

★ **Roll Call Number**

**Agenda Item Number**

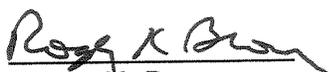
26

.....  
**Date** .....  
 September 11, 2006

COMMUNICATION from the City Plan and Zoning Commission advising that at a public hearing held August 21, 2006, the members voted 12-0 in support of a motion to **APPROVE** the request from Vista Real Estate (purchaser/developer) represented by Al Rivers (officer) for approval of a preliminary subdivision plat for "Vista Broadway Industrial Plat 1" for approximately 18 acres of property located in the 1101 to 1301 block of NE Broadway Avenue to allow development of nine (9) lots for commercial/industrial development, subject to compliance with all comments outlined in the attached letter from the Permit and Development Administrator to include provision of tree identification for areas to be disturbed by the plat improvements, provision of sidewalks along all public streets, and indication of a 25' landscape setback easement along East Broadway Avenue, and to find that development of public streets into the subject property is not necessary for the proposed use of land or for suitable development of adjoining property, and that the proposed private drive system is sufficient to allow appropriate development of the subject property.

MOVED by \_\_\_\_\_ to receive and file.

FORM APPROVED:

  
 Roger K. Brown  
 Assistant City Attorney

NOTE: The final subdivision plat will be submitted for City Council approval at a later date.

(13-2006-1.84)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
VLASSIS				
<b>TOTAL</b>				
MOTION CARRIED			APPROVED	

**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.

\_\_\_\_\_  
 Mayor

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

Request from Vista Real Estate (purchaser/developer) represented by Al Rivers (officer) for review and approval of approximately 18 acres of property located in the 1101 to 1301 block of NE Broadway Avenue. Subject property is owned by Donald F. Lamberti, Casey's General Stores, Inc., and Broadway Distributing Company.				<b>File #</b> 13-2006-1.84	
<b>Description of Action</b>	Review and approval of a preliminary subdivision plat for "Vista Broadway Industrial Plat 1" to allow development of nine (9) lots for commercial/industrial development.				
<b>2020 Community Character Plan</b>	Commercial: Auto-Oriented Small-Scale Strip Development and General Industrial.				
<b>Horizon 2025 Transportation Plan</b>	No Planned Improvements.				
<b>Current Zoning District</b>	Limited "C-2" General Retail and Highway-Oriented Commercial and Limited "M-1" Light Industrial Districts.				
<b>Proposed Zoning District</b>	Limited "C-2" General Retail and Highway-Oriented Commercial and Limited "M-1" Light Industrial Districts.				
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area	N/A	N/A	N/A	N/A	
<b>Plan and Zoning Commission Action</b>	<b>Approval</b>	12-0	<b>Required 6/7 Vote of the City Council</b>	Yes	
	<b>Denial</b>			No	N/A

Vista Industrial Park Plat 1 (Preliminary Plat) - 1277 E Broadway Avenue 13-2006-1.84



September 11, 2006

Date \_\_\_\_\_

Agenda Item 26

Roll Call # \_\_\_\_\_

Honorable Mayor and City Council  
City of Des Moines, Iowa

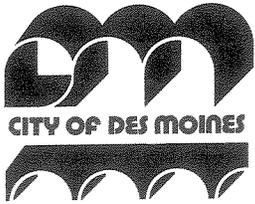
Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held August 17, 2006, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 12-0 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

**APPROVE** the request from Vista Real Estate (purchaser/developer) represented by Al Rivers (officer) for approval of a preliminary subdivision plat for "Vista Broadway Industrial Plat 1" for approximately 18 acres of property located in the 1101 to 1301 block of NE Broadway Avenue to allow development of nine (9) lots for commercial/industrial development, subject to compliance with all comments outlined in the attached letter from the Permit and Development Administrator to include provision of tree identification for areas to be disturbed by the plat improvements, provision of sidewalks along all public streets, and indication of a 25' landscape setback easement along East Broadway Avenue, and to find that development of public streets into the subject property is not necessary for the proposed use of land or for suitable development of adjoining property, and that the proposed private drive system is sufficient to allow appropriate development of the subject property.

(13-2006-1.84)

## STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Staff recommends that the Commission find that development of public streets into the subject property is not necessary for the proposed use of land or for suitable development of adjoining property, and that the proposed private drive system is sufficient to allow appropriate development of the subject property.

Staff recommends approval of the submitted preliminary subdivision plat subject to compliance with all comments outlined in the attached letter from the Permit and Development Administrator to include provision of tree identification for areas to be disturbed by the plat improvements, provision of sidewalks along all public streets, and indication of a 25' landscape setback easement along East Broadway Avenue.

## STAFF REPORT

### I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to subdivide the subject property for future light industrial development on nine (9) lots.
2. **Size of Site:** 18.05 acres.
3. **Existing Zoning (site):** Limited "M-1" Light Industrial District except for Lot 1 which is Limited "C-2" General Retail and Highway Oriented Commercial District. (see Relevant Zoning History)
4. **Existing Land Use (site):** Vacant land used for agricultural purposes.
5. **Adjacent Land Use and Zoning:**
  - North* - "PUD", Use is vacant agricultural land approved conceptually for the Northridge Mall site.
  - South* - "LB" Light Business (Polk County), Uses are Union Pacific Railroad, residential duplex and offices/warehousing.
  - East* - "GB" General Business (Polk County) & "M-1", Uses are "Casey's" gas/convenience store, Shopper's Supply, and Iowa Paint warehouse.
  - West* - "LB" Light Business (Polk County), Use is Chesnut Brothers Sign Company office/warehouse.
6. **General Neighborhood/Area Land Uses:** The subject property is located south and west of the traffic node where Northeast East Broadway Avenue and NE 14<sup>th</sup> Street intersect at the edge of the Des Moines corporate limits and Polk County, The area is characterized by a transition between highway commercial and light industrial uses along the two corridors to agricultural and residential uses. The area is less than a mile south of the Interstate 80/35 interchange with NE 14<sup>th</sup> Street.
7. **Applicable Recognized Neighborhood(s):** Highland Park Neighborhood
8. **Relevant Zoning History:** The City Council approved a rezoning to Limited "C-2" (Lot 1 only) and Limited "M-1" on July 10, 2006 to be effective upon the final annexation of a portion of the subject property into the City by the City Development Board. As part of the rezoning the

property owners agreed to place the following conditions on the subject property of the rezoning.

A. The following conditions shall apply to those portions of the Property described above which are rezoned to a Limited "M-1" Light Industrial District:

1) The following uses of structures and land shall not be permitted upon the Property:

- a) Adult entertainment business;
- b) Animal rendering and slaughtering facilities;
- c) Asphalt and concrete mixing;
- d) Automobile display, hire, rental and sales, including used car sales lots;
- e) Mobile home parks;
- f) Off-premises advertising signs;
- g) Pawn shops, payroll and title loan institutions; and,
- h) Taverns and night clubs.

2) Upon any development or redevelopment of any lot or parcel having frontage upon NE Broadway Avenue (NE 46th Avenue), a 25 foot wide landscaped strip shall be provided upon such lot or parcel adjacent to NE Broadway Avenue, consisting at a minimum of a 2 foot high berm with 4:1 side slopes and one (1) overstory tree and three (3) shrubs from the approved species in the adopted Des Moines Landscape standards per 30 lineal feet of frontage.

3) In addition to paragraph 2) above, landscaping shall be provided upon the development or redevelopment of any lot or parcel to satisfy the minimum landscape standards applicable to development in the "C-2" District under the adopted Des Moines Landscape Standards.

4) A six (6') foot wide public sidewalk shall be provided as part of any site plan for the development or redevelopment of property fronting NE Broadway Avenue.

5) All outside trash containers must be enclosed with an enclosure matching the primary building materials of the habitable structures.

6) Any outdoor storage of equipment and materials shall be restricted to an area located south of the southernmost wall of a building on the lot (extended to the east and west lot lines of the lot). In no event shall any outdoor storage of equipment and materials be setback less than 250' from the south line of the NE Broadway Avenue (NE 46th Avenue) right-of-way. The perimeter of any outdoor storage area shall be enclosed by a 100% opaque wood or masonry fence. No materials may be stacked higher than the height of the perimeter fence of the outdoor storage area."

7) All buildings hereafter constructed or placed upon the Property shall satisfy the following architectural design requirements:

- a. No metal (such as standing seam metal) or synthetic stucco material (such as EFIS or Dryvit) shall be used as an exterior material below 4 feet above grade on any exterior facade fronting an adjoining public or private street.
- b. No overhead doors or loading docks shall face NE Broadway Avenue unless the building is setback at least 400 feet from the NE Broadway Avenue right-of-way.
- c. Pole construction buildings are prohibited.

