

★ **Roll Call Number**

✓
Agenda Item Number

53

.....
Date April 6, 2009

WHEREAS, on March 23, 2009, by Roll Call No. 09-465, it was duly resolved by the City Council, that a public hearing to be held on April 6, 2009, at 5:00 p.m., in the Council Chambers at City Hall, to consider a proposal to amend the approved PUD Planned Unit Development District Conceptual Plan for the Baker PUD located in the vicinity of 4500 Hubbell Avenue, to reconfigure the layout of an approved multiple-family residential development to a light industrial business park with additional land reserved for future amendment; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on March 27, 2009, as provided by law, setting forth the time and place for hearing on the proposed amendment to the approved PUD Conceptual Plan; and,

WHEREAS, on April 2, 2009 the Plan and Zoning Commission recommended that the proposed amendment to the approved PUD Conceptual Plan be approved, subject to the conceptual plan being first amended as set forth in the attached letter from the Planning Administrator; and,

WHEREAS, in accordance with the published notice those interested in said proposed amendment to the approved 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, statements of interested persons and arguments of counsel, the objections to said proposed amendments to the approved PUD Conceptual Plan for the property in the vicinity of 4500 Hubbell Avenue, and more specifically described below, are hereby overruled and the hearing is closed.

AN IRREGULARLY SHAPED PORTION OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5th P.M., DES MOINES, POLK COUNTY, IOWA DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER (NE. 1/4) OF SECTION 21, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5th P.M., DES MOINES, POLK COUNTY, IOWA; THENCE SOUTH 00°24'05" WEST (BEARING ESTABLISHED IN THE PLAT OF BROWNSTONE ESTATES) ALONG THE WEST LINE OF NE. 1/4 OF SAID SECTION 21, A DISTANCE OF 1122.82 FEET TO THE SOUTHWEST CORNER OF OUTLOT "X" IN BROWNSTONE ESTATES, AN OFFICIAL PLAT, POLK COUNTY, IOWA AND TO THE POINT OF BEGINNING; THENCE NORTH 70°57'01" EAST ALONG THE SOUTHERLY LINE OF SAID BROWNSTONE ESTATES AND ALONG THE

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EASTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID BROWNSTONE ESTATES, A DISTANCE OF 2804.37 FEET TO THE WEST RIGHT OF WAY LINE OF NE. 46th STREET, AS IT IS PRESENTLY ESTABLISHED; THENCE SOUTH 00°09'26" WEST ALONG THE WEST RIGHT-OF-WAY LINE OF SAID NE. 46th STREET, A DISTANCE OF 603.03 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF F.M. HUBBELL AVENUE, AS IT IS PRESENTLY ESTABLISHED; THENCE SOUTH 55°26'35" WEST ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID F.M. HUBBELL AVENUE, A DISTANCE OF 261.74 FEET; THENCE SOUTHWESTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID F.M. HUBBELL AVENUE AND ALONG A 5765.00 FEET RADIUS CURVE CONCAVE SOUTHEASTERLY A DISTANCE OF 1011.34 FEET, SAID CURVE HAVING A CHORD BEARING OF SOUTH 50°08'14" WEST AND A CHORD LENGTH OF 1010.05 FEET; THENCE SOUTH 45°02'42" WEST ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID F.M. HUBBELL AVENUE, A DISTANCE OF 62.63 FEET TO THE NORTHEAST CORNER OF PARCEL "D" OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 21 AS SHOWN IN BOOK 8361 AT PAGE 967 IN THE OFFICE OF THE POLK COUNTY RECORDER; THENCE SOUTH 89°40'34" WEST ALONG THE NORTH LINE OF SAID PARCEL "D", A DISTANCE OF 280.81 FEET TO THE NORTHEAST CORNER OF PARCEL "A" OF LOT 1 IN CAPITOL HEIGHTS REPLAT, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA AS SHOWN IN BOOK 8361 AT PAGE 967 IN THE OFFICE OF THE POLK COUNTY RECORDER; THENCE SOUTH 88°56'37" WEST ALONG THE NORTH LINE OF SAID PARCEL "A" AND ALONG THE NORTH LINE OF PARCEL "C" OF LOT 1 IN CAPITOL HEIGHTS REPLAT, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA AS SHOWN IN BOOK 8727 AT PAGE 975 IN THE OFFICE OF THE POLK COUNTY RECORDER AND ALONG THE NORTH LINE OF SAID LOT 1 AND ALONG THE NORTH RIGHT-OF-WAY LINE OF E. 42nd STREET AS IT IS PRESENTLY ESTABLISHED, A DISTANCE OF 1336.97 FEET TO THE WEST LINE OF THE NE. 1/4 OF SAID SECTION 21; THENCE NORTH 00°°18'10" EAST ALONG THE WEST LINE OF THE NE. 1/4 OF SAID SECTION 21, A DISTANCE OF 554.06 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS OF RECORD.

