



Roll Call Number

19-1661

Agenda Item Number

66B

Date October 14, 2019

**RESOLUTION HOLDING HEARING ON REQUEST FROM
THE VILLAGE AT GRAY'S LAKE LLC TO REZONE AND APPROVE PUD CONCEPTUAL
PLAN FOR PROPERTY LOCATED 2500 AND 2710 FLEUR DRIVE**

WHEREAS, on September 23, 2019, by Roll Call No. 19-1495, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on September 5, 2019, its members voted 11-0 in support of a motion to recommend **APPROVAL** of request from The Village at Gray's Lake LLC to rezone real property locally known as 2500 and 2710 Fleur Drive (collectively "Property") from "M-3" Limited Industrial District and "R-3" Multiple-Family Residential District to "PUD" Planned Unit Development, and to approve "The Village at Gray's Lake" PUD Conceptual Plan for the Property, to allow for the former American Institute of Business campus property to be reused for mixed use development permitted in the "C-2" General Retail and Highway-Oriented Commercial District and the "NPC" Neighborhood Pedestrian Commercial District, including recreational assembly, office, retail, and multi-family residential apartments, subject to compliance with all administrative review comments for the final Mylar record and further subject to the following review guidelines for any development plan made in furtherance of the PUD Conceptual Plan:

- 1) Addition of a statement as to how stormwater management would be handled with future redevelopment.
- 2) Streetscape: Street Trees should be spaced 30' apart within the right-of-way along each frontage. Trees should be no closer than 15' to a street light.
- 3) Interior Lot Landscaping: For rows of parking with more than 8 stalls, a landscape island is required for every 9th parking space with the result of no more than 8 continuous parking spaces in a row without a landscape island.
- 4) Frontage Perimeter Landscaping: The required area shall be a minimum of 12-feet in depth measured from the street property line with a 3-foot berm or landscaped screen. Shade trees and shrubs shall be provided at a minimum of 1 tree and three shrubs per 40 lineal feet on center.
- 5) Pedestrian access from any building to a street sidewalk shall be provided and clearly marked / striped on site. Lighting along pedestrian walks shall be a maximum of 15' in height.
- 6) No new mechanical equipment, meters, transformers, condensers, or other such equipment shall be provided on any street side façade. At minimum, such equipment shall be setback from the street façade a minimum of 15'.
- 7) Any mechanical equipment interior to the site shall be softened with landscaping material outside any equipment clearance setbacks.
- 8) Mechanical vents shall not protrude from any street facing façade.
- 9) A minimum 5' sidewalk is required along each frontage.
- 10) All new utilities services shall be placed underground.
- 11) All parking lot lighting shall be no taller than 20' from grade and shall be cut-off type fixtures.
- 12) Bicycle Parking: 1 bike rack per 4000 sq. ft. of bar / restaurant / retail, 1 bike rack per 40 hotel rooms (minimum of 2), 1 bike rack per classroom, 1 bike rack per 125 seats for event space, 1 bike rack per 2500 sq. ft. of Sports and Rec space,
- 13) Identify either indoor or covered bike parking amenities.
- 14) 25% of the provided parking stalls may be striped and signed as compact stall with dimensions of 7.5-ft by 16-ft with a 24-ft maneuvering aisle.



Roll Call Number

19-1661

Agenda Item Number

166B

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- 15) Standard parking stalls shall have a minimum dimension of 9-ft. by 17-ft. with a 24-ft maneuvering aisle.
- 16) Pet exercise areas must be a minimum of 200 feet from any adjoining residential use.
- 17) Loading area must be screened from residential and public street view.
- 18) Easements shall be provided for shared vehicle/pedestrian ingress/egress between sites and to the public sidewalk.
- 19) Direct light trespass beyond the property lines is prohibited. The maximum horizontal illuminance at grade and the maximum illuminance at five feet above graded measure at the property line shall not exceed illuminating Engineering Society of North America recommended practices for light trespass which is 0.5 footcandles for N districts and 2.0 footcandles for all other districts.
- 20) Trash and Recycling must be provided on site. All trash, recycling, and other refuse areas shall be located either in the building, in the rear yard, or a minimum of 15" behind the front façade within the interior side yard. An opaque screen wall is required per the following:
 - a) The wall shall enclose the area around at least three sides.
 - b) The screen wall shall be masonry construction matching any masonry from the building's street facade design.
 - c) Height. The height of the screen wall shall be tall enough to screen the use inside, and a minimum of six feet. The community development director may request additional height as needed for complete screening.
 - d) Pedestrian Entrances. A pedestrian entrance shall be required. Pedestrian entrances shall not allow interior refuse or recycling areas to be visible.
 - e) Access Gates. Access gates shall be constructed of minimum 18-gauge metal panel or other durable material and to a height compatible to the screen walls; and

