

Date..... May 8, 2006

WHEREAS, on April 24, 2006, by Roll Call No. 06-762, it was duly resolved by the City Council, that the City Council consider a proposal from Bernard J. Baker, III, to amend the approved "PUD" Conceptual Plan for Timberbrook Terrace in the vicinity of 3325 E. Douglas Avenue, to allow creation of a development parcel on land previously identified as an outlot for retail development, and that such proposal be set down for hearing on May 8, 2006, at 5:00 p.m., in the Council Chambers at City Hall; and,

WHEREAS, the subject property is located within the block bounded by E. 33rd Street on the west, Hubbell Avenue on the east, E. Euclid Avenue on the south and E. Douglas on the north; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on April 27, 2006, as provided by law, setting forth the time and place for hearing on said proposed amendment to the approved "PUD" Conceptual Plan; and,

WHEREAS, the Plan and Zoning Commission has 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; 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 amendment to the approved "PUD" Conceptual Plan for Timberbrook Terrace in the vicinity of 3325 E. Douglas Avenue, and more specifically described above, are hereby overruled and the hearing is closed.
2. The proposed amended "PUD" Conceptual Plan is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan, subject to the conditions identified below.
3. 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 following conditions recommended by the Plan and Zoning Commission, and subject to approval of such amendments by the Community Development Director:
  - a) Provision of revised legal descriptions for the modified parcel areas.
  - b) Addition of a plan note requiring that all development comply with the Des Moines Landscape Standards applicable within the "C-2" District, unless a higher standard is otherwise applicable.

( continued )

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Date..... May 8, 2006

- c) Addition of a plan note that all roof mounted mechanical equipment shall be screened from view on surrounding public streets with material that is integrated into the building's architecture.
- d) Revise all references to the parking requirements formerly in Sections 2A-24 and 2A-25 to Sections 134-1376 and 134-1377.

MOVED by \_\_\_\_\_ to adopt.

FORM APPROVED:

*Roger K. Brown*

Roger K. Brown

Assistant City Attorney

G:\SHARED\LEGAL\BROWN\WORK\REZONING\Baker.doc

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
HENSLEY				
MAHAFFEY				
KIERNAN				
VLISSIS				
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

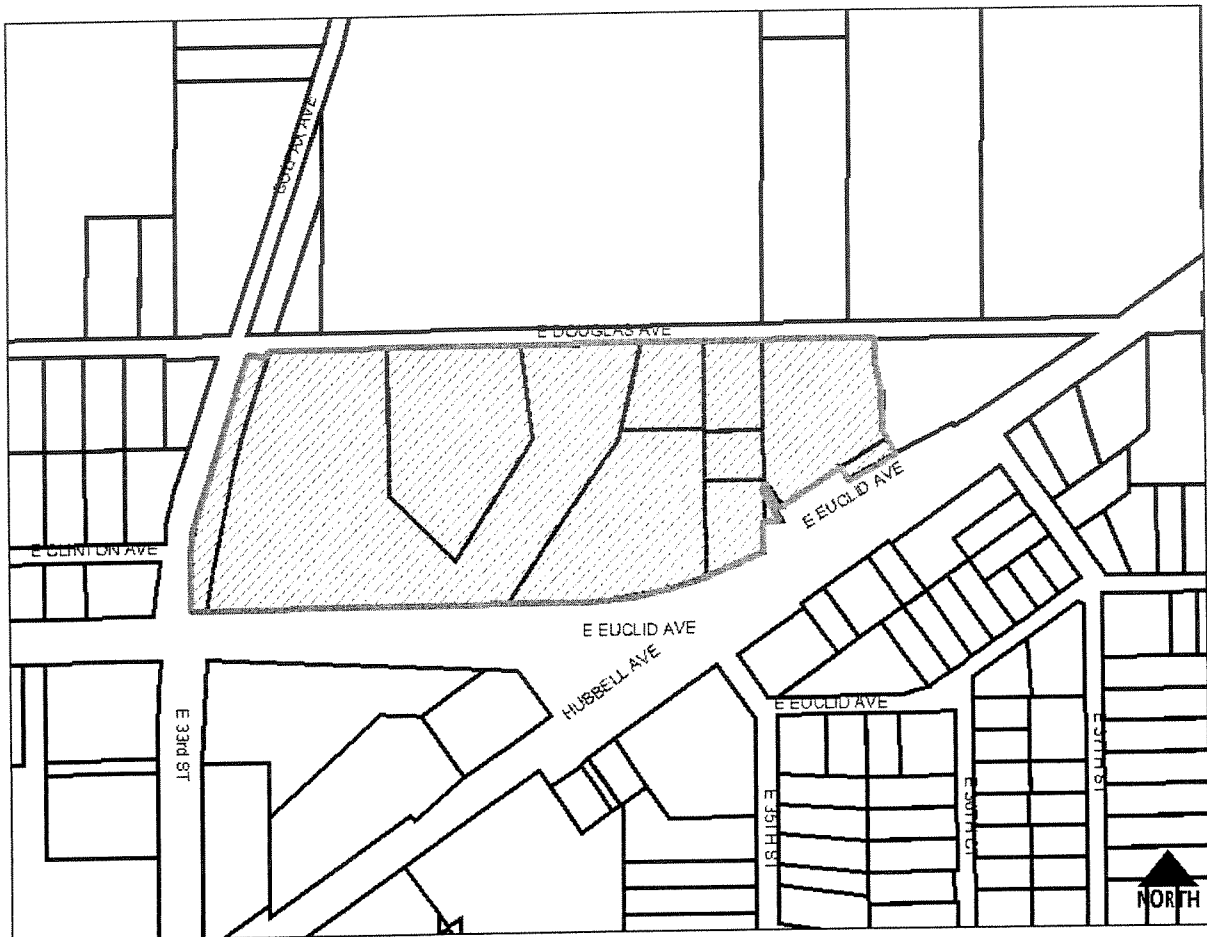
.....Mayor

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

Request from Bernard J. Baker, III (owner) to amend the Timberbrook Terrace PUD Conceptual Plan for property located at 3325 East Douglas Avenue.		File # ZON2006-00030		
<b>Description of Action</b>	Amend the Timberbrook Terrace PUD Conceptual Plan for subject property to allow creation of a development parcel on land previously identified as an outlet to allow for retail development.			
<b>2020 Community Character Plan</b>	Medium-Density Residential, Commercial: Auto-Oriented Community Commercial and Clear Zone/Development Control Zone			
<b>Horizon 2025 Transportation Plan</b>	Widen Hubbell Avenue from 4 lane undivided to 4 lane divided from Euclid Avenue to E. 38 <sup>th</sup> Street			
<b>Current Zoning District</b>	PUD Planned Unit Development and FW Floodway			
<b>Proposed Zoning District</b>	PUD Planned Unit Development and FW Floodway			
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area	3	0	0	<20%
<b>Plan and Zoning Commission Action</b>	Approval	15-0	<b>Required 6/7 Vote of the City Council</b>	Yes
	Denial			No

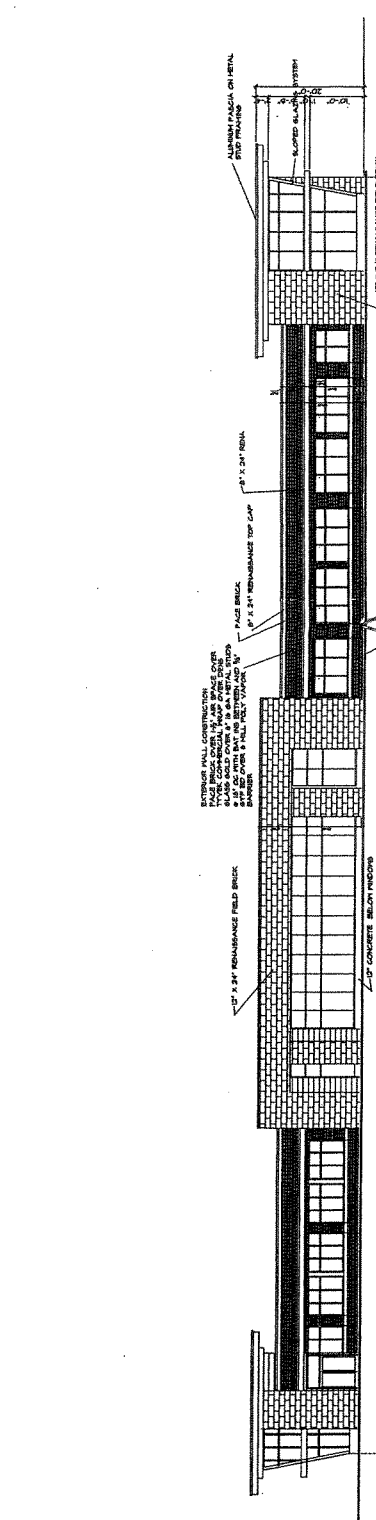
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Timberbrook Terrace PUD Amendment - 3325 E Douglas Avenue ZON2006-00030