SAID TRACT OF LAND CONTAINS 49.67 ACRES MORE OR LESS.

AND,

WARRANTY DEED: BOOK 11622, PAGE 522-523

LOTS 5, 6 AND 7; LOT 13 AND THAT PART OF LOT 1 DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1, THENCE EAST 500 FEET, THENCE SOUTH TO BOUNDARY LINE OF LOT 1, THENCE IN A SOUTHWESTERLY AND WESTERLY DIRECTION ALONG THE BOUNDARY

Date April 6, 2009

LINE OF LOT 1 TO THE SOUTHWEST CORNER OF SAID LOT 1, THENCE NORTH TO THE POINT OF BEGINNING; AND THAT PART OF LOT 12 DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 12, THENCE WESTERLY ALONG THE NORTH LINE OF SAID LOT 12, 133.33 FEET, THENCE SOUTHERLY IN A STRAIGHT LINE 151.65 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 12; THENCE NORTHEASTERLY ALONG THE EASTERLY LINE OF SAID LOT 12, 186.6 FEET TO THE NORTHEAST CORNER OF SAID LOT 12, AND TO THE POINT OF BEGINNING; ALL IN CAPITOL HEIGHTS REPLAT, AN OFFICIAL REPLAT IN POLK COUNTY, IOWA.

SUBJECT TO ANY AND ALL EASEMENTS, COVENANTS AND RESTRICTIONS OF RECORD, IF ANY.

2. The amended 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 conditions recommended by the Plan and Zoning Commission as set forth in the attached letter from the Planning Administrator, and subject to approval of such amendments by the Community Development Director.

MOVED by _____ to adopt.

FORM APPROVED:



Michael F. Kelley
Assistant City Attorney

\\cdmgov.org\CDMFS\USERS\CRNoah\MFK\Rezoning\4500 Hubbell - PUD plan amend.doc

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
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 _____

April 3, 2009

Agenda Item 53

Roll Call # _____

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 April 2, 2009, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 9-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	X			
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Dann Flaherty	X			
Bruce Heilman				X
Ted Irvine	X			
Jeffrey Johannsen	X			
Greg Jones	X			
Frances Koontz				X
Jim Martin			X	
Brian Millard	X			
Mike Simonson				X
Kent Sovern				X

APPROVAL of staff recommendation to find the proposed rezoning **not** in conformance with the existing Des Moines' 2020 Community Character Plan.

By separate motion Commissioners recommended 9-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	X			
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Dann Flaherty	X			
Bruce Heilman				X
Ted Irvine	X			
Jeffrey Johannsen	X			
Greg Jones	X			
Frances Koontz				X
Jim Martin			X	
Brian Millard	X			
Mike Simonson				X
Kent Sovern				X



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

APPROVAL of Part B) to approve an amendment to the Des Moines' 2020 Community Character Plan revising all designations of Low Density Residential, Medium Density Residential, and Community Commercial to General Industrial.

Part C) and to approve the proposed amendment to the "Baker PUD" Concept Plan subject to the applicant revising the Plan as follows with the correction of #14 to "M-1" District:

1. Identify additional conservation easement areas to limit grading activity within the significant timbered areas in Parcel "C" along the tributary on the northwestern side and northeastern swale.
2. Indicate that tree protection measures shall be included on any site Development Plan or Preliminary Plat to provide detail for trees identified for protection.
3. Indicate that a mitigation plan shall be approved for all identified trees for removal as part of any site Development Plan or Preliminary Plat
4. Indicate the "Storm water management will be provided to conform to the City's Site Plan Ordinance policies as part of any development plan or preliminary plat"
5. Clearly designate possible locations for the detention in each of the development lots in Phase 1, Parcel B.
6. Clarify the intent by stating "Landscaping will be provided in accordance with landscaping standards in the City Site Plan policies as part of any development plan."
7. Indicate that as part of any public street identified in a Preliminary Plat, that street trees be provided on each side of the street at one per 100 lineal feet and that these be shown on the Conceptual Plan site map.
8. Indicate that on-site fire hydrant spacing shall ensure that a hydrant is within 400 feet by an approved fire access around the exterior of any non-sprinkled building or facility and within 600 feet of any sprinkled facility or building.
9. Further indicate on the building design guidelines that only durable materials (such as stone, brick, block, concrete panels, or concrete tile) should be used at the base four-feet of all sides of any building.
10. Reference that the Zoning Ordinance standards as applicable to "M-1" Districts shall be applied for screen of rooftop mechanical and refuse containers and that they consist of durable materials that are compatible with the primary structure and approved by the Architectural Review Committee.
11. Indicate that no mechanical or utility cabinet shall be located within a required front yard street setback unless located within an enclosure that is architecturally compatible with the principle building and approved by the Architectural Review Committee.
12. Require "any outdoor storage to be kept out of all required setbacks and screened from all public streets and adjoining properties with an approved opaque screening system that is common throughout the PUD."
13. Label exterior building materials on the building elevation sheet.
14. Clarify intent by including a statement that "fencing and accessory structures are subject to limitations of the Des Moines Zoning Ordinance as they apply to the "M-1" District.
15. Provide a statement referencing evidence that the developer has the financial resources and the professional ability to successfully complete the proposed development within the time schedule set forth in the Conceptual Plan. This includes that a tentative time schedule for Phase 1, 2, and 3 be included on the Conceptual Plan.

Written Responses

5 In Favor

3 In Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed "PUD" Concept Plan amendment be found not in conformance with the existing Des Moines' 2020 Community Character Plan.

Part B) Staff recommends approval of an amendment to the Des Moines' 2020 Community Character Plan revising all designations of Low Density Residential, Medium Density Residential, and Community Commercial to General Industrial.

Part C) Staff recommends approval of the proposed amendment to the "Baker PUD" Concept Plan subject to the applicant revising the Plan as follows:

1. Identify additional conservation easement areas to limit grading activity within the significant timbered areas in Parcel "C" along the tributary on the northwestern side and northeastern swale.
2. Indicate that tree protection measures shall be included on any site Development Plan or Preliminary Plat to provide detail for trees identified for protection.
3. Indicate that a mitigation plan shall be approved for all identified trees for removal as part of any site Development Plan or Preliminary Plat
4. Indicate the "Storm water management will be provided to conform to the City's Site Plan Ordinance policies as part of any development plan or preliminary plat"
5. Clearly designate possible locations for the detention in each of the development lots in Phase 1, Parcel B.
6. Clarify the intent by stating "Landscaping will be provided in accordance with landscaping standards in the City Site Plan policies as part of any development plan."
7. Indicate that as part of any public street identified in a Preliminary Plat, that street trees be provided on each side of the street at one per 100 lineal feet and that these be shown on the Conceptual Plan site map.
8. Indicate that on-site fire hydrant spacing shall ensure that a hydrant is within 400 feet by an approved fire access around the exterior of any non-sprinkled building or facility and within 600 feet of any sprinkled facility or building.
9. Further indicate on the building design guidelines that only durable materials (such as stone, brick, block, concrete panels, or concrete tile) should be used at the base four-feet of all sides of any building.
10. Reference that the Zoning Ordinance standards as applicable to "M-1" Districts shall be applied for screen of rooftop mechanical and refuse containers and that they consist of durable materials that are compatible with the primary structure and approved by the Architectural Review Committee.
11. Indicate that no mechanical or utility cabinet shall be located within a required front yard street setback unless located within an enclosure that is architecturally compatible with the principle building and approved by the Architectural Review Committee.
12. Require "any outdoor storage to be kept out of all required setbacks and screened from all public streets and adjoining properties with an approved opaque screening system that is common throughout the PUD."
13. Label exterior building materials on the building elevation sheet.
14. Clarify intent by including a statement that "fencing and accessory structures are subject to limitations of the Des Moines Zoning Ordinance as they apply to the "R-3" District.
15. Provide a statement referencing evidence that the developer has the financial resources and the professional ability to successfully complete the proposed development within the time schedule set forth in the Conceptual Plan. This includes that a tentative time schedule for Phase 1, 2, and 3 be included on the Conceptual Plan.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to revise the PUD Conceptual Plan as approved for 152 units of multiple-family residential development to allow for light-industrial business park development.

2. **Size of Site:** Total acreage for the proposed amendment is 49.67 acres. Overall acreage for the PUD is 59.86 acres.

3. **Existing Zoning (site):** "PUD" Planned Unit Development.

4. **Existing Land Use (site):** Vacant agricultural land.

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

North – "R1-80" and "Suburban Estates" (Polk County), single family residential.

South – "C-2", "R-3", "Light Business" (Polk County), Uses are Royal Flush restaurant, auto repair, Greenfield's Pro auction/flea market, Paul's Paint and Autobody shop.

East - "Light Business" (Polk County), vacant.

West – "Suburban Estates" (Polk County), Use is undeveloped agricultural land.

6. **Applicable Recognized Neighborhood(s):** N/A

7. **Relevant Zoning History:** The subject property was rezoned to "PUD" subsequent to annexation on February 16, 1998. The approved Concept Plan approved at that time was simple and only described the boundary of the area of the "PUD" and provided for three separate use areas: A mixed development zone permitting uses allowed in the "R-3", "C-2", "M-1" and "PBP" Districts, an "R1-60" zone west of the creek and an "M-1" zone in the southern portion.

A Concept Plan amendment and development plan for the Baker Mechanical site was subsequently approved by the City Council in the southern "M-1" portion during April of 1998. A second amendment was approved by the City Council on March 8, 2004 to allow a multiple-family development in the north central part of the property to allow up to 152 multiple-family residential units on 17.66 acres of property.

8. **2020 Community Character Land Use Plan Designation:** Medium Density Residential, Commercial: Auto-Oriented, Small-Scale Strip Commercial.

9. **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 Chapter 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.

Any substantial change in a PUD Conceptual Plan shall be considered in the same manner as the original conceptual plan. However, any proposed change to the approved Conceptual Plan which (i) is disapproved by the plan and zoning commission or (ii) would increase the allowed number of dwelling units or the allowed square footage of commercial space and which is the subject of written protest filed with the city clerk duly signed by the owners of 20 percent or more of the property which is located within 200 feet of the exterior boundaries of the property proposed for change shall not become effective except by the favorable vote of at least four-fifths of all members of the council.

II. ADDITIONAL APPLICABLE INFORMATION

- 1. Natural Site Features:** Within the "PUD Boundary is a tributary that flows into Four Mile Creek to the west. The tributary runs northeast to southwest through the "PUD" along the northern and western edges of the Parcel "B" Area that is the subject of this amendment. The northeast side of Parcel "B" has a timbered swale feeding into the tributary. A significant portion of trees appear to be impacted by the proposed grading for the development.

In order to protect significant timbered area and sensitive slopes, staff recommends that the Conceptual Plan be revised to identify additional conservation easement areas to limit grading activity within the significant timbered areas in Parcel "C" along the tributary on the northwestern side and northeastern swale. The exact dimensions of any conservation easement may be determined at the time of the Preliminary Plat approval. Furthermore, a statement should be placed on the Conceptual Plan that tree protection measures shall be included on any site Development Plan or Preliminary Plat to provide detail for trees identified for protection. Also, a mitigation plan shall be approved for all identified trees for removal as part of any site Development Plan or Preliminary Plat.

