

Date July 27, 2009

COMMUNICATION from the City Plan and Zoning Commission advising that at a public hearing held July 16, 2009, the members voted 12-0 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 an amendment to the "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. The proposed amendment changes lot size configuration and location of public street extension subject to the applicant revising the Plat as follows:

1. Finalization of the PUD Conceptual Plan approved by the City Council on June 22, 2009.
2. Conformance with all administrative review requirements of the preliminary plat by the Permit and Development Center.
3. Provision of a two (2) additional 2" caliper over story street tree plantings for a total of 23 on the public street extension with a maximum spacing of 100 feet.
4. Addition of a statement that any Final Plat or Development Plan approval is subject to completion of a traffic impact analysis study of the proposed development with any necessary public street improvements. Any public street improvements recommended by such study shall be at the expense of the developer.

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				
VLASSIS				
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

Date _____

Agenda Item 16

Roll Call # _____

July 27, 2009

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 July 16, 2009, the following action was taken:

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	X			
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Dann Flaherty	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 Plat as follows:

1. Finalization of the PUD Conceptual Plan approved by the City Council on June 22, 2009.
2. Conformance with all administrative review requirements of the preliminary plat by the Permit and Development Center.
3. Provision of a two (2) additional 2" caliper over story street tree plantings for a total of 23 on the public street extension with a maximum spacing of 100 feet. Addition of a statement that any Final Plat or Development Plan approval is subject to completion of a traffic impact analysis study of the proposed development with any necessary public street improvements. Any public street improvements recommended by such study shall be at the expense of the developer.

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 Plat as follows:

1. Finalization of the PUD Conceptual Plan approved by the City Council on June 22, 2009.



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

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2. Conformance with all administrative review requirements of the preliminary plat by the Permit and Development Center.
3. Provision of a two (2) additional 2" caliper over story street tree plantings for a total of 23 on the public street extension with a maximum spacing of 100 feet.
4. Addition of a statement that any Final Plat or Development Plan approval is subject to completion of a traffic impact analysis study of the proposed development with any necessary public street improvements. Any public street improvements recommended by such study shall be at the expense of the developer.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to amend a Preliminary Plat approved on April 19, 2009. That Plat proposed to subdivide the property to create nine (9) lots for light industrial park and commercial scale development with access to the Hubbell Avenue corridor. This proposed amendment would still create nine (9) lots for light industrial park and commercial scale development but would shift the public street access along Hubbell Avenue corridor further south than previously approved. This will also revise the proposed storm water management and drainage solutions for the development.

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 "A-1", Uses are single family residential dwellings.

South – "C-2", "R-3", and "A-1", Uses are Royal Flush restaurant, auto repair, Greenfield's Pro auction/flea market, Paul's Paint and Auto-body shop.

East - "A-1", Use is vacant.

West – "A-1", 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 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.

A fourth amendment was approved by the City Council on June 22, 2009, to reconfigure the layout of the previously approved Light Industrial Business Park with additional land reserved for future amendment. This was subject to the following conditions:

1. Identify changes to conservation easement areas where drive access will penetrate the significant timbered areas in Parcel "C" Phase 3 along the tributary.
2. Indicate that "Storm water management will be provided to conform to the City's Site Plan Ordinance policies and standards in Sec. 106-136 as part of any Development Plan or Preliminary Plat".
3. Clearly designate possible locations for a feature to handle the public street run-off outlet to comply with run-off requirements.
4. Indicate on the Conceptual Plan that all sanitary sewer mains will be extended to all appropriate boundaries to serve adjoining development within the City in accordance with requirements for Preliminary Platting.
5. Provide a revised typical rendering of the proposed building type and label exterior building materials on the building elevation sheet.
6. 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.

On June 26, 2009 the involuntary annexation of the adjoining unincorporated property became effective. These areas were given a Zoning of "A-1" Agricultural District effective with their annexation.

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 the 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 6 and 7 and the eastern edges of Lots 4 and 5. There is a timbered swale feeding into the tributary running generally north/south within the western part of Lot 7.

The recent fourth PUD Conceptual Plan amendment required that tree protection measures be included on any site Development Plan or Preliminary Plat to provide detail for trees identified for protection. Tree conservation and protection are proposed along the north edge of Lot 8, the western portion of Lots 8 & 9 east of the drainage improvements, the northern edge of Lot 5 and part of Lot 6, and in the eastern portions of Lot 4 & 5 not disturbed by detention basin and

driveway construction. The proposed tree removal is essentially identical to the previously approved Preliminary Plat primarily for drainage improvements in Lots 4 through 9, and for building pad grading on Lot 7.

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. As with the previously approved Plat, staff maintains that the need for these erosion protection measures outweighs 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. Based on the conditions of the approved PUD Conceptual Plan, a lateral is being extended north along NE 46th Avenue to serve recently annexed property adjoining to the east. 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.

The length of street being shortened and only 21 trees are required pursuant to the landscape standards in the approved Conceptual Plan. However, staff recommends that the Plat include the same number of street tree plantings as previously proposed to provide the same mitigation for the same level of removals as the previously approved Plat. There were 23 street trees on the previous Preliminary Plat. These shall be indicated on the Preliminary Plat and will be required with the development of each lot. The approved Conceptual Plan also requires the development of each lot to provide an five (5) over story tree plantings in addition to the minimum required open space plantings as required for "M-1" District properties.

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, which governs access on Hubbell Avenue, and has determined the location for access connections to the property. The proposed Preliminary Plat revises the previously approved access by swapping the approved drive connection and public street connection at the exact same locations.

Traffic Engineering staff have preliminarily reviewed and approved this access subject to completion of a traffic study of the proposed development as part of any necessary street improvements identified and included as part of any Final Plat or Development Plan approval.

The developer will be required to obtain necessary access permits from IDOT. The approved Conceptual Plan prohibits any additional connections or access from Hubbell Avenue without a future amendment to the PUD Conceptual Plan.

On the previous approved Preliminary Plat, the Fire Department review staff required a temporary turnaround for maintenance and emergency vehicles and apparatus as part of any phased extension of the public street that may occur. The revised Preliminary Plat proposal does not involve any phasing of the street construction.

SUMMARY OF DISCUSSION

There was no discussion.

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

Leisha Barcus 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. Finalization of the PUD Conceptual Plan approved by the City Council on June 22, 2009.
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3. Provision of a two (2) additional 2" caliper over story street tree plantings for a total of 23 on the public street extension with a maximum spacing of 100 feet.
4. Addition of a statement that any Final Plat or Development Plan approval is subject to completion of a traffic impact analysis study of the proposed development with any necessary public street improvements. Any public street improvements recommended by such study shall be at the expense of the developer.

Motion passed 12-0

Respectfully submitted,



Jason Van Essen, AICP
Senior Planner

JMV:clw

Attachment

Request from Baker Real Estate, LP (owner) represented by Bernice Baker (partner) for review and approval of an amendment to the "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. The proposed amendment changes lot size configuration and location of public street extension.				File # 13-2009-1.30	
Description of Action	Review and approval of an amendment to the "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. The proposed amendment changes lot size configuration and location of public street extension.				
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				N/A	
Outside Area					
Plan and Zoning Commission Action	Approval	12-0	Required 6/7 Vote of the City Council	Yes	N/A
	Denial			No	N/A

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



Date _____

Agenda Item 16

Roll Call # _____

July 10th, 2009

Chuck Bishop
Bishop Engineering Company
3501 104th Street
Urbandale, IA 50322

RE: Preliminary Plat, Coldstream Business Park (Revised
Review Letter)

13-09-1.39

Dear Chuck:

We have reviewed the first (1st) submittal of the preliminary plat for Coldstream Business Park, and have determined that the following conditions must be satisfied before plat approval can be granted.



PERMIT AND
DEVELOPMENT CENTER
ARMORY BUILDING
602 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309 -1881
(515) 283-4200

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Engineering

1. Some of the proposed elevation contours shown in Lot 4 and Lot 5 look unusual. There appears to be a 95 tied into a 105 near the west end of the FUTURE ROAD on the Lot 4 and 5 shared lot line. The existing 100 in the NE corner of Lot 5 does not tie into a proposed 100.
2. Some more work needs to be done to show proposed elevation contours into existing elevation contours in the northern portion of Lot 7.
3. Make sure that the proposed rough-graded building pad area in Lot 5 is high enough to gravity flow to the sanitary sewer main with a service, all within Lot 5.
4. Apply for a Grading Permit and pay the fee in conformance with Code. Provide the design basis for the rip rap erosion control areas shown.

Traffic

5. The applicant will contract for completion of a traffic study of the proposed development, with any necessary street improvements identified and then included with the project.

- 6. Iowa DOT access permits will be required for any new drive approaches or street connections to State Highway 6 (for your reference only).

Planning

- 7. Mid-American Energy is requesting a 5-foot gas easement on both sides of all new streets.
- 8. Because the preliminary plat has been significantly amended from the previously submitted version and must appear before the Plan and Zoning Commission for additional approval, a new preliminary plat subdivision review fee of \$1,090 is required before the plat can be approved.
- 9. Show the assigned street name of E. 44th Court for the proposed public street into the development.
- 10. There is overlapping text that should be corrected in the lower left quadrant of sheet 1. Also, there is overlapping text on sheet 2 near the symbol legend.
- 11. How will the newly configured plat area affect tree removal for this project? A separate tree inventory survey indicating trees over 6" caliper to be removed within the plat boundaries will need to be submitted.
- 12. The note on sheet 1 pertaining to a P & Z approval date will need to be amended to reflect the date of P & Z approval of the latest plat configuration.
- 13. Provide tree protection notes on the preliminary plat. A copy has been enclosed for your use.
- 14. The previous approval of the plat came with the following condition, which should be reflected on the plat (unless it is waived with the approval of the resubmitted and amended plat):

"A tree mitigation measure note should be shown requiring 5 additional 2" caliper overstory tree plantings per lot in addition to any minimum plantings as required as part of the site plan development."

- 15. Show lot addresses on the plat:

Lot 1: 4505 E. 44th Court
 Lot 2: 4511 E. 44th Court
 Lot 3: 4517 E. 44th Court

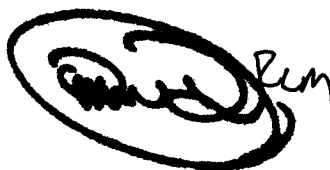
- Lot 4: 4521 E. 44th Court
- Lot 5: 4504 E. 44th Court
- Lot 6: 4520 E. 44th Court
- Lot 7: 4520 Hubbell Avenue OR 4527 E. 44th Court
- Lot 8: 4520 E. 46th Street
- Lot 9: 4510 E. 46th Street

- 16. Remove the "pond" lettering on the north central portion of Lot 6. This appears to have been a location of a previous detention facility that has since been removed.
- 17. Note on the plat that stormwater management will be provided to conform to the City's Site Plan Ordinance policies and standards in Section 106-136.
- 18. There appears to be plenty of proposed grading work shown near the "future road" extending into lots 4 & 5 and the proposed rip rap outlet areas on either side of the drainage culvert. Revise the conservation easement boundary areas to remain outside of where grading will occur on this portion of the development.
- 19. The PUD Concept Plan will need to be finalized with the Planning Division prior to issuance of the Grading Permit.

Please submit **three (3) review copies** of the revised plat satisfying the above listed items. Failure to resubmit such amended plat within 90 days from the date of this letter shall cause the application to lapse, and will require the payment of a new application fee to resume the application process.

If you have any questions contact Ryan Moffatt @ 283-4975 or email him @ rlmoffatt@dmgov.org.

Sincerely,



Phillip Delafield
Permit & Development Administrator

Enclosure