

Date September 9, 2013

RESOLUTION CLOSING HEARING ON REQUEST BY QUEST DEVELOPMENT AND CONSTRUCTION AND LAMONT COMPANIES TO REZONE PROPERTY AT 205 SW 11TH STREET FROM C-3B CENTRAL BUSINESS MIXED USE DISTRICT TO PUD PLANNED UNIT DEVELOPMENT DISTRICT AND TO AMEND THE RIVERPOINT WEST PUD CONCEPTUAL PLAN, AND CONDITIONALLY APPROVING THE PUD CONCEPTUAL PLAN AMENDMENT

WHEREAS, on August 26, 2013, by Roll Call No. 13-1324, the City Council duly resolved to consider a proposal from Quest Development and Construction and Lamont Companies to rezone property at 205 SW 11th Street from the C-3B Central Business Mixed Use District to the PUD Planned Unit Development District and to amend the Riverpoint West PUD Conceptual Plan to add 4.09 acres for future development of a four-story hotel with 102 guest rooms at the southwestern portion of the site and to designate the southeastern portion of the site for future development, and that such proposal be set down for hearing on September 9, 2013, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on August 29, 2013, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and,

WHEREAS, a portion of the property subject to such rezoning and PUD Conceptual Plan amendment is owned by River Point West, LLC, and the balance of the property is owned by the City of Des Moines and is being purchased by River Point West, LLC; 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 205 SW 11th Street, more fully described as follows (the "Property"):

Area to be rezoned to PUD:

A PART OF LOTS A AND 1, FACTORY ADDITION PLAT NO. 3 AN OFFICIAL PLAT AND A PART OF LOTS 1, 3 AND 4, TERMINAL PLACE, AN OFFICIAL PLAT ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1, FACTORY ADDITION PLAT NO. 3; THENCE SOUTH 15° 27' 40" EAST ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 6.31 FEET; THENCE SOUTH 74° 32' 20" WEST, 632.31 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SW 11TH STREET; THENCE NORTH 15° 17' 41" WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 321.58 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF MARTIN LUTHER KING JR PARKWAY; THENCE NORTH 82° 32' 34" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 8.25 FEET; THENCE NORTH 81° 40' 21" EAST CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 628.08 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SW 9TH STREET; THENCE SOUTH 15° 27' 40" EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 236.13 FEET TO THE POINT OF BEGINNING AND CONTAINING 4.09 ACRES (178,163 S.F.).

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TOTAL P.U.D. DESCRIPTION:

A PART OF LOTS A, 1, 2, 3, 4 AND 5, FACTORY ADDITION PLAT NO. 3 AN OFFICIAL PLAT AND A PART OF LOTS 1, 3 AND 4, TERMINAL PLACE, AN OFFICIAL PLAT ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1, FACTORY ADDITION PLAT NO. 3; THENCE SOUTH 15° 27' 40" EAST ALONG THE WESTERLY RIGHT-OF WAY LINE OF SW 9TH STREET, 100.26 FEET; THENCE SOUTH 74° 32' 20" WEST CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, 6.00 FEET; THENCE SOUTH 15° 27' 40" EAST CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, 270.26 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF TUTTLE STREET; THENCE SOUTH 82° 03' 15" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 618.15 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SW 11TH STREET ; THENCE NORTH 37° 25' 21" WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 34.02 FEET; THENCE NORTH 16 ° 09' 02" WEST CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 25.37 FEET; THENCE NORTH 15 ° 49' 31" WEST CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 118.92 FEET; THENCE NORTH 15° 17' 41" WEST CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 429.12 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF MARTIN LUTHER KING JR PARKWAY; THENCE NORTH 82° 32' 34" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 8.25 FEET; THENCE NORTH 81° 40' 21" EAST CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 628.08 FEET TO SAID WESTERLY RIGHT-OF-WAY LINE; THENCE SOUTH 15° 27' 40" EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 236.13 FEET TO THE POINT OF BEGINNING AND CONTAINING 8.74 ACRES (380,747 S.F.).

from the C-3B Central Business Mixed Use District classification to the PUD Planned Unit Development District classification; and,

WHEREAS, on August 15, 2013 the Plan and Zoning Commission recommended by a vote of 10-0 that the proposed rezoning and PUD conceptual plan amendment be approved, subject to the conditions identified in the attached letter from the Planning Administrator; and,

WHEREAS, in accordance with said 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 said proposed rezoning and "PUD" Conceptual Plan amendment are hereby overruled and the hearing is closed.

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2. The proposed rezoning and PUD Conceptual Plan amendment 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:

- (1) A note shall be added to the PUD Conceptual Plan to state that future development of the balance of the PUD shall be subject to review and approval of an amendment(s) to the PUD Conceptual Plan by the City Council after report and recommendation by the Plan & Zoning Commission.
- (2) A note shall be added to the PUD Conceptual Plan to state that future development of the land to the east of the proposed hotel shall include a building that substantially frames Tuttle Street and is as far east as possible. Prior to City Council's approval of the PUD Conceptual Plan amendment for the hotel, the developer shall provide a conceptual sketch that demonstrates how the sewer, stormwater and parking would be generally configured to accommodate the layout for the second building in the described location.
- (3) The entrance on the south façade facing Tuttle Street shall be similar in size and design to the proposed entrance on the west façade facing Southwest 11th Street.
- (4) The outdoor plaza at the southwest corner of the site shall be extended east to the entrance on the building's south façade facing Tuttle Street.
- (5) The architectural details regarding the installation of thin brick at window heads, jambs, sills, EIFS, Hardi-board, the ground, and landscaping shall be modified and expanded to the satisfaction of the Planning Administrator.
- (6) An overall signage plan shall be submitted for review by staff, recommendation by the Plan and Zoning Commission, and approval by the City Council. No non-building-mounted signage will be permitted or constructed until the overall sign plan for Grays Lake Office Park is approved.
- (7) The refuse collection container enclosure shall be shifted east and/or additional Landscape screening shall be added.

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4. The City Council hereby consents to the rezoning of the City-owned portion of the property described above, and to the application of the "PUD" Conceptual Plan to such portion, subject to the "PUD" Conceptual Plan being first amended as identified above.

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

FORM APPROVED:

OKelley

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 Cownie
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