

Date June 22, 2009

RESOLUTION APPROVING PROPOSAL FROM ANDY HOLT, PURCHASER, TO AMEND THE PUD CONCEPTUAL PLAN FOR PROPERTY IN THE VICINITY 4500 HUBBELL AVENUE

WHEREAS, on June 8, 2009, by Roll Call No. 09-984, it was duly resolved by the City Council, that a public hearing to be held on June 22, 2009, at 5:00 p.m., in the Council Chambers at City Hall, to consider a proposal from Andy Holt, to amend the approved "PUD" Conceptual Plan for property he is purchasing in the vicinity of 4500 Hubbell and more specifically described below, to reconfigure the layout of an approved light industrial business park, with additional land reserved for future amendment; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on June 11, 2009, 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; and,

WHEREAS, in accordance with the published notice those interested in said proposed amendment to the approved "PUD" Conceptual Plan, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; 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 amendments to the approved "PUD" Conceptual Plan for the property in the vicinity of 4500 Hubbell Avenue, and more specifically described below, are hereby overruled and the hearing is closed.

AN IRREGULARLY SHAPED PORTION OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5th P.M., DES MOINES, POLK COUNTY, IOWA DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER (NE. 1/4) OF SECTION 21, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5th P.M., DES MOINES, POLK COUNTY, IOWA; THENCE SOUTH 00°24'05" WEST (BEARING ESTABLISHED IN THE PLAT OF BROWNSTONE ESTATES) ALONG THE WEST LINE OF NE. 1/4 OF SAID SECTION 21, A DISTANCE OF 1122.82 FEET TO THE SOUTHWEST CORNER OF OUTLOT "X" IN BROWNSTONE ESTATES, AN OFFICIAL PLAT, POLK COUNTY, IOWA AND TO THE POINT OF BEGINNING; THENCE NORTH 70°57'01" EAST ALONG THE SOUTHERLY LINE OF SAID BROWNSTONE ESTATES AND ALONG THE EASTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID BROWNSTONE ESTATES, A DISTANCE OF 2804.37 FEET TO THE WEST

June 22, 2009

Date.....

RIGHT OF WAY LINE OF NE. 46th STREET, AS IT IS PRESENTLY ESTABLISHED; THENCE SOUTH 00°09'26" WEST ALONG THE WEST RIGHT-OF-WAY LINE OF SAID NE. 46th STREET, A DISTANCE OF 603.03 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF F.M. HUBBELL AVENUE, AS IT IS PRESENTLY ESTABLISHED; THENCE SOUTH 55°26'35" WEST ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID F.M. HUBBELL AVENUE, A DISTANCE OF 261.74 FEET; THENCE SOUTHWESTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID F.M. HUBBELL AVENUE AND ALONG A 5765.00 FEET RADIUS CURVE CONCAVE SOUTHEASTERLY A DISTANCE OF 1011.34 FEET, SAID CURVE HAVING A CHORD BEARING OF SOUTH 50°08'14" WEST AND A CHORD LENGTH OF 1010.05 FEET; THENCE SOUTH 45°02'42" WEST ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID F.M. HUBBELL AVENUE, A DISTANCE OF 62.63 FEET TO THE NORTHEAST CORNER OF PARCEL "D" OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 21 AS SHOWN IN BOOK 8361 AT PAGE 967 IN THE OFFICE OF THE POLK COUNTY RECORDER; THENCE SOUTH 89°40'34" WEST ALONG THE NORTH LINE OF SAID PARCEL "D", A DISTANCE OF 280.81 FEET TO THE NORTHEAST CORNER OF PARCEL "A" OF LOT 1 IN CAPITOL HEIGHTS REPLAT, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA AS SHOWN IN BOOK 8361 AT PAGE 967 IN THE OFFICE OF THE POLK COUNTY RECORDER; THENCE SOUTH 88°56'37" WEST ALONG THE NORTH LINE OF SAID PARCEL "A" AND ALONG THE NORTH LINE OF PARCEL "C" OF LOT 1 IN CAPITOL HEIGHTS REPLAT, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA AS SHOWN IN BOOK 8727 AT PAGE 975 IN THE OFFICE OF THE POLK COUNTY RECORDER AND ALONG THE NORTH LINE OF SAID LOT 1 AND ALONG THE NORTH RIGHT-OF-WAY LINE OF E. 42nd STREET AS IT IS PRESENTLY ESTABLISHED, A DISTANCE OF 1336.97 FEET TO THE WEST LINE OF THE NE. 1/4 OF SAID SECTION 21; THENCE NORTH 00°°18'10" EAST ALONG THE WEST LINE OF THE NE. 1/4 OF SAID SECTION 21, A DISTANCE OF 554.06 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINS 49.67 ACRES MORE OR LESS.

