

Date April 11, 2011

WHEREAS, on August 7, 2000, by Roll Call No. 00-3381 the City Council adopted the Des Moines 2020 Community Character Land Use Plan; and

WHEREAS, the City Plan and Zoning Commission has advised in the attached letter that at a public hearing held April 7, 2011, the members voted 9-0 with one abstention to recommend **APPROVAL** of a City Council initiated request for property located in the vicinity of 4500 Hubbell Avenue to amend the Des Moines' 2020 Community Character Plan future land use designation from General Industrial to Medium Density Residential. Additional subject property is owned by B & B Real Estate Group, LLC.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the proposed amendment to the Des Moines 2020 Community Character Land Use Plan described above, is hereby approved and adopted.

MOVED by _____ to adopt, and approve the proposed amendment.

FORM APPROVED:


 Michael F. Kelley
 Assistant City Attorney

(21-2011-4.04)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

MOTION CARRIED

APPROVED

 Mayor

 City Clerk

Date _____

Agenda Item 49

Roll Call # _____

April 8, 2011

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 7, 2011, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 9-0-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley				X
Dann Flaherty	X			
Ted Irvine				X
John "Jack" Hilmes	X			
Joel Huston	X			
Greg Jones	X			
Jim Martin				X
Brian Millard	X			
William Page				X
Mike Simonson			X	
Kent Sovern	X			
CJ Stephens	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 Baker Real Estate, LP (owner) represented by Bernard J. Baker III (officer) for property located in the vicinity of 4500 Hubbell Avenue. Part A) the proposed "PUD" Conceptual Plan amendment be found **not** in conformance with the approved Des Moines' 2020 Community Character Plan's future land use designation of General Industrial; and Part B) approval of an amendment to the Des Moines' 2020 Community Character Plan revising the designation of the east 23 acres of the PUD from General Industrial to Medium Density Residential; and Part C) approval of the proposed amendment to the "Baker Creek PUD" Conceptual Plan subject to the applicant revising the Plan as follows:

ZON2011-00040 & 21-2011-4.04

1. Uses permitted on Parcel D be revised to only permit "M-1" uses (includes both industrial and commercial) since "R-3" uses are in conflict with Des Moines' 2020 Community Character Land Use Plan designation of General Industrial.
2. A note shall be added to state that any development on Parcel D is subject to review and approval of an amendment to the PUD Conceptual Plan and any necessary amendment to the 2020 Community Character Plan.

3. A note shall be added to state that any tree removal shall comply with the City's regulations for tree preservation and mitigation (Chapter 42, Article 10 of the City Code).
4. A note shall be added to state that tree protection measures shall be included on any site Development Plan or Preliminary Plat to provide detail for trees identified for protection.
5. The note regarding stormwater management shall be revised to indicate the storm water management shall be provided to conform to the City's Site Plan Ordinance policies as part of any development plan or preliminary plat.
6. A note shall be added to state that the developer shall be responsible for all costs associated with extending any public utilities required as part of any future plat or development plan.
7. Sheet 3 of the Conceptual Plan shall demonstrate conceptual landscaping throughout Parcels A, B, & C to the satisfaction of the City's Planning Director. This must include substantial landscaping to screen off-street parking lot from Hubbell Avenue, as well as street trees.
8. A note shall be added to state that any development of a light industrial use on Parcel D shall be subject to provision of a minimum 25-foot wide residential protection buffer that contains a minimum 6-foot tall screen comprised of a wood fence, a berm, or plant materials.
9. A note shall be added to state that prior to any construction, the developer shall confirm that the driveway approach shown is at the approved access location on Hubbell Avenue.
10. A note shall be added to state that access easements on Parcels C & D be provided to ensure connectivity between the parcels.
11. A note shall be added to state that the portion of the off-street parking area on Parcel C that is between the drive approaches to Hubbell Avenue shall be reconfigured to accommodate a driveway adequate for industrial traffic at any time that Parcel D is developed for an industrial use.
12. A note shall be added to state that the Development Plan will dedicate land necessary to provide a 100-foot right-of-way for Hubbell Avenue and a 66-foot wide right-of-way for East 46st Street.
13. The Conceptual Plan shall identify dimensions of the driveway approach width and radius. The radius should be 10'-20'.
14. The Conceptual Plan shall demonstrate sidewalks along all street frontages and provide adequate pedestrian connections to the network of sidewalks within the complex.
15. A note shall be added to state that all buildings on Parcels B & C shall be sprinklered unless a second access driveway is provided across Parcel D.
16. All shingles on any building shall be architectural style asphalt shingles.
17. The PUD Conceptual Plan shall include the elevations for all facades of the single-family semi-detached structures to the satisfaction of the Planning Director.

