

Date..... September 10, 2012

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on August 16, 2012, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Davis Investment Company, Inc. (owner) represented by Susan Christensen (officer) to rezone property located at 1658 East Euclid Avenue from M-1 Light Industrial District to M-2 Heavy Industrial District, to allow the owner to request a Conditional Use Permit for the property to be used for an outdoor wooden pallet material recycling operation that is ancillary to new pallet manufacturing; and,

WHEREAS, on August 27, 2012 by Roll Call No. 12-1345, it was duly resolved by the City Council that the application of Davis Investment Company, Inc. (owner) represented by Susan Christensen (officer) to rezone certain property located in the vicinity of 1658 East Euclid Avenue from the M-1 Light Industrial District to the M-2 Heavy Industrial District classification, more fully described below, be set down for hearing on September 10, 2012, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of the hearing was published in the Des Moines Register on August 31, 2012, as provided by law, setting forth the time and place for hearing on the proposed amendment to the Zoning Ordinance; and,

WHEREAS, in accordance with the notice those interested in the 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; and,

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the following described property:

(Except beginning at the Southwest corner, thence Northwest 15.14 feet; thence Southeast 22.34 feet to South Lot line; thence West 14.48 feet to Point of Beginning) Lot 17, Browns Lowland Place, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

from the M-1 Light Industrial District to the M-2 Heavy Industrial District classification.


Date.....September 10, 2012

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 the proposed rezoning of the Property to a M-2 Heavy Industrial District are hereby overruled, and the hearing is closed.
2. The proposed rezoning is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan.

MOVED by _____ to adopt and approve the rezoning subject to final passage of the rezoning ordinance.

FORM APPROVED:


 Michael F. Kelley
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
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.

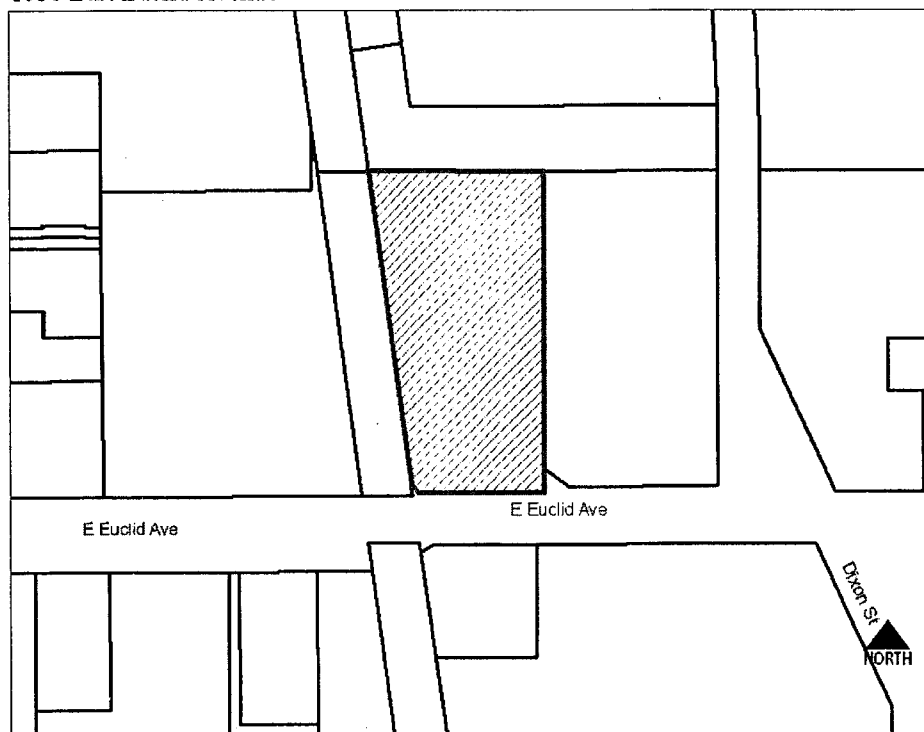
_____ Mayor

_____ City Clerk

Request from Davis Investment Company, Inc. (owner) represented by Susan Christensen (officer) to rezone property located at 1658 East Euclid Avenue.		File # ZON2012-00135		
Description of Action	Approval of the rezoning to the "M-2" Heavy Industrial District subject to the applicant agreeing to the condition that any separate use or development of the subject property for a use requiring the "M-2" District zoning shall meet all requirements under Section 134-1122(5).g.			
2020 Community Character Plan	General Industrial			
Horizon 2035 Transportation Plan	No Planned Improvements			
Current Zoning District	"M-1" Light Industrial District			
Proposed Zoning District	"M-2" Heavy Industrial District			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area				
Plan and Zoning Commission Action	Approval	11-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

