

Date..... November 19, 2007

WHEREAS, on November 5, 2007, by Roll Call No. 07-2120, it was duly resolved by the City Council, that the City Council consider a proposal from Vision Fuels Des Moines, LLC, represented by Dan Cornelison, President and CEO, to rezone certain property it is purchasing from the City 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 November 19, 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 November 8, 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.

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

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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" 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,

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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 set forth below; 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 30-foot-wide storm sewer easement along the west line of the Property for a future storm sewer project.
- b. Provision of one (1) overstory tree and one (1) evergreen tree for every 5,000 square feet of required open space.
- c. Provision of a 10-foot-wide recreational trail along Vandalia Road and SE 43<sup>rd</sup> 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.
- d. Provision of dimensions of the adjoining Vandalia Road right-of-way.
- e. The Conceptual Plan shall demonstrate street improvements to accommodate the left-turning truck traffic entering the site from Vandalia Road.
- f. Provision that off-street parking shall be set back 25 feet from any adjoining public street.
- g. 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.

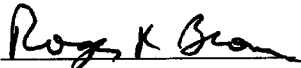
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- h. Provision of a note stating that final elevations for the Energy Center and DDG Storage structures shall be subject to review and approval by the Community Development Department Director.
- i. Label all areas that may be used for outdoor storage.
- j. 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.
- k. 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  
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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
<b>TOTAL</b>				

**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

November 19, 2007

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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 November 1, 2007, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 10-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	X			
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			
Mike Simonson	X			
Kent Sovern	X			
Tim Urban				X
Marc Wallace				X

**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: (ZON2007-00027)

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 43<sup>rd</sup> 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.



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

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.

#### Written Responses

1 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" Conceptual 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 Conceptual Plan for "Vision Fuels Ethanol Plant" subject to the following:

1. Provision of a 30-foot-wide storm sewer easement along their 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 43<sup>rd</sup> Street, with provision of a public access easement for any portion that is located outside of the public right-of-way, subject to review by City Staff (Parks and Recreation Department, Community Development, Engineering Department and Office of Economic Development).
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 setback 25 feet from any front property line.
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.

## 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 and bio-diesel. The proposed Conceptual Plan would allow construction of a facility that includes a mix of administration and production structures, above ground storage tanks, and multiple cooling towers.

**The applicant has submitted a revised "Vision Fuels" PUD Conceptual Plan that alters the layout of the site from the Conceptual Plan for the site previously reviewed by the Commission on April 5, 2007.** In order to accommodate reconfiguration of the railroad spurs on the site, the revised plan shifts the processing building, water treatment building, production equipment, and storage tanks to the north. The Conceptual Plan proposes two rows of overstory trees along the south side of Vandalia Road since the production area would be within 250 feet of the north property line. The revised railroad configuration eliminates the need for the proposed railroad spurs to cross any public right-of-way. The designs of the buildings and storage tanks have not been altered from the original "PUD" Conceptual Plan.

The City of Des Moines has a purchase agreement with Vision Fuels Des Moines, LLC, which mandates multiple minimum development requirements, including 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 April 5, 2007, the Plan and Zoning Commission recommended approval of rezoning the site to "PUD" District and approval of a "Vision Fuels" PUD

Conceptual Plan. However, prior to holding a public hearing for the rezoning at City Council, the developer withdrew the request so they could make significant revisions to the Conceptual Plan.

On May 23, 2005, the subject property was rezoned by 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 Conceptual 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 Conceptual 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 stormwater pump stations, as well as individual lot detention and retention facilities. The City has granted the developer some degree of flexibility to modify the plan so long as it satisfies the City's overall stormwater management objectives.

The final stormwater management plan for the development must be approved by the City Engineer at such time that the PUD Development Plan is submitted for review and approval. The proposed Conceptual Plan provides a conceptual stormwater management plan that includes three (3) stormwater detention basins on the site. The City's Engineering staff has indicated that the easternmost detention basin along Vandalia should be shifted to the west. The Engineering staff has also requested provision of a 30-foot-wide storm sewer easement along the west property line for a future storm sewer project. This would require a proposed row of trees to be shifted east from the easement.

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 Conceptual Plan provides a conceptual landscaping plan for the site. It states that a minimum of 20% of the site shall be comprised of vegetated open space, with provision of one (1) overstory tree for every 5,000 square feet of required open space. The landscaping standards as applicable in the "M-1" Light Industrial District would typically require one (1) deciduous overstory tree, one (1) evergreen tree, and one (1) shrub for



every 5,000 square feet of required open space. Due to the industrial nature of the site, staff recommends provision of one (1) deciduous overstory tree and one (1) evergreen tree per 5,000 square feet of open space. 20% of the 165.06-acre site represents 33.01 acres (1,438,000 square feet), which would require provision of 288 deciduous overstory trees and 288 evergreen trees on the site.

The Conceptual Plan also states that in the first 10 feet of the street yard along Vandalia Road and SE 43<sup>rd</sup> Street, one (1) overstory deciduous tree shall be planted for every 50 lineal feet of street frontage in a linear pattern to create boulevard effect. The plan states that these trees shall count towards the minimum required open space plantings. The Conceptual Plan states that oak trees (excluding pin oak) will be the predominant species. Additional species may include native species that are not prone to insects or disease and are not invasive in nature.

The Conceptual Plan demonstrates that the proposed parking lots would have perimeter and interior plantings in accordance with the standards as applicable in the "M-1" District.

The Conceptual Plan provides a second row of overstory trees 95 feet south of and parallel to the row of overstory trees along Vandalia Road.

- 4. **Traffic/Street System:** The Conceptual Plan indicates that the main entrance would be from Vandalia Road, with a secondary entrance from SE 43<sup>rd</sup> Street. The Conceptual Plan indicates that a sidewalk would be located along Vandalia Road and SE 43<sup>rd</sup> Street. Staff recommends that this sidewalk be a minimum 10 feet-wide to function as a recreational trail and that a public access easement is provided for any portion that is located outside of the public right-of-way.

The Conceptual Plan provides a 10-foot-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. The Conceptual Plan must also include dimensions of the existing Vandalia Road right-of-way and must demonstrate street improvements to accommodate the left-turning truck traffic entering the site from Vandalia Road.

A communication submitted to staff indicates that the facility is expected to receive approximately 135 semi trucks per day, Monday through Saturday, between the hours of 6:00 AM and 6:00 PM. The Conceptual Plan provides truck staging areas on the site to prevent trucks from blocking public right-of-way.

- 5. **Access or Parking:** The Conceptual Plan proposes an off-street parking lot with 60 spaces for employees and visitors setback at least 20 feet from the front property line. Staff recommends that this setback be increased to 25 feet to match the setback required for all structures. The parking standard typically applicable to manufacturing plants requires one (1) space for each two (2) employees on the maximum working shift, plus one (1) space per 400 square feet of office space. A submitted communication indicates that the facility would have up to 16 employees per shift.

The Conceptual Plan provides a secondary entrance from SE 43<sup>rd</sup> Street that would be designated for truck traffic. The City's Fire Department has indicated that it acceptable for this secondary driveway to cross railroad spurs since they would be privately owned in conjunction with the facility.

The facility 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 curve to the west. From there, trains could back into a series of rail staging lines that curve toward the northeast corner of the site.

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 Conceptual 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 Conceptual 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-foot front yard setback and would be one (1) story with a maximum height of 20 feet. The building elevations submitted as part of the Conceptual Plan indicate the structure would be predominantly gray pre-cast stone and dark gray metal panels.

The Conceptual 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 Conceptual 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 feet. 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 Conceptual 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-foot-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 Conceptual 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 Conceptual 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 Conceptual Plan provides a monument signs to be located at the primary entrances along Vandalia Road. The sign detail demonstrates that this sign would have a 7-foot-wide by 4-foot-tall sign face on a large masonry base that includes a planter. The purchase agreement with the City limits the sign to 4 feet x 7 feet, with a 1-foot-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**

Mike Ludwig: Presented staff report and recommendation. Noted the applicant has concerns with a recommended recreational trail along Vandalia Road, which was shown on the first plan that was approved in April 2007 but is not shown on the current plan. Explained trails are shown in the Agrimergent Technology Park plan, but the applicant has concerns with safety issues. Relative to the recommendation of screening outdoor storage, noted the applicant asked that the Commissioners recognize that when grain is stored on the site it would not be able to be screened by a fence. Also noted concerns the applicant has with the cost of black vinyl fencing as recommended by staff, but indicated that recommendation was on the approved plan as well.

Dan Cornelison, 10506 Justin Dr., Vision Fuels: Indicated black vinyl is acceptable and explained they are the only biofuels plant that will have a LEED certified administration building. Noted they are not anticipating barbed wire. Clarified that not all buildings would be LEED certified, only the administration building. Their biggest concern is the recreational trail due to safety as a result of the traffic. Would be amenable to a recreational trail on the north side of Vandalia when the auto salvage is done.

Kaye Lozier: Asked if the trail was recommended because it connects or if it is part of a grander scheme.

Mike Ludwig: Noted it is a part of a larger network. Staff has asked for separate trails through the area.

Brian Millard: Asked about moving the trail to the north side of Vandalia.

Greg Jones: Suggested it would be better on the south side where the traffic conflicts would be less.

Dan Cornelison: Indicated he was not involved with the earlier process.

Leisha Barcus: Asked if other businesses had been required to place a trail in this area.

Mike Ludwig: Noted this is the first project to come into the Agri-Mergent Technology Park.

Brian Millard: Asked if a trail is required if it would kill the deal.

Dan Cornelison: Explained it is not a deal killer; it is a safety issue for the City to consider.

David Cupp: Asked if the subject property sits lower than the wetlands.

Doug Deet, Ryan Companies, 1501 50<sup>th</sup> St., Suite 100, WDM: Noted there are three detention ponds on the plan and there is a regional detention facility to the south that is already set up to pipe through the site and dump into the wetlands area to the south. Indicated there is a rubber-lined basin around the ethanol tanks that would fill up if there were a spill.

## **CHAIRPERSON OPENED THE PUBLIC HEARING**

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

## **CHAIRPERSON CLOSED THE PUBLIC HEARING**

Bruce Heilman: Moved staff recommendation but suggested the recreational trail contingent of a review by staff of advisability of this type of public access in the subject area. He was uncomfortable with requiring the trail along that stretch of Vandalia.

Kent Sovern: Noted he was staff to the trails committee and noted it is a spur trail that connects traffic downtown to a recreational trail at the end. The National Heritage Foundation website has all the proposed trails that would explain why the City is proposing it.

David Cupp: Suggested addressing the issue now.

Brian Millard: Asked if the screening issue needed to be addressed in regards to the temporary storage of grain.

Mike Ludwig: Indicated a specific change could be made to the recommendation if necessary but suggested requiring screening of the outdoor grain pile would be unreasonable.

Larry Hulse: Suggested the Commission could include in their motion that they question the advisability of the trail.

Bruce Heilman: Was willing to accept an amendment for screening other than temporary grain storage.

Dann Flaherty: Expressed concern that the ethanol plant was too close to the waterways. Thought the project was great but the placement for the project was not and he could not vote for it.

Roger Brown: Noted the City has built a pump station at the southern corner and there will be a dry basin; things won't flow off the site directly to the river, but has to be pumped over the railroad tracks.

David Cupp: Indicated one of the reasons for the placement was the large amount of water required for the process.

Dann Cornelison: Noted the only water that leaves the facility will be cleaner than the City water that goes into the facility; it will be distilled water.

Bruce Heilman: Moved for Part A that the proposed "PUD" District zoning classification and "Vision Fuels Ethanol Plant" Conceptual Plan be found in conformance with the 2020 Community Character Plan future land use designation of Planned Business Park.

Motion passed 10-1 (Dann Flaherty was in opposition)

Bruce Heilman: Moved Part B for approval of the rezoning to "PUD" Planned Unit Development District.

Motion passed 10-1 (Dann Flaherty was in opposition)

Bruce Heillman: Moved part C with the following change:

- to refer the feasibility of the recreational trail to the City staff (Parks & Recreation, Community Development, Engineering and the Office of Economic Development) for review of safety issues and if they have no trouble with it, proceed with staff recommendation;
- screening required except for temporary storage of grain.

Motion passed 10-1 (Dann Flaherty was in opposition)

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:dfa

Attachment

Item 2007 00027

Date 10-22-07

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

(Circle One)

RECEIVED

OCT 24 2007

Print Name Don Townsend

Signature *Don Townsend*

COMMUNITY DEVELOPMENT  
DEPARTMENT

Address 2200 YACDALIA

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

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









