



**Roll Call Number**

19-0167

**Agenda Item Number**

45

**Date** January 28, 2019

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

**WHEREAS**, on January 14, 2019, by Roll Call No. 19-0038, the City Council received a recommendation from the City Plan and Zoning Commission advising 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 revisions:

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 11<sup>th</sup> Street; and

**WHEREAS**, the portion of the Property proposed to be rezoned for inclusion in the Slate at Gray's Landing PUD ("Rezoned Property") 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,



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EXCEPT THAT PART DESCRIBED AS FOLLOWS: BEGINNING AT THE MOST NORTHERLY CORNER OF 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



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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; 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, in addition to the Rezoned Property, 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



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RADIUS IS 724.00 FEET, WHOSE ARC LENGTH IS 31.97 FEET AND WHOSE CHORD BEARS 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); and

**WHEREAS**, on January 14, 2019, by Roll Call No. 19-0038, it was duly resolved by the City Council that the application from River Point West, LLC to rezone the Rezoned Property, to reduce the Gray's Station PUD Conceptual Plan area by removing the portion of property described above and transferring said portion to the Slate at Gray's Landing PUD, and to approve the Slate at Gray's Landing PUD Conceptual Plan, be set down for hearing on January 28, 2019 at 5:00 P.M., in the Council Chamber at City Hall; 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 amendments to the Zoning Ordinance and to the Gray's Station PUD Conceptual Plan and approval of the Slate at Gray's Landing PUD Conceptual Plan; and

**WHEREAS**, in accordance with said notice, those interested in said proposed rezoning, proposed amendment to the approved Gray's Station PUD Conceptual Plan, and the proposed Slate at Gray's Landing 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 Rezoned Property in the vicinity of the 400 block of Southwest 11<sup>th</sup> Street and legally described above.

**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, and any and all statements of interested persons and arguments of counsel, any objections to the proposed rezoning of the Rezoned Property to "PUD" Planned Unit Development District, and any objections to the proposed amendment to the Gray's Station PUD Conceptual Plan, and any objections to the proposed Slate at Gray's Landing PUD Conceptual Plan with revisions as set forth above, are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Rezoned Property, as legally described above, to "PUD" Planned Unit Development District, is hereby approved, subject to final passage of an ordinance rezoning the Rezoned Property as set forth herein.
3. The proposed amendment to the Gray's Station PUD Conceptual Plan, as described above and as on file in the Community Development Department, is hereby found to be in conformance with PlanDSM: Creating Our Tomorrow future land use designation and is hereby approved.
4. The proposed Slate at Gray's Landing PUD Conceptual Plan, as described above and as on file in the Community Development Department, is hereby found to be in conformance with PlanDSM: Creating Our Tomorrow future land use designation and is hereby approved, 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 Mandelbaum TO ADOPT.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZON2018-00200)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE		✓		
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	6	1		

MOTION CARRIED

APPROVED

J. 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