

.....
Date July 18, 2022

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM HUBBELL REALTY COMPANY (OWNER) REPRESENTED BY STEVE MOSELEY (OFFICER), FOR PROPERTY LOCATED IN THE VICINITY OF 800 MURPHY STREET, TO REZONE THE PROPERTY FROM “P1” PUBLIC, CIVIC, AND INSTITUTIONAL DISTRICT TO “DXR” DOWNTOWN DISTRICT, TO ALLOW DEVELOPMENT OF TOWNHOMES

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 16, 2022, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Hubbell Realty Company (owner) represented by Steve Moseley (officer), for property located in the vicinity of 800 Murphy Street, to rezone the property from “P1” public, civic, and institutional district to “DXR” downtown district, to allow development of townhomes and determined the requested rezoning is in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan; and

WHEREAS, on June 27, 2022, by Roll Call No. 22-0997, it was duly resolved by the City Council that the request to rezone the Property be set down for hearing on July 18, 2022 at 5:00 P.M., in the Council Chambers; 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 rezoning; and

WHEREAS, in accordance with said 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; and

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property located at 800 Murphy Street and legally described as follows:

LOT 1, RIVERPOINT PLAT NO. 2, AN OFFICIAL PLAT IN THE CITY OF DES MOINES,
POLK COUNTY, IOWA

From “P1” public, civic, and institutional district to “DXR” downtown district, to allow development of townhomes.

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 are hereby overruled, and the hearing is closed.

 **Roll Call Number**

Agenda Item Number

53

Date July 18, 2022

2. The proposed rezoning of the Property, as legally described above, to “DXR” downtown district, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, and final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY _____ TO ADOPT.

SECOND BY _____.

FORM APPROVED:

/s/ Lisa A. Wieland

Lisa A. Wieland

Assistant City Attorney

(ZONG-2022-000051)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

Mayor

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.

Acting City Clerk

Date July 18, 2022

Agenda Item 53

Roll Call # _____

June 22, 2022

Communication from the City Plan and Zoning Commission advising that at their June 16, 2022 meeting, the following action was taken regarding a request from Hubbell Realty Company (owner), represented by Steve Moseley (officer) to rezone property bounded by Murphy Street, Southwest 8th Street and Southwest 9th Street (Parcel #782409260001 – Vicinity of 800 Murphy Street) from “P1” Public, Civic, and Institutional District to “DXR” Downtown District, to allow development of townhomes.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 as follows

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dan Drendel				X
Leah Rudolphi	X			
Dory Briles	X			
Abby Chungath	X			
Kayla Berkson	X			
Chris Draper	X			
Todd Garner	X			
Johnny Alcivar	X			
Justyn Lewis	X			
Carolyn Jenison	X			
William Page				X
Andrew Lorentzen	X			
Emily Webb	X			

APPROVAL of Part A) The requested “DXR” District be found in conformance with the existing PlanDSM future land use designation of Downtown Mixed Use.

Part B) Approval of the request to rezone the property from “P1” Public, Civic, and Institutional District to “DXR” Downtown District.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested “DXR” District be found in conformance with the existing PlanDSM future land use designation of Downtown Mixed Use.

Part B) Staff recommends approval of the request to rezone the property from “P1” Public, Civic, and Institutional District to “DXR” Downtown District.

Written Responses

1 in Favor

0 in opposition

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is proposing to rezone the subject property to the “DXR” District, which would allow townhome development. The applicant has provided a conceptual sketch that demonstrates 13 townhomes.

Any future development within the subject property must comply with all applicable site plan and design regulations contained in the Planning and Design Ordinance (Chapter 135 of City Code).

2. Size of Site: 0.608 acres (26,505 square feet).

3. Existing Zoning (site): “P1” Public, Civic, and Institutional District.

4. Existing Land Use (site): The site is currently a vacant lot. It contained buildings decades ago, but the site has been in its undeveloped, vacant state since at least the 1980s.

5. Adjacent Land Use and Zoning:

North – “DX2”; Uses are Murphy Street, a surface parking lot, and a one-story office building.

South – “DX2”; Uses are Southwest 8th Street, Southwest 9th Street, a surface parking lot, and a three-story office building.

East – “DX2”; Uses are Southwest 8th Street, a surface parking lot and the same three-story office building.

West – “Riverpoint Flex Office Park West PUD”; Uses are Southwest 9th Street, a surface parking lot, and a four-story, mixed-use (retail, residential) building.

6. General Neighborhood/Area Land Uses: The subject property is located in the southern portion of Downtown. It is a triangular piece of land bounded by Murphy, Southwest 8th, and Southwest 9th Streets. The surrounding neighborhood is characterized by a mix of low-rise office buildings, medium-to-high-density residential

developments, and surface parking lots. Most of the office uses are concentrated to the north and east of this site. The Cityville and Gray's Landing/Gray's Station residential developments sit to the west of this site. The subject property is roughly two blocks south of Martin Luther King, Jr. Parkway and roughly two blocks north of the Raccoon River.

- 7. Applicable Recognized Neighborhood(s):** The subject property is located in the Downtown Neighborhood. All neighborhood associations were notified of the June 16, 2022, public hearing by mailing of the Preliminary Agenda on May 27, 2022 and by mailing of the Final Agenda on June 10, 2022. Additionally, separate notifications of the hearing for this specific item were mailed on May 27, 2022 (20 days prior to the public hearing) and June 6, 2022 (10 days prior to the public hearing) to the Downtown Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property 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 on the date of the mailing. Downtown Neighborhood mailings were sent to Brandon Brown, 120 Southwest 5th Street, Unit 101, Des Moines, IA 50309.

The applicant will provide a summary of the neighborhood meeting at the public hearing.

- 8. Relevant Zoning History:** None.

- 9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** The subject property is designated as Downtown Mixed Use.

- 10. Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, 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. 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. PlanDSM: Creating Our Tomorrow:** The subject parcel is designated with the "Downtown Mixed Use" future land use designation. PlanDSM describes this designation as follows:

Downtown Mixed Use: Allows mixed-use, high density residential uses, and compact combinations of pedestrian-oriented retail, office, residential, and parking in downtown. Should include active uses (e.g., retail) on ground floor, particularly at key intersections.

The subject parcel is currently zoned “P1” District. The Zoning Ordinance describes this district as, “intended for open space, including permanent parks and recreation areas.”

The applicant is proposing to rezone the parcel to the “DXR” District. The Zoning Ordinance describes this district as, “intended for the mainly residential neighborhoods of downtown, surrounding the downtown, and across the rivers from downtown.” Staff believes the current comprehensive plan designation is appropriate, as the subject property is located within downtown, and is surrounded by a variety of uses. High-density residential uses are appropriate in this area and should be developed in a compact, pedestrian-oriented manner to take advantage of potential synergies with surrounding retail, office, and residential uses.

The Downtown Mixed Use designation allows for high-density residential development, which is defined as over 17 dwelling units per acre. The concept plan submitted by the development team shows 13 units. On a 0.608-acre property, this equates to roughly 21 units per acre.

2. **Grading & Storm Water Management:** Any future development at this site is subject to a grading permit, soil erosion control plan, and stormwater management plan as reviewed and approved by City Engineering staff.
3. **Nature Features:** The subject property contains a mix of mature trees and a few shrubs. Any development of the site must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.
4. **Utilities:** Public storm sewer fronts the property along Southwest 8th and Southwest 9th Streets. Public sanitary sewer is located within Southwest 9th Street and Murphy Street. Water service is available from Southwest 9th Street.
5. **Urban Design:** If rezoned to “DXR” District, any residential use would need to be constructed in accordance with either the Downtown Storefront, Downtown General, Flat, or Row building types. The conceptual sketch submitted with the application indicates that the applicant is proposing to utilize the Row building type with a total of 13 dwelling units developed on the property. Submitted building elevations show that each unit is conceptually designed to be 3 stories in height and have a rear, attached 2-car garage.

Staff believes that the subject site would be an appropriate location for the proposed Row-style development given its location in the southern portion of Downtown (near the Raccoon River) and proximity to other uses, such as retail, office, and other residential development (in particular, the Cityville and Gray’s Landing/Station residential developments to the west).

6. **Traffic/Street System:** The submitted site sketch indicates four (4) townhome buildings proposed amongst multiple private, internal vehicular access drives. Vehicles would access the site from a drive approach off of Murphy Street.

No public sidewalks currently exist along this property's street frontages. Staff notes that a public sidewalk will be required to be installed along all street frontages as part of any future development.

DART Route #7 runs along this portion of Southwest 9th Street. A bus shelter is located across Southwest 9th Street to the west of this site.

A traffic study was not required with the rezoning application, as the proposal does not meet the threshold that necessitates a study.

- 7. Planning and Design Ordinance:** Any development must comply with all applicable site plan and building design regulations of the Planning and Design Ordinance. Should the rezoning be approved, the applicant would be required to prepare a Site Plan and building elevations for review before the property can be occupied by the proposed use.