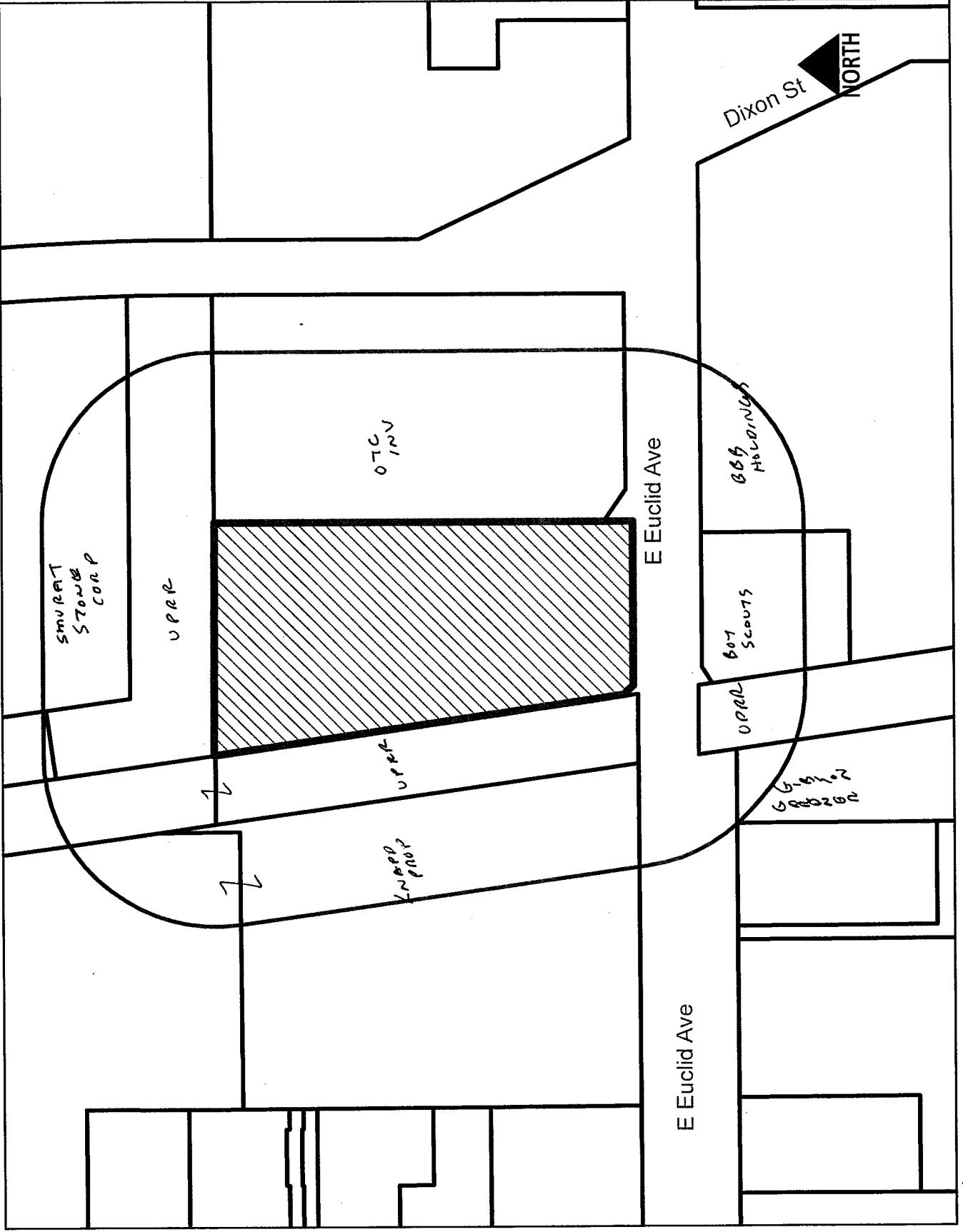
Davis Investment Co. Inc. (West Wind Logistics) -
1658 East Euclid Avenue

ZON2012-00135



Davis Investment Co. Inc. (West Wind Logistics) -
1658 East Euclid Avenue

ZON2012-00135



DM

Date _____

August 17, 2012

Agenda Item 38

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 August 16, 2012, the following action was taken regarding a request from Davis Investment Company, Inc. (owner) represented by Susan Christensen (officer) to rezone property located at 1658 East Euclid Avenue:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 as follows:



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

Commission Action:	Yes	Nays	Pass	Absent
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Tim Fitzgerald	X			
Dann Flaherty	X			
John "Jack" Hilmes	X			
Ted Irvine				X
Greg Jones	X			
William Page	X			
Christine Pardee	X			
Mike Simonson				X
CJ Stephens	X			
Vicki Stogdil	X			

APPROVAL of Part A) to find the requested rezoning in conformance with the Des Moines' 2020 Community Character Plan future land use designation; and Part B) to approve the rezoning to the "M-2" Heavy Industrial District subject to the applicant agreeing to the condition that any separate use or development of the subject property for a use requiring the "M-2" District zoning shall meet all requirements under Section 134-1122(5).
(ZON2012-00135)

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested rezoning be found in conformance with the Des Moines' 2020 Community Character Plan future land use designation.

