

Date April 20, 2009

COMMUNICATION from the City Plan and Zoning Commission advising that at a public hearing held April 16, 2009, the members voted 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 "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 subject to the applicant revising the Plat as follows:

1. Conformance with all administrative review requirements of the preliminary plat by the Permit and Development Center.
2. Provision of a tree mitigation measure note on the preliminary plat that would require five (5) additional 2" caliper overstory tree plantings per lot in addition to any minimum plantings required as part of site plan development.

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				
VCLASSIS				
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.

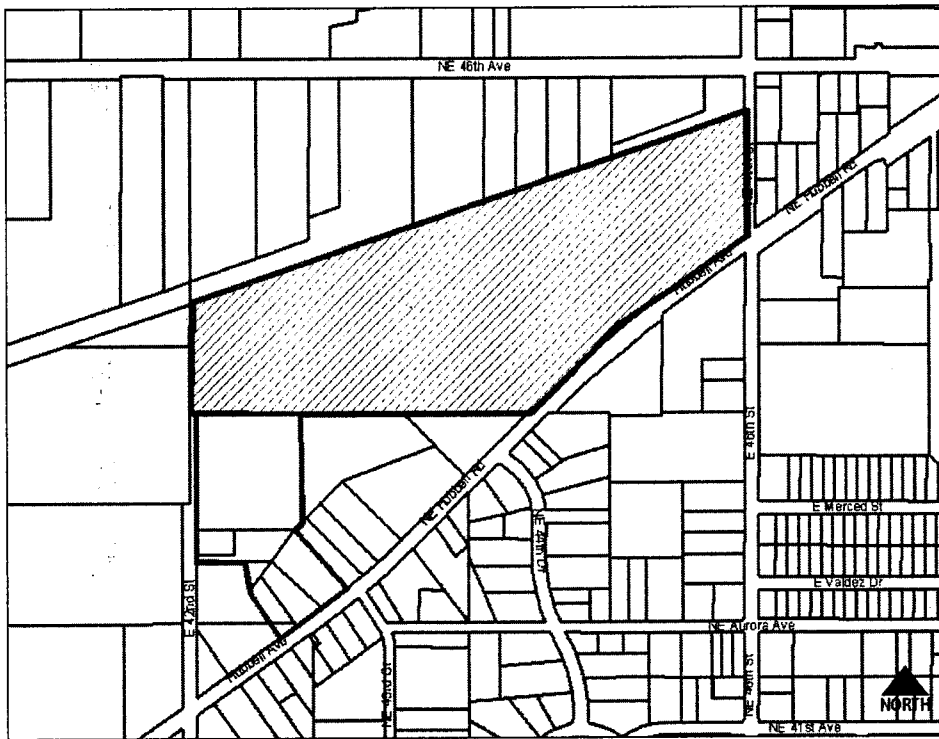
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

 City Clerk

Request from Andy Holt (purchaser) for the following actions regarding a third amendment to the Baker PUD Conceptual Plan located at 4500 Hubbell Avenue.			File # ZON2009-00028	
Description of Action	Amendment to the Baker PUD Conceptual Plan to reconfigure layout from approved multiple-family residential development to a light industrial business park with additional land reserved for future amendment.			
2020 Community Character Plan	Low-Density Residential, Medium-Density Residential, Commercial: Auto-Oriented Community Commercial			
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	5	3		N/A
Outside Area				
Plan and Zoning Commission Action	Approval	9-0	Required 6/7 Vote of the City Council	Yes
	Denial			No
				N/A

Baker Real Estate LP - 4500 Hubbell Avenue

ZON2009-00028



Date _____

April 17, 2009

Agenda Item 17

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 April 16, 2009, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 as follows:

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

1. Conformance with all administrative review requirements of the preliminary plat by the Permit and Development Center.
2. Provision of a tree mitigation measure note on the preliminary plat that would require five (5) additional 2" caliper overstory tree plantings per lot in addition to any minimum plantings required as part of site plan development.

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 Plan as follows:

1. Conformance with all administrative review requirements of the preliminary plat by the Permit and Development Center.
2. Provision of a tree mitigation measure note on the preliminary plat that would require five (5) additional 2" caliper overstory tree plantings per lot in addition to any minimum plantings required as part of site plan development.



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

STAFF REPORT

I. GENERAL INFORMATION

- 1. Purpose of Request:** The applicant is seeking to subdivide the property to create nine (9) lots for light industrial park and commercial scale development with access to the Hubbell Avenue corridor.
- 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 "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 Autobody shop.

East - "Light Business" (Polk County), vacant.

West – "Suburban Estates" (Polk County), 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 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: 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.

- 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 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:** 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 3 and 4, and along the eastern and southern edges of Lot 7. There is a timbered swale feeding into the tributary running generally north/south between Lots 3 and 4; and Lots 5 and 6.

The recent PUD Conceptual Plan amendment requires 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. The applicant provided a tree survey with the preliminary plat submittal.

There are three areas where trees are proposed for removal as part of the pre-development of the preliminary plat: Within the drainage way in Lot 9; the swale area through Lots 3, 4, 5 and 6, and the southern edge of Lot 6. A total of 998 caliper inches of trees of approved species and significant size (6" caliper or larger) are proposed for removal as part of all plat development. Removal of 438 caliper inches are the result of a necessity to make drainage improvements protecting the sensitive steep slopes of the drainage area running along the northern and western edges of the plat. Staff does not recommend that the developer be required to mitigate these trees. This leaves a remaining 560 caliper inches trees to be removed.

The minimum open space and street trees required by the PUD conceptual Plan requirements will mitigate a minimum of 260 caliper inches of trees. This narrows the total unmitigated removals to 300 caliper inches of trees. However, this does not account for additional landscaping that will be required as part of off-street parking requirements within each lot development. Staff estimates that approximately five (5) 2" caliper trees will be necessary per lot for a total of 45 trees (90 caliper inches) to mitigate trees that will not be replaced by additional required landscaping at the time of development. Staff recommends that provision of these trees be made a condition of any preliminary plat approval.

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. Staff believes the need for these erosion protection measures outweigh 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. 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. These are indicated on the preliminary plat and will be required with the development of each lot.
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 the proposed public street connection. A second drive connection will be permitted from Lot 6. Additional connections or access from Hubbell Avenue for are not permitted in accordance with the approved PUD Conceptual Plan.

As part of a proposal to phase development, the preliminary plat indicates a temporary turnaround within Lot 4 for maintenance and emergency vehicles and apparatus to accommodate an interim partial extension of the public street.

SUMMARY OF DISCUSSION

Erik Lundy presented staff report and recommendation. Corrected the written report by stating that Des Moines Waterworks will allow a connection to the feeder main in Hubbell at the point where the proposed street intersects, rather than extending an existing main in NE 46th Street.

Bruce Heilman asked will any of the tree loss because of the erosion situation be on the north lot line.

Erik Lundy stated yes, the area that is being reworked to alleviate the slopes, the check dams are provided where the trees will be removed.

Bruce Heilman asked will this erosion control project extend across that north boundary.

Erik Lundy stated that it did not appear to in the drawings, but if they need to encroach they would have to secure easements for construction from those owners.

William Lillis 317 6th Avenue, Suite 300 representing the Baker family and Mr. Andy Holt (the purchaser), stated they agree with staff's recommendation and modifications to the narrative staff report regarding the water utility. Addressing the question about the tree plan, we have accommodated conservation and mitigation and ask that the Commission approves staff recommendation.

Chuck Bishop, Bishop Engineering, 3501 104th Street stated they do have a conservation easement along the north lot line adjacent to the residential lots. The only place that there is not a conservation easement is the area along Lot 4 because we are actually making this location a wet pond to try to hold back the water and release it again through the creek to the southwest.

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

Jeffrey Johannsen moved staff recommendation to approve the proposed preliminary subdivision plat for "Cold Stream Business Park" subject to the applicant revising the Plat as follows:

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Motion passed 11-0 (Jim Martin was out of the room)

Respectfully submitted,



Erik Lundy, AICP
Senior Planner

EML:clw

Attachment

Request from Baker Real Estate, LP (owner) represented by Bernice Baker (officer) for review and approval of 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.				File # 13-2009-1.30	
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Outside Area					
Plan and Zoning Commission Action	Approval	11-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	

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

