



Roll Call Number

19-1953

Agenda Item Number

44

Date December 2, 2019

**RESOLUTION HOLDING HEARING ON REQUEST FROM RIVER POINT WEST, LLC TO AMEND PUD CONCEPTUAL PLAN FOR PROPERTY LOCATED AT 205 SOUTHWEST 11<sup>TH</sup> STREET**

**WHEREAS**, on November 18, 2019, by Roll Call No. 19-1829, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on November 7, 2019, its members voted 15-0 in support of a motion to recommend **APPROVAL** of a request from River Point West, LLC (owner), represented by George Sherman (officer), for the 5th Amendment to the Gray’s Landing Office Park I PUD Conceptual Plan for property located at 205 Southwest 11<sup>th</sup> Street (“Property”), to allow the development of a 3-story office building with 68,000 square feet of office and 4,500 square feet of restaurant space with associated surface parking, subject to the following revisions to the Conceptual Plan:

1. The PUD Conceptual Plan shall incorporate the 4<sup>th</sup> amendment to the PUD Conceptual Plan, as was approved by City Council on October 14, 2019.
2. The PUD Conceptual Plan shall include a note that states the final design of the building shall be approved by the City’s Planning Administrator.
3. The proposed building shall have a more prominent entry feature oriented toward West Martin Luther King, Jr. Parkway to the satisfaction of the City’s Planning Administrator.
4. All rooftop mechanical equipment shall be screened on all sides to a height equal to the tallest rooftop mechanical equipment, with materials that are architecturally compatible with the existing structure.
5. Provision of a note that states no development may occur within the northwestern corner of the PUD until a future amendment to PUD Conceptual Plan has been approved that sets parameters for the development.
6. Provision of a note that states upon buildout of the northwestern portion of the PUD, buildings shall occupy at least 70% of the street frontages along both West Martin Luther King, Jr. Parkway and Southwest 11<sup>th</sup> Street. Furthermore, the layout of the parking lot on the PUD Conceptual Plan shall be revised in order to demonstrate that this condition can and will be satisfied.
7. Provision of a note that states access easements shall be provided to ensure users of all parking lots have access to both Tuttle Street to the south and Southwest 11<sup>th</sup> Street to the west.
8. Provision of a note that states a public sidewalk along Southwest 11<sup>th</sup> Street in between Holiday Inn Express and West Martin Luther King, Jr. Parkway shall be provided prior to completion of the proposed building.
9. Sheet 2 shall be revised to demonstrate landscaping material along both West Martin Luther King, Jr. Parkway and Southwest 11<sup>th</sup> Street frontages
10. Provision of a note that states any freestanding sign shall be in compliance with the master signage plan for the entire Gray’s Landing Office Park; and

**WHEREAS**, on November 18, 2019, by Roll Call No. 19-1829, it was duly resolved by the City Council that the application of River Point West, LLC for review and approval of the proposed 5th Amendment to the Gray’s Landing Office Park I PUD Conceptual Plan for the Property, as legally described below, be set down for hearing on December 2, 2019, at 5:00 p.m. in the City Council Chambers 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 approved Gray’s Landing Office Park I PUD Conceptual Plan; and

**WHEREAS**, in accordance with said notice, those interested in said proposed amendment to the approved Gray’s Landing Office Park I 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.

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**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 statements of interested persons and arguments of counsel, any and all objections to the proposed 5th amendment to the Gray's Landing Office Park I PUD Conceptual Plan for the Property, located at 205 Southwest 11<sup>th</sup> Street and legally described as follows, are hereby overruled, and the hearing is closed:

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.)

2. The proposed 5th amendment to the Gray's Landing Office Park I 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 the revisions to the Plan as set forth above.

MOVED BY Mandelbaum TO ADOPT.

FORM APPROVED:

Glenna K. Frank  
 Glenna K. Frank, Assistant City Attorney

(ZON2019-00206)

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

MOTION CARRIED APPROVED

J. M. Frankhu Cownie  
 Mayor

**CERTIFICATE**

I, P. KAY CMELIK, 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.

P. Kay Cmelik  
 City Clerk