

.....
Date..... April 23, 2007

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 5, 2007, its members voted 14-0 to recommend **APPROVAL** of a request from Vision Fuels Des Moines, LLC (purchaser) represented by Phillip Stover (agent) to rezone approximately 165 acres of land located in the 3801 block of Vandalia Road from the "M-1" Light Industrial District to the "PUD" Planned Unit Development District, and to approve a proposed Vision Fuels PUD Conceptual Plan to redevelop the land with light industrial and limited heavy industrial uses including the development and production of renewable fuels such as dry mill Ethanol subject to the following:

1. Provision of a public access easement for the 10'-wide recreational trail.
2. Provision that off-street parking shall be set back 25' from the front property line.
3. Include a provision stating that communication antennas shall be permitted to be mounted on any storage tank or tower structure that is integral to the industrial process.
4. Provision of a note stating that final elevations for the Energy Center and DDG Storage structures shall be subject to review and approval by the Director of the Community Development Department.
5. Label all areas that may be used for outdoor storage.
6. Clarify the note regarding the screening of outdoor storage to state that all outdoor storage areas shall be screened in accordance with the standards as applicable to the "M-1" District.
7. Provision of a note stating that any fence constructed on the site shall be in accordance with the regulations as applicable in the "M-1" Light Industrial District, except that any chain link fence would be clad with black vinyl.

The subject property is owned by the City of Des Moines and is more specifically described as follows:

Parcel A:

A parcel of land situated in Sections 17 and 18, Township 78 North, Range 23 West of the 5th P.M., City of Des Moines, County of Polk, State of Iowa, being a portion of the land conveyed to said City of Des Moines by special warranty deed dated May 9th, 2000, and recorded in the Polk County Recorder's office in Book 8546, Page 390; said Parcel of land includes part of Henderson Estate Plat, part of the original Plat of the South 5/8 of the East 3/4 of said Section 18 and part of the original Plat of the Northwest 1/4 of the Southwest 1/4 and the Southwest 1/2 of the Southwest 1/4 of the Northwest 1/4 of said Section 17, all now included in and forming a part of said City of Des Moines, said parcel being more particularly described as follows:

(Continued)

Date..... April 21, 2007

Commencing at the North 1/4 corner of said Section 18; Thence South 87°28'45" East (assumed bearing for the purpose of this description) on the North line of said Section 18, a distance of 1,262.13 Feet to the North extension of the West line of said land conveyed to the City of Des Moines; Thence South 02° 30'46" West on the North extension of the West line and the West line of said land conveyed to the City of Des Moines 50.00 Feet to the point of beginning; Thence South 87°38'45" East on a line that is 50.00 Feet South of and parallel with the North line of said Section 18, a distance 1,388.39 Feet; Thence South 87°28'39" East on a line that is 50.00 Feet South 00 degrees 16'15" East, 1,938.26 Feet; Thence South 00°05'33" West 1,225.88 Feet (1,226.15 Feet record) to the Southwest line of said land conveyed to the City of Des Moines, also being the present Northeast Right-of-Way line of the Burlington Northern and Santa Fe Railway Company; Thence North 48°42'49" conveyed to the City of Des Moines; Thence North 02°30'46" East on said line, 862.24 Feet to the point of beginning, containing 5,533,876 square Feet or 127.04 Acres.

Parcel B:

A 50.00 Foot wide parcel of land situated in Northwest 1/4 of Section 17, Township 78 North, Range 23 West of the 5th P.M., City of Des Moines, County of Polk, State of Iowa, being a portion of the land conveyed to said City of Des Moines by special Warranty Deed dated May 09, 2000, and recorded in The Polk County Recorder's office in Book 8546, Page 390. Said Parcel being more particularly described as follows:

Commencing at the Northwest corner of said Section 17; Thence South 00°14'28" East (Assumed bearing for the purpose of this description) on the West line of the Northwest 1/4 of said Section 17, a distance of 50.06 Feet; thence South 87°28'39" East on a line that is 50.00 Feet South of and parallel with the North line of the Northwest 1/4 of said Section 17, a distance of 2,501.65 Feet; Thence Southeast on a 136.00 Radius curve concave Southwest and having a 187.99 Foot long chord bearing South 43°45'27" East, 207.55 Feet (arc length) to a East line of said land conveyed to the City of Des Moines, also being the present West Right-of-Way line of Southeast 43rd Street; Thence South 00°02'16" East on said East line, 1,041.12 Feet to the point of beginning; Thence continuing South 00°02'16" East on said East line, 102.28 Feet to a South line of said land conveyed to the City of Des Moines; Thence North 87°31'52" West on said South line, 1,301.15 Feet (1,300.80 Feet record) to a East line of said land conveyed to the City of Des Moines; thence North 00°16'15" West, 50.06 Feet; Thence South 87 degrees 31'52" East, 1,249.11 Feet;

(continued)

Date..... April 23, 2007

Thence Northeast on a 50.00 Foot Radius curve concave Northwest and having a 72.24 Foot long chord bearing North 46°12'56" East, 80.73 Feet (arc length) to the point of beginning, containing 65.660 Square Feet or 1.51 Acres.

Parcel C:

A Parcel of land situated in the Northwest 1/4 of Section 17, Township 78 North, Range 23 West of the 5th P.M., City of Des Moines, County of Polk, State of Iowa, being a portion of the land conveyed to said City of Des Moines by special warranty deed dated May 09, 2000, and recorded in the Polk County Recorder's office in Book 8546, Page 390, said Parcel being more particularly described as follows:

Commencing at the Northwest corner of said Section 17; Thence South 00°14'28" East (assumed bearing for the purpose of this description) on the West line of the Northwest 1/4 of said Section 17, a distance of 50.06 Feet; thence South 87°28'39" East on a line that is 50.00 Feet South of and parallel with the North line of the Northwest 1/4 of said Section 17, a distance of 1,325.32 Feet to the point of beginning; Thence continuing South 87°28'39" East on the line that is 50.00 Feet South of and parallel with the North line of the Northwest 1/4 said Section 17, a distance of 1,176.33 Feet; Thence Southeast on a 136.00 Foot Radius curve concave Southwest and having a 187.99 Foot long chord bearing South 43°45'27" East, 207.55 Feet (arc length) to a East line of said land conveyed to the City of Des Moines, also being the present East Right-of-Way line of Southeast 43rd Street; Thence South 00°02'16" East on said East line, 1,041.12 Feet; thence Southwest on a 50.00 Foot Radius curve concave Northwest and having a 72.24 Foot long chord bearing South 46°12'56" West, 80.73 Feet (arc length); Thence North 87°31'52" West 1,249.11 Feet; Thence North 00°16'15" West, 1,224.87 Feet to the point of beginning. Containing 1,590,244 Square Feet or 36.51 Acres.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on May 7, 2007, at which time the City Council will hear both those who oppose and those who favor the proposal.

(Continued)

★ Roll Call Number

Agenda Item Number

39

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April 23, 2007

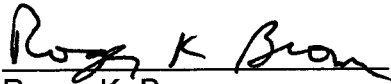
Date

-4-

2. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED by _____ to adopt.

FORM APPROVED:



Roger K. Brown
Assistant City Attorney

(ZON2007-00027)

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

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.

