



Date July 15, 2013

**RESOLUTION CLOSING HEARING TO CONSIDER PRIOR APPROVAL
OF A PARTIAL EXEMPTION FROM PROPERTY TAXATION FOR
HELENA INDUSTRIES, INC.**

WHEREAS, pursuant to Iowa Code §427B.1 and City of Des Moines Ordinance No. 11, 038, the owner of qualifying property located anywhere within the City may qualify for a partial exemption from property taxation on the value to be added to industrial real estate by the construction of new buildings and structures and additions to existing building and structures; and,

WHEREAS, Helena Industries, Inc., has requested that the City Council give prior approval of a partial exemption from property taxation on the value to be added its industrial real estate in the vicinity of 3525 Vandalia Road by the planned expansion of its industrial facilities and the construction of a new 100,000 square foot warehouse addition; and,

WHEREAS, the total estimated cost of the improvements will be approximately \$4,700,000; and,

WHEREAS, on June 24, 2013, by Roll Call No. 13-1046, the City Council scheduled a public hearing to be held on July 15, 2013, at 5:00 p.m., in the Council Chambers to consider the request; and,

WHEREAS, notice of the public hearing was published in the Des Moines Register on July 3, 2013, setting forth the time and place for the hearing as required by law; and,

WHEREAS, pursuant to the notice those interested in the request for partial exemption from property taxation, both for and against, have been given opportunity to be heard and have presented their views to the City Council; and,

WHEREAS, Iowa Code §427B.1 further requires the approval of a partial tax exemption from taxation be contained within an ordinance enacted not less than thirty days after the public hearing is held.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa that:

1. The public hearing is hereby closed.



Date July 15, 2013

- 2. The Legal Department is hereby authorized and directed to prepare an ordinance for first consideration by the City Council on August 26, 2013, for the purpose of granting the request by Helena Industries, Inc., for prior approval of a partial exemption from property taxation on the value added by the expansion of its industrial facilities and the construction of a new 100,000 square foot warehouse addition in the vicinity of 3525 Vandalia Road.

MOVED BY _____ to adopt.

APPROVED AS TO FORM:

Roger K. Brown

Roger K. Brown

Assistant City Attorney

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

MOTION CARRIED

APPROVED

Mayor

City Clerk

June 21, 2013

Item _____

54

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 20, 2013, the following action was taken regarding a request from Helena Industries, Inc. (owner) represented by Franklin Fisher (officer) to rezone property at 3525 Vandalia Road.

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 50309-1681
(515) 253-4182

ALL-AMERICA CITY
1949, 1976, 1981
2003

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles	X			
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 Stogdill				X
Greg Wattier				X

APPROVAL of Part A) to find the proposed rezoning is **not** in conformance with the existing Des Moines' 2020 Community Character Plan; Part B) to amend the Des Moines' 2020 Community Character Plan to revise the future land use designation from Planned Business Park to General Industrial; and Part C) to rezone the property to "M-2" Heavy Industrial District subject to the following conditions: (ZON2013-00075 & 21-2013-4.15)

1. Any site expansion is subject to providing a Certificate of Compliance with Flood Plain Development Regulations.
2. Construction of one or more buildings on the Property for office, manufacturing, or liquid terminal storage, for industrial use by Helena Industries, Inc. and Related Businesses or successors, which contain at least 100,000 square feet of floor area.

3. The north, west and east facades of any building or portion thereof located within the north 100 feet of the Property which is not blocked from view from Vandalia Road by other structures or landscaping shall be constructed using exterior materials that are predominantly glass, brick, masonry, architectural steel panels and other quality durable materials. No Exterior Insulation and Finish System ("EIFS") shall be used below an elevation of 6 feet above grade on such facades.
4. No portion of the north 100 feet of the Property may be used for the outside storage of materials or equipment. Any area used for the outside storage of materials or equipment shall be paved and screened from view from Vandalia Road.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the Commission find the requested rezoning not in conformance with the Des Moines' 2020 Community Character Plan.

Part B) Staff recommends approval of an amendment to the Des Moines' 2020 Community Character Plan to revise the future land use designation from Planned Business Park to General Industrial.