- 2. Floodplain:** There is no designated floodplain within the subject "PUD". Engineering staff will require the developer of the property to evaluate the tributary prior to review and approval of any preliminary plat and development plan.
- 3. Drainage/Grading:** The applicant has indicated that storm water detention will be provided as required as part of each site development. Staff recommends that this be clarified to indicate the "Storm water management will be provided to conform to the City's Site Plan Ordinance policies as part of any development plan or preliminary plat". Furthermore, Engineering staff recommends that the Concept Plan be revised to clearly designate possible locations for the detention in each of the development lots in Phase 1/Parcel B.
- 4. Utilities:** The "PUD" area has access to all necessary utilities to serve development. There is a public sanitary sewer trunk line and its main extensions along with maintenance easements running through the western and northern portions of the "PUD" generally following alongside the creek tributary.
- 5. Landscaping & Buffering:** The submitted Conceptual Plan indicates that landscaping for lots fronting Hubbell Avenue will be in accordance with The Des Moines Landscape Policies as applicable to "C-2" Districts. The remaining lots are to be developed in accordance with the policies as applicable to "M-1" Districts. Staff recommends that the Conceptual Plan also be revised to clarify the intent by stating "Landscaping will be provided in accordance with landscaping standards in the City Site Plan policies as part of any development plan".

Staff further recommends that as part of any public street identified in a Preliminary Plat, that street trees be provided on each side of the street at a ratio of one tree per 100 lineal feet. Staff recommends that these be shown on the Conceptual Plan site map.

- 6. Traffic/Street System:** The primary traffic concerns raised with regard to this area centered around where street and drive connections could occur along Hubbell Avenue which is projected as a multi-lane divided facility. The owner has coordinated with IDOT, who governs access on Hubbell Avenue, and has determined the location for the proposed public street connection on the Conceptual Plan in Parcel "B" based on projected site distances. Additional connections or access from Hubbell Avenue for the "PUD" is not permitted. The proposed private drive for the development in Parcel "B" would ultimately only provide for right-in/right out turning onto Hubbell Avenue at a point when that facility would be upgraded. A statement has been included on the Conceptual Plan prohibiting direct access onto Hubbell Avenue from Lots 1 and 9.

- 7. Access or Parking:** Private drive access from Lot 6 in Parcel B is provided initially to Hubbell Avenue. All other lots in Parcel B/Phase 1 have projected access onto a proposed public cul-de-sac street. Parking is conceptually shown with the proposed development of Lot 6. However, in order to clarify the applicant's intent, staff recommends that the Concept Plan be revised to indicate that off-street parking for will be provided to meet minimum requirements for each use per the Zoning Ordinance.

Fire Department Inspection staff has noted that:

In accordance with IFC Section 508.5.1; where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided (Exception: R-3, U & sprinkled buildings shall be 600 ft). The Conceptual Plan does not clearly indicate compliance with this requirement.

Staff recommends that the Conceptual Plan indicate that on-site fire hydrant spacing shall ensure that a hydrant is within 400 feet by an approved fire access around the exterior of any non-sprinkled building or facility and within 600 feet of any sprinkled facility or building.

- 8. 2020 Community Character Plan:** The Conceptual Plan indicates potential for "M-1" Light Industrial Uses on all parcels and phases of development. This will require that the Des Moines' 2020 Community Character Plan be amended to revise the future land use designations of Medium Density Residential and Commercial: Auto-Oriented, Small-Scale Strip Commercial to a General Industrial designation. This will allow the Commission to find the proposed amendment in conformance with the Des Moines' 2020 Community Character Plan.
- 9. Urban Design:** A Conceptual rendering was submitted with the amendment for the proposed building on Lot 6 of Parcel B/Phase 1. This indicates a tilt-up PCC concrete panel structure with colored EIFS and Metal accent elements. The Conceptual Plan outlines specific architectural design standards for buildings not determined in the amendment. These standards are adapted from those in the Airport Commerce Park PUDs near the airport and provide for approval by an Architectural Review Committee established by the covenants on property for the development. Bulk Regulations are referenced to those applicable to "M-1" Districts. Staff recommends that the building guidelines be further limited to indicate that only durable materials (such as stone, brick, block, concrete panels, or concrete tile) should be used at the base four-feet of all sides of any building. Signage allowances are indicated on the Conceptual Plan as those signage allowances applicable to "M-1" Business Parks. There is a lack of fencing standards and requirements for screening of rooftop mechanical equipment and refuse containers. Staff recommends that at a minimum, Zoning standards as applicable to "M-1" Districts be applied for these requirements with the addition that all screening elements used for mechanical equipment and refuse containers consist of durable materials that are compatible with the primary structure and approved by the Architectural Review Committee. Furthermore, it is recommended that a statement be added to the Conceptual Plan that no mechanical or utility cabinet shall be located within a required front yard street setback unless located within an enclosure that is architecturally compatible with the principle building and approved by the Architectural Review Committee.