Part B) Staff recommends approval of the rezoning to the "M-2" Heavy Industrial District subject to the applicant agreeing to the condition that any separate use or development of the subject property for a use requiring the "M-2" District zoning shall meet all requirements under Section 134-1122(5).

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to have the property rezoned to allow the existing vacant office and warehouse buildings for use as a wooden pallet manufacturing, distribution, and recycling facility. The recycling component is proposed to occur partially outside of a completely enclosed building and therefore requires rezoning to the "M-2" Heavy Industrial District. The proposed recycling use would also require a Conditional Use Permit from the Zoning Board of Adjustment, if the property is rezoned.
2. **Size of Site:** 4.17 acres.
3. **Existing Zoning (site):** "M-1" Light Industrial District.
4. **Existing Land Use (site):** There is currently a 20,536-square foot warehouse building on the north portion of the property and a building on the southern portion of the property along East Euclid Avenue with 29,815 square feet of warehouse space and 7,623 square feet of office space. The buildings are currently unoccupied.
5. **Adjacent Land Use and Zoning:**
 - North* – "M-1", Use is Smurfit-Stone Container manufacturing and offices.
 - South* – "M-1", Use is offices for the Mid-Iowa Council of the Boy Scouts of America.
 - East* – "M-1", Use is warehouse and offices for Quality Traffic Control.
 - West* – "M-1", Uses are the Union Pacific Railroad and Mrs. Clarks distribution and warehouse.
6. **General Neighborhood/Area Land Uses:** The subject property is within a primarily industrial area along the East Euclid Avenue corridor, which is to the east of the railroad abutting the Eastgate Plaza commercial at East 14th Street.
7. **Applicable Recognized Neighborhood(s):** The subject property is not within a recognized neighborhood, but is within 250 feet of the Highland Park Neighborhood area. This neighborhood was notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhoods on July 27, 2012. Additionally, separate notifications of the hearing for this specific item were mailed on July 27, 2012 (20 days prior) and August 6, 2012 (10 days prior to the scheduled hearing) to Highland Park Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on August 10, 2012.

All agendas and notices are mailed to the primary contact person designated to the City of Des Moines Neighborhood Development Division by the recognized neighborhood association. The Highland Park Neighborhood Association mailings were sent to Trudy McCormick at 1226 East Oak Park Avenue.

The applicant scheduled a neighborhood meeting on-site for Thursday, August 2, 2012. This included invitation to Highland Park Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. The applicant has indicated that there were no individuals present at the meeting besides their own representatives. Phone conversations by staff with the neighborhood representative indicated that the Highland Park Neighborhood was not planning to take a position with regard to this request.

8. Relevant Zoning History: N/A.

9. 2020 Community Character Land Use Plan Designation: General Industrial.

10. Applicable Regulations: The Commission reviews all proposals to amend zoning regulations or zoning district boundaries 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 recommend that certain conditions be applied to the subject property if the property owner agrees in writing, prior to the City Council Hearing. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

- 1. Natural Features:** The site has some timber and vegetation on northwest and western perimeters. Any future site development is subject to compliance with all applicable Tree Protection and Mitigation requirements in the City Code.
- 2. Drainage/Grading:** Any future development of the subject property will require a storm water management plan and a soil erosion protection and grading plan as part of the Site Plan review. The northern portion of the site drains toward the northwest and the southern portion of the site drains west. There is public storm sewer access in East Euclid Avenue and west of the Union Pacific Railroad.
- 3. Landscaping & Buffering:** Changing the use of the buildings on the property from warehouse to manufacturing and recycling is subject to a Site Plan following Conditional Use Permit approval by the Zoning Board of Adjustment. Landscaping and tree plantings will be required in accordance with the Des Moines Landscape Standards as applicable to "M-2" Districts. The applicant will be able to get credit for existing plant materials that are identified on the Site Plan.
- 4. 2020 Community Character Plan:** The proposed future development for a pallet recycling use would be consistent with the General Industrial designation in the Community Character Plan. Any use of land developed that would not be permitted in the existing "M-1" District, such as the pallet recycling, will require a Conditional Use permit from the Board of Adjustment under criteria set forth in the Zoning Ordinance under Section 134-1122(5).

SUMMARY OF DISCUSSION

There was no discussion

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one to speak in favor or in opposition of the applicant's request

COMMISSION ACTION:

Greg Jones moved staff recommendation Part A) to find the requested rezoning in conformance with the Des Moines' 2020 Community Character Plan future land use designation; and Part B) to approve the rezoning to the "M-2" Heavy Industrial District subject to the applicant agreeing to the condition that any separate use or development of the subject property for a use requiring the "M-2" District zoning shall meet all requirements under Section 134-1122(5).

Motion passed 11-0

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment