

Date April 20, 2009

COMMUNICATION from the City Plan and Zoning Commission advising that at a public hearing held April 16, 2009, the members voted in support of a motion to **APPROVE** the request from Baker Real Estate, LP (owner) represented by Bernice Baker (partner) for review and approval of "Cold Stream Business Park", a Preliminary Subdivision Plat of property located at 4500 Hubbell Avenue, for creation of nine (9) lots on 49.67 acres of land with extension of a public street from Hubbell Avenue subject to the applicant revising the Plat as follows:

1. Conformance with all administrative review requirements of the preliminary plat by the Permit and Development Center.
2. Provision of a tree mitigation measure note on the preliminary plat that would require five (5) additional 2" caliper overstory tree plantings per lot in addition to any minimum plantings required as part of site plan development.

MOVED by _____ to receive and file.

FORM APPROVED:


 Michael F. Kelley
 Assistant City Attorney

NOTE: Final subdivision plat(s) will be submitted for City Council approval at a later date.

(13-2009-1.30)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VCLASSIS				
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.

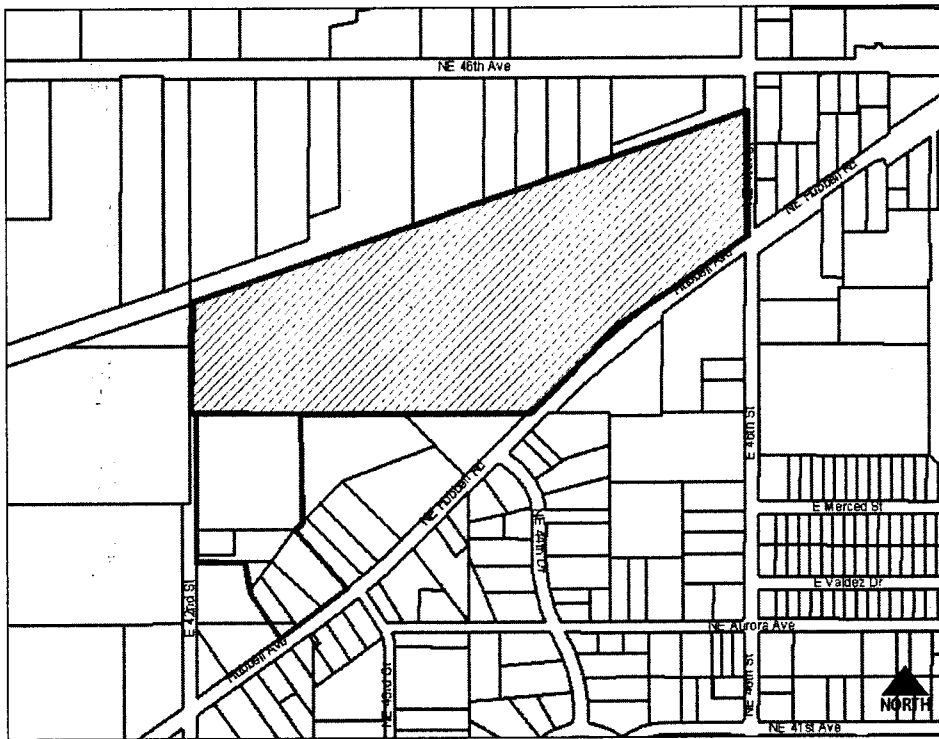
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

Request from 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



Date _____

April 17, 2009

Agenda Item 17

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 16, 2009, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 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 the proposed preliminary subdivision plat for "Cold Stream Business Park" subject to the applicant revising the Plan as follows:

1. Conformance with all administrative review requirements of the preliminary plat by the Permit and Development Center.
2. Provision of a tree mitigation measure note on the preliminary plat that would require five (5) additional 2" caliper overstory tree plantings per lot in addition to any minimum plantings required as part of site plan development.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the proposed preliminary subdivision plat for "Cold Stream Business Park" subject to the applicant revising the Plan as follows:

1. Conformance with all administrative review requirements of the preliminary plat by the Permit and Development Center.
2. Provision of a tree mitigation measure note on the preliminary plat that would require five (5) additional 2" caliper overstory tree plantings per lot in addition to any minimum plantings required as part of site plan development.



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

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to subdivide the property to create nine (9) lots for light industrial park and commercial scale development with access to the Hubbell Avenue corridor.
2. **Size of Site:** 49.67 acres.
3. **Existing Zoning (site):** "PUD" Planned Unit Development (Baker PUD Conceptual Plan)
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.

A third amendment was approved by the City Council on April 6, 2009 to eliminate residential use and allow a reconfiguration to a light industrial park on the North 49.67 acres of the property with a street connection to Hubbell Avenue.
8. **2020 Community Character Land Use Plan Designation:** General Industrial. Amended by the City Council on April 6, 2009.
9. **Applicable Regulations:** The Commission shall determine if such preliminary plat conforms to the standards and requirements outlined in Chapter 354 of the Iowa Code, and the City Subdivision Ordinance and shall approve, conditionally approve or reject such plat within 45 days after the date of submission to the City Permit and Development Center. Unless the applicant agrees in writing to an extension of time, the preliminary plat shall be deemed approved if the Commission does not act within such 45-day period. The Commission's action

for approval or conditional approval shall be null and void unless the final plat is submitted to the City Permit and Development Center within 270 days after the date of such action; provided, however, that the Permit and Development Administrator may grant, upon written request of the applicant, up to a 90-day extension for submittal of the final plat to the City Permit and Development Center.

II. ADDITIONAL APPLICABLE INFORMATION

- 1. Natural Site Features:** Within the subject property is a tributary that flows into Four Mile Creek to the west. The tributary runs northeast to southwest through the subject property along the northern edges of lots 3 and 4, and along the eastern and southern edges of Lot 7. There is a timbered swale feeding into the tributary running generally north/south between Lots 3 and 4; and Lots 5 and 6.

The recent PUD Conceptual Plan amendment requires 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. The applicant provided a tree survey with the preliminary plat submittal.

There are three areas where trees are proposed for removal as part of the pre-development of the preliminary plat: Within the drainage way in Lot 9; the swale area through Lots 3, 4, 5 and 6, and the southern edge of Lot 6. A total of 998 caliper inches of trees of approved species and significant size (6" caliper or larger) are proposed for removal as part of all plat development. Removal of 438 caliper inches are the result of a necessity to make drainage improvements protecting the sensitive steep slopes of the drainage area running along the northern and western edges of the plat. Staff does not recommend that the developer be required to mitigate these trees. This leaves a remaining 560 caliper inches trees to be removed.

The minimum open space and street trees required by the PUD conceptual Plan requirements will mitigate a minimum of 260 caliper inches of trees. This narrows the total unmitigated removals to 300 caliper inches of trees. However, this does not account for additional landscaping that will be required as part of off-street parking requirements within each lot development. Staff estimates that approximately five (5) 2" caliper trees will be necessary per lot for a total of 45 trees (90 caliper inches) to mitigate trees that will not be replaced by additional required landscaping at the time of development. Staff recommends that provision of these trees be made a condition of any preliminary plat approval.

- 2. Floodplain:** There are no designated floodplains within the subject property.
- 3. Drainage/Grading:** The approved PUD Conceptual Plan amendment requires that storm water management be provided as required as part of each site development as well as any preliminary plat. The proposed plat provides required detention as a result of the proposed grading and street improvements. Based on the need to protect and stabilize existing erosive slopes on the drainage way within the property, the consulting engineer has designed a system that significantly reduces storm water velocities entering the stream through a series of check-dam structures. Staff believes the need for these erosion protection measures outweigh the need to protect the timber areas it displaces.
- 4. Utilities:** The preliminary plat provides 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 subject property along the creek tributary. Lateral mains are being extended from this trunk within the public street and along the drainage ways to serve the lots in the plat. Public storm sewer is also proposed

within the proposed public street. The Water main is being extended from Northeast 46th Street and is required to be extended within the proposed public street.

5. **Landscaping & Buffering:** The approved PUD Conceptual Plan requires that landscaping for Lots 1, 5, 8, and 9 shall 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. Street trees are required on each side of the street at a ratio of one tree per 100 lineal feet. These are indicated on the preliminary plat and will be required with the development of each lot.
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. A second drive connection will be permitted from Lot 6. Additional connections or access from Hubbell Avenue for are not permitted in accordance with the approved PUD Conceptual Plan.

As part of a proposal to phase development, the preliminary plat indicates a temporary turnaround within Lot 4 for maintenance and emergency vehicles and apparatus to accommodate an interim partial extension of the public street.

SUMMARY OF DISCUSSION

Erik Lundy presented staff report and recommendation. Corrected the written report by stating that Des Moines Waterworks will allow a connection to the feeder main in Hubbell at the point where the proposed street intersects, rather than extending an existing main in NE 46th Street.

Bruce Heilman asked will any of the tree loss because of the erosion situation be on the north lot line.

Erik Lundy stated yes, the area that is being reworked to alleviate the slopes, the check dams are provided where the trees will be removed.

Bruce Heilman asked will this erosion control project extend across that north boundary.

Erik Lundy stated that it did not appear to in the drawings, but if they need to encroach they would have to secure easements for construction from those owners.

William Lillis 317 6th Avenue, Suite 300 representing the Baker family and Mr. Andy Holt (the purchaser), stated they agree with staff's recommendation and modifications to the narrative staff report regarding the water utility. Addressing the question about the tree plan, we have accommodated conservation and mitigation and ask that the Commission approves staff recommendation.

Chuck Bishop, Bishop Engineering, 3501 104th Street stated they do have a conservation easement along the north lot line adjacent to the residential lots. The only place that there is not a conservation easement is the area along Lot 4 because we are actually making this location a wet pond to try to hold back the water and release it again through the creek to the southwest.

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one in the audience to speak for or in opposition.

CHAIRPERSON CLOSED THE PUBLIC HEARING

There was no discussion.