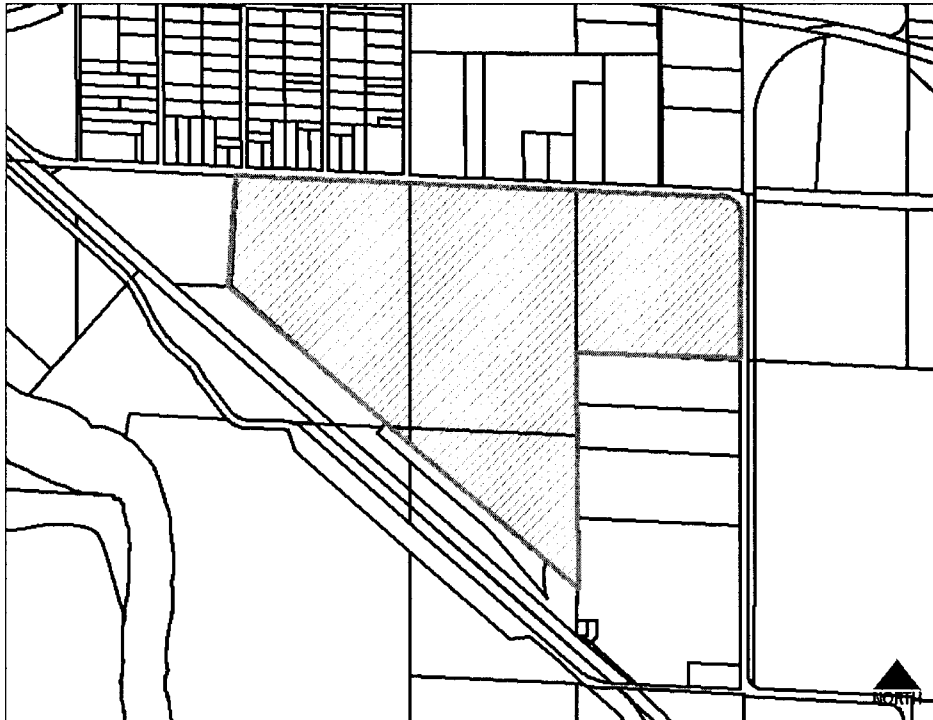
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Mayor

City Clerk

Request from Vision Fuels Des Moines, LLC (purchaser) represented by Phillip Stover (agent) for rezoning of property located in the 3801 block of Vandalia Road. The subject property is owned by the City of Des Moines.			File #		
			ZON2007-00027		
Description of Action	B) Rezone property from "M-1" Light Industrial District to "PUD" Planned Unit Development. C) Approval of the proposed "Vision Fuels" PUD Conceptual Plan for 165 acres of land to be developed with light industrial and limited heavy industrial uses including the development and production of renewable fuels such as dry mill Ethanol.				
2020 Community Character Plan	Planned Business Park.				
Horizon 2025 Transportation Plan	No Planned Improvements.				
Current Zoning District	"M-1" Light Industrial District.				
Proposed Zoning District	"PUD" Planned Unit Development District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area	2	0	0	<20%	
Plan and Zoning Commission Action	Approval	14-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Agrimergent Technolgy Park South PUD - SE 43rd Street & Vandalia Road ZON2007-00027



April 23, 2007

Date 4-23-07

Honorable Mayor and City Council
City of Des Moines, Iowa

Agenda Item 29

Roll Call # _____

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held April 5, 2007, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 14-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
David Cupp	X			
Shirley Daniels	X			
Dann Flaherty	X			
Bruce Heilman				X
Jeffrey Johannsen	X			
Greg Jones	X			
Frances Koontz	X			
Kaye Lozier	X			
Jim Martin	X			
Brian Millard	X			
Brook Rosenberg	X			
Mike Simonson	X			
Kent Sovern	X			
Tim Urban	X			
Marc Wallace	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 Vision Fuels Des Moines, LLC (purchaser) represented by Phillip Stover (agent) to rezone approximately 165 acres of land located in the 3801 block of Vandalia Road from the "M-1" Light Industrial District to the "PUD" Planned Unit Development District, and to approve a proposed Vision Fuels PUD Conceptual Plan to redevelop the land with light industrial and limited heavy industrial uses including the development and production of renewable fuels such as dry mill Ethanol subject to the following: (ZON2007-00027)

1. Provision of a public access easement for the 10'-wide recreational trail.
2. Provision that off-street parking shall be set back 25' from the front property line.
3. Include a provision stating that communication antennas shall be permitted to be mounted on any storage tank or tower structure that is integral to the industrial process.
4. Provision of a note stating that final elevations for the Energy Center and DDG Storage structures shall be subject to review and approval by the Director of the Community Development Department.
5. Label all areas that may be used for outdoor storage.
6. Clarify the note regarding the screening of outdoor storage to state that all outdoor storage areas shall be screened in accordance with the standards as applicable to the "M-1" District.
7. Provision of a note stating that any fence constructed on the site shall be in accordance with the regulations as applicable in the "M-1" Light Industrial District, except that any chain link fence would be clad with black vinyl.