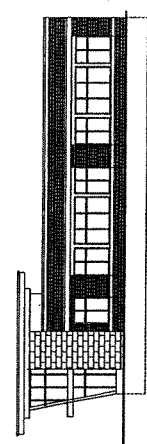




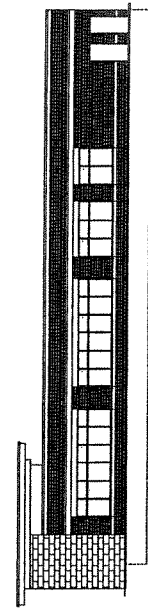
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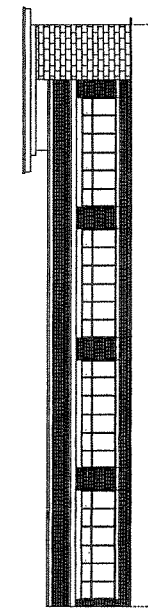
WEST ELEVATION  
SCALE 3/32" = 1'-0"



SOUTH ELEVATION NORTH ELEVATION SIMILAR  
SCALE 3/32" = 1'-0"



EAST ELEVATION  
SCALE 3/32" = 1'-0"



SOUTHEAST ELEVATION  
SCALE 3/32" = 1'-0"

CONCEPTUAL MASTER PLAN  
TIMBERBROOK  
TERRACE P.U.D.  
DES MOINES,  
IOWA

Project No.: 22422-00  
Date: 10/6/1997  
Sheet: 1 OF 4  
Revised 6-4-1999  
Revised 3-8-2002 (Amendment #1)  
Revised 3-8-2006

PROJECT: TIMBERBROOK TERRACE PUD SUBMITTAL EAST 33RD AND EUCLID AVE DES MOINES, IOWA

ARCHITECTS: LANDSCAPE ARCHITECTS • PLANNERS ENVIRONMENTAL DESIGN GROUP, LTD.

DESIGNER: JAMES R. HARRIS, LEED AP  
PROJECT MANAGER: JAMES R. HARRIS, LEED AP  
ARCHITECT: JAMES R. HARRIS, LEED AP  
PLANNER: JAMES R. HARRIS, LEED AP  
LANDSCAPE ARCHITECT: JAMES R. HARRIS, LEED AP

DATE OF ISSUANCE: 10/6/1997

DESIGNED BY: JAMES R. HARRIS, LEED AP

PROJECT NO.: 22422-00

DATE: 10/6/1997

SHEET NO.: 1 OF 4

REVISIONS: 6-4-1999, 3-8-2002 (Amendment #1), 3-8-2006

SCALE: 3/32" = 1'-0"

AI ELEVATIONS

April 24, 2006

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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 6, 2006, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 15-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
David Cupp	X			
Shirley Daniels	X			
Dann Flaherty	X			
Bruce Heilman	X			
Jeffrey Johannsen	X			
Greg Jones	X			
Frances Koontz	X			
Kaye Lozier	X			
Brian Meyer	X			
Brian Millard	X			
Brook Rosenberg	X			
Mike Simonson	X			
Kent Sovern	X			
Tim Urban	X			
Marc Wallace	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 a request from Bernard J. Baker, III (owner) to amend the Timberbrook Terrace PUD Conceptual Plan for property located at 3325 East Douglas Avenue to allow creation of a development parcel on land previously identified as an outlot to allow for retail development, subject to the following modifications to the Plan: (ZON2006-00030)

1. Provision of revised legal descriptions for the modified parcel areas.
2. Addition of a plan note requiring that all development comply with Des Moines Landscape Standards as applicable to "C-2" Districts at a minimum.
3. Addition of a plan note that all roof mounted mechanical equipment shall be screened from view on surrounding public streets with material that is integrated into the building's architecture.
4. Revise all references for parking requirements in 2A-24 and 2A-25 to Section 134-1376 and 134-1377.