COMMISSION ACTION

Jeffrey Johannsen moved staff recommendation to approve the proposed preliminary subdivision plat for "Cold Stream Business Park" subject to the applicant revising the Plat as follows:

1. Conformance with all administrative review requirements of the preliminary plat by the Permit and Development Center.
2. Provision of a tree mitigation measure note on the preliminary plat that would require five (5) additional 2" caliper overstory tree plantings per lot in addition to any minimum plantings required as part of site plan development.

Motion passed 11-0 (Jim Martin was out of the room)

Respectfully submitted,



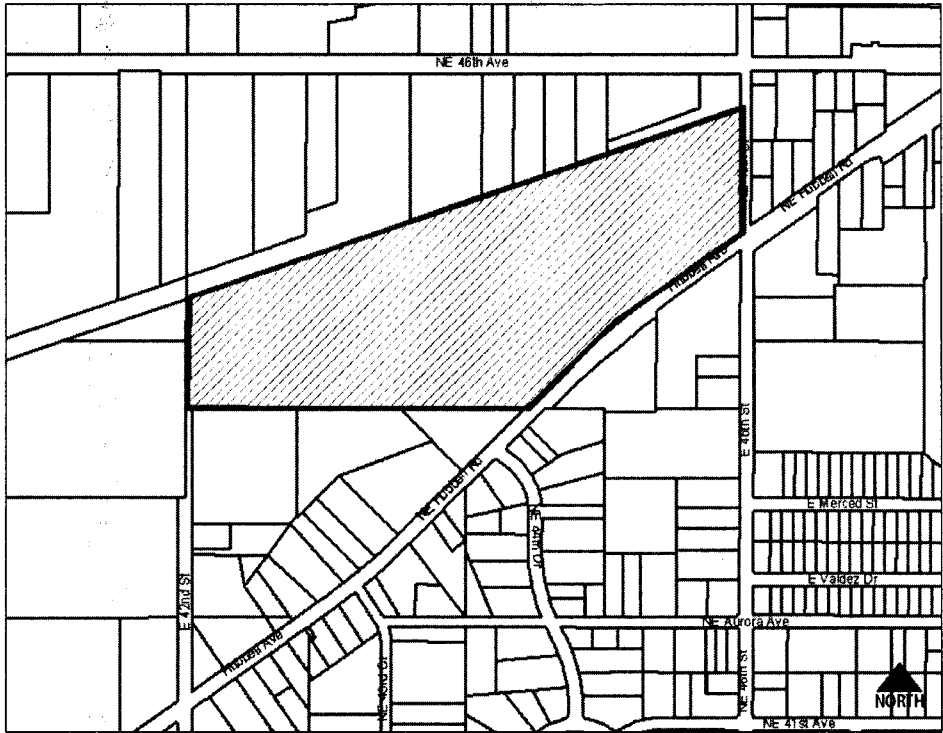
Erik Lundy, AICP
Senior Planner

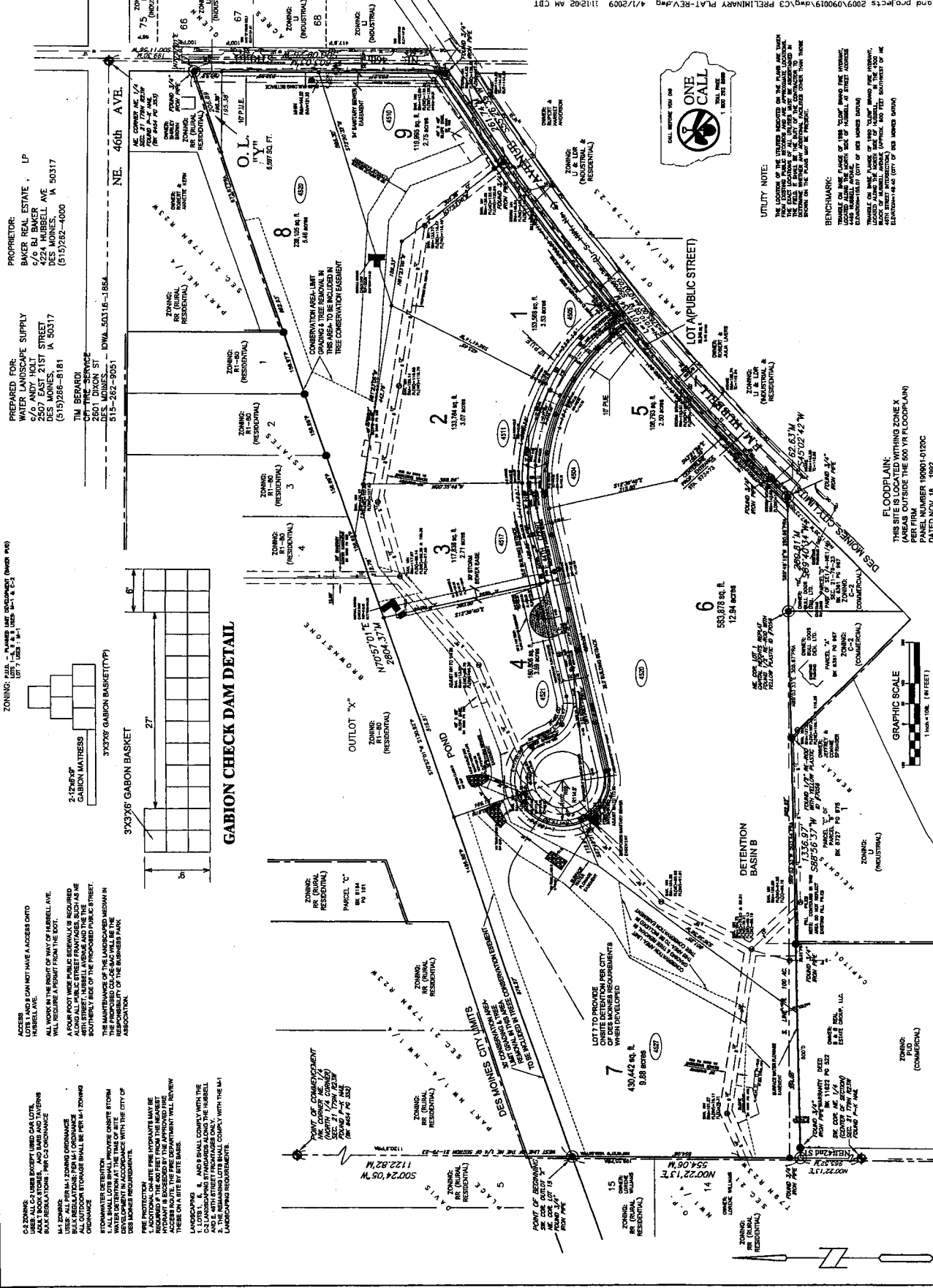
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Attachment