Part C) Staff recommends approval of the requested rezoning to "M-2" Heavy Industrial District subject to the following conditions:

1. Any site expansion is subject to providing a Certificate of Compliance with Flood Plain Development Regulations.
2. Construction of one or more buildings on the Property for office, manufacturing, or liquid terminal storage, for industrial use by Helena Industries, Inc. and Related Businesses or successors, which contain at least 100,000 square feet of floor area.
3. The north, west and east facades of any building or portion thereof located within the north 100 feet of the Property which is not blocked from view from Vandalia Road by other structures or landscaping shall be constructed using exterior materials that are predominantly glass, brick, masonry, architectural steel panels and other quality durable materials. No Exterior Insulation and Finish System ("EIFS") shall be used below an elevation of 6 feet above grade on such facades.
4. No portion of the north 100 feet of the Property may be used for the outside storage of materials or equipment. Any area used for the outside storage of materials or equipment shall be paved and screened from view from Vandalia Road.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to expand the existing plant for Helena Industries to include a 100,000-square foot warehousing addition. Based on the submitted master plan concept, the applicant also intends to expand production with additional buildings in the long term.
2. **Size of Site:** 30 acres.

3. **Existing Zoning (site):** "PUD" Planned Unit Development District.
4. **Existing Land Use (site):** The property is currently leased and used for agricultural production.

5. **Adjacent Land Use and Zoning:**

North – "M-1", Uses are agricultural production, Allen Lawn Care contractor business, Cycle One custom motorcycle repair and body shop, Vandalia Auto Wrecking auto salvage, Sam's Riverside auto salvage, and Meyer Auto Parts auto salvage.

South – "M-1", Uses are a Burlington Northern Santa Fe Railroad rail yard and Des Moines River.

East – "PUD", Use is agricultural production.

West – "M-2", Use is existing plant for Helena Industries.

6. **General Neighborhood/Area Land Uses:** The subject property is located in the southeast industrial area with access off of Vandalia Road. The Wastewater Reclamation Authority treatment plant is to the west. The property is within the area covered by the Agrimergent Technology Park master plan.
7. **Applicable Recognized Neighborhood(s):** The subject property is not located within a recognized neighborhood area. Separate notifications of the hearing for this item were mailed to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the rezoning on May 31, 2013 (20-days prior) and June 10, 2013 (10-days prior). A Final Agenda was mailed to all recognized neighborhood associations on June 14, 2013. All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood associations to the City of Des Moines Neighborhood Development Division.

The applicant conducted a meeting with surrounding property owners on June 13, 2013. A summary of that meeting will be provided by the applicant representatives at the hearing.

8. **Relevant Zoning History and Other City Actions:** On November 19, 2007 the City Council rezoned land, which included the subject property, to a "PUD" Planned Unit Development District. This rezoning was in accordance with a Conceptual Plan for an ethanol production facility to be developed by Vision Fuels Des Moines, LLC. The development project never commenced.

On February 25, 2013, the City Council conditionally approved sale of the subject property to Helena Industries, Inc. The sale was subsequently executed by administrative action of the City Manager's Office along with an Urban Renewal agreement.

9. **2020 Community Character Land Use Plan Designation:** Planned Business Park.
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 subject property is nearly entirely tilled. It is not anticipated that future site expansion would involve tree protection or removals. The property is in close proximity to the Des Moines River. It is located outside any Federal Insurance Rate Map (FIRM) areas designated as flood hazards. Based on more recent flooding data information and proposed drafts to the FIRM, the Engineering review staff have indicated that a Certificate of Compliance with Flood Plain Development Regulations is required with any development expansion.
- 2. **Drainage/Grading:** Future expansions of the existing plant site as a result of the proposed rezoning will require compliance with storm water management policies as well as grading and soil erosion protection requirements. The applicant was strongly encouraged to incorporate low impact development practices to help recharge the groundwater during typical rain events. Any development for expansion will require a grading permit based on a grading plan or site plan.
- 3. **Traffic/Street System:** Vehicular access to the current plant is from Vandalia Road. The applicant has submitted a master plan concept which indicates that an additional drive connection to Vandalia Road would eventually be developed with expansion plans. Traffic Engineering staff have advised the applicant that any future site plans would require the developer to provide a traffic analysis to determine if any upgrades to the adjoining street network would become necessary as part of that phase.
- 4. **2020 Community Character Plan:** The Des Moines' 2020 Community Character Plan identifies the area requested for rezoning within the Planned Business Park future land use designation. While the applicant's immediate plans are for an expansion of warehousing, which is a light industrial use that would be within the Planned Business Park designation, there are future plans to expand the production aspect of the business which falls under a heavy industrial use which would be contrary to that current designation. Therefore, staff recommends approval of an amendment to the future land use designation to revise it to General Industrial. Under the proposed "M-2" Zoning District, any future expansion for heavy industrial uses would require an amendment to the existing Conditional Use Permit for the Helena Industries plant.
- 5. **Urban Renewal:** As part of the sale of the property and an associated Economic Development Assistance Grant to the applicant, the City Council has conditionally approved an Urban Renewal Development Agreement. Conditions of that agreement that are pertinent to the development and use of the site under the proposed rezoning are as follows:
 - A) Construction of one or more buildings on the Property for office, manufacturing, or liquid terminal storage, for industrial use by Helena Industries, Inc. and Related Businesses or successors, which contain at least 100,000 square feet of floor area.

