

Date November 5, 2007

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on November 1, 2007, its members voted 10-1 in support of a motion to recommend **APPROVAL** of a request from Vision Fuels Des Moines, LLC (purchaser) represented by Dan Cornelison (officer) to rezone property located in the 3801 block of Vandalia Road from "M-1" Light Industrial District to "PUD" Planned Unit Development District and approve a revised "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 a dry mill ethanol facility subject to the following:

1. Provision of a 30-foot-wide storm sewer easement along the west property line for a future storm sewer project.
2. Provision of one (1) overstory tree and one (1) evergreen tree for every 5,000 square feet of required open space.
3. Provision of a 10-foot-wide recreational trail along Vandalia Road and SE 43rd Street, with provision of a public access easement for any portion that is located outside of the public right-of-way, subject to further review by City staff (Parks and Recreation, Community Development, and Engineering Departments and the Office of Economic Development) of the appropriateness and need for the trail at this location.
4. Provision of dimensions of the adjoining Vandalia Road right-of-way.
5. The Conceptual Plan shall demonstrate street improvements to accommodate the left-turning truck traffic entering the site from Vandalia Road.
6. Provision that off-street parking shall be set back 25 feet from any adjoining public street.
7. Provision of a note stating that communication antennas shall be permitted to be mounted on any storage tank or tower structure that is integral to the industrial process.
8. 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.
9. Label all areas that may be used for outdoor storage.
10. 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, except for periodic grain storage.
11. 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.

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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:

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.

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:

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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" 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.

(continued)

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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 and "PUD" conceptual plan are to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on November 19, 2007, 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.

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				

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

MOTION CARRIED

APPROVED

.....
 Mayor