Request from Baker Real Estate, LP (owner) represented by Bernice Baker (officer) for review and approval of a Preliminary Subdivision Plat of property located at 4500 Hubbell Avenue, for creation of nine (9) lots on 49.67 acres of land with extension of a public street from Hubbell Avenue.				File # 13-2009-1.30	
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2020 Community Character Plan	General Industrial				
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					
Outside Area					
Plan and Zoning Commission Action	Approval	11-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	

Cold Stream Business Park - Preliminary Plat - NE 46th St & Hubbell Ave 13-2009-1.30





Bishop Engineering
Planning Your Successful Development
301 104th Street
Des Moines, Iowa 50322-8822
Civil Engineering & Land Surveying Established 1959

PRELIMINARY PLAT
COLD STREAM BUSINESS PARK
NE 46TH STREET & HUBBELL AVE

PROJECT NUMBER: 090019
SHEET NUMBER: C1.2

ISSUED DATE: 4/7/08 PER CITY
CHECKED BY:
DATE: 12/15/07
SCALE: AS SHOWN

PREPARED FOR: WATER WISDOM SUPPLY
C/O ANDY HOLTE
2507 EAST 71ST STREET
DES MOINES, IA 50317
(515)282-8181

PROPRIETOR: BAKER REAL ESTATE, LP
C/O ANDY HOLTE
2507 EAST 71ST STREET
DES MOINES, IA 50317
(515)282-4000

TIM BERARDI
CPI - FIRE SERVICE
650 DIXON ST
DES MOINES, IA 50317
515-282-9051 - IOWA 50115-1166

EXISTING CREEK CONDITION
THE EXISTING CREEK THAT TRANVERSES THE SITE FROM WEST TO EAST NORMALLY FLOWS 1 TO 1.5 FEET DEEP AND THE BANKS IN SOME PLACES ARE UP TO THIRTY FEET HIGH. THE CREEK IS LINED WITH VOLUNTARY TREES ADJACENT TO WHICH ARE BLM, MAGNOLIA, AND WHITE BIRCH. THE CREEK HAS A WADSWORTH CHANNEL THAT HAVE FALLEN INTO THE CREEK. THE CREEK HAS A WIDTH OF FIVE TO SIX FEET AND A DEPTH OF ONE TO ONE AND A HALF FEET. THE CREEK WILL BE PLACED IN A LOG-GRADE WATER FLOW CHANNEL THROUGHOUT THE PLAT.

STREET TREES
THE STREET TREES WILL BE INSTALLED ALONG THE FRONTAGE OF EACH LOT AT THE TIME OF THE SITE DEVELOPMENT PLAN IS APPROVED ON EXCLOTT.

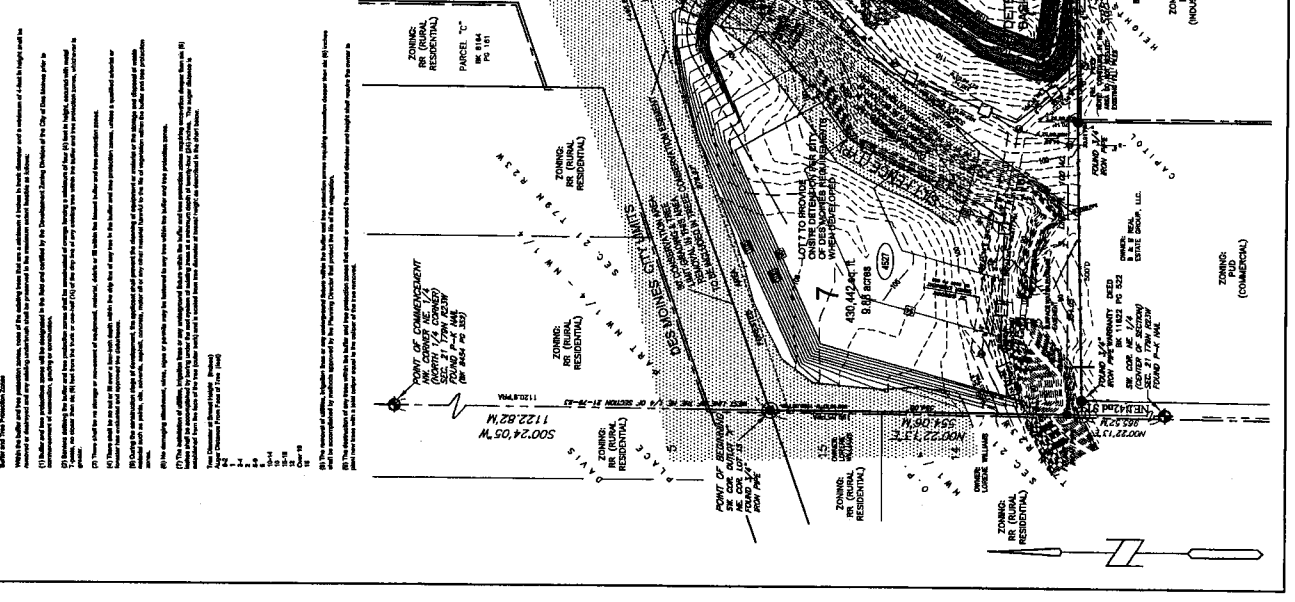
SOILS REPORT
NO SPRING SHALL BE DRIVEN IN ACCORDANCE WITH THE SOILS REPORT. ALL EXISTING AND PROPOSED FOUNDATIONS SHALL BE DESIGNED TO BE SUPPORTED BY THE PROPOSED FOUNDATION. THE PROPOSED FOUNDATION SHALL BE COMPACTED TO MEET STANDARD PRACTICE AND PLACED WITHIN 14-18% OPTIMAL MOISTURE. FOUNDATION SHALL BE VENTILATED BY 1/2" AIRSPACE EVERY TWO FEET.

UTILITY NOTE:
THE LOCATION OF THE UTILITIES SHOWN ON THE PLAT ARE BASED ON THE RECORD PLATS AND THE FIELD SURVEY. THE LOCATION OF THE UTILITIES IS NOT GUARANTEED BY THIS PLAT. THE PLAT IS FOR INFORMATION PURPOSES ONLY. THE PLAT IS NOT TO BE USED AS A BASIS FOR CONSTRUCTION OF ANY UTILITIES OTHER THAN THOSE SHOWN ON THE PLAT.