The Conceptual Plan currently proposes outdoor storage to be limited as it is in any "M-1" District. Staff believes that the plan should limit this further to require "any outdoor storage to be kept out of all required setbacks and screened from all public streets and adjoining properties with an approved opaque screening system that is common throughout the PUD."

- 10. Concept Plan:** The proposed amendment is specific to Parcel "B" on the Conceptual Plan. This leaves Parcels "A" and "C" unplanned at this point in time. The Conceptual Plan includes a statement that "A revised Conceptual Plan is required prior to development of Phase 2 and 3."

The Conceptual Plan needs to be revised to include a statement referencing evidence that the developer has the financial resources and the professional ability to successfully complete the proposed development within the time schedule set forth in the Conceptual Plan. This includes that a tentative time schedule for Phases 1, 2, and 3 be included on the Conceptual Plan.

SUMMARY OF DISCUSSION

Jason Van Essen presented the staff report and recommendations and noted correction to recommendation #14 to state: Fencing and accessory structures are subject to limitations of the Des Moines Zoning Ordinance as they apply to the "M-1" District.

JoAnne Corigliano asked if there was access to the street to the north.

Jason Van Essen stated no. They have two accesses to Hubbell, one is the private drive for the facility that is planned in the near future and they have a cul-de-sac which would be a public street providing access to the other sites.

Dann Flaherty asked if traffic and transportation provided any feedback on the access to Frederick Hubbell because that is a busy street.

Jason Van Essen stated yes it was reviewed through DOT and the direction that staff was given is that the access is acceptable.

William Lillis, 317 6th Avenue, Suite 300 on behalf of the Baker family stated that this is a control access facility because it is Highway 6 and where the driveway is located is the contracted location for a main street, so they may have the ability to request another right in right out on Hubbell into Parcel "A" Phase 2. All of the items have been reviewed with staff and the applicants agree with staff's modification on condition #14.

Brian Millard asked about the buffering of trees and what will be left.

William Lillis stated that the item will come back to the Commission in the preliminary plat and they are working with engineering on a mitigation plan to address the trees.

Leisha Barcus asked if there has been any thought to putting the truck dock in the back of the facility.

William Lillis stated that there are two existing buildings and with the grade change it will be hidden.

Dann Flaherty asked about a slip lane in order to get turning traffic off of the highway as quickly as possible.

William Lillis stated they agreed and hope that DOT would entertain having a traffic signal.

CHAIRPERSON OPENED THE PUBLIC HEARING

There is no one in the audience to speak for or in opposition:

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION

Jacqueline Easley moved staff recommendation Part A) that the proposed "PUD" Concept Plan amendment be found not in conformance with the existing Des Moines' 2020 Community Character Plan.

Motion passed 9-0 (Jim Martin was out of the room).

Jacqueline Easley moved staff recommendation Part B) to approve an amendment to the Des Moines' 2020 Community Character Plan revising all designations of Low Density Residential, Medium Density Residential, and Community Commercial to General Industrial.

