

Date July 13, 2009

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 18, 2009, its members voted 8-0 in support of a motion to recommend **APPROVAL** of a request from the Aviation Director, Craig Smith, for an Ordinance repealing and adopting new Des Moines International Airport Height and Hazard Zoning Regulations codified in Article X of Chapter 22 of the City Code; to protect the air space necessary for the safety of aircraft using the Des Moines International Airport, and to reflect the runway extensions that have already occurred and the planned future parallel runway. The restricted air space extends outward from the runway thresholds as much as 50,000 feet in some directions; and

WHEREAS, the proposed text amendment is on file in the office of the City Clerk.

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 text amendment is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on July 27, 2009, at which time the City Council will hear both those who oppose and those who favor the proposal.
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.

FORM APPROVED: MOVED by _____ to adopt.


Michael F. Kelley
Assistant City Attorney

(10-2009-5.01)

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

June 25, 2009

Date _____

Agenda Item 29

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 June 18, 2009, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 8-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	X			
JoAnne Corigliano	X			
Shirley Daniels				X
Jacqueline Easley	X			
Dann Flaherty	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 request from the Aviation Director, Craig Smith, for an Ordinance repealing and adopting new Des Moines International Airport Height and Hazard Zoning Regulations codified in Article X of Chapter 22 of the City Code; to protect the air space necessary for the safety of aircraft using the Des Moines International Airport, and to reflect the runway extensions that have already occurred and the planned future parallel runway. The restricted air space extends outward from the runway thresholds as much as 50,000 feet in some directions. (10-2009-5.01)

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the proposed amendments to the City Code.

STAFF REPORT

I. GENERAL INFORMATION

Attached are proposed revisions to Chapters 22 and 134 of the City Code related to adopting International Airport Height and Hazard Zoning Regulations.

As a recipient of federal airport improvement funds, the City is obligated to take appropriate action, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. For several years the City has had zoning ordinances in place for the protection of air traffic, the Airport and surrounding



CITY PLAN AND ZONING COMMISSION
ARMORY BUILDING
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ALL-AMERICA CITY
1949, 1976, 1981
2003

properties. The restrictions on land use and structure height imposed by Airport zoning are tied to runway location and length. These restrictions attempt to minimize the conflict between land uses and the aircraft operating at and in the vicinity of the Airport. As the distance from the Airport increases, the restrictions on the height of permitted structures are reduced.

The current Airport Zoning Ordinance protecting the Des Moines International Airport has not been revised in several years and needs to be updated to take into account recent and proposed construction. Since the last amendment, the "old" 13R-31L runway was removed and Runway 5-23 was extended. The Airport's Master Plan calls for the construction of a replacement 13R-31L runway in phases and an additional extension of Runway 5-23. The amended ordinance includes protection for the replacement of Runway 13R-31L to its full planned length as well as protection for the full planned length of Runway 5-23. This amendment also provides protection for aircraft approaches to the Ankeny airport that extend into the Des Moines City limits.

This revision will repeal Sections 22-336 through 22-349 of the City Code and replace them with an updated article in Chapter 22 of the Municipal Code governing the Airport.

II. ADDITIONAL APPLICABLE INFORMATION

The proposed changes include a minor change to the Zoning Ordinance. Sec. 134-64 subsection (7) is added to give the Board of Adjustment the power to review appeals to administrative decisions and for Exceptions requested from the Airport Zoning provisions in Chapter 22. The criteria by which the Board of Adjustment will review these appeals is outlined in Sec. 22-1410 and is somewhat analogous to the criteria used to review standard Exception appeals under the Zoning Ordinance. There are separate criteria applied when Exceptions are either met with Federal Aviation Administration approval or not.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION

Leisha Barcus moved staff recommendation to approve the proposed amendments to the City Code.

Motion passed 8-0.

Respectfully submitted,


Erik Lundy, AICP
Senior City Planner

EML:clw

cc: File