8) All buildings hereafter constructed or placed upon lots and parcels with frontage upon NE Broadway Avenue shall satisfy the following additional architectural design requirements:

- a. At least 60% of the exterior facade facing NE Broadway Avenue, excluding windows and doors, shall be covered with stone, brick, architectural tilt-up concrete panels, tile or architectural block such as split-face block.
- b. Not more than 40% of the exterior facade facing NE Broadway Avenue shall be metal or synthetic stucco (such as EFIS or Dryvit).

c. The required materials used for the exterior facades facing NE Broadway Avenue must wrap around the sides of the building in either a wainscoat application across the entire side or extend the entire height of the facade a distance of at least four (4) feet back from the facade facing NE Broadway Avenue.

B. The following conditions shall apply to those portions of the Property described above which are rezoned to a Limited "C-2" General Retail and Highway Oriented Commercial District:

- 1) The following uses of structures and land shall not be permitted upon the Property:
  - a) Adult entertainment business;
  - b) Automobile display, hire, rental and sales, including used car sales lots;
  - c) Mobile home parks;
  - d) Off-premises advertising signs;
  - e) Pawn shops, payroll and title loan institutions; and,
  - f) Taverns and night clubs.
- 2) Landscaping shall be provided upon the development or redevelopment of any lot or parcel to satisfy the minimum landscape standards applicable to development in the "C-2" District under the adopted Des Moines Landscape Standards.
- 3) A six (6') foot wide public sidewalk shall be provided as part of any site plan for the development or redevelopment of property fronting NE 14th Street
- 4) Outdoor storage of equipment and materials shall be located entirely behind the northernmost and westernmost walls of the principal building. All remaining perimeters of the outdoor storage area shall be screened by a 100% opaque wood or masonry fence. No materials may be stacked higher than the height of the perimeter fence.
- 5) All buildings constructed or placed on this portion of the Property shall satisfy the following architectural design requirements:
  - a. At least 60% of the exterior facade facing NE 14th Street, excluding windows and doors, shall be covered with stone, brick, architectural tilt-up concrete panels, tile or architectural block such as split-face block.
  - b. Not more than 40% of the exterior facade facing NE 14th Street shall be metal (such as standing seam metal) or synthetic stucco (such as EFIS or Dryvit).
  - c. No metal (such as standing seam metal) or synthetic stucco material (such as EFIS or Dryvit) shall be used as an exterior material below 4 feet above grade on any exterior facade fronting an adjoining public or private street.
  - d. The required materials used for the exterior facades facing a public street must wrap around the sides of the building in either a wainscoat application across the entire side or extend the entire height of the facade a distance of at least four (4) feet back from the street facade.
  - e. No overhead doors or loading docks shall face SE 14th Street.
  - f. Pole construction buildings are prohibited.

**9. 2020 Community Character Land Use Plan Designation:** General Industrial.

**10. 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:** The property has agricultural land to the north and east and timber/scrub to the south and west. There is a drainage swale running from the southeastern portion to the property to the northeastern portion. Subdivision regulations require the identification of all trees over 6" in diameter as part of the submission. The developer has agreed to provide this information prior to the hearing for the areas proposed to be disturbed. Otherwise, tree identification will occur at the individual site development stage, with mitigation measure required as part of that review.
- 2. Drainage/Grading:** The subject property is drained by a 24" reinforced concrete pipe, maintained by the drainage district, running from the southeast corner to the north central part of the property and then north to an open drainage ditch on the proposed Northridge PUD site property. Future development of the subject property would have to take this facility into account. The submitted preliminary plat indicates plans by the developer to install a 15" reinforced concrete storm pipe running east/west through the development connecting to the mentioned 24" pipe. Each individual site development will be required to provide storm water management prior to releasing storm water into this pipe.

The submitted plat proposes minimal grading to provide for an access drive and for installation of sewer infrastructure. Engineering staff has requested a soils report as a condition of preliminary plat approval. All soil erosion control measures must be implemented in accordance with an approved grading permit.

- 3. Utilities:** There is a regional sanitary sewer trunk running north to south along the west boundary of the property. The City of Des Moines owns adequate capacity to serve the development of the subject property. The preliminary plat proposes installation of an 8" lateral public main extension from the trunk line to run east/west through the subject property providing service to each lot.

Des Moines Waterworks staff has indicated that water main would need to be extended to serve the unincorporated property and configured to provide service to a public main for each separate parcel developed. In order to serve this property, a water main extension will be required from the end of the existing main in the 900 block of NE 46th Avenue (NE Broadway Avenue) to the main in NE 14th Street.

- 4. Landscaping & Buffering:** Based on the zoning conditions the applicant should indicate a 25' easement to preserve the required landscape setback area along East Broadway Avenue. East individual site development will be responsible for compliance with the landscaping provisions in accordance with the Zoning conditions as they refer to the
- 5. Traffic/Street System:** The property has frontage to NE 46th Avenue (NE Broadway Avenue), a two-lane undivided paved rural cross section along the north property line. Lot 1 has frontage on the existing developed East 14<sup>th</sup> Street. Traffic and Transportation staff have determined that no additional right-of-way width along NE 46th Avenue (NE Broadway Avenue) is required for any planned improvements or anticipated upgrades to East Broadway Avenue. However, based on the approved Zoning conditions, the applicant must revise the plan to indicate installation sidewalks on the public street frontages.

Subdivision regulations in Section 106-133(a) provide that streets shall be designed and located in proper relation to existing and proposed streets; terrain; natural features, such as streams and tree growth; public convenience and safety; proposed use of land served by such

streets; and suitable development of the adjoining area. In evaluating the surrounding development pattern staff recommends that Commission find that development of public streets into the subject property is not necessary or desirable for the proposed use of land or for suitable development of adjoining property. The proposed private drive system should be sufficient to allow development of the subject property.

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6. **Access or Parking:** The submitted preliminary plat indicates vehicular access limited to four locations along NE 46th Avenue (NE Broadway Avenue). Three of these locations provide direct access to lots fronting the street and to the existing access drive to the developed property in Lot 2. An additional access is proposed for a drive that will serve Lots 3 and 4. Lot 1, with frontage on East 14<sup>th</sup> Street, may continue to use existing drive accesses with new access drives requiring approval from Iowa DOT.
7. **Permit and Development Comments:** Attached is a letter to the consultant for the applicant outlining several comments based on the preliminary plat review. Staff has discussed the substantive issues in the body of this report. Staff believes that the remaining comments are minor in nature and can be resolved by the applicant with revisions and provision of additional information.

## **SUMMARY OF DISCUSSION**

Erik Lundy: Presented staff report and recommendation.

Mike Ludwig: Noted the applicant is having difficulty surveying the existing trees and will have to identify tree information prior to the final plat being approved. There are two trees within the utility easements that are a species that would be allowed to be planted; the rest are scrub or volunteer trees. Also discussed the opportunity for the applicant to go ahead and install the buffer along Broadway rather than having it on an individual lot basis.

Tim West, Snyder & Associates, 2727 SW Snyder Blvd., Ankeny: They are in agreement with all staff recommendations. Presented the tree inventory survey within the areas where utility work is proposed.

Tim Urban: Asked if there are trees identified prior to the final plat that are 6" in caliper, what process would be used to place restrictions on it; if there would be a covenant applied that would create a conservation easement on the vegetated areas. Suggested it would be good to have a clear, written policy in place. Asked if the Commissioners could have something provided to them with regard to the trees.

Mike Ludwig: Noted the final plat would not return to the Planning Commission unless the Commission requested it return. It would be reviewed by staff and the same policies and principals would be applied as with other plats, with regard to tree removal to minimize the disturbance on the lot. The applicant is putting a buffer in that is in excess of the typical landscaping requirement and they will likely count some of that. Upon review of the tree survey, staff would make recommendation; administrative review by staff only. Noted other plans have begun with an inch for inch tree replacement, which limits their desire to remove trees if they know they will have to replace them. Staff could provide a written report of the decision regarding the tree survey.

## **CHAIRPERSON OPENED THE PUBLIC HEARING**

*There was no one in the audience to speak on this item.*

## **CHAIRPERSON CLOSED THE PUBLIC HEARING**

David Cupp: Moved staff recommendation.

Motion passed 12-0.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Ludwig". The signature is fluid and cursive, with a prominent initial "M" and "L".

Michael Ludwig, AICP  
Planning Administrator

MGL:dfa

Attachment

Date \_\_\_\_\_

Agenda Item 26

Roll Call # \_\_\_\_\_

August 4th, 2006

Dave Joens  
Snyder & Associates  
2727 SW Snyder Boulevard  
Ankeny, IA 50023

RE: Vista Broadway Industrial Plat #1  
13-06-1.84

Dear Dave:

We have reviewed the first (1<sup>st</sup>) submittal of the preliminary plat for Vista Broadway Industrial Plat #1 in Des Moines and have determined that the following conditions must be satisfied before final site plan approval can be granted.

### Engineering

1. Licensed PE and LS certification statements must be signed and dated.
2. Verify the benchmarks shown with Chief Surveyor Elmer (Butch) Miller @ 283-4050.
3. Note on the plat if there is no grading proposed, except where shown at the access drive.
4. Show any proposed grading that may be required at the flared end sections of the proposed E/W storm sewer near the middle of the plat in order to provide adequate drainage of runoff.
5. Storm sewer easements per SUDAS need to be a minimum of 30 feet wide aligned 7.5 feet on one side and 22.5 feet on the other side of the pipe. Sanitary sewer easements per SUDAS need to be minimum 30 feet wide centered on the pipe. The propose 8-inch public sanitary sewer should be located on the shared property lines to avoid the need for private sanitary sewer service easements. The public sanitary sewer easement will give the City the rights to maintain its sewer, but does not allow for sewer services to cross and adjoining private property to reach the public main. Private sewer easements will be needed for the existing building sewer from proposed lot 2 to cross proposed Lots 3 & 4. These easements will be need to be at least twice as wide as the depth of the sewer.



PERMIT AND  
DEVELOPMENT CENTER  
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2003

6. Show the book and page numbers for all existing easements. Our records show an existing public sanitary sewer easement along the west plat boundary. Check with the City Land Records guru, Jim Wittkop @ 283-4910.
7. Show the public sanitary sewer along E. 14<sup>th</sup> Street in detail, as Lot 1 will be served by this sewer.
8. Locate and identify all trees over 6-inch diameter.
9. Provide a soils investigation report for the proposed plat.
10. The submitted "drainage calculations" need a certification statement signature and date. The storm sewer design chart shows some pipe sizes chosen that are smaller than required. SUDAS dictates a minimum 3 fps cleansing velocity in storm sewers during a 5-year runoff condition.
11. Apply for a Grading Permit in conformance with Code.

### **Fire**

12. Plans show a proposed private fire hydrant located 340-feet east of the new dead-end access road. In accordance with IFC 508.5.1 hydrants shall be installed on a fire apparatus access road. The hydrant shall be relocated at the south end of the new dead-end access road.

### **Planning**

13. Contact Matt Smith @ Des Moines Water Works (283-8755) regarding easements for the proposed water mains.
14. Mid-American Energy is requesting that a separate 5' P.U.E. be provided for the gas main easement along the same corridor of the 10' electric lines.
15. Staff is requiring that the proposed private drive turnaround shown on the plat should be paved in accordance to Municipal standards for private driveways and fire apparatus turnarounds. (6" P.C.C.).
16. The street names shown on the plan will need to be corrected to read E. 14<sup>th</sup> Street and E. Broadway Avenue.
17. Place the Acceptance of Rezoning Ordinance Conditions (document signed July 10<sup>th</sup>, 2006) on the preliminary plat. Improvements as required by these conditions (ie. Sidewalk, 25' landscape setback easement) should be shown on the plat.

18. No grading of the site can commence until a tree inventory is conducted
19. Provide notation or indication that the proposed street through lots 6 & 7 is a private drive.
20. The Plan & Zoning Commission will need to waive the requirement that a public street be provided to access the lots immediately south of this plat, as access is being provided by a private drive.
21. Better delineate the end terminus for the "40' ingress/egress easement."

Please submit three (3) copies of the revised plan satisfying the above listed items. Failure to resubmit such amended plan 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](mailto:rlmoffatt@dmgov.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Phillip Delafield", enclosed within a hand-drawn oval. To the right of the signature, the initials "Rim" are written in a smaller, cursive hand.

Phillip Delafield  
Permit and Development Administrator