In reviewing the submitted site sketch and building elevations, Staff wanted to point out a few items that will be required if a Site Plan demonstrating a Row-type development is submitted:

- a. Building elevations must comply with the façade materiality, building articulation, and façade transparency requirements described in both Article 135-4 and Section 135-2.12.3.
- b. Buildings must be positioned on the site in a way that satisfies the requirements of the Planning and Design Ordinance and promotes a pedestrian-oriented environment (e.g., buildings are placed within the required build-to-zone, “frame” the street, etc.).
- c. The unusual shape of this parcel has necessitated some creative site design choices, rendering it with multiple dead-end private streets and terminal vistas. Any dead-end private streets and terminal vistas are subject to the requirements of Section 135-4.3.10, and must incorporate design elements that “soften” these awkward site edges. Examples of creative design elements that could be used in these areas include, but are not limited to, courtyards/plaza spaces, sculptures/public-facing art installations, or landscape features such as gardens.
- d. Street addresses would be assigned during a future Preliminary Plat and/or Site Plan review.
- e. As this is a Downtown, infill site, underground stormwater management methods must be employed with any future development.

SUMMARY OF DISCUSSION

Emily Webb asked if any member of the public or commission desired to speak on the item. No one requested to speak.

COMMISSION ACTION:

Carolyn Jension made a motion for:

Part A) The requested "DXR" District be found in conformance with the existing PlanDSM future land use designation of Downtown Mixed Use.

Part B) Approval of the request to rezone the property from "P1" Public, Civic, and Institutional District to "DXR" Downtown District.

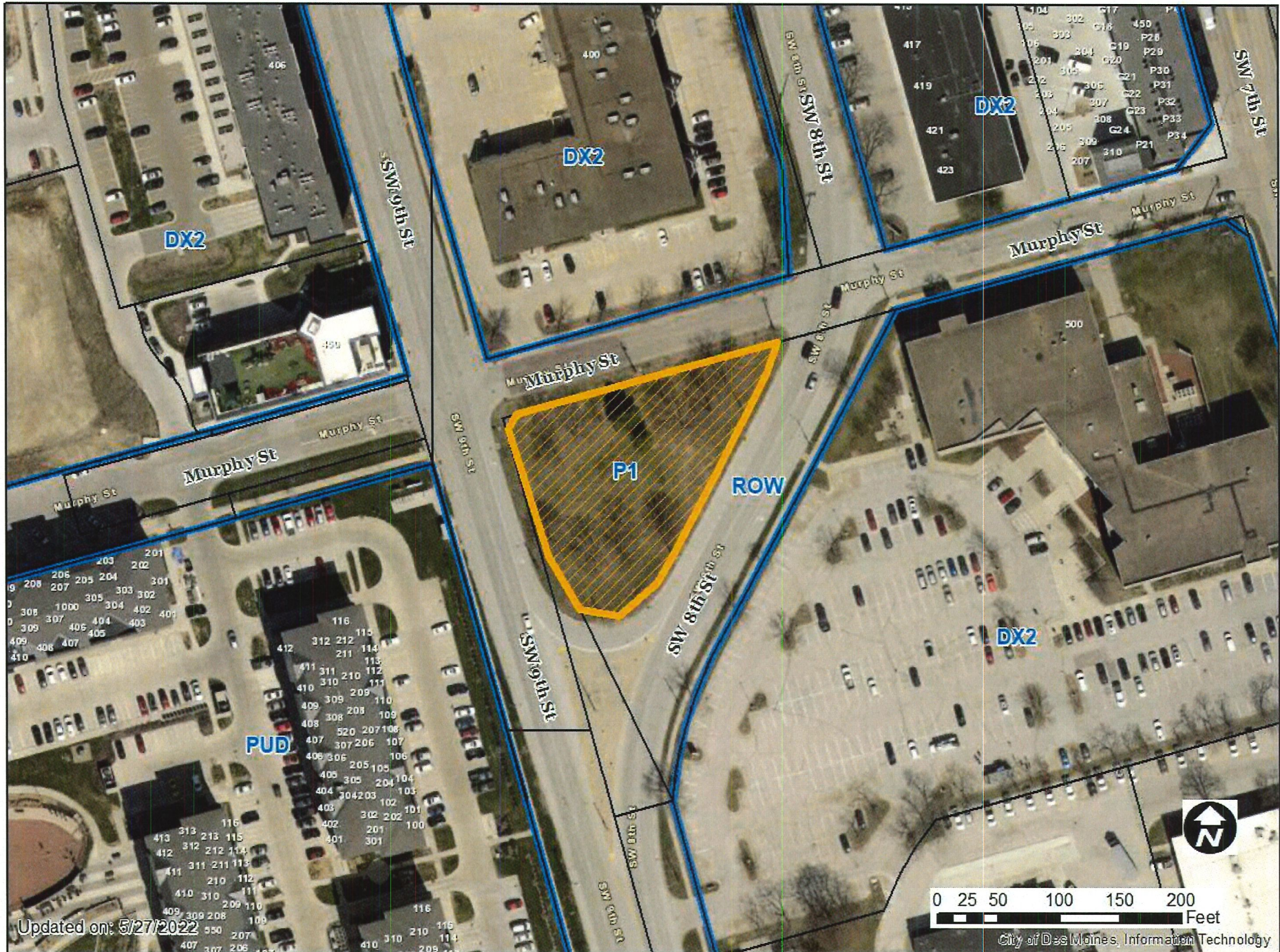
Motion passed: 12-0

Respectfully submitted,



Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh



Updated on: 5/27/2022

City of Des Moines, Information Technology

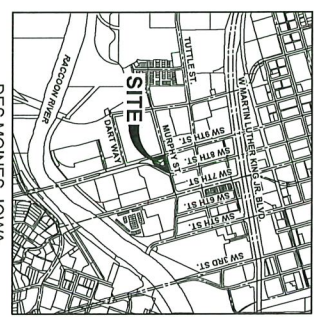
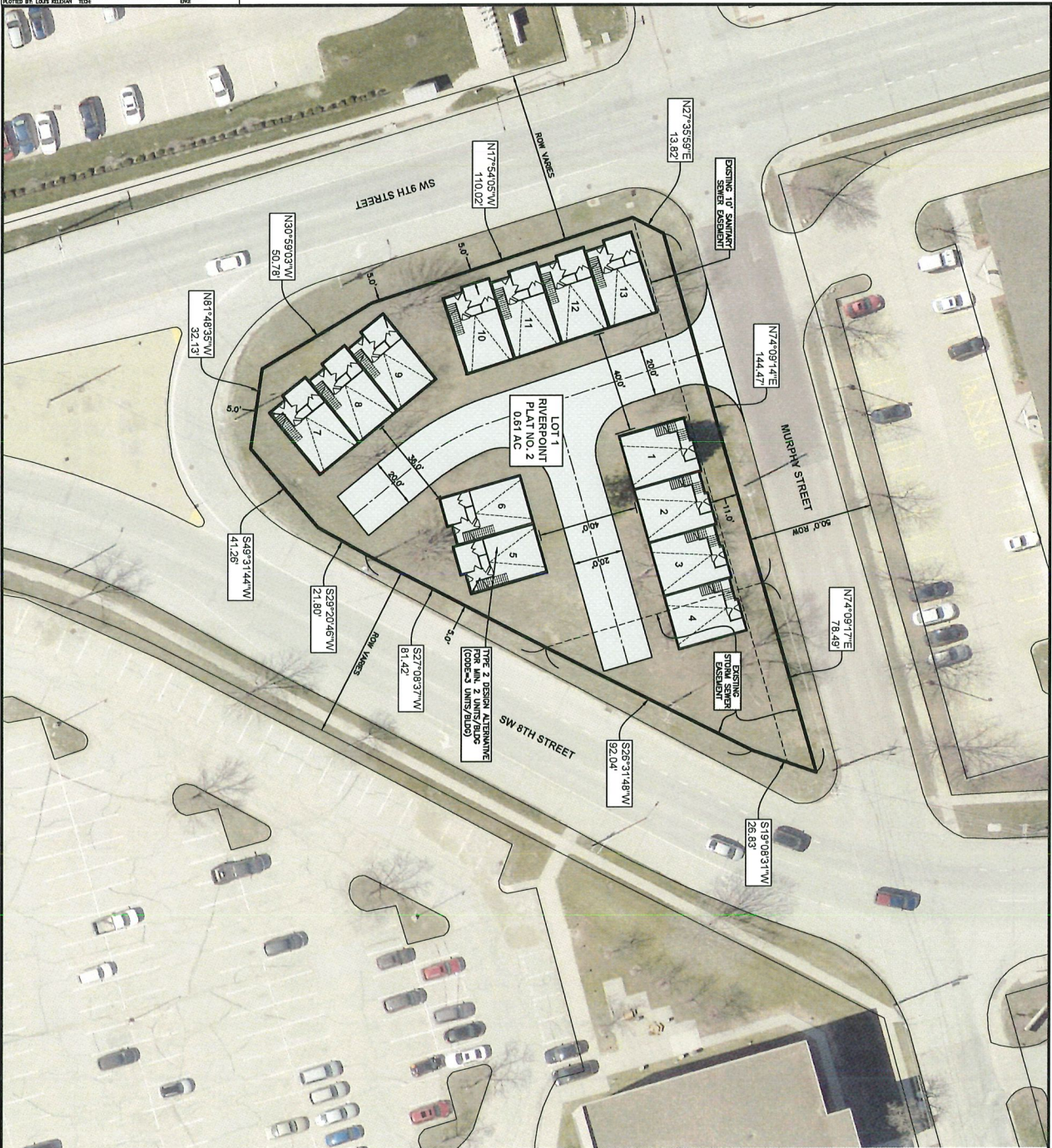
1 inch = 104 feet

