



Agenda Item:

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## COUNCIL COMMUNICATION City Manager's Office

### GENERAL INFORMATION

Agenda Date: 1/10/2005  
No.: 05-015  
Agenda Item Type: Resolution  
No.:

Communication

Roll Call

Submitted by: Larry Hulse, Community Development Director

### SUBJECT—

Report and recommendation from the Plan and Zoning Commission and Community Development Department on appropriate changes to the Zoning Ordinance and Zoning Map regarding the "M-2" Heavy Industrial District.

### SYNOPSIS—

Based on the analysis of the existing "M-2" Heavy Industrial District boundaries, staff concludes that there is an excessive amount of land zoned "M-2" Heavy Industrial in the City of Des Moines and that approximately 60% of the land zoned "M-2" Heavy Industrial District contains uses that do not require the "M-2" Heavy Industrial District classification.

An analysis of the text of the Zoning Ordinance has concluded that the "M-2" Heavy Industrial District text does not adequately ensure that uses in the "M-2" Heavy Industrial District are developed to sufficient standards, especially along existing and planned significant corridors. The "M-2" Heavy Industrial District is the least restrictive of the City's zoning districts and permits practically any use whatsoever, with the exception of new residential.

Staff has recommended to the Plan and Zoning Commission that the moratorium on the commencement or expansion of any use within the "M-2" Heavy Industrial District which is not a permitted use within the "M-1" Light Industrial District be extended an additional 180 days (to expire July 11, 2005) to allow implementation of the following actions:

- Rezone those portions of the “M-2” Heavy Industrial District that are predominantly occupied by uses that do not require “M-2” District zoning, to a more restrictive zoning classification.
- Amend the “M-2” Heavy Industrial District regulations in the Zoning Ordinance to require all heavy industrial uses be subject to the review and approval by the Board of Adjustment.
- Amend the “M-1” Light Industrial District regulations in the Zoning Ordinance to redefine as a light industrial use any otherwise lawful use which is conducted entirely within a completely enclosed building and does not emit any significant noise, smoke, odors, or vibrations onto the adjoining property.
- Revise the design standards for all conditional uses permitted in the "M-2" Heavy Industrial District.
- Amend the Zoning Ordinance and Site Plan Standards to include a policy and design guidelines for the review of salvage yards by the Plan and Zoning Commission.
- Amend the Significant Corridors map in 2020 Community Character Plan to include existing and proposed major arterials.

The caveats of this extension are the assumption that there will be minimal resistance to the down-zonings as the City will endeavor to avoid creating any new legal non-conforming uses and that the necessary reprioritization of staff will likely impede the progress on the Zoning Ordinance Update.

The Plan and Zoning Commission will consider this report and recommendation on January 6, 2005. The recommendation of the Plan and Zoning Commission will be forwarded to the City Council prior to January 10, 2005.

**FISCAL IMPACT—**

N/A.

**RECOMMENDATION—**

Approval of an extension of the M-2 moratorium for 180 days (to expire July 11, 2005).

**BACKGROUND—**

On October 11, 2004 the City Council approved Roll Call No. 04-2193 which established a temporary moratorium on the commencement or expansion of any use within the "M-2" Heavy Industrial District which is not a permitted use within the "M-1" Light Industrial District until January 11, 2005. Roll Call No. 04-2193 further provides that any party may, by written application to the City Clerk, request relief from the effect of the moratorium where necessary to avoid undue hardship.

The moratorium was adopted by the City Council based upon the City’s recognition that the Southeast and Southwest Connector Corridors, the Agrimergent Business Park, Riverpoint West, and other highly visible areas contain substantial amounts of land zoned "M-2" Heavy Industrial District and that the "M-2" Heavy Industrial District regulations in the Zoning Ordinance permit uses of land and structures incompatible with the proposed and adopted plans for the redevelopment of those areas and corridors. In addition, the amount of land in the City of Des

Moines zoned to the "M-2" Heavy Industrial District classification may far exceed the amount of land actually needed to serve the present and future need for heavy industrial uses in the City of Des Moines.

The moratorium was enacted to enable the Plan and Zoning Commission and Community Development Department to review the "M-2" Heavy Industrial District boundaries to identify what land, if any, should be rezoned to a more restrictive district classification, and what amendments to the "M-2" Heavy Industrial District regulations are necessary to assure that heavy industrial uses are developed and used in a manner compatible with the existing and planned uses of adjoining property.

The moratorium applies to those "M-2" Heavy Industrial District uses listed in Section 134-1122(4) of the City Code, which includes the following:

- a. Abattoirs and slaughterhouses or stockyards.
- b. Acid manufacture or wholesale storage of acids.
- c. Cement, lime, gypsum, or plaster of Paris manufacture.
- d. Distillation of bones.
- e. Explosive manufacture or storage.
- f. Fat rendering.
- g. Fertilizer manufacture.
- h. Garbage, offal or dead animal reduction or dumping.
- i. Gas manufacture and cylinder recharging.
- j. Glue, size or gelatin manufacture.
- k. Junkyard or salvage yard.
- l. Petroleum or its products, refining or wholesale storage of, and asphalt plants.
- m. Rubber goods manufacture.
- n. Sand or gravel pits.
- o. Smelting of tin, copper, zinc, or iron ores.
- p. Transmitting stations.
- q. Wholesale storage of gasoline.
- r. Solid waste transfer stations.