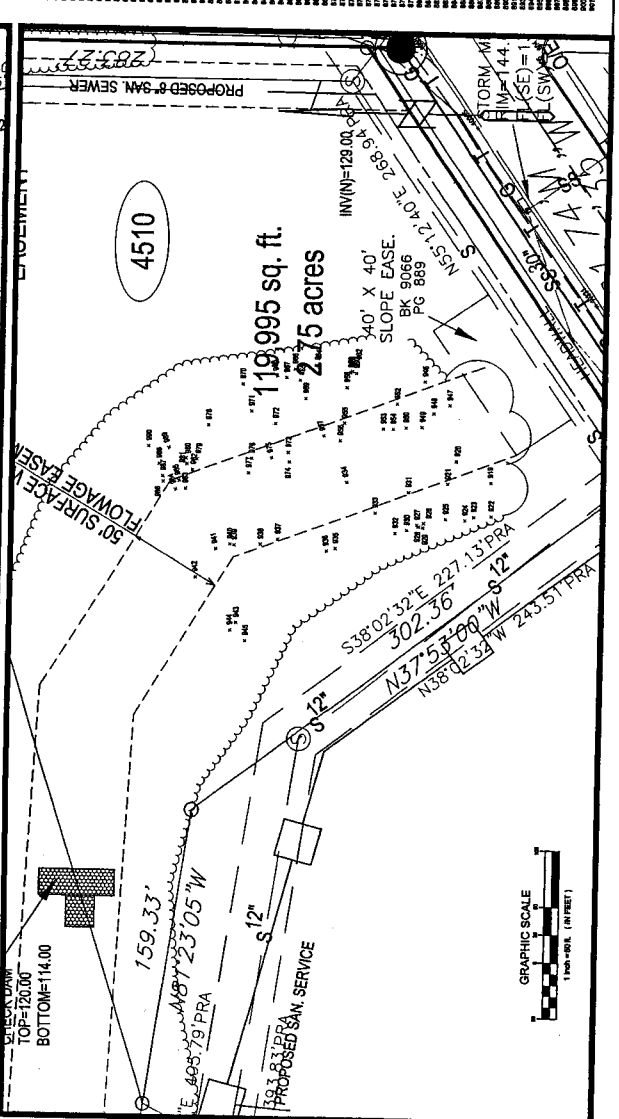
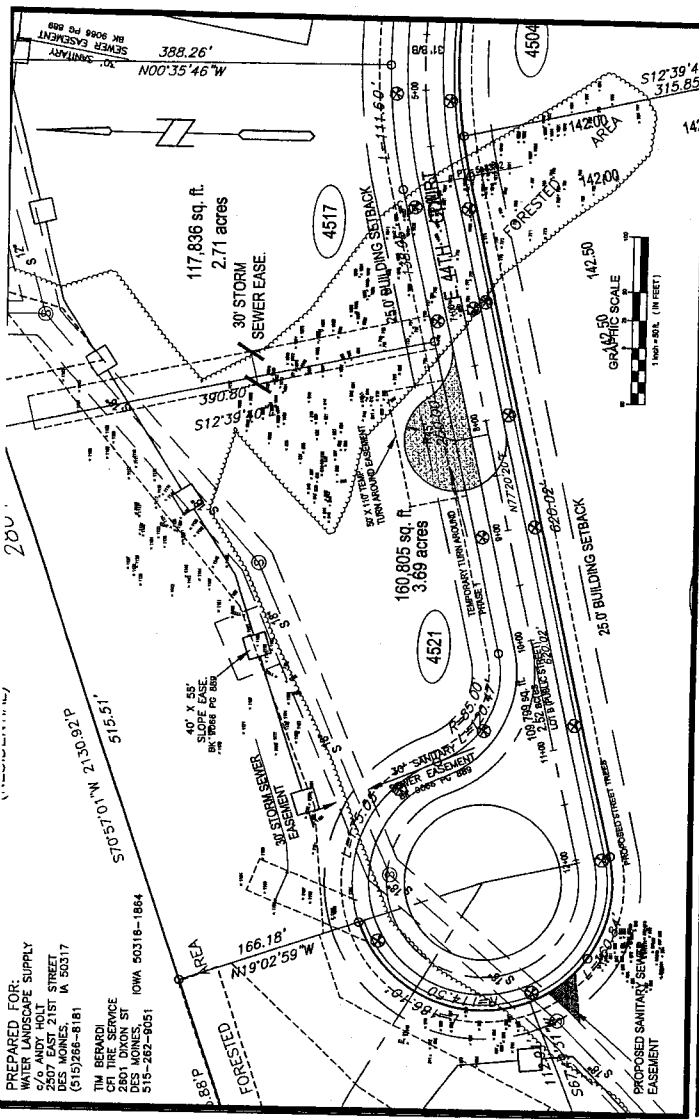
ONE CALL
CALL BEFORE YOU DIG
1-800-367-3333
TOTAL FEE: \$1.00 PER LINE

FLOODPLAIN:
THIS SITE IS LOCATED WITHIN ZONE X AREAS OUTSIDE THE 100 YR FLOODPLAIN PER FIRM 198001-0720C DATED NOV. 16, 1982.

GRAPHIC SCALE
1" = 100'-0" (± FEET)



PREPARED FOR:
 WATERMAN LANDSCAPE SUPPLY
 2507 EAST 21ST STREET
 DES MOINES, IA 50317
 (515) 266-8181
 TM BERARDI
 CFI TREE SERVICE
 2301 DRON ST
 IOWA 50318-1884
 515-282-8051