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VICINITY MAP

DES MOINES, IOWA

OWNER / DEVELOPER
 HIBBELT REALTY COMPANY
 8500 WEST URBANDALE DRIVE
 URBANDALE, IOWA 50208
 PH: 515-283-5180
 FAX: 515-283-5180
 EMAIL: STEVE@HIBBELTREALTY.COM

ENGINEER / SURVEYOR
 CIVIL DESIGN ADVANTAGE
 4121 NW URBANDALE DRIVE
 URBANDALE, IOWA 50202
 CONTACT: DEAN ROSHAR
 EMAIL: DEAN@CDA-SINC.COM

ZONING
 EXISTING: P1 DISTRICT (PUBLIC, CIVIC AND INSTITUTIONAL)
 DISTRICT - (OPEN SPACE)
 PROPOSER: DR8 DISTRICT (COMM/TOWN DISTRICT - RESIDENTIAL)

REZONING DESCRIPTION
 LOT 1, RIVERPOINT PLAT NO. 2 AN OFFICIAL PLAT IN THE CITY OF
 DES MOINES, POLK COUNTY, IOWA
 PROPERTY CONTAINS 0.61 ACRES (26,505 SQUARE FEET)
 PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.



REVISIONS	DATE
FIRST SUBMITTAL	05/06/2022

53

PARKER 4-PLEX
FRONT & REAR ELEVATIONS

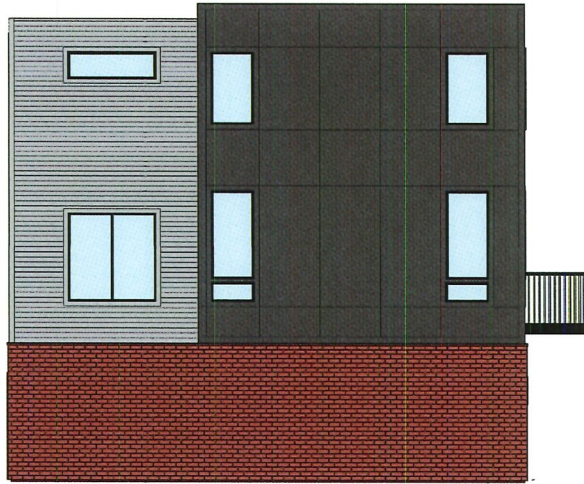
5-10-22



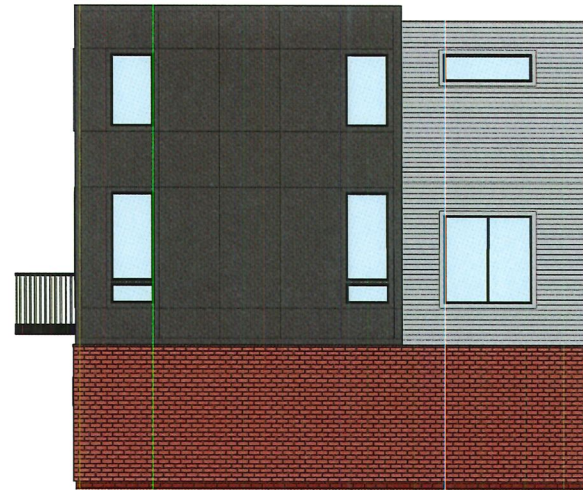
① Front Elevation
1/8" = 1'-0"



③ Rear Elevation
1/8" = 1'-0"



① Left Elevation
1/8" = 1'-0"



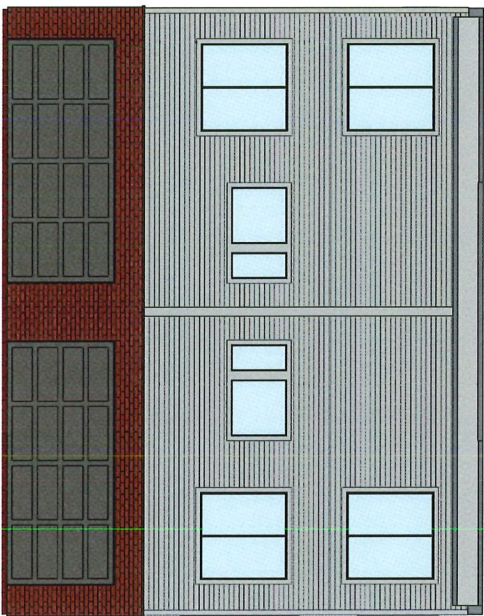
② Right Elevation
1/8" = 1'-0"



③ 3D Color View



① Front Elevation
1/8" = 1'-0"



③ Rear Elevation
1/8" = 1'-0"

Client: _____ Date: _____
Issue Date: 5/10/2022 11:23:37 AM

PARKER DUPLEX FRONT & REAR ELEVATION

5-10-22

Hubbell HOMES
We Give You MORE!

