



**Date** December 23, 2013

RESOLUTION CLOSING NEW HEARING ON APPLICATION OF LOFFREDO GARDENS, INC., TO REZONE PROPERTY AT 4001 SW 63<sup>rd</sup> STREET FROM THE "PBP" PLANNED BUSINESS PARK DISTRICT TO A LIMITED "M-1" LIGHT INDUSTRIAL DISTRICT AND CONDITIONALLY APPROVING SAME

WHEREAS, on November 18, 2013, by Roll Call No. 13-1846, the City Council closed the public hearing and gave conditional approval of the application from Loffredo Gardens, Inc. (owner), represented by Eugene Loffredo (officer), to rezone property it owns at 4001 SW 63<sup>rd</sup> Street and more specifically described as follows:

Outlot Z, Airport Industrial Park Plat 2, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

from the "PBP" Planned Business Park District to a Limited "M-1" Light Industrial District classification subject to four conditions recommended by the Plan and Zoning Commission; and,

WHEREAS, the Acceptance of Zoning Ordinance was not signed by Loffredo Gardens, Inc., before the close of that hearing, making the conditions unenforceable against the current and future owners of the Property; and,

WHEREAS, on December 9, 2013 by Roll Call No. 13-1894, it was duly resolved by the City Council that the application of Loffredo Gardens, Inc., be set down for a new hearing to be held on December 23, 2013, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of the new hearing was published in the Des Moines Register on December 12, 2013, 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 property at 4001 SW 63<sup>rd</sup> Street, more specifically described above, from the "PBP" Planned Business Park District to a Limited "M-1" Light Industrial District classification, subject to the following conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by all owners of the property and are binding upon the owners and their successors, heirs and assigns as follows:

- 1) Permitted uses and accessory uses shall only be those in the Planned Business Park regulations in Section 134-737 and 134-738.



Date December 23, 2013

- 2) Vehicular driveway access for site development use may only be from Watrous Avenue.
- 3) Any development of the property shall be compatible with the design of the existing warehouse and office facility on the adjoining property to the north, to include pre-cast concrete panels, metal panels with no exposed fasteners, and glass with stucco panels used only as an accent material.

WHEREAS, the fourth condition originally required the Loffredo Gardens, Inc., to meet with the adjoining property owner to discuss the provision of landscaping along the south boundary of the Property, which condition has already been satisfied.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the Property from "PBP" Planned Business Park to a Limited "M-1" Light Industrial District classification are hereby overruled, the hearing is closed, and the proposed rezoning to the Limited "M-1" District classification is hereby APPROVED.

MOVED by \_\_\_\_\_ to adopt and approve the rezoning, subject to final passage of the rezoning ordinance.

FORM APPROVED:

*Roger K. Brown*

Roger K. Brown  
Assistant City Attorney  
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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
VOSS				
MOORE				
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

18  
50

Request from Loffredo Gardens, Inc. (owner) represented by Eugene Loffredo (officer) to rezone property located at 4001 Southwest 63 <sup>rd</sup> Street.		File # <b>ZON2013-00161</b>		
<b>Description of Action</b>	Approval to rezone from "PBP" Planned Business Park to "M-1" Light Industrial District to allow for an approximately 45,000-square foot warehouse building to be developed on property to the south of the existing facility subject to conditions.			
<b>2020 Community Character Plan</b>	Planned Business Park (current & no change proposed)			
<b>Horizon 2035 Transportation Plan</b>	No Planned Improvements			
<b>Current Zoning District</b>	"PBP" Planned Business Park			
<b>Proposed Zoning District</b>	"M-1" Light Industrial District			
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	1	0		
Outside Area				
<b>Plan and Zoning Commission Action</b>	Approval	12-0-1	<b>Required 6/7 Vote of the City Council</b>	Yes
	Denial			No

Loffredo Fresh Produce Co Inc - 4001 SW 63rd Street

ZON2013-00161



Date November 4, 2013  
 Agenda Item 18 SO  
 Roll Call # \_\_\_\_\_

October 29, 2013

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 October 17, 2013, the following action was taken regarding a request from Loffredo Gardens, Inc. (owner) represented by Eugene Loffredo (officer) to rezone property located at 4001 Southwest 63<sup>rd</sup> Street.