Written Responses

3 In Favor  
0 In Opposition

*This item would not require a 6/7 vote by City Council.*

## STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Staff recommends approval of the requested amendment to the PUD Conceptual Plan subject to the following modifications to Plan:

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1. Provision of revised legal descriptions for the modified parcel areas.
2. Addition of a plan note requiring that all development comply with Des Moines Landscape Standards as applicable to "C-2" Districts at a minimum.
3. Addition of a plan note that all roof mounted mechanical equipment shall be screened from view on surrounding public streets with material that is integrated into the building's architecture.
4. Revise all references for parking requirements in 2A-24 and 2A-25 to Section 134-1376 and 134-1377.

## STAFF REPORT

### I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to designate 2.77 acres for additional retail/office commercial development.
2. **Size of Site:** 15.58 acres (entire PUD) plus 3.32 acres Floodway; Parcel "F" 2.77 acres.
3. **Existing Zoning (site):** "PUD" Planned Unit Development.
4. **Existing Land Use (site):** Vacant land, Taylor House Hospice, Four Mile Creek, Recreational Trail, Communication Tower Antennas, single-family dwellings and a land lease community.
5. **Adjacent Land Use and Zoning:**
  - North** – "U-1", "FW", "PUD" & "R-3", Uses are floodplain/floodway for Four Mile Creek, Parkside East Apartments and Sargent Park Apartments.
  - South** – "C-1", "C-2" & "FW", Uses are East Side Grill Restaurant, vacant land, and floodplain/floodway for Four Mile Creek.
  - East** – "C-2", Uses are a Quik Trip Convenience Store, Grandview Acres Apartments, a single-family dwelling, a used furniture and appliance warehouse, a off-premises advertising sign and East Des Moines Rental.
  - West** – "R-3" & "R1-60", Uses are a multiple-family apartment building and single-family dwellings.
6. **General Neighborhood/Area Land Uses:** The subject property is located within a major commercial node on the northeast side of the City where the major corridors of Hubbell Avenue and East Euclid Avenue intersect along Four Mile Creek. The area has a mix of high-density residential, retail, and highway commercial uses surrounded by single-family neighborhoods.
7. **Applicable Recognized Neighborhood(s):** Douglas Acres Neighborhood and Fairmont Park Neighborhood.
8. **Relevant Zoning History:** The subject property was within the originally adopted Grandview Plaza PUD Conceptual Plan and was rezoned by the City Council on January 5, 1998. There were subsequent amendments on January 22, 2001 for a second Communications Tower

Antenna, and on September 9, 2002 for the Taylor House Hospice (renamed PUD to "Timberbrook Terrace").

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9. **2020 Community Character Land Use Plan Designation:** Auto-Oriented Community Commercial (West of Creek), Clear Zone/Development Control Zone, and Medium Density Residential (East of Creek).

10. **Applicable Regulations:** The Commission reviews all amendments proposed for approved "PUD" Conceptual Plans in the same manner as the consideration of the original Conceptual Plan and rezoning. The recommendation of the Commission is forwarded to the City Council for their final review and consideration.

## II. ADDITIONAL APPLICABLE INFORMATION

1. **Natural Site Features:** The eastern edge of the subject amendment area is within the Four Mile Creek flood hazard area. The applicant will be responsible for compliance with all local, State, and Federal floodplain development regulations. Based on the submitted Conceptual Plan amendment, no structures are proposed to be located within these areas. Any alteration of the floodway or floodplain may require a Letter of Map Revision (LOMR) to be filed by the developer with the Federal Insurance Agency.
2. **Drainage/Grading:** The applicant will be responsible for compliance with all storm water management requirements as part of any development plan. Any grading is subject to review and approval of a soil erosion protection and grading plan reviewed by the Engineering staff in the Permit and Development Center and a Storm Water Pollution Prevention Plan (SWPPP) approved by the Iowa DNR.
3. **Landscaping & Buffering:** A previous amendment to the PUD Conceptual Plan required that all development plans comply with the Des Moines' Landscaping Standards as they are applicable to "C-1/C-2" Districts. Staff recommends that this also be a requirement of the standards applied to the amended Parcel "F". In addition, the proposed minimum off-street parking setback from surrounding streets is 15' which is more restrictive than the 10' required for "C-1/C-2" Districts.
4. **Traffic/Street System:** The applicant is working with the Iowa DOT to revise the public highway easement along East Euclid Avenue. No streets are being proposed in conjunction with the proposed amendment.
5. **Access or Parking:** The access from East Euclid Avenue to the subject parcel "F" will include a right-in only with deceleration lane. A permit will be required from Iowa DOT. All other access points remain as previously approved on the Conceptual Plan.

Off-street parking standards to be applied to Parcel "F" are proposed to meet those found in the Zoning Ordinance requirements. The total number of spaces will be required to be demonstrated as part of an approved development plan.

6. **2020 Community Character Plan:** Staff believes that the commercial/retail/office use proposed for the subject amendment area is in conformance with the Commercial Auto-Oriented Community Commercial Designation for the subject.

7. **Urban Design:** The submitted architectural elevations for the proposed Parcel "F" describe a single-story commercial center with a flat roofed, "Prairie-style" design. Exterior materials are predominantly brick, masonry units and glass. Aluminum accents are proposed on the roof overhangs. The top caps and soldier courses above and below the windows are both proposed to be made of Renaissance masonry units (a fired masonry block material). The submitted elevations do not address any roof mounted mechanical equipment. Staff would



recommend that the Conceptual Plan include a provision requiring the screening of roof mounted mechanical equipment that is integrated into the building's architecture.

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**SUMMARY OF DISCUSSION**

*There was no discussion on this item.*

*Fran Koontz moved for approval of staff recommendation. Motion passed 15-0.*

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:dfa

Attachment



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## DOUGLAS ACRES NEIGHBORHOOD ASSOCIATION

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April 5, 2006

City Planning and Zoning Commission  
Daniel Flaherty, Chairperson  
602 E First Street  
Des Moines, IA 50309

Dear Mr. Flaherty,

Douglas Acres Neighborhood Association fully supports the request from Bernard J. Baker, III to amend the Timberbrook Terrace PUD Conceptual Plan for property located at 3325 East Douglas to allow creation of a development parcel for retail development on land previously identified as an outlot.

We ask that the Des Moines Plan and Zoning Commission approve this request.

Thank you for your consideration of this matter.

Sincerely,

*Linda Westergaard*

Linda Westergaard, Chair  
Douglas Acres Neighborhood Association

4009 E 23  
Des Moines, IA 50317

Phone (515) 453-7339  
Fax (515) 453-7340  
E-mail [chair@douglasacres.org](mailto:chair@douglasacres.org)  
Web site [www.douglasacres.org](http://www.douglasacres.org)

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DA

Item ZON 2006 00030

Date \_\_\_\_\_

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

(Circle One)

**RECEIVED**

APR 03 2006

**COMMUNITY DEVELOPMENT  
DEPARTMENT**

Print Name VERNON O. WEST

Signature Vernon O. West

Address 3255 E. CLINTON AVE

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

THE PROPERTY NEEDS DEVELOPING AND  
IMPROVEMENT

Item ZON 2006 00030

Date 3-30-06

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

(Circle One)

**RECEIVED**

APR 03 2006

**COMMUNITY DEVELOPMENT  
DEPARTMENT**

Print Name JAMES CONLIN

Signature James Conlin

Address 317-7th Ave Ia

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Item ZON 2006 00030

Date 4/3/06 AA

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

**RECEIVED**

APR 05 2006

COMMUNITY DEVELOPMENT  
DEPARTMENT

Print Name Sheila Reeves  
Chic Hair  
Signature Sheila Reeves  
Address 3703 Hubbell

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Item ZON 2006 ~~00030~~ ?

Date 3/30/06

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

**ALSO SUBJECT PROPERTY**

E133 &  
Euclid/Douglas

Print Name BAKER REALSTATE  
Signature [Signature]  
Address 4224 HUBBELL

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

**RECEIVED**

APR 03 2006

COMMUNITY DEVELOPMENT  
DEPARTMENT

\_\_\_\_\_  
\_\_\_\_\_  
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