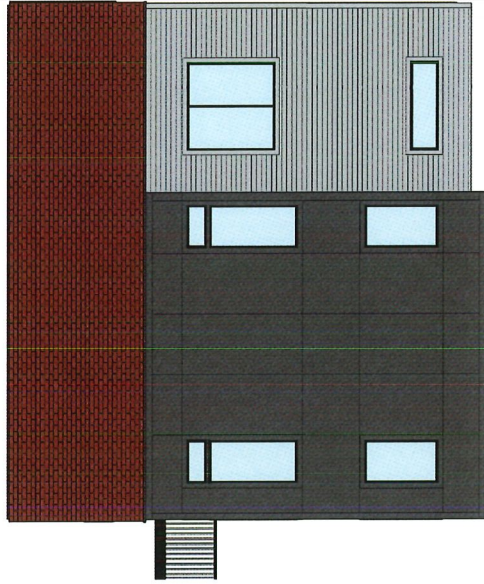
HUBBELL HOMES
6800 Westown Parkway
West Des Moines IA, 50266

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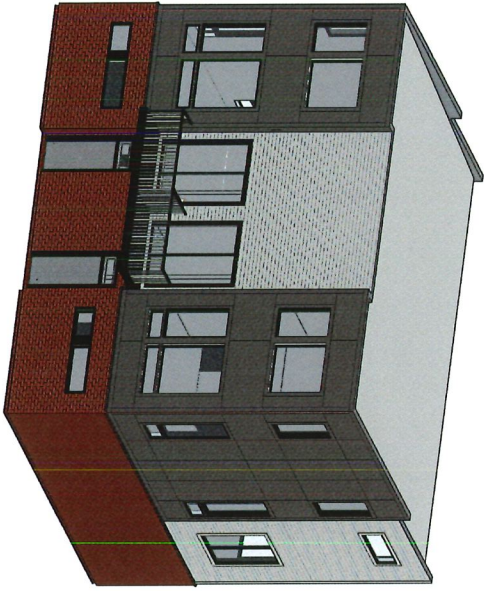
① Left Elevation
1/8" = 1'-0"



② Right Elevation
1/8" = 1'-0"



③ 3D COLOR VIEW



Client: _____ Date: _____
Issue Date: 5/10/2022 11:23:38 AM

PARKER DUPLEX SIDE & 3D ELEVATIONS

5-10-22

Hubbell HOMES
We Give You MORE!

HUBBELL HOMES
6800 Westtown Parkway
West Des Moines IA, 50266

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From: Dean Roghair <DeanR@cda-eng.com>
Sent: Friday, June 10, 2022 10:54 AM
To: Tarpey, Nicholas O.
Cc: steve.moseley@hubbellrealty.com; Emily Harding
Subject: RE: 03 - ZONG-2022-000054 - Murphy/SW 8th/SW 9th rezoning
Attachments: [NeighborhoodMeetingSignInSheet Riverpoint2Lot1Rezone 2022-06-10.pdf](#); [2022-06-02 Riverpoint Neighborhood Meeting.pdf](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Nick-

We held the neighborhood meeting last night at 550 SW 9th Street.

Attached is the sign-in sheet and the meeting invite that Hubbell sent to everyone on your notification list.

There was one attendee. He said the project looked good and he liked the townhomes.

Let me know if you need anything further.

Steve and Emily will be at the P&Z meeting next Thursday night.

Thank you.

Dean Roghair, PE



We have moved! Please note our new address:

4121 NW Urbandale Drive Urbandale, IA 50322

O 515.369.4400 D 515.369.4421 C 515.208.1315

DeanR@CDA-eng.com | www.CDA-eng.com

From: Tarpey, Nicholas O. <NOTarpey@dmgov.org>

Sent: Thursday, June 9, 2022 4:25 PM

To: Dean Roghair <DeanR@cda-eng.com>; steve.moseley@hubbellrealty.com

Subject: RE: 03 - ZONG-2022-000054 - Murphy/SW 8th/SW 9th rezoning

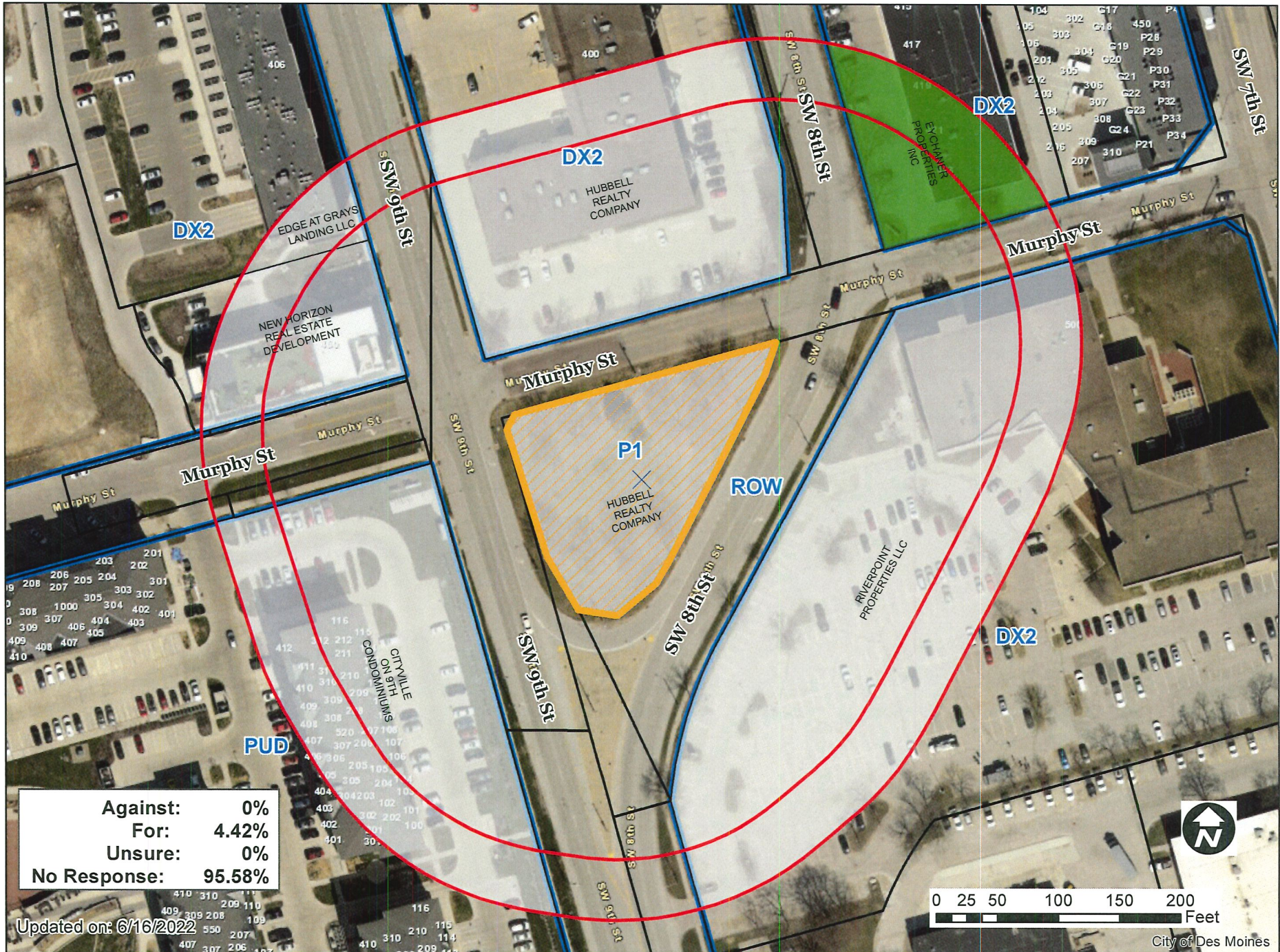
SIGN-IN

NEIGHBORHOOD MEETING

RIVERPOINT PLAT 2 - LOT 1

June 9, 2022 6:00PM @ CITYVILLE

NAME	ADDRESS	PHONE NUMBER	EMAIL
1 <u>Ethan Heroux</u>	<u>550 SW 9th St</u>	<u>612-281-9939</u>	<u>heroux.ethan@gmail</u>
2 _____	_____	_____	_____
3 _____	_____	_____	_____
4 _____	_____	_____	_____
5 _____	_____	_____	_____
6 _____	_____	_____	_____
7 _____	_____	_____	_____
8 _____	_____	_____	_____
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24 _____	_____	_____	_____
25 _____	_____	_____	_____



