***** Roll Call Number

Date.....

May 7, 2007

WHEREAS, on April 23, 2007, by Roll Call No. 07-754, it was duly resolved by the City Council, that the City Council consider a proposal from Vision Fuels Des Moines, LLC, represented by Phillip Stover, to rezone certain property located in the vicinity of the 3801 block of Vandalia Road from the "M-1" Light Industrial District classification to the "PUD" Planned Unit Development District classification, and to approve the "PUD" Conceptual Plan for such property, and that such proposal be set down for hearing on May 7, 2007, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on April 26, 2007, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and,

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the property located in the vicinity of the 3801 block of Vandalia Road, more fully described as follows (the "Property"):

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:

Commencing at the North 1/4 corner of said Section 18; thence South 87 degrees 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 degrees 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 degrees 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 degrees 28'39" East on a line that is 50.00 Feet South 00 degrees 16'15" East, 1,938.26 Feet; thence South 00 degrees 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 degrees 42'49" conveyed to the City of Des Moines; thence North 02 degrees 30'46" East on said line, 862.24 Feet to the point of beginning, containing 5,533,876 square Feet or 127.04 Acres.

(continued)

★ Roll Call Number

Date

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May 7, 2007

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 degrees 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 degrees 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 degrees 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 degrees 02'16" East on said East line, 1,041.12 Feet to the point of beginning; thence continuing South 00 degrees 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 degrees 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 degrees 16'15" West, 50.06 Feet; thence South 87 degrees 31'52" East, 1,249.11 Feet; thence Northeast on a 50.00 Foot Radius curve concave Northwest and having a 72.24 Foot long chord bearing North 46 degrees 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 degrees 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 degrees 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 degrees 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 degrees 45'27"

(continued)

★ Roll Call Number

Date.

May 7, 2007

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 degrees 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 degrees 12'56" West, 80.73 Feet (arc length); thence North 87 degrees 31'52" West 1,249.11 Feet; thence North 00 degrees 16'15" West, 1,224.87 Feet to the point of beginning. Containing 1,590,244 Square Feet or 36.51 Acres.

from the "M-1" Light Industrial District classification to the "PUD" Planned Unit Development District classification; and,

WHEREAS, the Plan and Zoning Commission has recommended that the proposed rezoning and "PUD" conceptual plan be approved, subject to the conditions identified in the attached letter from the Planning Administrator; and,

WHEREAS, in accordance with said notice those interested in said proposed rezoning, 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 rezoning and "PUD" Conceptual Plan are hereby overruled and the hearing is closed.

2. The proposed rezoning and "PUD" Conceptual Plan are hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan, subject to the conditions identified below.

3. The "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 following conditions, and subject to the Community Development Director finding that such conditions have been satisfied by the amendments to the plan:

- a) Provision of a public access easement for the 10'-wide recreational trail.
- b) Provision that off-street parking shall be set back 25' from the front property line.
- c) Include a provision stating that communication antennas shall be permitted to be mounted on and extend not more than 20 feet above any storage tank or tower structure that is integral to the industrial process.

(continued)



Date

May 7, 2007

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- d) 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.
- e) Label all areas that may be used for outdoor storage.
- f) 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.
- g) 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.

MOVED by______ to adopt and approve the rezoning and Conceptual Plan, subject to final passage of the rezoning ordinance.

FORM APPROVED:

Roger K. Brown Assistant City Attorney G:\SHARED\LEGAL\BROWN\WORK\REZONING\A PUD Rezoning.doc

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN			-	
HENSLEY		-		-
KIERNAN				
MAHAFFEY	1			
MEYER				
VLASSIS		-	1	
TOTAL				

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

Mayor

April 23, 2007

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 5, 2007, the following action was taken:

COMMISSION RECOMMENDATION:

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

	Comm	ission Action:	Yes	Nays	Pass	Absent	
	David (Cupp	Х				
	Shirley	Daniels	X				
	Dann F	laherty	Х				
	Bruce	Heilman				Х	
	Jeffrey	Johannsen	Х				
	Greg J	ones	Х				
	France	es Koontz	Х				
NON	Kaye L	.ozier	Х				
	Jim Ma	artin	Х				
	Brian N	Aillard	Х				
	Brook	Rosenberg	Х				
	Mike S	imonson	Х				
	Kent S	overn	Х				
	Tim Ur	ban	Х				
	Marc V	Vallace	Х				
	APPR	OVAL of a req	uest from '	Vision Fuels De	s Moines, LL	C (purchaser)	
	repres	ented by Phillip	o Stover (a	gent) to rezone	approximate	ly 165 acres of	f land
	located	d in the 3801 b	lock of Va	ndalia Road fror	n the "M-1" L	ight Industrial	District to
	the "Pl	JD" Planned U	Init Develo	pment District, a	and to approv	/e a proposed	Vision
				redevelop the la			
				the developmen			
	such a	s dry mill Etha	nol subjec	t to the following): (ZON2007-000	27)
	1.	Provision of a	public aco	cess easement f	or the 10'-wi	de recreational	trail.
	2.	Provision that	off-street	parking shall be	set back 25	from the front	property
		line.					
	3.			ng that commur			
			-	torage tank or to	ower structure	e that is integra	al to the
		industrial proc					
	4.			ng that final elev			
	Ì			s shall be subjec			the
	_			ity Developmen	•		
	5.			be used for out			11
	6.			ng the screening			
				hall be screene	a in accordar	ice with the sta	andards
	_	as applicable				-1 41 14 1	11 la
	1.			ng that any fend			
				ulations as app			
	1	District, excep	ot that any	chain link fence	would be cla	ad with DIACK V	inyi.
	1						



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

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

 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

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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.

<u>Tim Urban</u>: 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.
- 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.

Motion passed 14-0.

Respectfully submitted,

Jason Van Essen, AICP Senior City Planner

JMV:dfa

Attachments

Item 2007 0002	7	Date	3/28/07	
$\overline{1(am)}$ (am not) in favor of the request	L .	*	11 22 23	
(Circle One)		(1,22,23	
RECEIVED	Print Name_	AIVI	V Prop.	
APR 0 3 2007	Signature	Bill	Hino	
COMMUNITY DEVELOPMENT DEPARTMENT	Address	4100	Vondeliz Rd-	
Beacon for apposing or approving this re	equest may be l	isted below:		
Reason for opposing or approving this re	equest may be l	isted below:		
Reason for opposing or approving this re	equest may be l	isted below:		
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Reason for opposing or approving this re	equest may be l	isted below:		

1tem 2007 00027	Date 3-23-0)
I am)(am not) in favor of the request. (Circle One)	5,6,7
	Print Name GARY GALINSKY Signature Day balinly
COMMUNITY DEVELOPMENT	Address 3900 Vandalia Road
DEPARTMENT Reason for opposing or approving this re	quest may be listed below:

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Item 2007 0002	<u>Date 3-28-0) 59</u>
(Chrcle One) (am not) in favor of the request	13,18
RECEIVED	Print Name GARY GALINSILy
APR 0 2 2007	Signature Lay Laling
COMMUNITY DEVELOPMENT DEPARTMENT	Address 3900 VANDALIA

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

2002 60027 Item Date 30 $\left(am\right)$ am not) in favor of the request. (Circle One) RECEIVED GA LINSKU GARY Print Name APR 0 2 2007 Da Signatur COMMUNITY DEVELOPMENT DEPARTMENT

3900 -

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AW

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

Address