Part C) and to approve the proposed amendment to the "Baker PUD" Concept Plan subject to the applicant revising the Plan as follows with the correction of #14 to "M-1" District:

1. Identify additional conservation easement areas to limit grading activity within the significant timbered areas in Parcel "C" along the tributary on the northwestern side and northeastern swale.
2. Indicate that tree protection measures shall be included on any site Development Plan or Preliminary Plat to provide detail for trees identified for protection.
3. Indicate that a mitigation plan shall be approved for all identified trees for removal as part of any site Development Plan or Preliminary Plat
4. Indicate the "Storm water management will be provided to conform to the City's Site Plan Ordinance policies as part of any development plan or preliminary plat"
5. Clearly designate possible locations for the detention in each of the development lots in Phase 1, Parcel B.
6. Clarify the intent by stating "Landscaping will be provided in accordance with landscaping standards in the City Site Plan policies as part of any development plan."
7. Indicate that as part of any public street identified in a Preliminary Plat, that street trees be provided on each side of the street at one per 100 lineal feet and that these be shown on the Conceptual Plan site map.
8. Indicate that on-site fire hydrant spacing shall ensure that a hydrant is within 400 feet by an approved fire access around the exterior of any non-sprinkled building or facility and within 600 feet of any sprinkled facility or building.
9. Further indicate on the building design guidelines that only durable materials (such as stone, brick, block, concrete panels, or concrete tile) should be used at the base four-feet of all sides of any building.
10. Reference that the Zoning Ordinance standards as applicable to "M-1" Districts shall be applied for screen of rooftop mechanical and refuse containers and that they consist of durable materials that are compatible with the primary structure and approved by the Architectural Review Committee.
11. Indicate that no mechanical or utility cabinet shall be located within a required front yard street setback unless located within an enclosure that is architecturally compatible with the principle building and approved by the Architectural Review Committee.
12. Require "any outdoor storage to be kept out of all required setbacks and screened from all public streets and adjoining properties with an approved opaque screening system that is common throughout the PUD."
13. Label exterior building materials on the building elevation sheet.
14. Clarify intent by including a statement that "fencing and accessory structures are subject to limitations of the Des Moines Zoning Ordinance as they apply to the "M-1" District.
15. Provide a statement referencing evidence that the developer has the financial resources and the professional ability to successfully complete the proposed development within the time schedule set forth in the Conceptual Plan. This includes that a tentative time schedule for Phase 1, 2, and 3 be included on the Conceptual Plan.

Motion passed 9-0 (Jim Martin was out of the room)

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Ludwig". The signature is written in a cursive, flowing style with a period at the end.

