



Roll Call Number

17. 1295

Agenda Item Number

63B

Date July 24, 2017

**RESOLUTION HOLDING HEARING ON REQUEST FROM  
HUBBELL REALTY COMPANY TO REZONE PROPERTY IN THE  
VICINITY OF 1300 TUTTLE STREET, AND APPROVING PUD CONCEPTUAL PLAN**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on June 20, 2017, its members voted 9-1 in support of a motion to recommend **APPROVAL** of a request from Hubbell Realty Company (developer), represented by Joe Pietruszynski (officer), to rezone property in the vicinity of 1300 Tuttle Street, generally bounded by Martin Luther King, Jr. Parkway on the north, the Des Moines River on the south, Southwest 11th Street on the east, and Southwest 16th Street on the west ("Property"), from "C-3B" Central Business Mixed Use District and "FW" Floodway District to "PUD" Planned Unit Development, and to approve the "Gray's Station" PUD Conceptual Plan, to allow redevelopment of 83.73 acres with mixed use, low-medium density residential, high density residential, and open space areas, subject to the following revisions to the PUD Conceptual Plan:

1. Revision of Note 6 on Sheet 1 to state "all final development plans are subject to review and approval by the Plan & Zoning Commission and the City Council."
2. All references to "Medium Density Residential" on the PUD Conceptual Plan shall be retitled as "Low-Medium Density Residential."
3. The Plan shall be updated to reflect the requirement that no less than seventy-five percent (75%) of the Low-Medium Density Residential units shall have a minimum of 2 stories.
4. The Plan shall be updated to reflect the requirement that no more than twenty-five percent (25%) of the Low-Medium Density Residential units shall have a minimum height of 1 story.
5. The Plan shall be updated to reflect the requirement that no more than two 1-story Low-Medium Density Residential units shall be constructed on adjoining sites.
6. The Plan shall be updated to reflect the requirement that the 75%-25% minimum height ratio for the Low-Medium Density Residential units should be achieved with each phase of the PUD project. Some variation can be considered with each Development Plan.
7. The Plan shall be updated to reflect the requirement that an emphasis on taller building heights shall be provided for Low-Medium Density Residential units that front primary streets; and

**WHEREAS**, on July 17, 2017, by Roll Call No. 17-1204, it was duly resolved by the City Council that the application from Hubbell Realty Company to rezone the Property and for approval of the PUD Conceptual Plan, be set down for hearing on July 24, 2017 at 5:00 P.M., in the Council Chamber at the Municipal Service Center; and

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

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**WHEREAS**, in accordance with said notice, those interested in said proposed rezoning and 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; and

**WHEREAS**, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property in the vicinity of 1300 Tuttle Street, legally described as:

OUTLOTS Y AND Z AND A PART OF LOTS 6, 7 AND 9, CENTRAL DES MOINES INDUSTRIAL PARK, AN OFFICIAL PLAT AND PART OF LOTS 80, 81, 82, 85 AND 86 IN FACTORY ADDITION, AN OFFICIAL PLAT, ALL BEING IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 9, CENTRAL DES MOINES INDUSTRIAL PARK HAVING A STATE PLANE IOWA SOUTH COORDINATE VALUE OF NORTHING 575161.83 AND EASTING 1602813.57; THENCE SOUTH 89° (DEGREES) 48' (MINUTES) 50" (SECONDS) EAST ALONG THE NORTHERLY LINE OF SAID LOT 9, A DISTANCE OF 339.93 FEET TO THE SOUTHWEST CORNER OF LOT 2, SAID CENTRAL DES MOINES INDUSTRIAL PARK; THENCE SOUTH 89°46'52" EAST CONTINUING ALONG SAID NORTHERLY LINE, 419.55 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2 ALSO BEING A POINT ON THE WEST RIGHT OF WAY LINE OF SW 14TH STREET; THENCE SOUTH 00°01'02" EAST CONTINUING ALONG SAID NORTHERLY LINE, 69.98 FEET TO THE SOUTHWEST CORNER OF STREET LOT B, SAID CENTRAL DES MOINES INDUSTRIAL PARK; THENCE SOUTH 89°35'21" EAST CONTINUING ALONG SAID NORTHERLY LINE, 70.00 FEET TO THE NORTHWEST CORNER OF LOT 8, SAID CENTRAL DES MOINES INDUSTRIAL PARK; THENCE SOUTH 00°08'06" WEST CONTINUING ALONG SAID NORTHERLY LINE, 423.70 FEET TO THE SOUTHWEST CORNER OF SAID LOT 8; THENCE SOUTH 89°19'18" EAST CONTINUING ALONG SAID NORTHERLY LINE, 307.20 FEET TO THE SOUTHEAST CORNER OF SAID LOT 8, ALSO BEING THE NORTHEAST CORNER OF SAID LOT 9; THENCE NORTH 00°08'11" WEST ALONG THE WESTERLY LINE OF SAID LOT 7, CENTRAL DES MOINES INDUSTRIAL PARK, 333.39 FEET; THENCE NORTHERLY CONTINUING ALONG SAID WESTERLY LINE AND A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 804.20 FEET, WHOSE ARC LENGTH IS 93.82 FEET AND WHOSE CHORD BEARS NORTH 03°29'07" WEST, 93.77 FEET; THENCE NORTH 06°58'06" WEST CONTINUING ALONG SAID WESTERLY LINE, 15.78 FEET TO THE NORTHWEST CORNER OF SAID LOT 7 ALSO BEING THE SOUTH RIGHT OF WAY LINE OF TUTTLE STREET; THENCE NORTH 81°10'49" EAST ALONG THE NORTH LINE OF SAID LOT 7, A DISTANCE OF 411.78 FEET TO THE NORTHEAST CORNER OF SAID LOT 7; THENCE NORTH 00°05'48" WEST ALONG THE WEST LINE OF SAID LOT 6, CENTRAL DES MOINES INDUSTRIAL PARK, 72.11 FEET TO THE NORTHWEST CORNER OF SAID LOT 6; THENCE NORTH 81°52'47" EAST ALONG THE NORTH LINE OF SAID LOT 6, A DISTANCE OF 347.62 FEET TO THE SOUTHEAST



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CORNER OF LOT 4, SAID CENTRAL DES MOINES INDUSTRIAL PARK; THENCE NORTH 00°31'45" WEST ALONG THE WESTERLY LINE OF SAID OUTLOT Y, CENTRAL DES MOINES INDUSTRIAL PARK, 63.43 FEET; THENCE NORTH 87°29'10" EAST CONTINUING ALONG SAID WESTERLY LINE, 10.37 FEET; THENCE NORTH 00°12'49" WEST CONTINUING ALONG SAID WESTERLY LINE, 554.99 FEET TO THE NORTHEAST CORNER OF LOT 5, SAID CENTRAL DES MOINES INDUSTRIAL PARK AND HAVING A STATE PLANE IOWA SOUTH COORDINATE VALUE OF NORTHING 575907.16 AND EASTING 1604699.48; THENCE SOUTH 89°04'27" EAST ALONG THE NORTH LINE OF SAID OUTLOT Y, 15.36 FEET TO THE NORTHEAST CORNER OF SAID OUTLOT Y; THENCE NORTH 00°21'12" WEST ALONG THE WEST LINE OF SAID LOT 85, FACTORY ADDITION, 8.59 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF MARTIN LUTHER KING JR PARKWAY; THENCE NORTH 86°10'40" EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 100.23 FEET; THENCE NORTH 84°40'04" EAST CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 199.44 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SW 11TH STREET; THENCE SOUTH 15°27'22" EAST ALONG SAID WESTERLY RIGHT OF WAY LINE, 173.21 FEET; THENCE SOUTH 74°42'29" WEST, 99.77 FEET; THENCE SOUTH 15°25'34" EAST, 75.29 FEET; THENCE NORTH 74°32'27" EAST, 99.81 FEET TO SAID WESTERLY RIGHT OF WAY LINE; THENCE SOUTH 15°27'22" EAST ALONG SAID WESTERLY RIGHT OF WAY LINE, 344.37 FEET TO A CORNER ON THE EASTERLY LINE OF SAID LOT 81; THENCE SOUTH 39°15'32" WEST ALONG SAID EASTERLY LINE, 97.08 FEET; THENCE SOUTH 79°27'19" WEST, 73.56 FEET TO THE EASTERLY LINE OF THE WEST HALF OF SAID LOT 81; THENCE SOUTHERLY ALONG SAID EASTERLY LINE AND A CURVE CONCAVE EASTERLY WHOSE RADIUS IS 716.25 FEET, WHOSE ARC LENGTH IS 712.02 FEET AND WHOSE CHORD BEARS SOUTH 06°02'51" WEST, 683.06 FEET; THENCE SOUTH 67°48'12" WEST, 51.41 FEET TO A POINT ON THE EAST LINE OF THE WEST 100 FEET OF SAID LOT 80, FACTORY ADDITION; THENCE SOUTH 00°01'40" EAST ALONG SAID EAST LINE, 767.72 FEET; THENCE SOUTH 45°36'19" EAST, 692.69 FEET TO THE WESTERLY LINE OF SAID LOT 81; THENCE SOUTH 76°09'29" EAST, 50.00 FEET TO SAID EASTERLY LINE OF THE WEST HALF OF LOT 81, HAVING A STATE PLANE IOWA SOUTH COORDINATE VALUE OF NORTHING 573317.97 AND EASTING 1605461.84; THENCE SOUTHERLY ALONG SAID EASTERLY LINE AND A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 740.65 FEET, WHOSE ARC LENGTH IS 76.04 FEET AND WHOSE CHORD BEARS SOUTH 17°00'55" WEST, 76.01 FEET; THENCE NORTH 70°20'25" WEST, 50.00 FEET TO SAID WESTERLY LINE OF LOT 81; THENCE NORTH 45°36'19" WEST, 663.55 FEET TO SAID EAST LINE OF THE WEST 100 FEET OF LOT 80; THENCE SOUTH 00°01'40" EAST ALONG SAID EAST LINE, 439.03 FEET TO THE NORTH BANK AND MEANDER LINE OF THE RACCOON RIVER; THENCE NORTH 71°44'57" WEST AND ALONG SAID MEANDER LINE AND THE SOUTHERLY LINE OF SAID OUTLOT Z, CENTRAL DES MOINES INDUSTRIAL PARK, 888.50 FEET; THENCE NORTH 83°01'49" WEST CONTINUING ALONG SAID SOUTHERLY LINE, 463.82 FEET; THENCE NORTH 89°10'53" WEST CONTINUING ALONG SAID SOUTHERLY LINE, 291.24 FEET; THENCE



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SOUTH 82°06'06" WEST CONTINUING ALONG SAID SOUTHERLY LINE, 296.82 FEET; THENCE SOUTH 72°02'02" WEST CONTINUING ALONG SAID SOUTHERLY LINE, 228.32 FEET TO THE SOUTHWEST CORNER OF SAID OUTLOT Z; THENCE NORTH 00°03'17" EAST ALONG THE WEST LINE OF SAID CENTRAL DES MOINES INDUSTRIAL PARK, 1647.05 FEET TO THE POINT OF BEGINNING AND CONTAINING 83.73 ACRES (3,647,186 SQUARE FEET) AND IS SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

from "C-3B" Central Business Mixed Use District and "FW" Floodway District to "PUD" Planned Unit Development to allow redevelopment of the Property with mixed use, low-medium density residential use, high-density residential use and open space areas.

**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. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the proposed rezoning of the Property to "PUD" Planned Unit Development District, and any objections to the proposed "Gray's Station" PUD Conceptual Plan with revisions as set forth above, are hereby overruled, and the hearing is closed.
3. The proposed rezoning of the Property, as legally described above, to "PUD" Planned Unit Development District, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.
4. The proposed "Gray's Station" PUD Conceptual Plan, as on file in the Community Development Department, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein, and subject to the revisions identified above, and subject to the Community Development Director finding that such revisions have been satisfied by amendments to the Plan.

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MOVED BY Hensley TO ADOPT; refer to the City Manager to provide additional information prior to the second consideration of the ordinance regarding the following:

1. Affordable Housing component
2. Clarify details regarding requirement for 75% minimum 2-story height
3. Information regarding the eagle nest on the north side of the Raccoon River
4. Details regarding the Development Plan and City incentives.

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

(ZON2017-00087)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
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