AND, LOTS 5, 6 AND 7; LOT 13 AND THAT PART OF LOT 1 DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1, THENCE EAST 500 FEET, THENCE SOUTH TO BOUNDARY LINE OF LOT 1, THENCE IN A SOUTHWESTERLY AND WESTERLY DIRECTION ALONG THE BOUNDARY LINE OF LOT 1 TO THE SOUTHWEST CORNER OF SAID LOT 1, THENCE NORTH TO THE POINT OF BEGINNING; AND THAT PART OF LOT 12 DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 12, THENCE WESTERLY ALONG THE NORTH LINE OF SAID LOT 12, 133.33 FEET, THENCE SOUTHERLY IN A STRAIGHT LINE 151.65 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 12; THENCE NORTHEASTERLY ALONG THE EASTERLY LINE OF SAID LOT 12, 186.6 FEET TO THE NORTHEAST CORNER OF SAID LOT 12, AND TO THE POINT OF BEGINNING; ALL IN CAPITOL HEIGHTS REPLAT, AN OFFICIAL REPLAT IN POLK COUNTY, IOWA.

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.

(continued)

Date June 22, 2009

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 conditions recommended by the Plan and Zoning Commission as set forth in the attached letter from the Planning Administrator, and subject to approval of such amendments by the Community Development Director.

MOVED by _____ to adopt.

FORM APPROVED:

 Roger K. Brown
 Assistant City Attorney
 G:\SHARED\LEGAL\BROWN\REZONING\Holt RC.doc

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED APPROVED

 Mayor

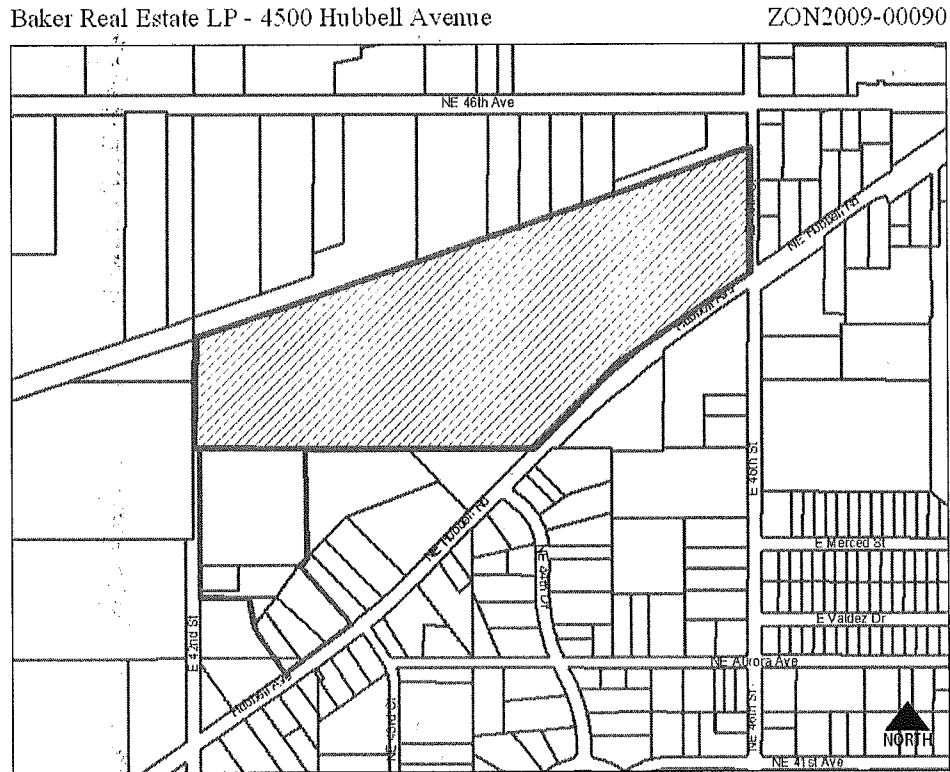
CERTIFICATE

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

Request from Andy Holt (purchaser) for a fourth amendment to the Baker PUD Conceptual Plan, located at 4500 Hubbell Avenue, to allow a reconfiguration of the approved light industrial park concept to revise the street layout and access point as well as general lot sizes and configurations. The subject property is owned by Baker Real Estate, LP.				File # ZON2009-00090	
Description of Action	Fourth amendment to the Baker PUD Conceptual Plan, to allow a reconfiguration of the approved light industrial park concept to revise the street layout and access point as well as general lot sizes and configurations.				
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	2	0		N/A	
Outside Area					
Plan and Zoning Commission Action	Approval	8-0	Required 6/7 Vote of the City Council	Yes	N/A
	Denial			No	N/A



June 19, 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 June 18, 2009, the following action was taken:

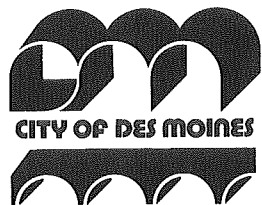
COMMISSION RECOMMENDATION:

After public hearing, the members voted 8-0 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 a request from Andy Holt (purchaser), Baker Real Estate, LP (owner) located at 4500 Hubbell Avenue, to the proposed Fourth Amendment to the "Baker PUD" Conceptual Plan subject to the applicant revising the Plan as follows:

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.
(ZON2009-00090)



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

Written Responses

2 In Favor

0 In Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the proposed Fourth Amendment to the "Baker PUD" Conceptual Plan subject to the applicant revising the Plan as follows:

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.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to revise a recently approved Conceptual Plan amendment to reconfigure the lot sizes and arrangement along with the general location of a public street to serve the development. The change is a result of the desire to nearly double the size of the initially proposed building, which requires one of the lots to be larger. The proposed amendment would still create nine (9) lots for light industrial park and commercial scale development but would shift the public street access to the Hubbell Avenue corridor further south than previously approved. This will also change areas affected by tree removal and would 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 Third Amendment)
4. **Existing Land Use (site):** Vacant agricultural land.
5. **Adjacent Land Use and Zoning:**

North – “R1-80” and “Suburban Estates” (Polk County), single family residential.

South – “C-2”, “R-3”, “Light Business” (Polk County), Uses are Royal Flush restaurant, auto repair, Greenfield’s Pro auction/flea market, Paul’s Paint and Auto-body shop.

East - “Light Business” (Polk County), vacant.

West – “Suburban Estates” (Polk County), Use is undeveloped agricultural land.

Note: It is anticipated by the City Legal staff that all areas within unincorporated Polk County adjoining the subject property will be annexed into the City effective June 26, 2009 with a Zoning classification of “A-1” Agricultural District.

6. Applicable Recognized Neighborhood(s): N/A

7. Relevant Zoning History: The subject property was rezoned to “PUD” subsequent to annexation on February 16, 1998. The approved Concept Plan approved at that time was simple and only described the boundary of the area of the “PUD” and provided for three separate use areas: 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 Conceptual 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. On April 16, 2009, the Plan and Zoning Commission approved a Preliminary Plat in furtherance of the approved Third Conceptual Plan Amendment.

8. 2020 Community Character Land Use Plan Designation: General Industrial. Amended by the City Council on April 6, 2009.

9. Applicable Regulations: The Commission reviews all proposals to amend zoning boundaries or regulations within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in Chapter 414.3 of the Iowa Code. The Commission may make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

Any substantial change in a PUD Conceptual Plan shall be considered in the same manner as the original Conceptual Plan. However, any proposed change to the approved Conceptual Plan which (i) is disapproved by the plan and zoning commission or (ii) would increase the allowed number of dwelling units or the allowed square footage of commercial space and which is the subject of written protest filed with the city clerk duly signed by the owners of 20 percent or more of the property which is located within 200 feet of the exterior boundaries of the property proposed for change shall not become effective except by the favorable vote of at least four-fifths of all members of the council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Natural Site Features:** Within the 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 previous PUD Conceptual Plan amendment required that tree protection measures shall be included on any site Development Plan or Preliminary Plat to provide detail for trees identified for protection. Also, a mitigation plan shall be approved for all identified trees for removal as part of any site Development Plan or Preliminary Plat. Staff recommends that the requested amendment also require a revision to the previously approved tree preservation and mitigation plan at Platting stage based on the proposed change in lot configuration.

2. **Floodplain:** There are no designated floodplains within the subject property.
3. **Drainage/Grading:** The previously approved PUD Conceptual Plan amendment required that storm water management be provided as required as part of each site development as well as any Preliminary Plat. Staff recommends that the proposed amendment require the same measures. Engineering staff has requested that the submitted Conceptual Plan amendment be adjusted to include a discussion of conformance with the storm water runoff control requirements in the City Code (Sec. 1-6-136) that is targeted at water quality. Also Engineering staff has indicated that the revised outlet location for the proposed public street run-off is not acceptable under current standards. The Conceptual Plan will need to be revised to show a feature that will hold the run-off on the subject property to satisfy the run-off control requirements. The design detail of this feature would be reviewed with the Preliminary Plat.
4. **Utilities:** The Preliminary Plat provides access to all necessary utilities to serve development. There is a public sanitary sewer trunk line and its main extensions along with maintenance easements running through the western and northern portions of the subject property along the creek tributary. Lateral mains are being extended from this trunk within the public street and along the drainage ways to serve the lots in the Plat. Public storm sewer is also proposed within the proposed public street. Wastewater Reclamation Authority staff have indicated that with the impending annexation of properties to the north and northeast, future Platting will require extension of the sanitary sewer main to serve property currently at 4555 Northeast 46th Street (Lots 66 & 67 of Glenn Acres). The current approved Preliminary Plat had only proposed extending the main to serve what is shown now as Lot 8 on the proposed Conceptual Plan. The net difference with the proposed plan would require approximately 150 feet of additional sewer main.

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. This is also indicated on the proposed amendment not affected by the proposed changes. Staff does not believe any additional standards are necessary.
6. **Traffic/Street System:** The primary traffic concerns raised with regard to this area centered around where street and drive connections could occur along Hubbell Avenue which is projected as a multi-lane divided facility. The owner has coordinated with IDOT, who governs access on Hubbell Avenue, and has determined the location for access connections to the

property. The proposed plan revises the previously approved access in the Third Amendment to the Conceptual Plan 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 concept subject to entering into a contract for completion of a traffic study of the proposed development with any necessary street improvements identified and included as part of any Plat. The developer will be required to obtain necessary access permits. It is recommended that any additional connections or access from Hubbell Avenue not be permitted with any future amendment to the PUD Conceptual Plan.

Fire Department review staff recommend that a temporary turnaround for maintenance and emergency vehicles and apparatus be required as part of any interim partial extension of the public street that may occur.

7. **2020 Community Character Plan:** The Conceptual Plan indicates potential for "M-1" Light Industrial uses on all parcels and phases of development. This will require that the Des Moines' 2020 Community Character Plan be amended to revise the future land use designations of Medium Density Residential and Commercial: Auto-Oriented, Small-Scale Strip Commercial to a General Industrial designation. This will allow the Commission to find the proposed amendment in conformance with the Des Moines' 2020 Community Character Plan.
8. **Urban Design:** A Conceptual rendering for the revised Concept Plan has not been submitted for the proposed building on Lot 7 of Parcel B/Phase 1. The Conceptual Plan outlines specific architectural design standards for buildings not determined in the amendment. These standards are adapted from those in the Airport Commerce Park PUDs near the airport and provide for approval by an Architectural Review Committee established by the covenants on property for the development. Bulk Regulations are referenced to those applicable to "M-1" Districts. The building guidelines further limit buildings to use only durable materials (such as stone, brick, block, concrete panels, or concrete tile) at the base four-feet high of all sides of any building.

Signage allowances are indicated on the Conceptual Plan as those signage allowances applicable to "M-1" Business Parks. There is a lack of fencing standards on the Plan. Staff recommends that at a minimum, Zoning standards as applicable to "M-1" Districts be applied for these requirements.
9. **Concept Plan:** The proposed amendment is specific to Parcel "B" on the Conceptual Plan. This leaves Parcels "A" and "C" unplanned at this point in time. The Conceptual Plan includes a statement that "A revised Conceptual Plan is required prior to development of Phase 2 and 3."

SUMMARY OF DISCUSSION

There was no discussion

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one to speak in opposition

CHAIRPERSON CLOSED THE PUBLIC HEARING

There was no discussion

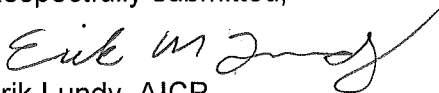
COMMISSION ACTION

Leisha Barcus moved staff recommendation to approve the proposed Fourth Amendment to the "Baker PUD" Conceptual Plan subject to the applicant revising the Plan as follows:

7. Identify changes to conservation easement areas where drive access will penetrate the significant timbered areas in Parcel "C" Phase 3 along the tributary.
8. 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".
9. Clearly designate possible locations for a feature to handle the public street run-off outlet to comply with run-off requirements.
10. 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.
11. Provide a revised typical rendering of the proposed building type and label exterior building materials on the building elevation sheet.
12. 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.

Motion passed 8-0

Respectfully submitted,



Erik Lundy, AICP
Senior Planner

EML:clw

Attachment

Item 2009 00090

Date 6/10/09

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

RECEIVED
COMMUNITY DEVELOPMENT

JUN 15 2009

DEPARTMENT

Print Name Shirley A. Brown
Signature Shirley A. Brown
Address 4584 NE 46th St.

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

Item 2009 00090

Date 6/9/09

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

RECEIVED
COMMUNITY DEVELOPMENT

JUN 15 2009

DEPARTMENT

Print Name Michael Chanas
Signature MICHAEL CHANAS
Address 4440 HUBBELL AVE
DES MOINES IA. 50317

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

LOOKING FORWARD TO ANY TYPE OF
DEVELOPMENT WHICH WILL BRING BUSINESS
TO THE AREA

