

Date..... November 8, 2010

WHEREAS, on October 25, 2010 by Roll Call No. 10-1728, the City Council duly resolved to consider a proposal from Quest Development to rezone certain property located in the vicinity of 320 Southwest 9th Street from C-3B Central Business District Mixed-Residential District to a PUD Planned Unit Development District classification, and to consider the proposed PUD Conceptual Plan for such property, and that such proposal be set down for hearing on November 8, 2010, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of the hearing was published in the Des Moines Register on October 28, 2010, as provided by law, setting forth the time and place for hearing on the proposed amendment to the Zoning Ordinance; and,

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the property located in the vicinity of 320 Southwest 9th Street, more fully described as follows (the "Property"):

Lots 2, 3, 4 and a part of Lots A, 1 and 5, Factory Addition Plat 3, being an Official Plat, and a part of Lots 1 and 3, Terminal Place, being an Official Plat, all in the City of Des Moines, Polk County, Iowa and described as follows:

Beginning at the Southeast corner of said Lot 3, Factory Addition Plat 3; thence South 82° (degrees) 03' (minutes) 15" (seconds) West along the South line of said Lots A, 3, 4 and 5, Factory Addition Plat 3, a distance of 618.15 feet to a point on the East right-of-way line of Southwest 11th Street; thence North 37° 25' 21" West along said East right-of-way line, 34.02 feet; thence North 16° 09' 02" West continuing along said East right-of-way line, 25.37 feet to a point on the South line of said Lot 3, Terminal Place; thence North 15° 49' 31" West, 118.92 feet to a point on the South line of said Lot 1, Terminal Place; thence North 15° 17' 41" West, 107.54 feet; thence North 74° 32' 20" East, 632.31 feet to a point on the East line of said Lot 1, Factory Addition Plat 3; thence South 15° 27' 40" East along said East line and along the East line of said Lot 2, Factory Addition Plat 3, a distance of 93.95 feet; thence South 74° 32' 20" West continuing along said East line, 6.00 feet; thence South 15° 27' 40" East continuing along said East line of said Lot 2 and along the East line of said Lot 3, Factory Addition Plat 3, a distance of 270.26 feet to the Point of Beginning and containing 4.65 acres (202,585 s.f.), an Official Plat, all know included in and forming a part of the City of Des Moines, Polk County, Iowa.

Property subject to any and all easements of record.

from C-3B Central Business District Mixed-Residential District to a PUD Planned Unit Development District classification; and

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WHEREAS, the Plan and Zoning Commission has recommended that the proposed rezoning and PUD Conceptual Plan be approved, subject to the conditions identified in the attached letter from the Planning Administrator; and

WHEREAS, in accordance with the notice those interested in said proposed rezoning, 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, statements of interested persons and arguments of counsel, the objections to the proposed rezoning and PUD Conceptual Plan are hereby overruled, and the hearing is closed.

2. The proposed rezoning and PUD Conceptual Plan, as amended by the conditions set forth below, are hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan, subject to the conditions identified below.

3. The PUD Conceptual Plan for the Property described above, which is on file in the Community Development Department, is hereby approved, subject to the plan being first amended to satisfy the following conditions, and subject to the Community Development Director finding that such conditions have been satisfied by the amendments to the plan:

- a. The PUD Conceptual Plan shall incorporate all requirements of the City's Urban Design Review Board, including but not limited to those pertaining to building design, building materials, streetscape, and signage.
- b. The PUD Conceptual Plan shall include elevations of all four facades of each building, as approved by the Planning Administrator.
- c. The note on the PUD Conceptual Plan regarding permitted uses should be revised to indicate permitted uses are those as permitted and limited in the "C-3B" District.
- d. The PUD Conceptual Plan shall include a note that states all rooftop mechanical equipment shall be screened by an architecturally integrated parapet as approved by the Planning Administrator.
- e. The PUD Conceptual Plan shall demonstrate the location and a detailed elevation of any trash enclosure as approved by the Planning Administrator.

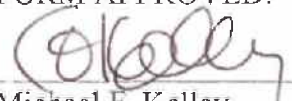
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- f. In addition to streetscape plantings, the site shall be landscaped in accordance to the Landscape Standards as applicable to the "C-3" District.
- g. Any monument sign on the premises shall have a brick or stone base that matches the materials on the primary structure.
- h. The text at the left side of Sheet 4 that states signage will be in accordance with the C-3B requirements shall be removed.
- i. Signage for the hotel on the western portion of the site shall be limited to the following:
 - i. Two (2) monument signs not to exceed 2 square feet each.
 - ii. Four (4) wall-mounted signs not to exceed a cumulative 150 square feet of area.
- j. Signage for the hotel on the eastern portion of the site shall be limited to the following:
 - i. One (1) monument sign not to exceed 9.5 square feet in area.
 - ii. Three (3) wall-mounted signs not to exceed a cumulative 150 square feet of area.

MOVED by _____ to adopt and approve the rezoning and the PUD Conceptual Plan, subject to final passage of the rezoning ordinance.

FORM APPROVED:


 Michael F. Kelley
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

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.

MOTION CARRIED

APPROVED

 Mayor

 City Clerk

Date November 8, 2010

Agenda Item 55

Roll Call # _____

October 20, 2010

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 October 7, 2010, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 as follows:



CITY PLAN AND ZONING COMMISSION
ARMORY BUILDING
602 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309 -1881
(515) 283-4182

ALL-AMERICA CITY
1949, 1976, 1981
2003

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
Leisha Barcus				X
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Dann Flaherty	X			
John "Jack" Hilmes	X			
Joel Huston	X			
Ted Irvine				X
Greg Jones	X			
Jim Martin	X			
Brian Millard				X
William Page	X			
Mike Simonson	X			
Kent Sovern	X			

APPROVAL of a recommendation to find the request for PUD zoning for property located at 320 Southwest 9th Street in conformance with the Des Moines' 2020 Community Character Plan; and approval of the request to rezone the subject property from "C-3B" Central Business Mixed Use District to PUD Planned Unit Development and approval of the PUD Conceptual Plan subject to the following conditions: ZON2010-00167

1. The PUD Conceptual Plan shall incorporate all requirements of the City's Urban Design Review Board, including but not limited to those pertaining to building design, building materials, streetscape, and signage.
2. The PUD Conceptual Plan shall include elevations of all four facades of each building, as approved by the Planning Administrator.
3. The note on the PUD Conceptual Plan regarding permitted uses should be revised to indicate permitted uses are those as permitted and limited in the "C-3B" District.

4. The PUD Conceptual Plan shall include a note that states all rooftop mechanical equipment shall be screened by an architecturally integrated parapet as approved by the Planning Administrator.
5. The PUD Conceptual Plan shall demonstrate the location and a detailed elevation of any trash enclosure as approved by the Planning Administrator.
6. In addition to streetscape plantings, the site shall be landscaped in accordance to the Landscape Standards as applicable to the "C-3" District.
7. Any monument sign on the premises shall have a brick or stone base that matches the materials on the primary structure.
8. The text at the left side of Sheet 4 that states signage will be in accordance with the C-3B requirements shall be removed.
9. Signage for the hotel on the western portion of the site shall be limited to the following:
 - i. Two (2) monument signs not to exceed 2 square feet each.
 - ii. Four (4) wall-mounted signs not to exceed a cumulative 150 square feet of area.
10. Signage for the hotel on the eastern portion of the site shall be limited to the following:
 - i. One (1) monument sign not to exceed 9.5 square feet in area.
 - ii. Three (3) wall-mounted signs not to exceed a cumulative 150 square feet of area.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the Commission find the requested rezoning in conformance with the Des Moines' 2020 Community Character Plan.

Part B & C) Staff recommends approval of the proposed rezoning and PUD Concept Plan subject to the following conditions:

1. The PUD Conceptual Plan shall incorporate all requirements of the City's Urban Design Review Board, including but not limited to those pertaining to building design, building materials, streetscape, and signage.
2. The PUD Conceptual Plan shall include elevations of all four facades of each building, as approved by the Planning Administrator.
3. The note on the PUD Conceptual Plan regarding permitted uses should be revised to indicate permitted uses are those as permitted and limited in the "C-3B" District.
4. The PUD Conceptual Plan shall include a note that states all rooftop mechanical equipment shall be screened by an architecturally integrated parapet as approved by the Planning Administrator.