18. The PUD Conceptual Plan shall include the elevations for all facades of the multiple-family residential structures to the satisfaction of the Planning Director.
19. The building elevation for the multiple-family residential building shall be modified to eliminate the recessed area in the roof above one of the entrances.
20. The note regarding trash enclosures shall be revised to state that all trash containers will be screened by enclosures constructed with masonry walls and steel gates to match the primary structures.
21. A note shall be added to state that all utility meters shall be placed on building facades that do not face parking lots or streets and shall be painted to match the exterior of the building.
22. A note shall be added to state that any fencing on Parcels A, B, & C shall be in accordance with fence regulations as they apply to the "R-3" District.
23. A note shall be added to state that any accessory structures on Parcels A, B, & C shall be in accordance with regulations as they apply to the "R-3" District.
24. A note shall be added to state that all lighting fixtures on the site shall be down-directional sharp cut off and that all lighting poles within parking areas shall be no taller than 20 feet and all lighting poles within pedestrian areas shall be no taller than 15 feet.
25. A note shall be added to state that any signage on Parcels A, B, & C shall be in accordance with the sign regulations as applicable to the "R-3" District and all signage on Parcels D & E shall be in accordance with the sign regulations as applicable to the "M-1" District, with the exception that any freestanding sign on any parcel shall be a monument style sign with a masonry base that matches the primary structure on each parcel.
26. The Conceptual Plan shall identify the proposed use of Outlot Y.

Written Responses

2 In Favor

3 In Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed "PUD" Conceptual Plan amendment be found not in conformance with the approved Des Moines' 2020 Community Character Plan's future land use designation of General Industrial.

Part B) Staff recommends approval of an amendment to the Des Moines' 2020 Community Character Plan revising the designation of the east 23 acres of the PUD from General Industrial to Medium Density Residential.

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

1. Uses permitted on Parcel D be revised to only permit "M-1" uses (includes both industrial and commercial) since "R-3" uses are in conflict with Des Moines' 2020 Community Character Land Use Plan designation of General Industrial.
2. A note shall be added to state that any development on Parcel D is subject to review and approval of an amendment to the PUD Conceptual Plan and any necessary amendment to the 2020 Community Character Plan.

3. A note shall be added to state that any tree removal shall comply with the City's regulations for tree preservation and mitigation (Chapter 42, Article 10 of the City Code).
4. A note shall be added to state that tree protection measures shall be included on any site Development Plan or Preliminary Plat to provide detail for trees identified for protection.
5. The note regarding stormwater management shall be revised to indicate the storm water management shall be provided to conform to the City's Site Plan Ordinance policies as part of any development plan or preliminary plat.
6. A note shall be added to state that the developer shall be responsible for all costs associated with extending any public utilities required as part of any future plat or development plan.
7. Sheet 3 of the Conceptual Plan shall demonstrate conceptual landscaping throughout Parcels A, B, & C to the satisfaction of the City's Planning Director. This must include substantial landscaping to screen off-street parking lot from Hubbell Avenue, as well as street trees.
8. A note shall be added to state that any development of a light industrial use on Parcel D shall be subject to provision of a minimum 25-foot wide residential protection buffer that contains a minimum 6-foot tall screen comprised of a wood fence, a berm, or plant materials.
9. A note shall be added to state that prior to any construction, the developer shall confirm that the driveway approach shown is at the approved access location on Hubbell Avenue.
10. A note shall be added to state that access easements on Parcels C & D be provided to ensure connectivity between the parcels.
11. A note shall be added to state that the portion of the off-street parking area on Parcel C that is between the drive approaches to Hubbell Avenue shall be reconfigured to accommodate a driveway adequate for industrial traffic at any time that Parcel D is developed for an industrial use.
12. A note shall be added to state that the Development Plan will dedicate land necessary to provide a 100-foot right-of-way for Hubbell Avenue and a 66-foot wide right-of-way for East 46st Street.
13. The Conceptual Plan shall identify dimensions of the driveway approach width and radius. The radius should be 10'-20'.
14. The Conceptual Plan shall demonstrate sidewalks along all street frontages and provide adequate pedestrian connections to the network of sidewalks within the complex.
15. A note shall be added to state that all buildings on Parcels B & C shall be sprinklered unless a second access driveway is provided across Parcel D.
16. All shingles on any building shall be architectural style asphalt shingles.
17. The PUD Conceptual Plan shall include the elevations for all facades of the single-family semi-detached structures to the satisfaction of the Planning Director.

18. The PUD Conceptual Plan shall include the elevations for all facades of the multiple-family residential structures to the satisfaction of the Planning Director.
19. The building elevation for the multiple-family residential building shall be modified to eliminate the recessed area in the roof above one of the entrances.
20. The note regarding trash enclosures shall be revised to state that all trash containers will be screened by enclosures constructed with masonry walls and steel gates to match the primary structures.
21. A note shall be added to state that all utility meters shall be placed on building facades that do not face parking lots or streets and shall be painted to match the exterior of the building.
22. A note shall be added to state that any fencing on Parcels A, B, & C shall be in accordance with fence regulations as they apply to the "R-3" District.
23. A note shall be added to state that any accessory structures on Parcels A, B, & C shall be in accordance with regulations as they apply to the "R-3" District.
24. A note shall be added to state that all lighting fixtures on the site shall be down-directional sharp cut off and that all lighting poles within parking areas shall be no taller than 20 feet and all lighting poles within pedestrian areas shall be no taller than 15 feet.
25. A note shall be added to state that any signage on Parcels A, B, & C shall be in accordance with the sign regulations as applicable to the "R-3" District and all signage on Parcels D & E shall be in accordance with the sign regulations as applicable to the "M-1" District, with the exception that any freestanding sign on any parcel shall be a monument style sign with a masonry base that matches the primary structure on each parcel.
26. The Conceptual Plan shall identify the proposed use of Outlot Y.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to revise the easternmost 23 acres of PUD Conceptual Plan as approved for light-industrial business park development to allow for development of 180 multiple-family residential units and 30 single-family semi-detached residential units. The proposed PUD Conceptual Plan would contain five parcels as follows:
 - Parcel A: 30 single-family semi-detached single-family dwelling units on 7.18 acres (4.18 units per acre).
 - Parcel B: 30 multiple-family residential dwelling units on 3.21 acres (9.36 units per acre).
 - Parcel C: 150 multiple-family residential dwelling units on 12.61 acres (11.90 units per acre).
 - Parcel D: Future light industrial or commercial uses on 29.73 acres.
 - Parcel E: Existing Baker Mechanical office and warehouse on 10.43 acres.
2. **Size of Site:** Total acreage for the proposed amendment is 23 acres. Overall acreage for the PUD is 63.16 acres.
3. **Existing Zoning (site):** "PUD" Planned Unit Development District.
4. **Existing Land Use (site):** Undeveloped agricultural land.
5. **Adjacent Land Use and Zoning:**

North – “R1-80”, Uses are single-family residential.

South – “C-2” & “A-1”, Uses are commercial uses along Hubbell Avenue.

East - “A-1”, Uses are single-family residential.

West – “A-1”, Uses are single-family residential and 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 Conceptual 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.

The 1st Conceptual Plan amendment was approved by the City Council on April 8, 1998. This amendment allowed for development of the Baker Mechanical office and warehouse in the southern of the PUD.

The 2nd 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 with up to 152 multiple-family residential units on 17.66 acres.

The 3rd amendment was approved by the Plan & Zoning Commission on April 2, 2009 and by City Council on April 6, 2009. This amendment reconfigured the lot layout and revised the permitted uses from residential development to a light industrial business park.

The 4th amendment was approved by the Plan & Zoning Commission on June 18, 2009 but was withdrawn at the July 13, 2009 City Council meeting. This amendment would have reconfigured the industrial lots and revised the street layout.

8. 2020 Community Character Land Use Plan Designation: General Industrial.

- 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. 2020 Community Character Plan:** The appellant has requested the future land use designation for Parcels A, B, & C (23 acres at the east side of the PUD) be amended from

General Industrial to Medium-Density Residential (up to 17 dwelling units per acre). The submitted Conceptual Plan demonstrates that overall density of the residential portion of the PUD would be 9.13 dwelling units per acre (210 units on 23 acres).

The appellant has requested the future land use designation for Parcels D & E remain General Industrial. However, the proposed PUD Conceptual Plan indicates that Parcel D would be designated for future use as "M-1" (industrial), "C-2" (commercial), or "R-3" (multiple-family residential). Staff recommends that permitted uses on Parcel D be revised to only permit "M-1" uses (includes both industrial and commercial) since "R-3" uses are in conflict with Des Moines' 2020 Community Character Land Use Plan designation of General Industrial. A note should be added to the Conceptual Plan to state that any development on Parcel D is subject to review and approval of an amendment to the PUD Conceptual Plan and any necessary amendment to the 2020 Community Character Plan.

2. **Natural Site Features:** A timbered tributary flowing west to Four Mile Creek passes through the site. There are also two timbered swales feeding into the tributary. The proposed layout of the Conceptual Plan generally seeks to preserve most of the existing vegetation. However, a statement should be placed on the Conceptual Plan to state that any tree removal will comply with the City's regulations for tree preservation and mitigation (Chapter 42, Article 10 of the City Code). At the Development Plan phase, the developer will be required to determine the number of mature trees or the square footage of existing tree canopy that would be disturbed and mitigated, as well as implement tree protection measures for those being preserved. A statement should also 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.
3. **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.
4. **Drainage/Grading:** The Conceptual Plan states that all lots will provide on-site water detention. The Conceptual Plan demonstrates three stormwater detention ponds within the proposed residential area, including one on the west portion of Parcel A, one on the east portion of Parcel B, and one on the northwest portion of Parcel C. 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".
5. **Utilities:** The "PUD" area has access to 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. A note should be added to the Conceptual Plan to state that the developer will be responsible for all costs associated with extending any public utilities required as part of any future plat or development plan.
6. **Landscaping & Buffering:** The Conceptual Plan as submitted states that landscaping on Parcels A, B, & C shall be in accordance with the landscape requirements as applicable to the "R-3" District and development on Parcels D & E shall be in accordance with the landscape requirements as applicable to the "C-2" District. In addition to these requirements, staff recommends that Sheet 3 of the Conceptual Plan shall demonstrate conceptual landscaping throughout Parcels A, B, & C to the satisfaction of the City's Planning Director. This must include substantial landscaping to screen off-street parking lot from Hubbell Avenue, as well as street trees.

Furthermore, a note should be added to the Conceptual Plan to state "Any development of a light industrial use on Parcel D shall be subject to provision of a minimum 25-foot wide

residential protection buffer that contains a minimum 6-foot tall screen comprised of a wood fence, a berm, or plant materials." It is likely the existing vegetation may partially satisfy this requirement.

7. **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 multiple-lane divided facility. The owner indicates that they have coordinated with the Iowa Department of Transportation, who governs access on Hubbell Avenue, and has determined the locations for the proposed public street connection on the Conceptual Plan in Parcels B & D based on projected sight distances. Additional connections or access from Hubbell Avenue for the "PUD" is not permitted. The proposed private drive for the development in Parcel "D" would ultimately only provide for right-in/right out turning onto Hubbell Avenue at a point when that facility would be upgraded to include a median. Prior to any construction, the developer must confirm that the driveway approach shown is at the approved access location on Hubbell Avenue. Furthermore, work in Hubbell Avenue right-of-way may also require a permit from the Iowa Department of Transportation.

The Traffic & Transportation Division requests that access easements on Parcels C & D be provided to ensure connectivity between the parcels at such time that the driveway to Parcel D is right-in/right-out only. However, staff is concerned about the potential for mixing residential traffic on Parcel C with industrial traffic on Parcel D. Therefore, staff recommends that a note be added to the Conceptual Plan to state that the portion of the off-street parking area on Parcel C between the drive approaches to Hubbell Avenue would be reconfigured to accommodate a driveway adequate for industrial traffic at any time that Parcel D is developed for an industrial use. This may require the relocation of parking spaces as demonstrated on the submitted Conceptual Plan.

The Conceptual Plan must state that the Development Plan will dedicate land necessary to provide a 100-foot right-of-way for Hubbell Avenue and a 66-foot wide right-of-way for East 46th Street.

The Conceptual Plan should identify dimensions of the driveway approach width and radius. The radius should be 10'-20'.

The Conceptual Plan demonstrates a network of sidewalks within the multiple-family residential complex and states that 4-foot wide sidewalks will be provided along Hubbell Avenue and East 46th Street frontages. The Conceptual Plan must demonstrate these sidewalks along all street frontages and provide adequate pedestrian connections to the network of sidewalks within the complex.

8. **Access or Parking:** The Conceptual Plan demonstrates that up to 180 dwelling units on Parcels B & C would be served by an internal circular access drive with only one access point to Hubbell Avenue. The City's Fire Department Inspection staff has noted that the Fire Code requires a second access point for any development with over 100 dwelling units unless all buildings are fully sprinklered, including any clubhouse and other accessory buildings. Therefore, all buildings on Parcels B & C shall be sprinklered unless a second access driveway is provided across Parcel D. (Any development with over 200 dwelling units must have a second remote access even if all buildings are sprinklered.)

The Conceptual Plan states that 30 off-street parking spaces will be provided for the 30 dwellings units on Parcel A, in addition to a single-car attached garage for each dwelling units. The Conceptual Plan also states that 287 off-street parking spaces will be provided for the 180 dwellings units on Parcels B & C. This represents 1.6 parking spaces per dwelling unit.

9. **Urban Design:** The Conceptual Plan demonstrates that the proposed 30 single-family semi-detached dwelling units on Parcel A would be within fifteen one-story buildings. Each dwelling unit would have an attached garage. The elevations demonstrate that the buildings would have a minimum 60% of the exterior facades comprised of brick and cast stone masonry and 30-year shingles. Staff recommends that all shingles must be architectural style. Since the applicant has currently submitted elevations for only the front facades, staff recommends that the PUD Conceptual Plan include the elevations for all facades of the structures to the satisfaction of the Planning Director.

The Conceptual Plan demonstrates one 30-unit multiple-family residential building on Parcel B and five 30-unit multiple-family residential buildings on Parcel C. The elevations indicate that the structures would be 3 stories in height and would include recessed balconies on the upper floors. The elevations demonstrate that the buildings would have a minimum 60% of the exterior facades comprised of brick and cast stone masonry and 30-year shingles. Staff recommends that all shingles must be architectural style. The roof of the structure would have several gables to break up the long expanse, as well as a recessed area in the roof above one of the entrances. Staff recommends that this recessed area be eliminated, as the gables provide adequate visual relief. Since the applicant has currently submitted elevations for only one facade, staff recommends that the PUD Conceptual Plan include the elevations for all facades of the structures to the satisfaction of the Planning Director.

The Conceptual Plan demonstrates several trash containers throughout the site, but does not provide an enclosure detail. A note states that these enclosures will be constructed with durable materials that match the primary structures. Staff recommends that this note be revised to state that all trash containers will be screened by enclosures constructed with masonry walls and steel gates to match the primary structures.

Staff recommends that a note be added to state that all utility meters shall be placed on building facades that do not face parking lots or streets and shall be painted to match the exterior of the building.

The Conceptual Plan as submitted does not provide information regarding fencing or accessory structures on Parcels A, B, & C. Staff recommends that notes be added to state fencing and accessory structures on Parcels A, B, & C are subject to limitations of the Des Moines Zoning Ordinance as they apply to the "R-3" District.

Staff recommends that a note be added to state that all lighting fixtures on the site shall be down-directional sharp cut off and that all lighting poles within parking areas shall be no taller than 20 feet and all lighting poles within pedestrian areas shall be no taller than 15 feet.

10. **Signage:** The submitted Conceptual Plan provides two sets of conflicting signage requirements. Staff recommends that the signage requirements be revised to state that all signage on Parcels A, B, & C shall be in accordance with the sign regulations as applicable to the "R-3" District and all signage on Parcels D & E shall be in accordance with the sign regulations as applicable to the "M-1" District, with the exception that any freestanding sign on any parcel shall be a monument style sign with a masonry base that matches the primary structure on each parcel.
11. **Additional Information:** The Conceptual Plan identifies a 0.15-acre "Outlot Y" at the northeast corner of the PUD. The Conceptual Plan needs to be amended to identify the proposed use of this outlot, such as to combine with the adjoining single-family residential property known at 4584 East 46th Street.

SUMMARY OF DISCUSSION

There was no discussion.

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one in the audience to speak in opposition

COMMISSION ACTION

Kent Sovern moved staff recommendation Part A) to find that the proposed "PUD" Conceptual Plan amendment be found **not** in conformance with the approved Des Moines' 2020 Community Character Plan's future land use designation of General Industrial; and Part B) to approve an amendment to the Des Moines' 2020 Community Character Plan revising the designation of the east 23 acres of the PUD from General Industrial to Medium Density Residential; and Part C) to approve the proposed amendment to the "Baker Creek PUD" Conceptual Plan subject to the applicant revising the Plan as follows:

1. Uses permitted on Parcel D be revised to only permit "M-1" uses (includes both industrial and commercial) since "R-3" uses are in conflict with Des Moines' 2020 Community Character Land Use Plan designation of General Industrial.
2. A note shall be added to state that any development on Parcel D is subject to review and approval of an amendment to the PUD Conceptual Plan and any necessary amendment to the 2020 Community Character Plan.
3. A note shall be added to state that any tree removal shall comply with the City's regulations for tree preservation and mitigation (Chapter 42, Article 10 of the City Code).
4. A note shall be added to state that tree protection measures shall be included on any site Development Plan or Preliminary Plat to provide detail for trees identified for protection.
5. The note regarding stormwater management shall be revised to indicate the storm water management shall be provided to conform to the City's Site Plan Ordinance policies as part of any development plan or preliminary plat.
6. A note shall be added to state that the developer shall be responsible for all costs associated with extending any public utilities required as part of any future plat or development plan.
7. Sheet 3 of the Conceptual Plan shall demonstrate conceptual landscaping throughout Parcels A, B, & C to the satisfaction of the City's Planning Director. This must include substantial landscaping to screen off-street parking lot from Hubbell Avenue, as well as street trees.
8. A note shall be added to state that any development of a light industrial use on Parcel D shall be subject to provision of a minimum 25-foot wide residential protection buffer that contains a minimum 6-foot tall screen comprised of a wood fence, a berm, or plant materials.
9. A note shall be added to state that prior to any construction, the developer shall confirm that the driveway approach shown is at the approved access location on Hubbell Avenue.
10. A note shall be added to state that access easements on Parcels C & D be provided to ensure connectivity between the parcels.

11. A note shall be added to state that the portion of the off-street parking area on Parcel C that is between the drive approaches to Hubbell Avenue shall be reconfigured to accommodate a driveway adequate for industrial traffic at any time that Parcel D is developed for an industrial use.
12. A note shall be added to state that the Development Plan will dedicate land necessary to provide a 100-foot right-of-way for Hubbell Avenue and a 66-foot wide right-of-way for East 46st Street.
13. The Conceptual Plan shall identify dimensions of the driveway approach width and radius. The radius should be 10'-20'.
14. The Conceptual Plan shall demonstrate sidewalks along all street frontages and provide adequate pedestrian connections to the network of sidewalks within the complex.
15. A note shall be added to state that all buildings on Parcels B & C shall be sprinklered unless a second access driveway is provided across Parcel D.
16. All shingles on any building shall be architectural style asphalt shingles.
17. The PUD Conceptual Plan shall include the elevations for all facades of the single-family semi-detached structures to the satisfaction of the Planning Director.
18. The PUD Conceptual Plan shall include the elevations for all facades of the multiple-family residential structures to the satisfaction of the Planning Director.
19. The building elevation for the multiple-family residential building shall be modified to eliminate the recessed area in the roof above one of the entrances.
20. The note regarding trash enclosures shall be revised to state that all trash containers will be screened by enclosures constructed with masonry walls and steel gates to match the primary structures.
21. A note shall be added to state that all utility meters shall be placed on building facades that do not face parking lots or streets and shall be painted to match the exterior of the building.
22. A note shall be added to state that any fencing on Parcels A, B, & C shall be in accordance with fence regulations as they apply to the "R-3" District.
23. A note shall be added to state that any accessory structures on Parcels A, B, & C shall be in accordance with regulations as they apply to the "R-3" District.
24. A note shall be added to state that all lighting fixtures on the site shall be down-directional sharp cut off and that all lighting poles within parking areas shall be no taller than 20 feet and all lighting poles within pedestrian areas shall be no taller than 15 feet.

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25. A note shall be added to state that any signage on Parcels A, B, & C shall be in accordance with the sign regulations as applicable to the "R-3" District and all signage on Parcels D & E shall be in accordance with the sign regulations as applicable to the "M-1" District, with the exception that any freestanding sign on any parcel shall be a monument style sign with a masonry base that matches the primary structure on each parcel.

26. The Conceptual Plan shall identify the proposed use of Outlot Y.

Motion passed 9-0-1

Respectfully submitted,



Jason Van Essen, AICP
Senior City Planner

JMV:clw

Attachment

47

Request from Baker Real Estate, LP (owner) represented by Bernard J. Baker III (officer) for property located in the vicinity of 4500 Hubbell Avenue for the following actions related to the PUD Conceptual Plan. Additional subject property is owned by B & B Real Estate Group, LLC.				File #	
				ZON2011-00040	
Description of Action	Review and approval of an amendment to the Baker Creek PUD Conceptual Plan to identify the easternmost 23 acres for development of 180 multiple-family residential units and 30 single-family semi-detached residential units.				
2020 Community Character Plan	General Industrial				
Horizon 2035 Transportation Plan	No Planned Improvements				
Current Zoning District	"PUD" Planned Unit Development District				
Proposed Zoning District	"PUD" Planned Unit Development District				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	2	3			
Outside Area					
Plan and Zoning Commission Action	Approval	9-0-1	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Baker Creek PUD Amendment - NE 46th Street & Hubbell Avenue ZON2011-00040



Item 2011 00040

Date 3-31-11

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

(Circle One)

Print Name DAVID A Porten

Signature [Handwritten Signature]

Address 4208 Hubbell Ave

Reason for opposing or approving this request may be listed below: Des Moines IA 50312

Item 2011 00040

Date April 2 / 11

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

(Circle One)

Print Name RUTH ANNE HOLT

Signature R Anne Holt

Address 4219 Hubbell

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

Looking forward to progress
in this area!

Item 2011 00040 Date 4-1-11

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

(Circle One)



Print Name Jenna S Hodges
Signature Jenna S Hodges
Address 4229 E Broadway Ave

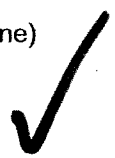
Reason for opposing or approving this request may be listed below:

I oppose the units being built
because - is it low housing? will tenants
pay any taxes on their property - or
will Baker pay it? can you guarantee
my property will not be devalued that my taxes
will go up I already pay over 5000 and am
on a fixed income dont want to move please
answer !!!

Item 2011 00040 Date 3-31-11

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

(Circle One)



Print Name Lynn A. Wahlert
Signature Lynn A. Wahlert
Address 4645 E Broadway

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

I am opposed to 180 multiple -
family residential units.

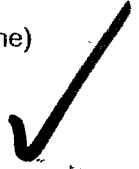
47

Item 2011 00040

Date April 1, 2011

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

(Circle One)



Print Name Edward Pilkington

Signature Edward Pilkington

Address 4269 East Broadway

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