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Date June 8, 2015

**RESOLUTION SETTING DATE OF HEARING ON REQUEST FROM RIVERPOINT WEST, LLC FOR A 2ND AMENDMENT TO THE RIVERPOINT FLEX OFFICE PARK WEST PUD CONCEPTUAL PLAN ON PROPERTY LOCATED AT 209 SOUTHWEST 9TH STREET**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on May 21, 2015, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Riverpoint West, LLC (owner), represented by Anthony Kuechle (officer), for a 2nd Amendment to the Riverpoint Flex Office Park West PUD Conceptual Plan on real property locally known as 209 Southwest 9th Street ("Property"), to allow development of a 3-story, 73,116-square foot office building with subsurface parking and additional surface off-street parking and to rename the PUD to Gray's Landing Office I, subject to revisions set forth in the attached communication from the Commission; and

**WHEREAS**, the Property is legally described as follows:

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.)

Date June 8, 2015

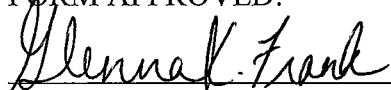
-2-

**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. That the meeting of the City Council at which the proposed 2<sup>nd</sup> Amendment to the Riverpoint Flex Office Park West PUD Conceptual Plan is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa, at 5:00 p.m. on June 22, 2015, at which time the City Council will hear both those who oppose and those who favor the proposal.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED BY \_\_\_\_\_ TO ADOPT.

FORM APPROVED:

  
Glenna K. Frank, Assistant City Attorney

(ZON2015-00073)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
TOTAL				

MOTION CARRIED

APPROVED

\_\_\_\_\_  
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.

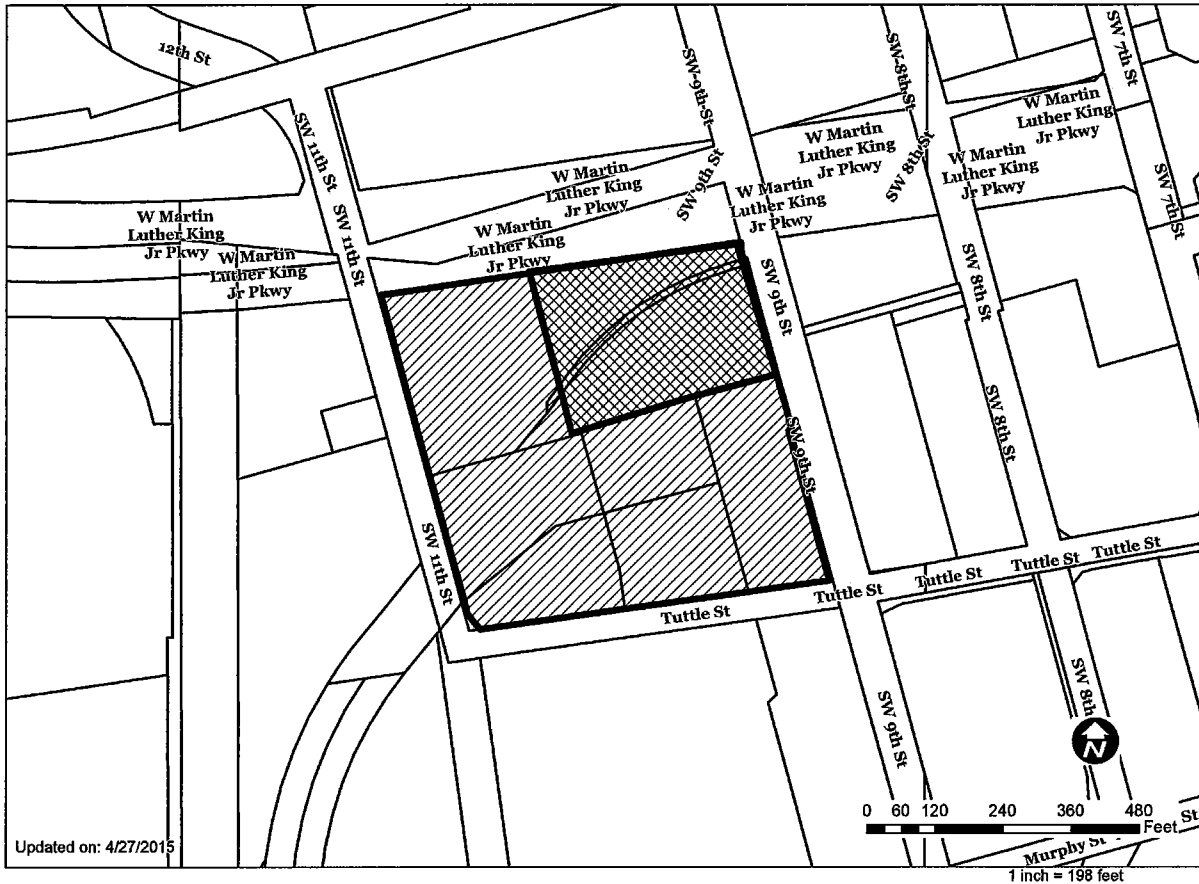
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
City Clerk

Request from Riverpoint West, LLC (owner) represented by Anthony Kuechle (officer) on property located at 209 Southwest 9th Street. Additional subject property in the PUD is owned by City of Des Moines and Sherman Gray's Landing Hotel Development, LLC.				<b>File #</b> ZON2015-00073	
<b>Description of Action</b>	Approval of the 2nd Amendment to the Riverpoint Flex Office Park West PUD Conceptual Plan to allow development of a 3-Story, 73,116-square foot office building with subsurface parking and additional surface off-street parking as well as changing the name of the PUD to Gray's Landing Office I subject to conditions.				
<b>2020 Community Character Plan</b>	Current: Downtown Support Commercial. Proposed: N/A.				
<b>Mobilizing Tomorrow Transportation Plan</b>	Southwest 9 <sup>th</sup> Viaduct over M.L. King Jr. Parkway.				
<b>Current Zoning District</b>	"PUD" Planned Unit Development.				
<b>Proposed Zoning District</b>	N/A.				
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area					
<b>Plan and Zoning Commission Action</b>	Approval	10-0	<b>Required 6/7 Vote of the City Council</b>	Yes	
	Denial			No	X

Riverpoint West LLC, 209 SW 9th Street

ZON2015-00073



Updated on: 4/27/2015

Date June 8, 2015

Agenda Item 26

Request # \_\_\_\_\_



June 1, 2015

Honorable Mayor and City Council  
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held May 21, 2015, the following action was taken regarding a request from Riverpoint West, LLC (owner) represented by Anthony Kuechle (officer) for a 2<sup>nd</sup> Amendment to the Riverpoint Flex Office Park West PUD Conceptual Plan on property located at 209 Southwest 9<sup>th</sup> Street.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 10-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles	X			
JoAnne Corigliano	X			
Jacqueline Easley				X
Tim Fitzgerald	X			
Jann Freed	X			
John "Jack" Hilmes				X
Greg Jones	X			
Sasha Kamper	X			
William Page	X			
Jonathan Rosenbloom	X			
Mike Simonson				X
CJ Stephens	X			
Vicki Stogdill	X			
Greg Wattier				X

**APPROVAL** of staff recommendation of the proposed amendment to the PUD Conceptual Plan, subject to the following conditions: (ZON2015-00073)

1. Provision of a north-south pedestrian route through the parking lot to connect the office building with the sidewalk along Tuttle Street.
2. Provision of an east-west pedestrian route through the parking lot to connect the office building with the sidewalk along Southwest 11<sup>th</sup> Street.



3. Provision of an urban edge consisting of decorative wrought iron fence and additional landscaping, including trees and shrubs, in all locations where off-street parking is within 50 feet of the property line and not separated from the adjoining right-of-way by a building.
4. The transformer shall be shifted south within the site and shall be screened by plant materials in order to minimize its view from West Martin Luther, King, Jr. Parkway.
5. Provision of a note stating that the portions of the PUD Conceptual Plan dedicated for future development shall not be used for stormwater detention until future development of these areas occurs in accordance with a future PUD Conceptual Plan amendment
6. All site lighting shall be black archetype light fixtures that are pedestrian in scale.
7. Provision of a note stating that any building-mounted signage shall be in accordance with the sign regulations applicable to the "C-3B" District.
8. All freestanding signage shall be in accordance with the overall signage plan for the Gray's Landing Office Park.
9. Provision of additional information on the sign internal to the site that would be located to the south of the proposed office building.

### **STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Staff recommends approval of the proposed amendment to the PUD Conceptual Plan, subject to the following conditions:

1. Provision of a north-south pedestrian route through the parking lot to connect the office building with the sidewalk along Tuttle Street.
2. Provision of an east-west pedestrian route through the parking lot to connect the office building with the sidewalk along Southwest 11<sup>th</sup> Street.
3. Provision of an urban edge consisting of decorative wrought iron fence and additional landscaping, including trees and shrubs, in all locations where off-street parking is within 50 feet of the property line and not separated from the adjoining right-of-way by a building.
4. The transformer shall be shifted south within the site and shall be screened by plant materials in order to minimize its view from West Martin Luther, King, Jr. Parkway.
5. Provision of a note stating that the portions of the PUD Conceptual Plan dedicated for future development shall not be used for stormwater detention until future development of these areas occurs in accordance with a future PUD Conceptual Plan amendment
6. All site lighting shall be black archetype light fixtures that are pedestrian in scale.

7. Provision of a note stating that any building-mounted signage shall be in accordance with the sign regulations applicable to the "C-3B" District.
8. All freestanding signage shall be in accordance with the overall signage plan for the Gray's Landing Office Park.
9. Provision of additional information on the sign internal to the site that would be located to the south of the proposed office building.

## **STAFF REPORT TO THE PLANNING COMMISSION**

### **I. GENERAL INFORMATION**

1. **Purpose of Request:** The proposed amendment to the PUD Conceptual Plan would allow development of a 3-story office building on the northern portion of the site and revise the name of the PUD Conceptual Plan to Gray's Landing Office I. The proposed building would provide approximately 72,000 square feet of office space and contain approximately 40 parking spaces within an underground garage. The building would be oriented toward West Martin Luther King, Jr. Parkway and would be served by a surface parking lot to the rear (south) of the building that would be used in common with the Holiday Inn Express that is currently under construction. The proposed PUD Conceptual Plan designates areas at the northwest and southeast corners of the site for future development. Any future development within these areas is subject to review and approval of a future amendment(s) to the PUD Conceptual Plan by the Plan & Zoning Commission and City Council.

The City's Urban Design Review Board reviewed the architectural design of the proposed building at their meeting on October 21, 2014.

2. **Size of Site:** 8.8 acres.
3. **Existing Zoning (site):** "PUD" Planned Unit Development District, "FSO" Freestanding Sign Overlay District, "D-O" Downtown-Overlay District, and "GGP" Gambling Games Prohibition Overlay District.
4. **Existing Land Use (site):** The southwest portion of the site contains a Holiday Inn Express under construction and the northern portion of the property contains a surface parking lot. The balance of the site is undeveloped.

#### **5. Adjacent Land Use and Zoning:**

**North** – "C-3B"; Use is West Martin Luther King, Jr. Parkway.

**South** – "C-3B"; Use is vacant land that is slated for development of the Nexus and Edge structures, which would contain a mix of multiple-family residential and commercial uses.

**East** – "C-3A"; Uses are the Southwest 9<sup>th</sup> Street viaduct and commercial buildings.

**West** – “C-3B”; Use is undeveloped land.

**6. General Neighborhood/Area Land Uses:** The subject site is located in the southwest portion of the downtown. The area generally consists of vacant land, commercial uses and light industrial uses. It is located in the eastern portion of the planned Gray’s Landing / Riverpoint West redevelopment area.

**7. Applicable Recognized Neighborhood(s):** The subject property is located in the Downtown Des Moines Neighborhood. The neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on May 1, 2015. A Final Agenda was mailed to the neighborhood association on May 15, 2015. Additionally, separate notifications of the hearing for the site plan were mailed on May 11, 2015 (10 days prior to the hearing) to the neighborhood association and to the primary titleholder on file with the Polk County Assessor for each condominium owner within the property and every owner of property or condominium within 250 feet of the site.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Downtown Des Moines Neighborhood Association notices were mailed to Larry Bradshaw, 418 6<sup>th</sup> Avenue, Ste. 902, Des Moines, IA 50309.

The applicant conducted a neighborhood meeting on May 14, 2015 and will be available to provide a summary of the events at the public hearing.

**8. Zoning History:** On November 8, 2010, the City Council adopted Ordinance 14,972 to rezone the site to the Riverpoint West PUD and adopt a PUD Conceptual Plan to allow development of a Holiday Inn Express hotel with 93 guest rooms and a Homewood Suites extended-stay hotel with 95 guest rooms.

On September 9, 2013 the City Council adopted Ordinance 15,216 to approve the 1<sup>st</sup> amendment to the PUD Conceptual Plan. This amendment altered the design of the Holiday Inn Express to accommodate 102 guest rooms and eliminated the Homewood Suites hotel.

**9. 2020 Community Character Land Use Plan Designation:** Downtown Support Commercial. This designation is described as an area with general businesses, retail and service establishments, limited high density residential, mixed-use developments, and work centers that support the downtown core providing their own off-street parking.

**10. Applicable Regulations:** The Commission reviews all proposals to amend zoning boundaries or regulations within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in 414.3 of the Iowa Code, and taking into consideration the criteria set forth in Chapter 18B of the Iowa Code. The Commission may make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

## II. ADDITIONAL APPLICABLE INFORMATION

1. **PUD Standards:** The following are standards from Section 134-704 of the City Code that provide the foundation that all PUD Concept Plans should be based on.

- A) All uses proposed in a PUD planned unit development district plan shall be in harmony with the existing or anticipated uses of other properties in the surrounding neighborhood and shall generally be in conformance with the city's land use plan. The design of a PUD development shall be based on harmonious architectural character; compatible materials; orderly arrangement of structures and open space; and conservation of woodlands, streams, scenic areas, open space and other natural resources.

*The submitted PUD Conceptual Plan amendment allows development of a 3-story, 72,000-square foot office building on the northern portion of the site, with subsurface parking and additional surface off-street parking. The site is within an area known as the Gray's Lake Office Park/Gray's Landing, which is planned to be a vibrant mixed-use area with a pedestrian-friendly urban setting. The applicant is proposing to change the name of the PUD to Gray's Landing Office I. A Holiday Inn Express hotel is currently under construction on the southwest corner of the PUD in accordance with the existing PUD Conceptual Plan. The future development of the balance of the PUD would be subject to review and approval of a PUD amendment by the City Council after report and recommendation by the Plan and Zoning Commission.*

*Both Southwest 11<sup>th</sup> Street and Tuttle Street are considered primary pedestrian corridors for this area. As noted in the first PUD amendment, it is vital that buildings frame these streets with minimal setbacks and that pedestrian connections and amenities be provided to create a welcoming pedestrian environment. Staff believes that additional pedestrian connections need to be provided, including a north-south pedestrian connection between the proposed building and Tuttle Street, and an east-west pedestrian connection between the proposed building and SW 11<sup>th</sup> Street. Also, additional landscaping and an urban edge needs to be provided in all locations where off-street parking is not separated from the adjoining right-of-way by a building.*

- B) Setbacks and other appropriate screens shall be provided around the boundary of a PUD development to protect the adjoining district properties. Only in exceptional circumstances shall such a setback be less than the amount of the setback which the adjoining district is required to maintain from the PUD development.

*The proposed office building would have a 20-foot setback from the front property line along West Martin Luther King Jr. Parkway and would have two entrances oriented toward this parkway. The submitted drawings show a transformer at the east edge of the proposed building along MLK Jr. Parkway. Given its visibility, staff recommends that the transformer be moved interior to the site and be screened using landscape planting material so that it is not visible from the public right-of-way.*



- C) A PUD development shall comply with all applicable city ordinances, specifications and standards relating to all dedicated street, sanitary sewer and storm sewer facilities and to surface drainage and floodwater retention.

*The submitted PUD Conceptual Plan indicates that storm water will be managed through the combined use of a traditional sewer/intake system and an underground storm water quality detention system. On-site storm sewer facilities will connect to a proposed public storm sewer being constructed as part of the Tuttle Street improvements. This storm sewer will connect to the existing public storm sewer located along Southwest 11<sup>th</sup> Street. Staff recommends that a note be added to state that the areas dedicated for future development shall not be used for stormwater detention.*

- D) The streets surrounding a PUD development must be capable of accommodating the increased traffic that would be generated by the new development. The development shall be designed to provide maximum feasible separation of vehicular traffic from pedestrian ways and recreational areas. If turning lanes or other forms of traffic controls within or adjacent to the development are deemed necessary by the city council, the developer shall provide the necessary improvements.

*Staff believes that the surrounding street network would be capable of accommodating the traffic generated by the proposed office building. The site fronts the recently reconstructed Southwest 11<sup>th</sup> Street to the west and the future Tuttle Street to the south. Tuttle Street will be constructed in accordance with a development agreement with the City.*

- E) Off-street parking and loading spaces shall be provided as appropriate to the size and character of the development. Each off-street loading space shall be not less than ten feet in width and 25 feet in length. All off-street parking spaces shall be provided in accordance with the requirements of subsection 134-1377(g).

*The PUD Concept Plan indicates that the proposed office building would be served by an off-street parking lot containing 311 parking spaces and an underground parking garage containing 40 parking spaces.*

- F) Where appropriate to the size and character of a PUD development, provision shall be made therein for open space for recreation and other outdoor uses, and for places of worship, convenience shopping and other community services.

*While no additional public areas are proposed as part of the office building, an outdoor seating area along Southwest 11<sup>th</sup> Street and an outdoor plaza near the intersection of Southwest 11<sup>th</sup> Street and Tuttle Street is provided by the hotel.*

- 2. Urban Design:** The proposed elevations indicate that the office building would be 3 stories with a maximum height of 49.5 feet. It would have a flat roof with a rooftop patio. The submitted elevations demonstrate the building would be sided with a contemporary composition of glass, brick, metal, and fiber cement panels. It would contain two entrances oriented toward West Martin Luther King, Jr. Parkway. The City's Urban Design Review Board reviewed the architectural design of the proposed building at their meeting on October 21, 2014

3. **Refuse Collection Container Enclosure:** The PUD Conceptual Plan includes a trash enclosure along the east edge of the site, with a note stating it will be comprised of materials compatible with the primary building architecture and shall be constructed of durable materials such as stone or masonry, with an opaque metal gate.
4. **Landscaping:** The PUD Conceptual Plan states that the site will be landscaped in accordance to the Landscape Standards as applicable to the “C-3” District. It demonstrates a mix of overstory trees, ornamental trees, shrubs, and landscaping beds. Staff recommends additional landscaping and an ornamental fence be provided along the northern perimeter of the parking lot to provide an urban edge along West Martin Luther King, Jr. Parkway.
5. **Lighting:** Staff recommends that all site lighting shall be black archetype light fixtures that are pedestrian in scale.
6. **Signage:** The PUD Conceptual Plan does not propose any building-mounted signage on the office building. Staff recommends that a note be added to state that any building-mounted signage shall be in accordance with the sign regulations applicable to the “C-3B” District.

The proposed amendment indicates that all freestanding signage would be in accordance with the master signage plan for the entire Gray’s Landing Office Park. This signage plan is currently being reviewed by City staff and has not yet been finalized. Therefore, staff recommends that any freestanding signage on the site be in accordance with the signage plan for the Gray’s Landing Office Park.

The signage plan that has been proposed but not yet approved includes three (3) freestanding sign types. “Type A” signs would solely identify “Gray’s Landing”. No such signs are proposed within this PUD. “Type B” signs would be 20 feet in height, including a masonry base, and identify four (4) tenants within the development. One such sign would be provided within the site along West Martin Luther King, Jr. Parkway. “Type C” signs would be 5.5 feet in height, including either a masonry or metal base, and identify a single major tenant. Two such signs would be provided within the site to identify the Holiday Inn Express, including one along Southwest 11<sup>th</sup> Street and one along Tuttle Street.

Also, the submitted PUD Conceptual Plan demonstrates a sign to the south of the building that would only be visible internal to the site. The PUD Conceptual Plan should provide further clarification on which sign type this would be.

## SUMMARY OF DISCUSSION

*John “Jack” Hilmes left the meeting @ 7:40 pm*

Erik Lundy presented the staff report and recommendation.

Mike Ludwig clarified that the Commission is not approving the signage plan for this PUD. The intent was the overall master sign plan for the entire Grays Landing area was going to the Urban Design Review Board for review and comment and based on their comments

staff was going to decide whether or not it would be an administrative amendment for the PUD to show the signage or whether it would be coming back to the Plan and Zoning Commission.

Will Page asked if the first sign shown on the far left is taller than the building.

Tony Kuechle Riverpoint West LLC 233 Park Avenue South, Ste. 201 Minneapolis, MN stated they are in agreement with staff recommendation.

Jonathan Rosenbloom asked if the applicant has seen the neighborhood plan for the Grays area and is it consistent with what they are thinking in terms of the rest of the area around these blocks.

Tony Kuechle stated they have been working on a master concept plan for the entire area. The applicant has planned their portion of the property (the properties that are owned by Riverpoint West LLC) and this is consistent with that plan. The balance of that plan is being turned over to the other landowners for them to have input as to what they want on their plan.

Erik Lundy showed the last plan that went in front of the Urban Design Review Board.

Tony Kuechle stated that this has been updated slightly to incorporate some more of staff's comments. The 15,000 square foot building that frames the street has been turned to adequately frame Tuttle and the restaurant up on the corner of SW 11<sup>th</sup> and MLK has been increased in size.

Mike Ludwig stated the objective on Tuttle is to get as much building frontage as possible, not frontage along the SW 9<sup>th</sup> Street overpass.

## **CHAIRPERSON OPENED THE PUBLIC HEARING**

*There was no one to speak in favor or in opposition of the applicant's request.*

## **CHAIRPERSON CLOSED THE PUBLIC HEARING**

### **COMMISSION ACTION:**

Sasha Kamper moved staff recommendation for approval of the proposed amendment to the PUD Conceptual Plan, subject to the following conditions:

1. Provision of a north-south pedestrian route through the parking lot to connect the office building with the sidewalk along Tuttle Street.
2. Provision of an east-west pedestrian route through the parking lot to connect the office building with the sidewalk along Southwest 11<sup>th</sup> Street.
3. Provision of an urban edge consisting of decorative wrought iron fence and additional landscaping, including trees and shrubs, in all locations where off-street parking is within 50 feet of the property line and not separated from the adjoining right-of-way by a building.

4. The transformer shall be shifted south within the site and shall be screened by plant materials in order to minimize its view from West Martin Luther, King, Jr. Parkway.
5. Provision of a note stating that the portions of the PUD Conceptual Plan dedicated for future development shall not be used for stormwater detention until future development of these areas occurs in accordance with a future PUD Conceptual Plan amendment
6. All site lighting shall be black archetype light fixtures that are pedestrian in scale.
7. Provision of a note stating that any building-mounted signage shall be in accordance with the sign regulations applicable to the "C-3B" District.
8. All freestanding signage shall be in accordance with the overall signage plan for the Gray's Landing Office Park.
9. Provision of additional information on the sign internal to the site that would be located to the south of the proposed office building.

Motion passed 10-0.

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:clw

Attachment