5. The PUD Conceptual Plan shall demonstrate the location and a detailed elevation of any trash enclosure as approved by the Planning Administrator.
6. In addition to streetscape plantings, the site shall be landscaped in accordance to the Landscape Standards as applicable to the "C-3" District.
7. Any monument sign on the premises shall have a brick or stone base that matches the materials on the primary structure.
8. The text at the left side of Sheet 4 that states signage will be in accordance with the C-3B requirements shall be removed.
9. Signage for the hotel on the western portion of the site shall be limited to the following:
 - iii. Two (2) monument signs not to exceed 2 square feet each.
 - iv. Four (4) wall-mounted signs not to exceed a cumulative 150 square feet of area.
10. Signage for the hotel on the eastern portion of the site shall be limited to the following:
 - v. One (1) monument sign not to exceed 9.5 square feet in area.
 - vi. Three (3) wall-mounted signs not to exceed a cumulative 150 square feet of area.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed development would allow construction of two separate four-story hotel complexes, including an extended stay hotel fronting Southwest 9th Street with 95 guestrooms and a standard hotel fronting Southwest 11th Street with 93 guestrooms. There would be a shared parking lot between the hotels.

The project was preliminarily reviewed by the Urban Design Review Board on July 20, 2010 and August 17, 2010. The Urban Design Review Board will review the current proposal and take formal action on October 5, 2010. Staff recommends that the PUD Conceptual Plan shall be required to incorporate all requirements of the City's Urban Design Review Board with regard to the building designs, streetscape, and signage plan.

2. **Size of Site:** 4.59 acres.
3. **Existing Zoning (site):** "C-3B" Central Business Mixed Use District.
4. **Existing Land Use (site):** Vacant land.
5. **Adjacent Land Use and Zoning:**
 - North* – "C-3B"; Use is a surface parking lot.
 - South* – "C-3B"; Use is vacant land.

East – “C-3A”; Uses are the Southwest 9th Street viaduct and office and flex space buildings.

West – “C-3B”; Use is vacant 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):** Downtown Des Moines Neighborhood.
8. **2020 Community Character Land Use Plan Designation:** Downtown Support Commercial.

The 2020 Community Character Plan states the following regarding this land use designation.

Downtown/ Support Commercial: 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.

9. **Applicable Regulations:** The Commission reviews all proposals to amend zoning regulations or zoning district boundaries 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. The Commission may recommend that certain conditions be applied to the subject property if the property owner agrees in writing, in addition to the existing regulations. 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 states uses are limited to those permitted in the “C-3B” District.

The architectural character and site design are discussed in Section II, subparagraph 2 of this report.

- 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 PUD proposes an 18.92-foot setback from SW 9th Street viaduct to the east, with the 520-foot long building representing 76% of the 680-foot frontage. The PUD also proposes a 20.21-foot setback along SW 11th Street to the west to accommodate an outdoor plaza and an outdoor seating area, with the 360-foot long building representing 70% of the 520-foot front. The site is surrounded by "C-3B" and "C-3A" zoning districts. For comparison, the "C-3B" District design guidelines require a minimum of 70 percent of the building frontage be set within one foot of the front lot line for commercial buildings. The "C-3A" District has no building setback requirements.

- 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 concept plan indicates that storm water will be handled by a combination of conventional detention and conservation practices, which may involve infiltration trenches or other methods.

- 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.

The subject property is bordered by SW 9th Street to the east, Tuttle Street to the south, and SW 11th Street to the west. Staff believes that this existing street network would be capable of accommodating the traffic generated by the proposed development.

- 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 submitted Concept Plan identifies 214 off-street parking spaces. It also includes a note stating that parking will be provided in accordance with the Zoning Ordinance, which would require 1 space per 2 hotel rooms, plus 1 space per 300 square feet of restaurant, lounge, or meeting room area.

- 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.

The PUD Conceptual Plan demonstrates an outdoor seating area long SW 11th Street and an outdoor plaza near the intersection of SW 11th Street and Tuttle Street.