Against:	0%
For:	4.42%
Unsure:	0%
No Response:	95.58%

Updated on: 6/16/2022



City of Des Moines

1 inch = 104 feet

53

Item: ZONG-2022-000051 Date: 6-9-2022

Please mark one of the following

- I am in favor of the request
- I am not in favor of the request

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT
JUN 13 2022

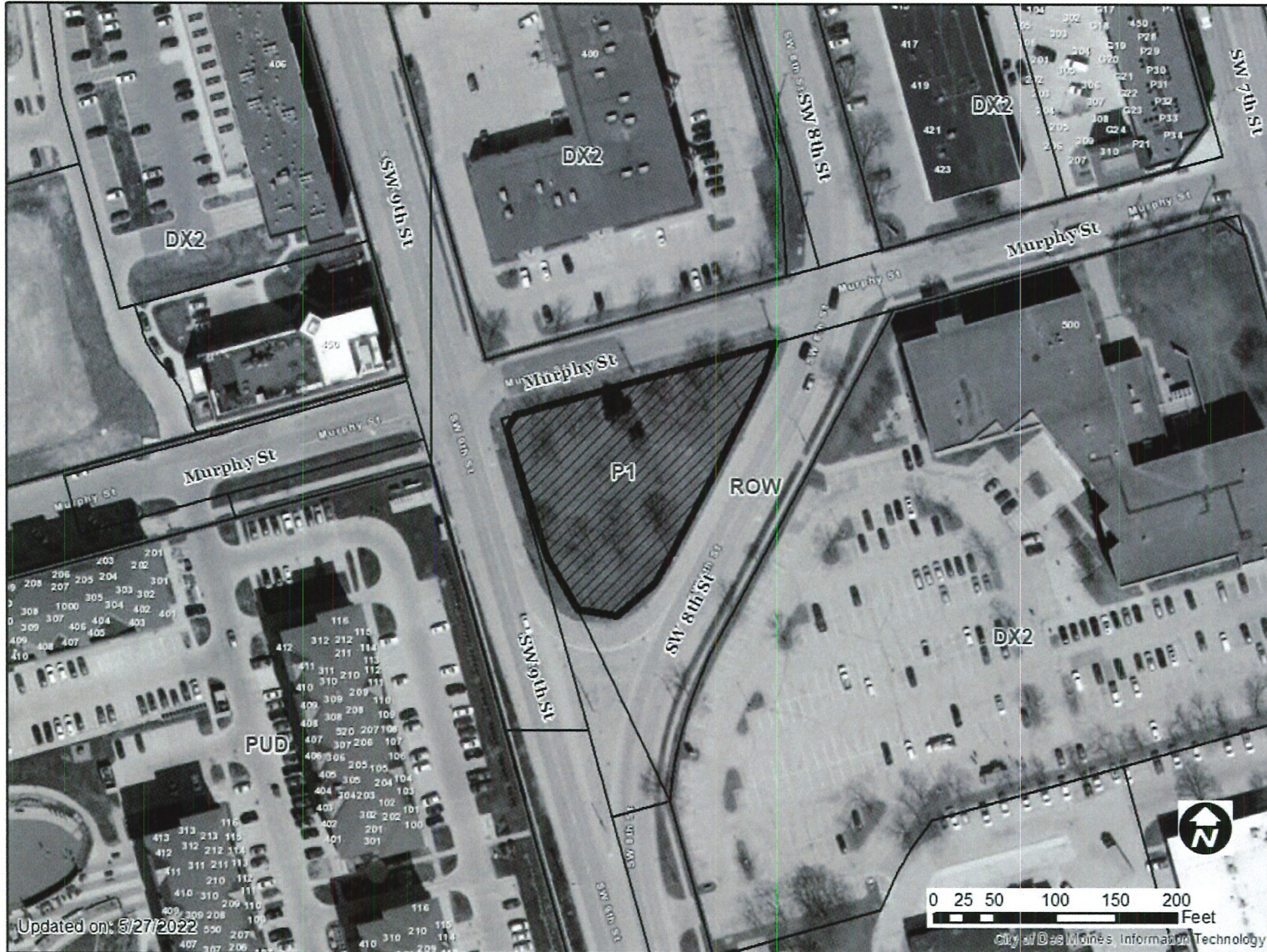
Signature: [Handwritten Signature]

Name: EXCHANGEL PROPERTIES 401 LLC

Address: 401 SW 8TH STREET

Reason for opposing or approving this request may be listed below:

APPROVE WITH STRONG RECOMMENDATION A 4' HIGH
STEEL REINFORCED RETAINING WALL IS REQUIRED
RUNNING FROM SOUTH TIP OF PROPERTY NORTHEASTERLY
TO INTERIOR E/W DRIVEWAY TO PROTECT FROM FREQUENT CAR
CRASHES BETWEEN SW 9TH + 8TH + TUTTLE



1 inch = 104 feet