



Roll Call Number

20-0863

Agenda Item Number

49

Date May 18, 2020

RESOLUTION HOLDING HEARING ON REQUEST FROM PINNACLE ON FLEUR, LLC TO AMEND PUD CONCEPTUAL PLAN FOR PROPERTY LOCATED AT 2710 AND 2500 FLEUR DRIVE

WHEREAS, on May 4, 2020, by Roll Call No. 20-0753, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on April 16, 2020, its members voted 12-0 in support of a motion to recommend APPROVAL of a request from Pinnacle on Fleur, LLC (purchaser), represented by Randy Walters (officer), for the 1st Amendment to the Village at Gray's Lake PUD Conceptual Plan for property located at 2710 and 2500 Fleur Drive (collectively "Property"), to allow redevelopment of Lot 5 in the Plan for the former American Institute of Business campus property to be redeveloped with a 20-unit multi-household rowhome, subject to compliance with all administrative review comments for the final Mylar record and the provision of 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) Landscaping requirements should be indicated listing standards reflective of the Conceptually shown landscaping.
3) Provide the following notes on the PUD Conceptual Plan Amendment:
a. 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.
b. 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.
c. 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.
d. No new mechanical equipment, meters, transformers, condensers, or other such equipment shall be provided on any street side facade. At minimum, such equipment shall be setback from the street facade a minimum of 15'.
e. Any mechanical equipment interior to the site shall be softened with landscaping material outside any equipment clearance setbacks.
f. Mechanical vents shall not protrude from any street facing facade. A minimum 5' sidewalk is required along each frontage. Identify either indoor or covered bike parking amenities.
g. Easements shall be provided for shared vehicle/pedestrian ingress/egress between sites and to the public sidewalk.
h. 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.
i. Any Final Development Plan shall discuss the method for trash removal service. If receptacles are not kept within the separate garages for the units, then a screening solution for their outdoor location would need to be shown on the Final Development Plan.
j. Provisions for permitted site fencing and walls to include heights, design, and materials. Fencing in the front yard between the row townhomes and Fleur should not exceed 4 feet in height.
4) Revise typical Row House Type elevations to:
a. label required materials.
b. show stone material wrapped around 360 degrees of the buildings on the main story level, exclusive of windows and door openings.



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- c. show end unit elevations for facades of the units closest for Fleur Drive with a separate pedestrian entrance either from the garage or unit that would have a walkway to the private drive. The entrance shall be defined with a design appropriate awning or cover.
- d. show a minimum of 12% transparency on the façade of the lower/garage floor ends of the buildings oriented toward Fleur Drive. More transparency may be required to receive tax abatement; and

**WHEREAS**, on May 4, 2020, by Roll Call No. 20-0753, it was duly resolved by the City Council that the application of Pinnacle on Fleur, LLC for review and approval of the proposed 1st Amendment to the Village at Gray’s Lake PUD Conceptual Plan for the Property, as legally described below, be set down for hearing on May 18, 2020, at 5:00 p.m. in accordance with the Governor’s and Mayor’s Proclamations and the current prohibition on gatherings of ten or more persons during the COVID19 outbreak; 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 Village at Gray’s Lake PUD Conceptual Plan; and

**WHEREAS**, in accordance with said notice, those interested in said proposed amendment to the approved Village at Gray’s Lake 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.

**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 1st Amendment to the Village at Gray’s Lake PUD Conceptual Plan for the Property, located at 2710 and 2500 Fleur Drive and legally described as follows, are hereby overruled, and the hearing is closed:

AMENDMENT AREA

LOT 5, THE VILLAGE AT GRAY’S LAKE, AN OFFICIAL PLAT, CITY OF DES MOINES, POLK COUNTY, IOWA, CONTAINING 3.06 ACRES MORE OR LESS.

OVERALL PUD AREA

THE VILLAGE AT GRAY’S LAKE, AN OFFICIAL PLAT, CITY OF DES MOINES, POLK COUNTY, IOWA.

THE NORTH 441.6 FEET OF THE EAST 990 FEET OF THE SOUTHWEST QUARTER 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, IOWA (EXCEPT 70 FEET OF ROADWAY ON THE EAST SIDE, 30 FEET OF ROADWAY ON THE NORTH SIDE, 33 FEET OF ROADWAY ON THE 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 SOUTHWEST ¼ OF SECTION 17, EXCEPT THE WEST 696 FEET AND EXCEPT THE EAST 42 FEET, AS MEASURED ON THE SOUTH LINE THEREOF, AND EXCEPT



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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 SOUTHWEST 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 SOUTHWEST QUARTER 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 "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.

- 2. The proposed 1st Amendment to 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 the revisions to the Plan as set forth above.

MOVED BY Mandelbaum TO ADOPT.

FORM APPROVED:

/s/ Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZON2020-00028)

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

MOTION CARRIED

APPROVED

J. M. Frank 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