TREE LEGEND

SYMBOL	DESCRIPTION
(Symbol)	Red Oak
(Symbol)	White Oak
(Symbol)	Black Oak
(Symbol)	Pin Oak
(Symbol)	Striped Bark Oak
(Symbol)	Black Cherry
(Symbol)	White Birch
(Symbol)	Black Birch
(Symbol)	Red Pine
(Symbol)	White Pine
(Symbol)	Black Pine
(Symbol)	Jack Pine
(Symbol)	White Spruce
(Symbol)	Black Spruce
(Symbol)	White Fir
(Symbol)	Black Fir
(Symbol)	White Cedar
(Symbol)	Black Cedar
(Symbol)	White Cypress
(Symbol)	Black Cypress
(Symbol)	White Juniper
(Symbol)	Black Juniper
(Symbol)	White Yew
(Symbol)	Black Yew
(Symbol)	White Elm
(Symbol)	Black Elm
(Symbol)	White Ash
(Symbol)	Black Ash
(Symbol)	White Hickory
(Symbol)	Black Hickory
(Symbol)	White Walnut
(Symbol)	Black Walnut
(Symbol)	White Maple
(Symbol)	Black Maple
(Symbol)	White Poplar
(Symbol)	Black Poplar
(Symbol)	White Sycamore
(Symbol)	Black Sycamore
(Symbol)	White Magnolia
(Symbol)	Black Magnolia
(Symbol)	White Dogwood
(Symbol)	Black Dogwood
(Symbol)	White Flowering Dogwood
(Symbol)	Black Flowering Dogwood
(Symbol)	White Sweetgum
(Symbol)	Black Sweetgum
(Symbol)	White Live Oak
(Symbol)	Black Live Oak
(Symbol)	White Bur Oak
(Symbol)	Black Bur Oak
(Symbol)	White Post Oak
(Symbol)	Black Post Oak
(Symbol)	White Water Oak
(Symbol)	Black Water Oak
(Symbol)	White Longleaf Pine
(Symbol)	Black Longleaf Pine
(Symbol)	White Shortleaf Pine
(Symbol)	Black Shortleaf Pine
(Symbol)	White Loblolly Pine
(Symbol)	Black Loblolly Pine
(Symbol)	White Slash Pine
(Symbol)	Black Slash Pine
(Symbol)	White Pine
(Symbol)	Black Pine
(Symbol)	White Spruce
(Symbol)	Black Spruce
(Symbol)	White Fir
(Symbol)	Black Fir
(Symbol)	White Cedar
(Symbol)	Black Cedar
(Symbol)	White Cypress
(Symbol)	Black Cypress
(Symbol)	White Juniper
(Symbol)	Black Juniper
(Symbol)	White Yew
(Symbol)	Black Yew
(Symbol)	White Elm
(Symbol)	Black Elm
(Symbol)	White Ash
(Symbol)	Black Ash
(Symbol)	White Hickory
(Symbol)	Black Hickory
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(Symbol)	White Maple
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(Symbol)	Black Flowering Dogwood
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(Symbol)	Black Sweetgum
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(Symbol)	Black Bur Oak
(Symbol)	White Post Oak
(Symbol)	Black Post Oak
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(Symbol)	Black Water Oak
(Symbol)	White Longleaf Pine
(Symbol)	Black Longleaf Pine
(Symbol)	White Shortleaf Pine
(Symbol)	Black Shortleaf Pine
(Symbol)	White Loblolly Pine
(Symbol)	Black Loblolly Pine
(Symbol)	White Slash Pine
(Symbol)	Black Slash Pine
(Symbol)	White Pine
(Symbol)	Black Pine
(Symbol)	White Spruce
(Symbol)	Black Spruce
(Symbol)	White Fir
(Symbol)	Black Fir
(Symbol)	White Cedar
(Symbol)	Black Cedar
(Symbol)	White Cypress
(Symbol)	Black Cypress
(Symbol)	White Juniper
(Symbol)	Black Juniper
(Symbol)	White Yew
(Symbol)	Black Yew
(Symbol)	White Elm
(Symbol)	Black Elm
(Symbol)	White Ash
(Symbol)	Black Ash
(Symbol)	White Hickory
(Symbol)	Black Hickory
(Symbol)	White Walnut
(Symbol)	Black Walnut
(Symbol)	White Maple
(Symbol)	Black Maple
(Symbol)	White Poplar
(Symbol)	Black Poplar
(Symbol)	White Sycamore
(Symbol)	Black Sycamore
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(Symbol)	Black Dogwood
(Symbol)	White Flowering Dogwood
(Symbol)	Black Flowering Dogwood
(Symbol)	White Sweetgum
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(Symbol)	White Live Oak
(Symbol)	Black Live Oak
(Symbol)	White Bur Oak
(Symbol)	Black Bur Oak
(Symbol)	White Post Oak
(Symbol)	Black Post Oak
(Symbol)	White Water Oak
(Symbol)	Black Water Oak
(Symbol)	White Longleaf Pine
(Symbol)	Black Longleaf Pine
(Symbol)	White Shortleaf Pine
(Symbol)	Black Shortleaf Pine
(Symbol)	White Loblolly Pine
(Symbol)	Black Loblolly Pine
(Symbol)	White Slash Pine
(Symbol)	Black Slash Pine

Bishop Engineering
 "Bringing Your Successful Development"
 3501 104th Street
 Des Moines, Iowa 50325
 Phone: 515-266-8051
 Fax: 515-266-8051
 Civil Engineering & Land Surveying
 Established 1939

TREE SURVEY
COLD STREAM BUSINESS PARK
NE 46TH STREET & HUBBELL AVE
 4/1/2009 11:20:02 AM CDT
 PROJECT NUMBER: 090019
 SHEET NUMBER: C1.3