WHEREAS, on September 23, 2019, by Roll Call No. 19-1495, it was duly resolved by the City Council that request from The Village at Gray's Lake, LLC to rezone the Property and for approval of the PUD Conceptual Plan, be set down for hearing on October 14, 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 amendment to the Zoning Ordinance; and

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 locally known as 2500 and 2710 Fleur Drive, legally described as:

PARCEL 1:

THE NORTH 441.6 FEET OF THE EAST 990 FEET OF THE SW ¼ OF SECTION 17, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA (EXCEPT 70 FEET OF ROADWAY ON THE EAST SIDE, 30 FEET OF ROADWAY ON THE NORTH SIDE, 33 FEET OF ROADWAY ON THE



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WEST SIDE AND EXCEPT THAT PART DEEDED TO THE CITY OF DES MOINES, IOWA BY DEED RECORDED IN BOOK 3795, PAGE 421,

AND

THE NORTH 201.7 FEET OF THE SOUTH 10 ACRES OF THE NORTH 20 ACRES OF THE EAST 60 ACRES OF THE SW ¼ OF SECTION 17, EXCEPT THE WEST 696 FEET AND EXCEPT THE EAST 42 FEET, AS MEASURED ON THE SOUTH LINE THEREOF, AND EXCEPT THE EAST 49 FEET, AS MEASURED ON THE NORTH LINE THEREOF, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA.

AND

THE SOUTH 240 FEET OF THE WEST 541.2 FEET OF THE EAST 583.2 FEET OF THE SOUTH 10 ACRES OF THE NORTH 20 ACRES OF THE EAST 60 ACRES OF THE SW ¼ SECTION 17, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA,

AND

THE SOUTH 10 ACRES OF THE NORTH 20 ACRES OF THE EAST 60 ACRES OF THE SW ¼ OF SECTION 17, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., (EXCEPT THE SOUTH 240 FEET THEREOF AND EXCEPT THE WEST 333 FEET THEREOF AND EXCEPT THE EAST 294 FEET THEREOF), NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND

PARCEL 2:

PARCEL "B" AS DESCRIBED ON THE PLAT OF SURVEY FILED NOVEMBER 16, 2015 IN BOOK 15807, PAGE 699 AND BEING PART OF THE SOUTH 240 FEET OF THE WEST 541.2 FEET OF THE EAST 583.2 FEET OF THE SOUTH 10 ACRES OF THE NORTH 20 ACRES OF THE EAST 60 ACRES OF THE SW ¼ SECTION 17, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA.

from "M-3" Limited Industrial District and "R-3" Multiple-Family Residential District to "PUD" Planned Unit Development, and to approve "The Village at Gray's Lake" PUD Conceptual Plan for the Property, to allow for the former American Institute of Business campus property to be reused for mixed use development permitted in the "C-2" General Retail and Highway-Oriented Commercial District and the "NPC" Neighborhood Pedestrian Commercial District, including recreational assembly, office, retail, and multi-family residential apartments, subject to the revisions to the PUD Conceptual Plan.

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 Property to "PUD" Planned Unit Development District, and any objections to the proposed "The Village at Gray's Lake" PUD Conceptual Plan with revisions as set forth above, are hereby overruled, and the hearing is closed.
2. 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.



Roll Call Number

19-1661

Agenda Item Number

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3. The proposed "The Village at Gray's Lake" 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 to the PUD Conceptual Plan as set forth above, and subject to the Community Development Director finding that such revisions have been satisfied by amendments to the Plan.

MOVED BY Mandelbaum TO ADOPT.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZON2019-00152)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

CERTIFICATE

I, Laura Baumgartner, Acting 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.

J. M. Frankin Cownie Mayor

Laura Baumgartner Acting City Clerk