

Date November 8, 2010

WHEREAS, on October 25, 2010 by Roll Call No. 10-1728, the City Council duly resolved to consider a proposal from Quest Development to rezone certain property located in the vicinity of 320 Southwest 9<sup>th</sup> Street from C-3B Central Business District Mixed-Residential District to a PUD Planned Unit Development District classification, and to consider the proposed PUD Conceptual Plan for such property, and that such proposal be set down for hearing on November 8, 2010, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of the hearing was published in the Des Moines Register on October 28, 2010, as provided by law, setting forth the time and place for hearing on the proposed amendment to the Zoning Ordinance; and,

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the property located in the vicinity of 320 Southwest 9<sup>th</sup> Street, more fully described as follows (the "Property"):

Lots 2, 3, 4 and a part of Lots A, 1 and 5, Factory Addition Plat 3, being an Official Plat, and a part of Lots 1 and 3, Terminal Place, being an Official Plat, all in the City of Des Moines, Polk County, Iowa and described as follows:

Beginning at the Southeast corner of said Lot 3, Factory Addition Plat 3; thence South 82° (degrees) 03' (minutes) 15" (seconds) West along the South line of said Lots A, 3, 4 and 5, Factory Addition Plat 3, a distance of 618.15 feet to a point on the East right-of-way line of Southwest 11th Street; thence North 37° 25' 21" West along said East right-of-way line, 34.02 feet; thence North 16° 09' 02" West continuing along said East right-of-way line, 25.37 feet to a point on the South line of said Lot 3, Terminal Place; thence North 15° 49' 31" West, 118.92 feet to a point on the South line of said Lot 1, Terminal Place; thence North 15° 17' 41" West, 107.54 feet; thence North 74° 32' 20" East, 632.31 feet to a point on the East line of said Lot 1, Factory Addition Plat 3; thence South 15° 27' 40" East along said East line and along the East line of said Lot 2, Factory Addition Plat 3, a distance of 93.95 feet; thence South 74° 32' 20" West continuing along said East line, 6.00 feet; thence South 15° 27' 40" East continuing along said East line of said Lot 2 and along the East line of said Lot 3, Factory Addition Plat 3, a distance of 270.26 feet to the Point of Beginning and containing 4.65 acres (202,585 s.f.), an Official Plat, all know included in and forming a part of the City of Des Moines, Polk County, Iowa.

Property subject to any and all easements of record.

from C-3B Central Business District Mixed-Residential District to a PUD Planned Unit Development District classification; and

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WHEREAS, the Plan and Zoning Commission has recommended that the proposed rezoning and PUD Conceptual Plan be approved, subject to the conditions identified in the attached letter from the Planning Administrator; and

WHEREAS, in accordance with the notice those interested in said proposed rezoning, 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 rezoning and PUD Conceptual Plan are hereby overruled, and the hearing is closed.
2. The proposed rezoning and PUD Conceptual Plan, as amended by the conditions set forth below, are hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan, subject to the conditions identified below.
3. The PUD Conceptual Plan for the Property described above, which is on file in the Community Development Department, is hereby approved, subject to the plan being first amended to satisfy the following conditions, and subject to the Community Development Director finding that such conditions have been satisfied by the amendments to the plan:
  - a. The PUD Conceptual Plan shall incorporate all requirements of the City's Urban Design Review Board, including but not limited to those pertaining to building design, building materials, streetscape, and signage.
  - b. The PUD Conceptual Plan shall include elevations of all four facades of each building, as approved by the Planning Administrator.
  - c. The note on the PUD Conceptual Plan regarding permitted uses should be revised to indicate permitted uses are those as permitted and limited in the "C-3B" District.
  - d. The PUD Conceptual Plan shall include a note that states all rooftop mechanical equipment shall be screened by an architecturally integrated parapet as approved by the Planning Administrator.
  - e. The PUD Conceptual Plan shall demonstrate the location and a detailed elevation of any trash enclosure as approved by the Planning Administrator.

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- f. In addition to streetscape plantings, the site shall be landscaped in accordance to the Landscape Standards as applicable to the "C-3" District.
- g. Any monument sign on the premises shall have a brick or stone base that matches the materials on the primary structure.
- h. The text at the left side of Sheet 4 that states signage will be in accordance with the C-3B requirements shall be removed.
- i. Signage for the hotel on the western portion of the site shall be limited to the following:
  - i. Two (2) monument signs not to exceed 2 square feet each.
  - ii. Four (4) wall-mounted signs not to exceed a cumulative 150 square feet of area.
- j. Signage for the hotel on the eastern portion of the site shall be limited to the following:
  - i. One (1) monument sign not to exceed 9.5 square feet in area.
  - ii. Three (3) wall-mounted signs not to exceed a cumulative 150 square feet of area.

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

FORM APPROVED:

Michael F. Kelley  
 Michael F. Kelley  
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED APPROVED  
T. M. Franklin Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Diane Rauh City Clerk