Michael Ludwig, AICP
Planning Administrator

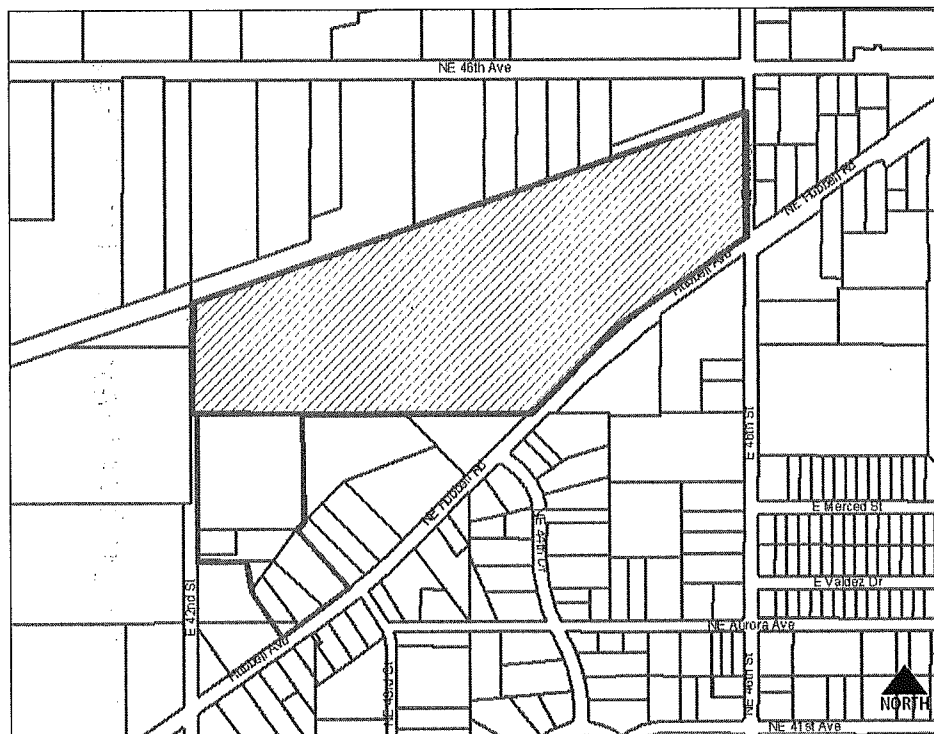
MGL:clw

Attachment

Request from Andy Holt (purchaser) for the following actions regarding a third amendment to the Baker PUD Conceptual Plan located at 4500 Hubbell Avenue.				File # ZON2009-00028	
Description of Action	Amendment to the Baker PUD Conceptual Plan to reconfigure layout from approved multiple-family residential development to a light industrial business park with additional land reserved for future amendment.				
2020 Community Character Plan	Low-Density Residential, Medium-Density Residential, Commercial: Auto-Oriented Community Commercial				
Horizon 2025 Transportation Plan	No Planned Improvements.				
Current Zoning District	"PUD" Planned Unit Development				
Proposed Zoning District	"PUD" Planned Unit Development				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	5	3		N/A	
Outside Area					
Plan and Zoning Commission Action	Approval	9-0	Required 6/7 Vote of the City Council	Yes	N/A
	Denial			No	

Baker Real Estate LP - 4500 Hubbell Avenue

ZON2009-00028



Item ZON2009-00028 Date 2-22-09

(am) in favor of the request.

RECEIVED

Print Name BJ BAKER
Signature [Signature]
Address 424 Hasball

MAR 30 2009

COMMUNITY DEVELOPMENT DEPARTMENT

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

Item ZON2009-00028 Date 3-28-09

(am) in favor of the request.

RECEIVED

Print Name Shelley A. Brown
Signature [Signature]
Address 484 NE 46th St, Miami 3317

APR 01 2009

COMMUNITY DEVELOPMENT DEPARTMENT

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

Item ZON2009-00028 Date 3-21-09

(am) in favor of the request.

RECEIVED

Print Name Verna S Hodges
Signature [Signature]
Address 2229 NE Broadway Ave

MAR 30 2009

COMMUNITY DEVELOPMENT DEPARTMENT

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

Item WINDYWOOD Date 0-25-09

(am) in favor of the request.

RECEIVED

Print Name B. Scott & Sue Leibrand

MAR 30 2009

Signature Sue Leibrand

COMMUNITY DEVELOPMENT DEPARTMENT
Address 4415 N 4425 - Dubbed

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

We are assuming Andy Holt will be coming something with our neighbor. We are asking that we will better the area & bring more people there.

Item ZON2009-0028 Date 3/24/09
 (am) in favor of the request.

RECEIVED

Print Name Chris Baker

MAR 30 2009

Signature [Signature]

COMMUNITY DEVELOPMENT DEPARTMENT
Address 4224 Hubbard

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

UNCLASIFIED Date 3/26/09

I (am) (am not) in favor of the request.

(Circle One) RECEIVED

Print Name CLAY M. WEBB
Signature MANAGING PARTNER
DBA MAPLE LEAF APTS
Address Clay M. Webb
820 52ND ST WDM
50265

MAR 30 2009
COMMUNITY DEVELOPMENT DEPARTMENT

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

I oppose this development. I would prefer to see commercial development that is an extension of the retail development on the East side of Sts. 65 (the battery) in an alleyway and not light industrial development.
Clay M. Webb

Item ZON2009-00028 Date 3-27-09

DES MOINES IA 503
I (am) (am not) in favor of the request.

(Circle One) RECEIVED

Print Name Jim Conker
Signature J.C.
Address 4515 NE 46th ST

MAR 30 2009
COMMUNITY DEVELOPMENT DEPARTMENT

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

Added traffic, we would prefer residential to industrial.

Print Name Edward Pilkington
Signature Edward Pilkington
Address 1769 N.E. Broadway
D.M. da. 60317
COMMUNITY DEVELOPMENT DEPARTMENT
MAR 27 2009

(am not) in favor of the request. (am) (am not) in favor of the request.

Item ZON2009-00028 Date 3/24/09

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