DATE:	4/1/09
DRAWN BY:	...
CHECKED BY:	...
REVISIONS:	...
PROJECT NUMBER:	090019
SHEET NUMBER:	C1.3

TREE SURVEY

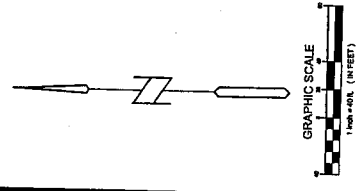
NE 46TH STREET & HUBBELL AVE
COLD STREAM BUSINESS PARK

Project Number: 090019
Sheet Number: C1.3A

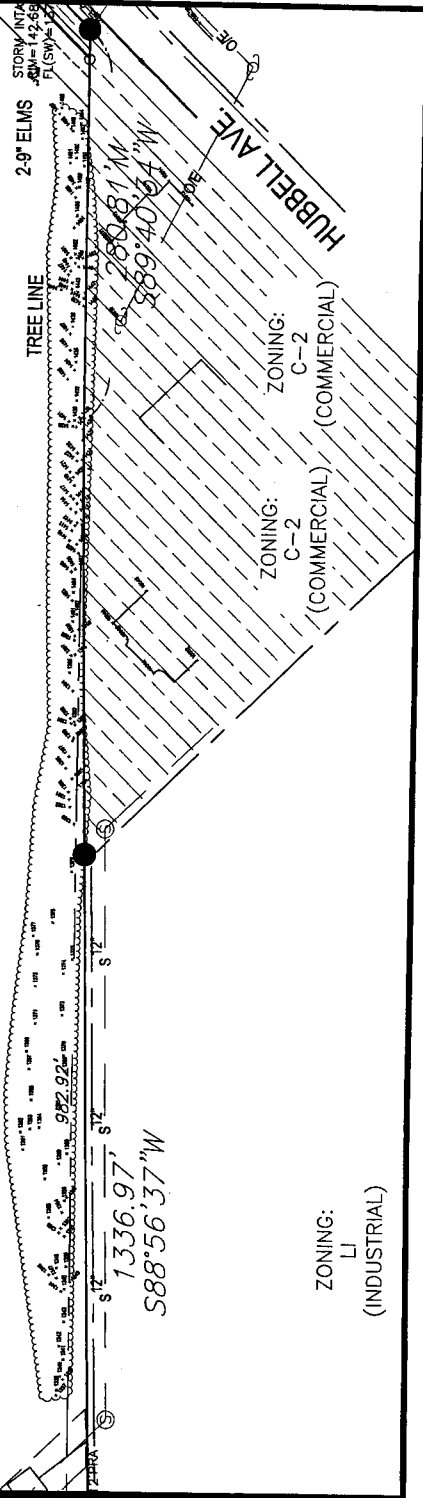
Bishop Engineering
3501 104th Street
Des Moines, Iowa 50322-3823

PREPARED FOR:
WATER LANDSCAPE SUPPLY
C/O ANDY HOLT
10475 11ST STREET
DES MOINES, IA 50317
(515)268-8181

THE BERNARD
2801 11TH AVENUE
DES MOINES, IA 50318-1864
515-262-9051



LOT 6
563,878 sq. ft.
12.94 acres



TREE LEGEND

Table with columns: Number, Northing, Easting, Raw Desc, Zoning. Lists tree IDs and species like WALNUT 12', ELM 15', HACKBERRY 12', etc.

Date _____

April 3, 2009

Agenda Item 17

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:



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

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

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 "M. Ludwig". The signature is stylized and cursive.

Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment

Item ZONAD009-00028 Date 3-27-09

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

RECEIVED

Print Name B J BAKER

MAR 30 2009

Signature [Signature]

COMMUNITY DEVELOPMENT DEPARTMENT

Address 484 NE 46th St, Miami, FL 33177

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

Item ZONAD009-00028 Date 3-28-09

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

RECEIVED

Print Name Spencer A. Brown

APR 01 2009

Signature [Signature]

COMMUNITY DEVELOPMENT DEPARTMENT

Address 484 NE 46th St, Miami, FL 33177

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

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

Item ZONAD009-00028 Date 3-27-09

RECEIVED

Print Name Verva S. Hodges

Signature [Signature]

MAR 30 2009

COMMUNITY DEVELOPMENT DEPARTMENT

Address 484 NE Broadway Ave

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

(am) in favor of the request.

RECEIVED
(Circle One)

Print Name B. Scott & Sue Leibrand

Signature Sue Leibrand

MAR 30 2009

Address 4415 N 4425th - Hubbell

COMMUNITY DEVELOPMENT DEPARTMENT

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 all assuming that will better the area & bring more people there -

Item # ZON2009-00028

Date 3/24/09

(am) in favor of the request.

RECEIVED
(Circle One)

Print Name Greg Baker

Signature [Signature]

MAR 30 2009

Address 4224 Hubbell

COMMUNITY DEVELOPMENT DEPARTMENT

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

17

Item ZON2009-00028

(Circle One)
RECEIVED

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

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 W.S. 65 (the beltway) in attorney 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.

(RECEIVED)

Print Name Jim Cooker
Signature J. CC
Address 4515 NE 46th ST

COMMUNITY DEVELOPMENT DEPARTMENT

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

Added traffic, WC would prefer residential to industrial.

Item ZONB009-00028
Date 3/24/09
Print Name Edward Pilkington
Signature Edward Pilkington
Address 41269 N.E. Brookings
D.M. da. 80317
COMMUNITY DEVELOPMENT DEPARTMENT
MAR 27 2009
(am not) in favor of the request.
Reason for opposing or approving this request may be listed below: