



Agenda Item:

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## **COUNCIL COMMUNICATION**

### **City Manager's Office**

#### **GENERAL INFORMATION**

Agenda Date: 07/25/05  
Agenda Item Type: Ordinance

Communication No.: 05-420  
Roll Call No.:

Submitted by: Larry Hulse, Community Development Director

#### **SUBJECT—**

Final consideration of an Ordinance to amend the City Code by repealing Section 98-26 and subsection (a) of Section 98-76 thereof, and enacting a new Section 98-26 and subsection (a) of Section 98-76, regarding the definition and regulation of transfer stations.

#### **SYNOPSIS—**

The proposed ordinance would exempt recycling centers from the definition of Transfer Stations contained in Chapter 98 of the City Code. The amendment will make the zoning code (Chapter 134) the controlling regulation regarding the location of recycling centers.

#### **FISCAL IMPACT—**

None

#### **RECOMMENDATION—**

Approval

#### **BACKGROUND—**

Currently, there are no known recycling centers licensed under Chapter 98 of the City Code. The proposed amendment to Chapter 98 would exempt the collection, processing or transferring exclusively recyclable materials from the transfer station definition. Recyclable materials are defined as newspaper, corrugated containers, magazines, catalogs, junk mail, kraft bags, bimetal and ferrous cans, aluminum cans, glass containers, and recyclable plastics, whether alone or in combination. Therefore, the

proposed text amendment simply amends Chapter 98 to be consistent with the zoning code contained in Chapter 134.

On July 18, 2005 the City Council expressed concern regarding the potential for a recycling center to operate within a M-1 District.

Pursuant to Ordinance No. 14,453 passed on May 23, 2005, the M-1 District text was amended to allow any use which is located entirely within a completely enclosed building subject to the following limitations:

- (1) the use is not combined with any residential use;
- (2) no odors, gases, noise, vibration, pollution of air, water or soil, or lighting is emitted onto any adjoining property so as to create a nuisance;
- (3) the owner or occupant has provided the community development department with a written statement upon a form acceptable to the community development director which describes the use to occur upon the property and the nature of any odors, gases, noise, vibration, and other environmental impacts that may be generated by such use, and which certifies that the use upon the property will be operated in a manner that does not permit any odors, gases, noise, vibration, pollution of air, water or soil, or lighting to be emitted onto any adjoining property so as to create a nuisance; and
- (4) the use shall be operated in strict conformance with the statement provided pursuant to the third bulleted statement, above.

The R&O subcommittee and the Plan and Zoning Commission recommended this change to the M-1 District on the basis that a use operated in compliance with the above provisions would be indiscernible from any other use and that such a provision was necessary to assist in justifying the downzoning of 60% of the M-2 Heavy Industrial land within the City of Des Moines to the M-1 District.

Weyerhaeuser Document Destruction and Recycling has contracted to purchase property at 2800 Dixon Street. The property is zoned M-1, Light Industrial and Weyerhaeuser would like to operate a paper recycling facility entirely within the building on the subject property.

Weyerhaeuser has submitted a written statement to the Community Development Director that describes their proposed use and the alterations to be made to the property to conform to the M-1 District requirements, and certifies that their use and method of operation will not create a nuisance on any adjoining properties and that the use shall be operated in strict conformance with that statement. With this statement, staff believes that the City has adequate documentation to allow effective enforcement of the requirements prohibiting off-site impacts from the proposed recycling center.