Written Responses

2 In Favor

0 In Opposition

This item would not require a 6/7 vote of City Council.

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Part A) Staff recommends that the proposed “PUD” District zoning classification and “Vision Fuels Ethanol Plant” Concept Plan be found in conformance with the 2020 Community Character Plan future land use designation of Planned Business Park.

Part B) Staff recommends approval of the rezoning to “PUD” Planned Unit Development District.

Part C) Staff recommends approval of the PUD Concept Plan for “Vision Fuels Ethanol Plant” subject to the following:

1. Provision of a public access easement for the 10'-wide recreational trail.
2. Provision that off-street parking shall be setback 25' from the front property line.
3. Include a provision stating that communication antennas shall be permitted to be mounted on any storage tank or tower structure that is integral to the industrial process.
4. Provision of a note stating that final elevations for the Energy Center and DDG Storage structures shall be subject to review and approval by the Community Development Department Director.
5. Label all areas that may be used for outdoor storage.
6. Clarify the note regarding the screening of outdoor storage to state that all outdoor storage areas shall be screened in accordance with the standards as applicable to the “M-1” District.
7. Provision of a note stating that any fence constructed on the site shall be in accordance with the regulations as applicable in the “M-1” Light Industrial District, except that any chain link fence would be clad with black vinyl.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The rezoning would allow the site to be developed with light industrial and limited heavy industrial uses including the development and production of renewable fuels such as dry mill ethanol. The proposed Concept Plan would allow construction of an ethanol production facility that includes a mix of administration and production structures, above ground storage tanks, and multiple cooling towers. The Concept Plan provides a “U”-shaped public street from Vandalia Road that would provide access to the ethanol plant and future developments.

The proposed Concept Plan also provides two large areas designated for future development with other light industrial or limited heavy industrial uses, which may include dry mill ethanol production, bio-diesel facilities, and related non-nuisance uses. Any development of these areas would be subject to review and approval of amendments to the Concept Plan.

The City of Des Moines has a purchase agreement with Vision Fuels Des Moines, LLC, which mandates multiple minimum development requirements, including all design and construction must satisfy LEED requirements and additional trees must be provided along all public streets to create a boulevard effect.

2. **Size of Site:** 165.06 acres.

3. **Existing Zoning (site):** “M-1” Light Industrial District.
4. **Existing Land Use (site):** The undeveloped site is currently used for agricultural production.
5. **Adjacent Land Use and Zoning:**
 - North* – “M-1” & “M-2”, Uses include salvage yards and undeveloped land.
 - South* – “U-1”, Uses include an east/west railroad and the Des Moines River flood plain.
 - East* – “M-1” & “M-2”, Uses include a scientific laboratory and above ground petroleum storage.
 - West* – “M-2”, Use is the Des Moines Metro Wastewater Reclamation Authority facility.
6. **General Neighborhood/Area Land Uses:** The subject property is located south of Vandalia Road in an area designated as the Agrimergent Technology Park just west of the Highway 65/69 bypass.
7. **Applicable Recognized Neighborhood:** NA.
8. **Relevant Zoning History:** On May 23, 2007, the subject property was rezoned as part of Ordinance 14,451 from “M-2” Heavy Industrial District to “M-1” Light Industrial District.
9. **2020 Community Character Land Use Plan Designation:** Planned Business Park.
10. **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 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.

The application, accompanying evidence and Concept Plan required shall be considered by the Plan and Zoning commission at a public hearing. The Commission shall review the conformity of the proposed development with the standards of this division and with recognized principles of civic design, land use planning, and landscape architecture. At the conclusion of the hearing, the Commission may vote to recommend either approval or disapproval of the Concept Plan and request for rezoning as submitted, or to recommend that the developer amend the plan or request to preserve the intent and purpose of this chapter to promote public health, safety, morals and general welfare. The recommendations of the commission shall be referred to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Drainage/Grading:** The City of Des Moines has developed a regional stormwater management plan for the Agrimergent Technology Park that includes regional detention and retention facilities, conveyance facilities, and storm water pump stations, as well as individual lot detention and retention facilities. The City has granted the redeveloper some degree of flexibility to modify the plan so long as it satisfies the City’s overall storm water management objectives.

The proposed Concept Plan provides a conceptual stormwater management plan that includes three stormwater detention basins on the site. The actual stormwater management plan must be approved by the City Engineer at such time that the Development Plan is submitted for review and approval. The proposed development is required to provide at least 26.5 acre-feet

of stormwater detention.

Any grading of the site is subject to issuance of a grading permit from the Permit and Development Center.

2. **Utilities:** The site has access to all necessary utilities. Sanitary sewer service will be provided from an existing main located within the north edge of the site along Vandalia Road.
3. **Landscaping & Buffering:** The Concept Plan provides a conceptual landscaping plan for the site. One tree and six shrubs shall be planted for every 3,000 square feet of vegetated open space. Also, in the first 10' of the street yard along Vandalia Road and SE 43rd Street, one over story deciduous tree shall be planted for every 30 lineal feet, on average, of street frontage in a linear pattern to create boulevard effect. The Concept Plan also demonstrates that the proposed "U"-shaped public street and internal private drives will also be lined with overstory trees.
4. **Traffic/Street System:** The Concept Plan provides a "U"-shaped public street from Vandalia Road that would provide access to the ethanol plant and future developments. This right-of-way would be 50'-wide. The developer is responsible for all costs associated with the construction of the portion of the street adjoining the property.

The Concept Plan provides a 10'-wide strip of land adjoining the south side of Vandalia Road to be dedicated as public right-of-way to accommodate future widening of Vandalia Road.

5. **Access or Parking:** The Concept Plan proposes an off-street parking lot with 60 spaces for employees and visitors. The parking lot would be accessed from the "U"-shaped public street from Vandalia Road. The Concept Plan indicates that this parking lot would be setback at least 20' from the front property line. Staff recommends that this setback be increased to 25' to match the setback all structures. The parking standard typically applicable to manufacturing plants require one space for each two employees on the maximum working shift, plus one space per 400 square feet of office space.

The Concept Plan provides a secondary entrance from SE 43rd Street that would be designated for truck traffic.

The proposed ethanol plant would be served by a rail spur from the existing east/west railroad to the south of the site. The spur would come onto the site along the eastern perimeter and loop around the entire site.

The Concept Plan provides a 10'-wide recreational trail across the northern portion of the site. A public access easement must be provided for the trail to ensure public access.

6. **2020 Community Character Plan:** The 2020 Community Character Plan designates the entire site as Planned Business Park. Staff believes that the proposed uses identified in the Concept Plan (dry mill ethanol production, bio-diesel facilities, and other non-nuisance industrial uses) are consistent with the Planned Business Park land use designation and the Agrimergent Technology Park Master Plan.
7. **Urban Design:** The Concept Plan states that all buildings shall be designed by a registered architect and shall provide visual interest. Design approaches include, but are not limited to, varying the depth of wall surfaces and using building materials effectively through patterns, textures, and colors. The buildings shall also meet the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) green building rating system, specifically related to building design and construction.

The Administration Building would have a minimum 25' front yard setback and would be 1 story

with a maximum height of 19'-4". The building elevations submitted as part of the Concept Plan indicate the structure would be predominantly gray pre-cast stone and dark gray metal panels.

The Concept Plan states that all buildings other than the main office shall have at least 60% of the primary facade that is oriented toward a public street or principal drive, excluding windows and doors, covered with stone, brick, architectural tilt-up concrete panels, architectural block, architectural metal panels, tile, or an aesthetically appealing combination of such materials. This standard is applicable to the Processing Buildings, Water Treatment structure, the Energy Center, and the DDG Storage building.

The Concept Plan does not indicate a maximum height limitation for tanks, grain silos, equipment, and other appurtenances integral to the industrial process. This is similar to the "M-2" District regulations, which does not limit height. The maximum height proposed for any of the tanks or towers is 150'. Staff recommends adding a provision stating that communication antennas would be permitted to be mounted on any storage tank or tower structure that is integral to the industrial process.

The Concept Plan states that outdoor storage of materials, equipment (including vehicles to be left for more than 72 hours), dumpsters, and exterior utilities shall be screened with quality materials that are compatible with the primary building. Screening shall consist of a minimum 6'-tall opaque screen. Outside storage of materials, equipment, or dumpsters shall not be located in any required setback area, nor shall exceed the height of the screen. Staff recommends that this note be clarified to state that the screen will be 100% opaque. Staff also recommends that the Concept Plan identify all areas that may be used for outdoor storage and insure that all outdoor storage areas are screened in accordance with the standards as applicable to the "M-1" District.

While the Concept Plan does not propose any fencing, staff recommends a provision be added to state that any fence constructed on the site would be in accordance with the regulations as applicable in the "M-1" Light Industrial District, except that any chain link fence would be clad with black vinyl.

The Concept Plan provides monument signs to be located at each of the two primary entrances. The sign detail demonstrates that these signs would have a 7'-wide by 4'-tall sign face on a large base that includes a planter. The purchase agreement with the City limits the sign to 4' x 7', with a 1'-tall base. While the proposed design is significantly larger than the provisions of the purchase agreement, staff recommends that this limitation be waived on the basis that the proposed sign is attractive and appropriate given the large scale of the development.

SUMMARY OF DISCUSSION

There was no one in the audience to speak on this item.

Tim Urban: Moved for approval of the PUD Concept Plan for "Vision Fuels Ethanol Plant" subject to the following:

1. Provision of a public access easement for the 10'-wide recreational trail.
2. Provision that off-street parking shall be setback 25' from the front property line.
3. Include a provision stating that communication antennas shall be permitted to be mounted on any storage tank or tower structure that is integral to the industrial process.
4. Provision of a note stating that final elevations for the Energy Center and DDG Storage structures shall be subject to review and approval by the Community Development Department Director.
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6. Clarify the note regarding the screening of outdoor storage to state that all outdoor storage areas shall be screened in accordance with the standards as applicable to the "M-1" District.

7. Provision of a note stating that any fence constructed on the site shall be in accordance with the regulations as applicable in the "M-1" Light Industrial District, except that any chain link fence would be clad with black vinyl.

Motion passed 14-0.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J Van Essen', with a long horizontal flourish extending to the right.

Jason Van Essen, AICP
Senior City Planner

JMV:dfa

Attachments

Item 2007 00027

Date 3/28/07

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

(Circle One)

21, 22, 23 29

RECEIVED

Print Name AIVIV Prop

APR 03 2007

Signature B. Blum

COMMUNITY DEVELOPMENT DEPARTMENT

Address 4100 Vandulitz Rd.

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

Four horizontal lines for providing reasons for opposing or approving the request.

Item 2007 00027

Date 3-28-07

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

(Circle One)

5, 6, 7

RECEIVED

Print Name GARY GALINSKY

APR 02 2007

Signature Gary Galinsky

COMMUNITY DEVELOPMENT DEPARTMENT

Address 3900 Vandalia Road

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

Four horizontal lines for providing reasons for opposing or approving the request.

Item 2007 00027

Date 3-28-07

(am) (am not) in favor of the request.
(Circle One)

13.18

RECEIVED ✓

Print Name GARY GALINSKY

APR 02 2007

Signature Gary Galinsky

COMMUNITY DEVELOPMENT
DEPARTMENT

Address 3900 VANODALIA

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

Item 2007 00027

Date 3-28-07

(am) (am not) in favor of the request.
(Circle One)

20

RECEIVED ✓

Print Name GARY GALINSKY

APR 02 2007

Signature Gary Galinsky

COMMUNITY DEVELOPMENT
DEPARTMENT

Address 3900 - VANODALIA

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