- B) The north, west and east facades of any building or portion thereof located within the north 100 feet of the Property which is not blocked from view from Vandalia Road by other structures or landscaping shall be constructed using exterior materials that are predominantly glass, brick, masonry, architectural steel panels and other quality durable materials. No Exterior Insulation and Finish System ("EIFS") shall be used below an elevation of 6 feet above grade on such facades.
- C) No portion of the north 100 feet of the Property may be used for the outside storage of materials or equipment. Any area used for the outside storage of materials or equipment shall be paved and screened from view from Vandalia Road.

Because they ensure the overall quality and aesthetic of future development of land sold by the City, staff recommends that these conditions of the Urban Renewal Development Agreement also become part of the conditions or rezoning.

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:

Ted Irvine moved staff recommendation Part A) that the rezoning be found **not** in conformance with the existing Des Moines' 2020 Community Character Plan; Part B) to **approve** the request to amend the Des Moines' 2020 Community Character Plan to revise the future land use designation from Planned Business Park to General Industrial; and Part C) to **approve** the rezoning to "M-2" Heavy Industrial District subject to the following conditions:

1. Any site expansion is subject to providing a Certificate of Compliance with Flood Plain Development Regulations.
2. Construction of one or more buildings on the Property for office, manufacturing, or liquid terminal storage, for industrial use by Helena Industries, Inc. and Related Businesses or successors, which contain at least 100,000 square feet of floor area.
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Motion passed 11-0.

Respectfully submitted,


Michael Ludwig, AICP
Planning Administrator

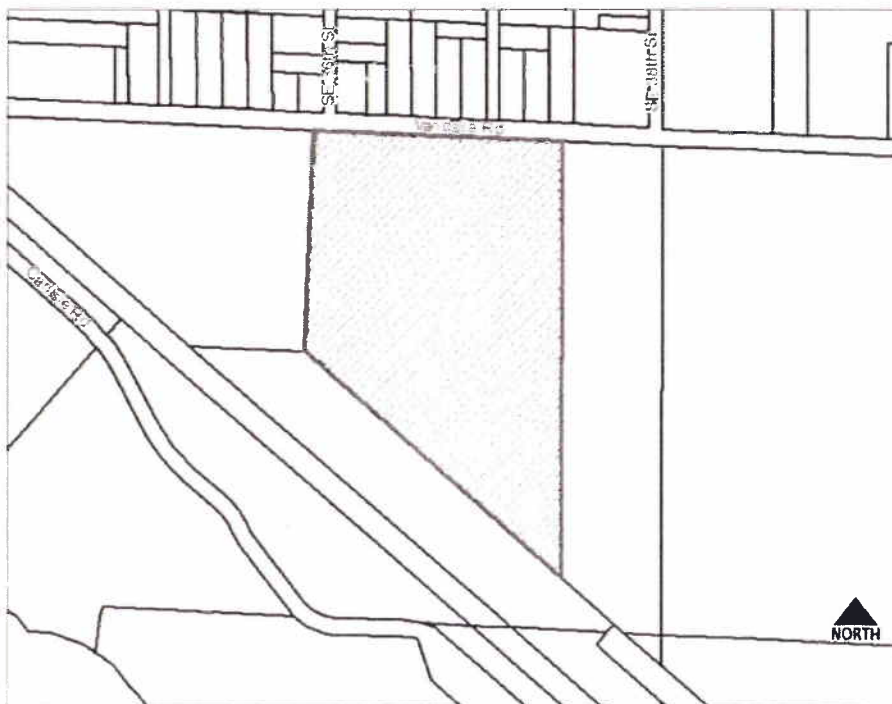
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Attachment

Request from Helena Industries, Inc. (owner) represented by Franklin Fisher (officer) to rezone property at 3525 Vandalia Road.		File # ZON2013-00075			
Description of Action	Approval to rezone property from "PUD" Planned Unit Development to "M-2" Heavy Industrial District, to allow the expansion of the existing chemical production plant to develop a 100,000-square foot warehousing addition subject to conditions.				
2020 Community Character Plan	Planned Business Park (current) General Industrial (proposed)				
Horizon 2035 Transportation Plan	No Planned Improvements				
Current Zoning District	"PUD" Planned Unit Development				
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	N/A
	Denial			No	

Helena Industries Inc - 3525 Vandalia Road

ZON2013-00075



ZON2013-00075

Helena Industries Inc - 3525 Vandalia Road

