLAT NO. 3, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, DESCRIBED AS PARCEL F ON THE PLAT OF SURVEY FILED SEPTEMBER 25, 2008, IN BOOK 12787, PAGE 858 IN THE OFFICE OF THE POLK COUNTY RECORDER, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHERLY CORNER OF LOT L OF SAID FACTORY ADDITION PLAT NO. 3 AND ON THE WEST RIGHT OF WAY LINE OF TUTTLE STREET OF SAID PLAT; THENCE SOUTH 39 DEGREES 10 MINUTES 24 SECONDS WEST ALONG WESTERLY LINE OF SAID LOT L, 7.81 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 7 DEGREES 52 MINUTES 20 SECONDS EAST, 1353.79 FEET TO THE EASTERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN RAILROAD AND THE WESTERLY LINE OF SAID LOT L, THENCE NORTH 30 DEGREES 05 MINUTES 57 SECONDS WEST ALONG SAID LINE, 599.05 FEET; THENCE ALONG SAID LINE ON THE ARC OF A 666.25 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, 803.41 FEET (CHORD BEARING NORTH 04 DEGREES 26 MINUTES 07 SECONDS EAST, 755.61 FEET); THENCE ALONG SAID LINE NORTH 39 DEGREES 10 MINUTES 24 SECONDS EAST, 89.54 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 5.35 ACRES AND IS SUBJECT TO EASEMENTS OF RECORD. POLK COUNTY, IOWA AND EXCEPT THAT PART LYING SOUTH OF THE FOLLOWING DESCRIBE LINE: COMMENCING AT THE NORTHERLY CORNER OF SAID PARCEL "F"; THENCE SOUTH 7°55'01" EAST ALONG THE EASTERLY LINE OF SAID PARCEL "F", 623.69 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 33°17'39" WEST, 22.57 FEET; THENCE SOUTH 74°30'18" WEST,



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144.52 FEET; THENCE WESTERLY ALONG A CURVE CONCAVE NORTH WHOSE RADIUS IS 724.00 FEET, WHOSE ARC LENGTH IS 158.96 FEET AND WHOSE CHORD BEARS SOUTH 80°47'42" WEST, 158.64 FEET TO THE WEST LINE OF THE "EAST HALF" OF SAID LOT 81 AND THE POINT OF TERMINUS AND EXCEPT THAT PART LYING NORTH OF THE FOLLOWING DESCRIBE LINE: COMMENCING AT THE NORTHERLY CORNER OF SAID PARCEL "F"; THENCE SOUTH 07°55'01" EAST ALONG THE EASTERLY LINE OF SAID PARCEL "F", 90.58 FEET TO THE POINT OF BEGINNING; THENCE NORTH 53°08'58" WEST , 21.13 FEET; THENCE SOUTH 81°37'05" WEST, 135.32 FEET TO THE WEST LINE OF THE "EAST HALF" OF SAID LOT 81 AND THE POINT OF TERMINUS; and

WHEREAS, the portion of the Property proposed to be removed from the Gray's Station PUD and incorporated into the Slate at Gray's Landing PUD is legally described as:

(PARCEL '2018-28' DESCRIPTION TO BE ACQUIRED)

A PART OF LOTS 81 AND 82, FACTORY ADDITION, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHERLY CORNER OF LOT 'L', FACTORY ADDITION PLAT NO. 3, AN OFFICIAL PLAT; THENCE SOUTH 39°(DEGREES) 15'(MINUTES) 32"(SECONDS) WEST, 7.81 FEET TO THE NORTHERLY CORNER OF PARCEL 'F' OF FACTORY ADDITION PLAT 3, AN OFFICIAL PLAT, AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 12787, PAGE 858; THENCE SOUTH 7°52'42" EAST ALONG THE EASTERLY LINE OF SAID PARCEL 'F' 75.58 FEET; THENCE SOUTH 81°39'24" WEST, 150.21 FEET TO THE EAST LINE OF THE "WEST HALF" OF SAID LOT 81 AND THE POINT OF BEGINNING; THENCE SOUTHERLY ALONG SAID EAST LINE AND A CURVE CONCAVE EASTERLY WHOSE RADIUS IS 716.25 FEET, WHOSE ARC LENGTH IS 415.01 FEET AND WHOSE CHORD BEARS SOUTH 16°34'17" WEST, 409.23 FEET; THENCE NORTH 00°01'40" WEST, 375.09 FEET; THENCE NORTH 81°39'24" EAST, 118.15 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.32 ACRES (13,747 SQUARE FEET) AND;

(PARCEL '2018-29' DESCRIPTION TO BE ACQUIRED)

A PART OF LOT 81, FACTORY ADDITION, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHERLY CORNER OF LOT 'L', FACTORY ADDITION PLAT NO. 3, AN OFFICIAL PLAT; THENCE SOUTH 39°(DEGREES) 15'(MINUTES) 32"(SECONDS) WEST, 7.81 FEET TO THE NORTHERLY CORNER OF PARCEL 'F' OF FACTORY ADDITION PLAT 3, AN OFFICIAL PLAT, AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 12787, PAGE 858; THENCE SOUTH 7°52'42" EAST ALONG SAID EASTERLY LINE, 698.11 FEET; THENCE SOUTH 88°23'46" WEST, 318.73 FEET TO A THE EAST LINE OF THE "WEST HALF" OF SAID LOT 81 AND THE POINT OF BEGINNING; THENCE WESTERLY ALONG A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 724.00 FEET, WHOSE ARC LENGTH IS 31.97 FEET AND WHOSE CHORD BEARS



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SOUTH 88°23'46" WEST, 31.97 FEET; THENCE NORTH 00°01'40" WEST, 212.44 FEET TO SAID EAST LINE; THENCE SOUTHERLY ALONG SAID EAST LINE AND A CURVE CONCAVE EASTERLY WHOSE RADIUS IS 716.25 FEET, WHOSE ARC LENGTH IS 214.77 FEET AND WHOSE CHORD BEARS SOUTH 08°37'04" EAST, 213.96 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.05 ACRES (2,251 SQUARE FEET).

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

- 1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed rezoning, amendment to the Gray's Station PUD Conceptual Plan, and approval of the Slate at Gray's Landing PUD Conceptual Plan are to be considered shall be held at the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on January 28, 2019, at which time the City Council will hear both those who oppose and those who favor the proposal.
3. 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.

MOVED BY _____ TO ADOPT.

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

(ZON2018-00200)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and TOTAL.

MOTION CARRIED APPROVED

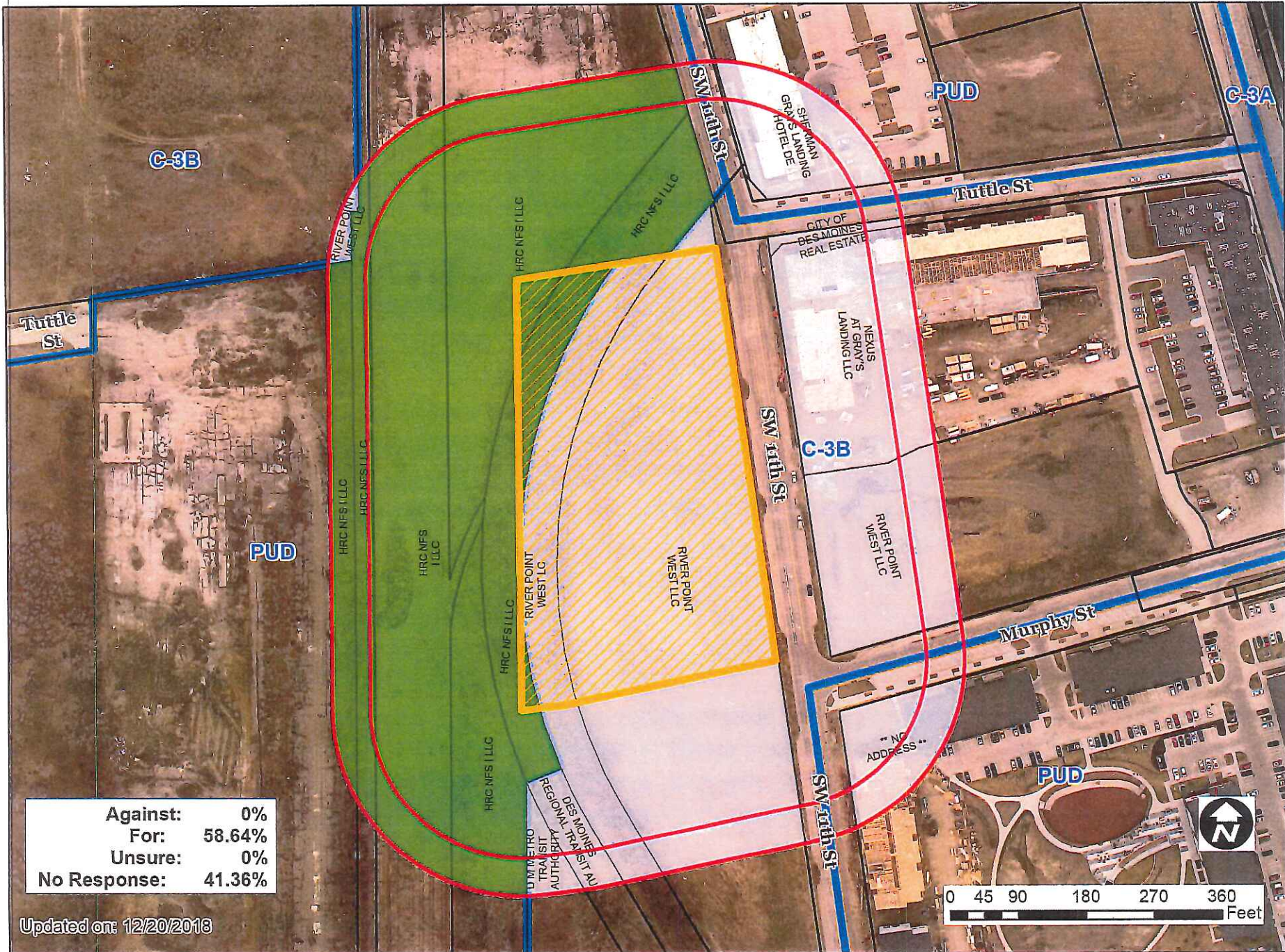
CERTIFICATE

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.

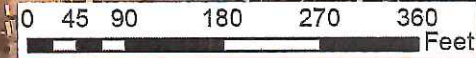
Mayor

City Clerk



Against:	0%
For:	58.64%
Unsure:	0%
No Response:	41.36%

Updated on: 12/20/2018



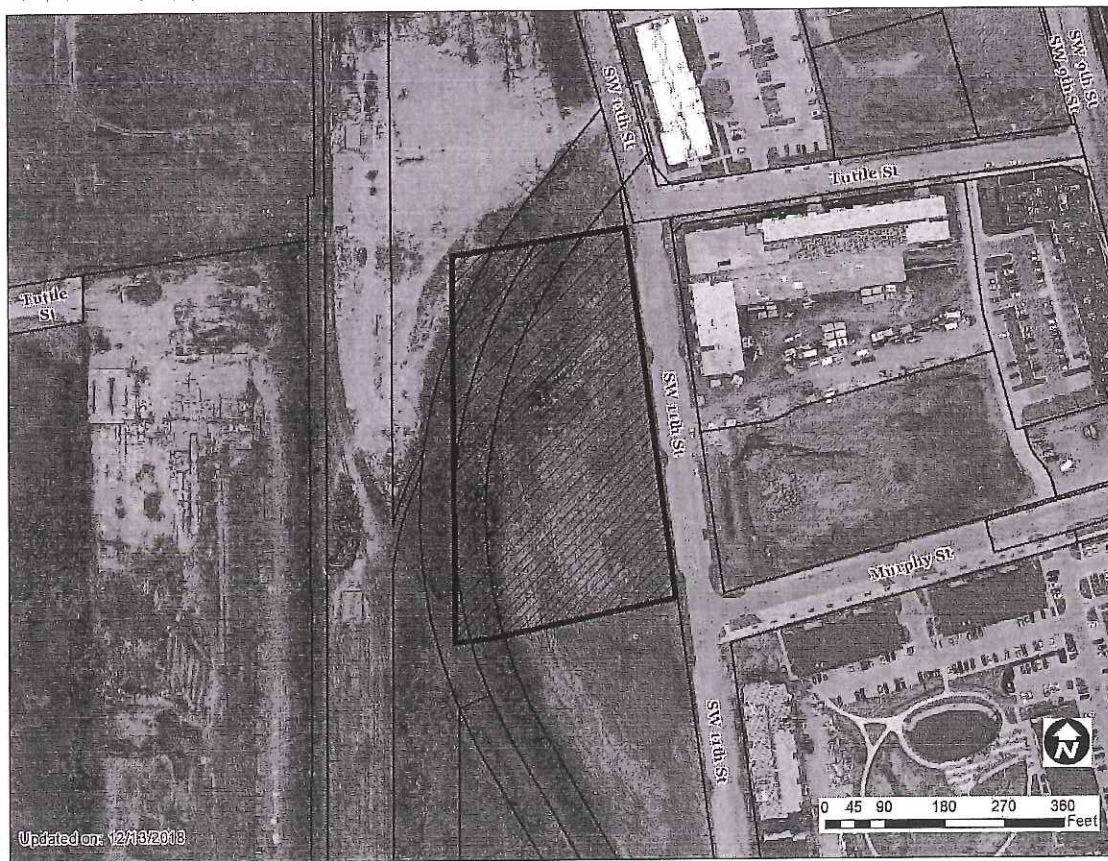
1 inch = 171 feet

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River Point West, LLC (owner) represented by Carole Mette (officer) for property located in the 400 block of Southwest 11th Street. Additional subject property is owned by HRC NFS I, LLC.		File # ZON2018-00200		
Description of Action	Rezone the property from "C-3B" Central Business Mixed-Use District to "PUD" Planned Unit Development. Amend the Gray's Station PUD Conceptual Plan to reduce the Plan area removing a portion of the subject property. Approval of the Slate at Gray's Landing PUD Conceptual Plan for development of up to 250 multiple-family residential dwellings for senior living within two 4-story buildings.			
PlanDSM Future Land Use	Current: Downtown Mixed Use. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"C-3B" Central Business Mixed-Use District, "PUD" Planned Unit Development and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District	"PUD" Planned Unit Development and "FSO" Freestanding Signs Overlay District.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Subject Property	2	0		
Outside Area (200 feet)				
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes
	Denial			No

River Point West, LLC, 400 block of Southwest 11th Street

ZON2018-00200



1 inch = 171 feet



Date January 14, 2019
 Agenda Item 23
 Roll Call # _____

January 8, 2019

Honorable Mayor and City Council
 City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their December 20, 2018 meeting, the following action was taken regarding a request from River Point West, LLC (owner) represented by Carole Mette (officer) to rezone property located in the 400 block of Southwest 11th Street from "C-3B" Central Business Mixed-Use District to "PUD" Planned Unit Development. Additional subject property is owned by HRC NFS I, LLC.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 8-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
David Courard-Hauri				X
Jacqueline Easley	X			
Jann Freed				X
John "Jack" Hilmes				X
Lisa Howard	X			
Carolyn Jenison	X			
Greg Jones	X			
William Page	X			
Mike Simonson				X
Rocky Sposato	X			
Steve Wallace				X
Greg Wattier				X

APPROVAL of Part A) that the proposed rezoning be found in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation; **APPROVAL** of Part B) to recommend the property be rezoned from "C-3B" Central Business Mixed-Use District to "PUD" Planned Unit Development; **APPROVAL** of Part C) to recommend the Gray's Station PUD Conceptual Plan be amended to reduce the Plan area by removing a

portion of the subject property; and **APPROVAL** of Part D) to recommend the Slate at Gray's Landing PUD Conceptual Plan be approved subject to the following conditions:

1. Provision of a note that states "all buildings shall incorporate 360-degree architectural detailing and materials to the satisfaction of the Planning Administrator with any Development Plan."
2. Provision of a note that states "All brick shall consist of full-depth units."
3. Provision of a note that states "durable siding materials shall be utilized along the ground level of all buildings to the satisfaction of the Planning Administrator with any Development Plan."
4. All outward facing ground floor units shall have an exterior door with a sidewalk connection to a public sidewalk or trail to the satisfaction of the Planning Administrator with any Development Plan.
5. All exterior entrances to the ground floor units shall be identifiable as a primary entrance to the unit by variation in the architecture of the building to the satisfaction of the Planning Administrator with any Development Plan.
6. Provision of a note that states "landscaping shall be provided in accordance with the "C-3" District standards or exceeded as illustrated on Sheet 2."
7. Provision of a note that states "foundation plantings shall be provided around the perimeter of all buildings."
8. Provision of heavy landscaping and/or art installations in the space between the basement parking ramps and SW 11th Street.

(ZON2018-00200)

Written Responses

2 in Favor

0 in Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed rezoning be found in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation.

Part B) Staff recommends approval of rezoning the property from "C-3B" Central Business Mixed-Use District to "PUD" Planned Unit Development.

Part C) Staff recommends approval of amending the Gray's Station PUD Conceptual/Plan to reduce the Plan area by removing a portion of the subject property.

Part D) Staff recommends approval of the Slate at Gray's Landing PUD Conceptual Plan subject to the following conditions:

1. Provision of a note that states "all buildings shall incorporate 360-degree architectural detailing and materials to the satisfaction of the Planning Administrator with any Development Plan."
2. Provision of a note that states "All brick shall consist of full-depth units."
3. Provision of a note that states "durable siding materials shall be utilized along the ground level of all buildings to the satisfaction of the Planning Administrator with any Development Plan."
4. All outward facing ground floor units shall have an exterior door with a sidewalk connection to a public sidewalk or trail to the satisfaction of the Planning Administrator with any Development Plan.
5. All exterior entrances to the ground floor units shall be identifiable as a primary entrance to the unit by variation in the architecture of the building to the satisfaction of the Planning Administrator with any Development Plan.
6. Provision of a note that states "landscaping shall be provided in accordance with the "C-3" District standards or exceeded as illustrated on Sheet 2."
7. Provision of a note that states "foundation plantings shall be provided around the perimeter of all buildings."
8. Provision of heavy landscaping and/or art installations in the space between the basement parking ramps and SW 11th Street.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The subject property is located on the west side of SW 11th Street. It will have frontage on Tuttle Street to the north and Murphy Street to the south once these streets are extended in coordination with this project. The proposed actions would allow the site to be developed with two U-shaped buildings containing a total of 250 dwelling units and basement level parking. The development would be served by a mid-block driveway to SW 11th Street. The central portion of the site would contain surface parking and patio space. The project would be constructed over two phases. Phase 1 would consist of the northern building and the associated site improvements. The applicant intends to market the site to individuals that are 55 years old or older.

The northwest and southwest corners of the property were rezoned to PUD in 2017 when the Gray's Station PUD was approved for the area to the west and north. The applicant is in the process of acquiring these segments to create a squared-off lot for development. These triangle shaped segments of land were not programed for development by the Gray's Station PUD. Part C of the requested action approves removing these sections of land from the Gray's Station PUD and including them in the Slate at Gray's Landing PUD.

2. **Size of Site:** 4.1 acres.

3. **Existing Zoning (site):** “PUD” Gray’s Station Planned Unit Development, C-3B” Central Business Mixed Use District, “FW” Floodway District, “D-O” Downtown Overlay District, “GGP” Gambling Games Prohibition Overlay District and “FSO” Freestanding Sign Overlay District.
4. **Existing Land Use (site):** Vacant land that was formerly occupied by industrial uses and railroad lines.
5. **Adjacent Land Use and Zoning:**
 - East** - “C-3B”; Uses are the Nexus mixed-use development and vacant land.
 - West** - “PUD”; Use is vacant land intended to be developed with rowhouse and multiple-family buildings as approved by the Gray’s Station PUD Conceptual Plan.
 - North** - “PUD”; Use is a development site for the planned Linc mixed-use project, which is the first phase of the Gray’s Station PUD.
 - South** - “PUD” & “C-3B”; Use is undeveloped land.
6. **General Neighborhood/Area Land Uses:** The subject property is located in the southwest portion of the downtown. The surrounding area consists of vacant land, commercial uses, multiple-family residential uses, light industrial uses, the Raccoon River and Gray’s Lake.
7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Downtown Des Moines Neighborhood. All neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on November 30, 2018. Additionally, separate notifications of the hearing for this specific item were mailed on November 30, 2018 (20 days prior to the hearing) and December 10, 2018 (10 days prior to the hearing) to the neighborhood association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the requested rezoning. A Final Agenda for the meetings were mailed to all the recognized neighborhood associations on December 14, 2018. The Downtown Des Moines Neighborhood Association mailings were sent to Austin Lewis, 915 Mulberry Street #504, Des Moines, IA 50309
8. **Relevant Zoning History:** None.
9. **PlanDSM Land Use Plan Designation:** The subject site is designated as “Downtown Mixed Use” on the Future Land Use Map.
10. **Applicable Regulations:** The Commission reviews all proposals to amend zoning boundaries or regulations 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, and taking into consideration the criteria set forth in Chapter 18B of the Iowa Code. The Commission may make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

The application, accompanying evidence and conceptual plan required shall be considered by the Plan and Zoning commission at a public hearing. The Commission shall review the conformity of the proposed development with the standards of this division and with recognized principles of civic design, land use planning, and landscape architecture. At the conclusion of the hearing, the Commission may vote to recommend either approval or disapproval of the conceptual plan and request for rezoning as submitted, or to recommend that the developer amend the plan or request to preserve the intent and purpose of this chapter to promote public health, safety, morals and general welfare. The recommendations of the commission shall be referred to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

- 1. PlanDSM Creating Our Tomorrow:** The PlanDSM Comprehensive Plan was approved on April 25, 2016. The subject property is designated as Downtown Mixed Use on the Future Land Use Map, which is described as allowing “mixed-use, high density residential uses, and compact combinations of pedestrian-oriented retail, office, residential, and parking in downtown.”

The proposed project would consist of two, 4-story buildings that generally frame the street. A total of 250 dwelling units are planned, which represents a density of 61 dwelling units per acre. The proposed density and intended character of the project conforms to the intent of the Downtown Mixed Use future land use designation.

- 2. PUD Standards:** The following are standards from Section 134-704 of the City Code that provide the foundation that all PUD Conceptual 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 proposed development would consist of two, 4-story, parapet-roofed buildings that frame the adjoining streets. This is comparable to the character of development that is planned for the area.

- 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.

Buildings in the downtown are expected to frame the street and have minimal setbacks. The proposed residential buildings would set back between 6 and 18 feet from the adjoining streets due to the irregular shape of the property. Most of the building frontage would be within 15 feet or less of the front property lines. This would comply with the intent of the “D-O” District and “C-3B” District standards.

- 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.

All necessary utilities exist or would be extended to the project. Storm water facilities are planned that include underground detention. The site is located in an area that will be served by a regional basin to be constructed with the adjoining Gray's Station development.

- 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 located on the west side of SW 11th Street. It will have frontage on Tuttle Street to the north and Murphy Street to the south once these streets are extended in coordination with this project.

- 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 proposed Conceptual Plan references the parking standards for the "C-3B" District, which does not require off-street parking. The plan includes a total of 78 surface parking spaces within the center of the site and 216 parking spaces within the basement level of the buildings. This would provide a total of 294 spaces for the 250 dwelling units. Staff believes this is an appropriate standard for the Downtown.

- 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 development would include two patio areas for use by tenants. In addition, the development would have frontage on a trail to the west that is being installed in coordination with the Gray's Station PUD development.

3. **"C-3B" District Design Guidelines:** The site and the surrounding area is currently zoned "C-3B" District. Development in this zoning district must comply with the "C-3B" Design Guidelines found in Chapter 82 of the Municipal Code. Therefore, it is appropriate that the proposed PUD Conceptual Plan should be evaluated against these standards, so its compatibility with them is understood.

- 1) *Building Heights.* Minimum height for all uses that are not built integral to the levee as part of the riverwalk redevelopment, should be the lesser of 36-feet or 3-stories.

The proposed buildings would be four (4) stories tall and comply with this guideline.

- 2) *Riverfront setbacks:* Riverfront setbacks for all new construction (that is not built integral to the levee and as part of a riverfront park) should be a minimum of 100 (horizontal) feet from the high water mark of the river. Redevelopment adjacent to a riverfront park (not part of the levee reconstruction) should front a continuous public right-of-way. This could be either a road built to an urban standard, or an alternative profile of a minimum 20' width that clearly delineates a public right-of-way between new private development and the riverfront park.

N/A.

- 3) *Lighting:* All new exterior lighting upon private property should be pedestrian in scale. The use of private overhead floodlighting is discouraged.

Lighting is not addressed by the proposed Conceptual Plan and would have to be evaluated at the Development Plan stage.

- 4) *Residential building standards:* New residential buildings should also comply with the following guidelines:

- a. Building front entrances should face public rights-of-ways. Those buildings with river frontage should be oriented towards the riverfront (except when located above street level retail).

The submitted character elevations reflect the street-side facades of the north building and indicate that the north building would have a primary entrance facing Tuttle Street to the north.

The street-side and trail-side ground floor units would have direct sidewalk connections to the public sidewalks/trail. The exterior door to these ground floor units would consist of a slider door with a patio space surrounded by railing that matches the decks on the upper units. Staff does not believe the design is effective in providing the visual connection that is expected of an entrance to the public space along the street.

The Conceptual Plan does not show sidewalk connections to the ground floor units, which suggests that this building would not have walk-up units. A primary entrance is also not identified for this building. Staff believes that this is an oversight.

Staff recommends that any approval of the Conceptual Plan be subject to all outward facing ground floor units having an exterior door with a sidewalk connection and all exterior entrances being identifiable as a primary entrance to the unit by variation in the architecture of the building.

- b. At least one building entrance for the residential uses should directly access the street when located above street-level retail.

N/A.

- c. Buildings should have a building frontage on the principal street of not less than 70 percent of the lot frontage on the principal street.
- d. Buildings should have a maximum setback of 15 feet from the public right-of-way.

The proposed residential buildings would set back between 6 and 18 feet from the adjoining streets due to the irregular shape of the property. Most of the building frontage would be within 15 feet or less from the front property lines. The buildings would occupy more than 70% of the frontage along all adjoining streets. The proposal complies with the intent of standards.

- e. Service entrances, waste disposal areas and other similar uses should be located adjacent to service lanes and away from major streets and the public right-of-way adjacent to the river.

The Conceptual Plan includes an internal parking lot that would be utilized for service functions.

- 5) *Commercial building standards:* New commercial buildings should also comply with the following guidelines:
- a. Buildings should have a building frontage on the principal street of not less than 70 percent of the lot frontage on the principal street.
 - b. A minimum of 70 percent of the building frontage should be set within one foot of the front lot line.
 - c. Building entrances on new development sites that have river frontage (and are not integral to the levy), should be oriented both towards the riverfront and the primary street.
 - d. Service entrances, waste disposal areas and other similar uses should be located adjacent to service lanes and away from major streets and the public right-of-way adjacent to the river.
 - e. Restaurants may operate outdoor cafes on public sidewalks while maintaining pedestrian circulation subject to obtaining an areaway permit.

N/A.

- 6) Storage of any and all materials and equipment should take place within completely enclosed buildings. All open areas should be paved or landscaped, properly maintained and kept free from refuse and debris. All refuse collection containers and dumpsters should be enclosed on all sides by the use of a permanent wall of wood, brick, or masonry. The enclosure, including any gates for pedestrian and/or disposal truck access, should be constructed to provide at least a 75% opaque screen of the receptacle from any street.

The submitted Conceptual Plan does not include this level of detail. Any proposed storage would have to be evaluated at the Development Plan stage.

- 7) All open areas not used for off-street loading or parking should be landscaped in accordance with the Des Moines Landscape Standards. (See Site Plan Landscape Policies)

The proposed Conceptual Plan states that the development will be landscaped in accordance with the "C-3" District standards. Staff believes that foundation plantings should be provided around the buildings in addition to the site perimeter and street tree plantings found in the "C-3" standards. Additionally, heavy landscaping and/or art pieces should be provided between the basement parking ramps and the SW 11th Street sidewalk to offset the lack of building frontage in this area and soften views of the parking lot.

- 8) Access doors for any warehouse use and any loading docks should not front on any public street. That portion of a building fronting on a public street should be used in an office or other commercial use.

Warehouse uses would not be allowed by the proposed PUD. All vehicular access to the buildings would come from within the site.

4. **Downtown Overlay District Design Guidelines:** The site and the surrounding area is located in the “D-O” Downtown Overlay District. Development in this zoning district must comply with the “D-O” Design Guidelines found in Chapter 82 of the Municipal Code. Therefore, the proposed PUD Conceptual Plan should be evaluated against these standards so its compatibility with them is understood.

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 site is located at the southwest edge of the downtown in an area that is transforming from industrial uses to a mixed-use neighborhood. The proposed development fits the character and density intended for the area and is compatible with recently constructed projects as well as with development that was approved.

The proposed development would consist of 4-story, parapet-roofed buildings that frame the adjoining streets. They would be sided with a mix of cultured stone, masonry, cement fiber board panels and cement fiber board lap siding. The developer has entered into a development agreement with the City. As such, the project is being reviewed by the Urban Design Review Board. During their preliminary review the Board expressed some concern with the long-term durability of some of the materials proposed including the thinness of the cultured stone and the use of fiber cement board near ground level. Downtown projects reviewed by the Plan and Zoning Commission are typically required to have masonry or cement near the grade. Depending on the architecture of the building and the setting, masonry is often required for the entire first floor. The use of thin brick has also been prohibited. Staff recommends approval of the Conceptual Plan subject to the final review of the architecture and building materials by the Planning Administrator. This will allow the applicant and staff to continue to work with the Urban Design Review Board in refining the design.

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 development would include underground storm water detention facilities to address storm water quality requirements before being released into the public storm sewer. Staff is not aware of any additional low-impact development techniques being proposed.

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

The proposed development would be separated from adjacent properties by streets and a trail.

D) The incorporation of 'soft (green) spaces' on site is encouraged.

E) Where feasible, projects should provide outdoor spaces for people gathering.

The development would include two (2) patio spaces for tenants as well as an indoor pool and other common spaces. The development would front a planned trail along its west perimeter.

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 development would adjoin a planned trail. Bike parking facilities are expected with development and would be evaluated at the Development Plan stage.

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

The proposed buildings would be four (4) stories tall and would comply with this standard.

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).

N/A.

2. All buildings without river frontage should have entrances oriented toward primary street(s).

The submitted character elevations reflect the street side facades of the north building and indicated that the north building would have a primary entrance facing Tuttle Street to the north.

The street side and trail side ground floor units would have direct sidewalk connections to the public sidewalks/trail. The exterior door to these ground floor units would consist of a slider door with a patio space surrounding by railing that matches the decks on the upper units. Staff does not believe the design is effective in providing the visual connection that is expected of an entrance to the public space along the street.

The Conceptual Plan does not show sidewalks to the ground floor units and suggests that this building would not have walk-up units. A primary entrance is also not identified for this building. Staff believes that this is an oversight.

Staff recommends approval subject to all outward facing ground floor units having an exterior door with a sidewalk connection and all exterior entrances being identifiable as a primary entrance to the unit by variation in the architecture of the building.

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

The proposed development complies with this standard.

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

N/A.

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.

N/A.

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 residential buildings would setback between 6 and 18 feet from the adjoining streets due to the irregular shape of the property. The majority of the building would be with 15 feet or less of the front property lines.

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

The submitted Conceptual Plan does not include this level of detail. This would be evaluated at the Development Plan stage.

- 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.

The proposed Conceptual Plan states that the development will be landscaped in accordance with the "C-3" District standards. Staff believes that foundation plantings should be provided around the buildings in addition to the site perimeter and street tree plantings found in the "C-3" standards. Additionally, heavy landscaping and/or art pieces should be provided between the basement parking ramps and the SW 11th Street sidewalk to offset the lack of building frontage in this area and soften views of the parking lot.

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

The proposed PUD would prohibit warehouse uses.

- 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.

Fuel sales is not proposed as an allowed use.

- 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.

The proposed PUD would not allow commercial uses. The basement level of the buildings would contain parking. Vehicular access to the basements would come from a ramp that comes off of the driveway near SW 11th Street. Staff believes that the space between the ramps and the SW 11th Street sidewalk needs to contain heavy landscaping and/or large art pieces to soften views of the ramps and surface parking lot.

- 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 be served by a single curb cut to SW 11th Street. Staff believes that this is minimum number necessary to adequately serve the property.

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

The proposal complies with this guideline.

- 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.

N/A.

- 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.

- 5. **Signage:** The PUD Conceptual Plan states that all building mounted signage would conform to the standards for the "C-3" District and that all freestanding signage would match the signage program that was approved for the Gray's Landing area with the Riverpoint West PUD. This PUD encompasses the land to the northeast of the site.

6. **Traffic/Transportation:** A traffic study was completed in 2017 for the Gray's Landing-Gray's Station area, which anticipated the proposed project. The intensity of the proposed project and general layout are consistent with the recommendations of the study. A detailed review the dimensions and materials of the proposed facilities would be conducted by the Traffic and Transportation Division at the Development Plan stage.

SUMMARY OF DISCUSSION

Jacqueline Easley asked if any member of the audience or the commission desired to speak regarding the item. None requested to speak.

COMMISSION ACTION:

Will Page made a motion for **APPROVAL** of Part A) that the proposed rezoning be found in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation; **APPROVAL** of Part B) to recommend the property be rezoned from "C-3B" Central Business Mixed-Use District to "PUD" Planned Unit Development; **APPROVAL** of Part C) to recommend the Gray's Station PUD Conceptual Plan be amended to reduce the Plan area by removing a portion of the subject property; and **APPROVAL** of Part D) to recommend the Slate at Gray's Landing PUD Conceptual Plan be approved subject to the following conditions:

1. Provision of a note that states "all buildings shall incorporate 360-degree architectural detailing and materials to the satisfaction of the Planning Administrator with any Development Plan."
2. Provision of a note that states "All brick shall consist of full-depth units."
3. Provision of a note that states "durable siding materials shall be utilized along the ground level of all buildings to the satisfaction of the Planning Administrator with any Development Plan."
4. All outward facing ground floor units shall have an exterior door with a sidewalk connection to a public sidewalk or trail to the satisfaction of the Planning Administrator with any Development Plan.
5. All exterior entrances to the ground floor units shall be identifiable as a primary entrance to the unit by variation in the architecture of the building to the satisfaction of the Planning Administrator with any Development Plan.
6. Provision of a note that states "landscaping shall be provided in accordance with the "C-3" District standards or exceeded as illustrated on Sheet 2."
7. Provision of a note that states "foundation plantings shall be provided around the perimeter of all buildings."
8. Provision of heavy landscaping and/or art installations in the space between the basement parking ramps and SW 11th Street.

Motion Carried 8-0

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "M. Ludwig".

Michael Ludwig, AICP
Planning Administrator

MGL:tjh

Item ZON2018-00200

Date 12-17-18

23

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

(Circle One)

RECEIVED

COMMUNITY DEVELOPMENT

Print Name

Kris Soddors, Cityville on 9th Ave

Signature

[Handwritten Signature]

DEC 20 2018

Address

6900 Webster, WDM, IA

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

Four horizontal lines for handwritten notes.

Item ZON2018-00200

Date 12-17-18

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

(Circle One)

RECEIVED

COMMUNITY DEVELOPMENT

Print Name

Kris Soddors, NFSI LLC HRC

Signature

[Handwritten Signature]

DEC 20 2018

Address

6900 Webster, WDM

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

Four horizontal lines for handwritten notes.