



Roll Call Number

13-0342

Agenda Item Number

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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.



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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:



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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.



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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 Hensley 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	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.

City Clerk