**COMMISSION RECOMMENDATION:**

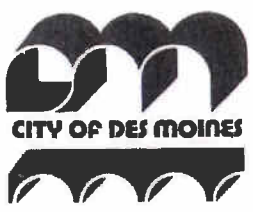
After public hearing, the members voted 12-0-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles	X			
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Tim Fitzgerald				X
Dann Flaherty	X			
Jann Freed	X			
John "Jack" Hilmes			X	
Ted Irvine	X			
Greg Jones	X			
William Page				X
Christine Pardee	X			
CJ Stephens	X			
Vicki Stogdill	X			
Greg Wattier	X			

**APPROVAL** to find the proposed rezoning conforms with the existing Des Moines' 2020 Community Character Plan future land use designation of Planned Business Park.

By separate motion Commissioners recommended 12-0-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles	X			
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Tim Fitzgerald				X
Dann Flaherty	X			
Jann Freed	X			
John "Jack" Hilmes			X	
Ted Irvine	X			



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

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
Greg Jones	X			
William Page				X
Christine Pardee	X			
CJ Stephens	X			
Vicki Stogdill	X			
Greg Wattier	X			

**APPROVAL** of the requested rezoning to a Limited "M-1" District subject to the owner agreeing to the following conditions: (ZON2013-00161)

1. Permitted uses and accessory uses shall only be those in the Planned Business Park regulations in Section 134-737 and 134-738.
2. Vehicular driveway access for site development use may only be from Watrous Avenue
3. Any development of the property shall be compatible with the design of the existing warehouse and office facility on the adjoining property to the north, to include pre-cast concrete panels, metal panels with no exposed fasteners, and glass with stucco panels used only as an accent material.

**STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Part A) Staff recommends that the Commission find the requested rezoning conforms with the existing Des Moines' 2020 Community Character Plan future land use designation of Planned Business Park.

Part B) Staff recommends approval of the requested rezoning to a Limited "M-1" District subject to the owner agreeing to the following conditions:

1. Permitted uses and accessory uses shall only be those in the Planned Business Park regulations in Section 134-737 and 134-738.
2. Vehicular driveway access for site development use may only be from Watrous Avenue
3. Any development of the property shall be compatible with the design of the existing warehouse and office facility on the adjoining property to the north, to include pre-cast concrete panels, metal panels with no exposed fasteners, and glass with stucco panels used only as an accent material.

Written Responses

1 In Favor

0 In Opposition

## STAFF REPORT

### I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant proposes to incorporate the subject property into the existing Loffredo Fresh Produce Company site for development of a 45,000-square foot warehouse.
2. **Size of Site:** The area proposed for rezoning is approximately 4 acres. The overall site would be approximately 11.8 acres.
3. **Existing Zoning (site):** "PBP" Planned Business Park.
4. **Existing Land Use (site):** Vacant land.
5. **Adjacent Land Use and Zoning:**

*North* – "PUD" Airport Commerce Park West; Uses are Grace Label, Crossmark Food Trade brokerage, and vacant business park land.

*South* – "PBP", Use is Boy Scouts of America Mid-Iowa Council headquarters.

*East* – "R1-80", Use is vacant agricultural land.

*West* – "OS" Agricultural/Open Space (West Des Moines), Use is Browns Woods County Park.

6. **General Neighborhood/Area Land Uses:** The property is located along the Iowa Highway 28 corridor with business park development generally to the east supporting the Des Moines International Airport, and the Browns Woods County Conservation Park to the west.
7. **Applicable Recognized Neighborhood(s):** The subject property is within the Southwestern Hills Neighborhood. All recognized neighborhoods were notified of the meeting by mailing of the Preliminary Agenda on September 27, 2012. Additionally, separate notifications of the hearing for this specific item were mailed on September 27, 2012 (20 days prior) and October 7, 2013 (10 days prior to the scheduled hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. The notices for the Southwestern Hills Neighborhood Association were sent to George Davis, 3124 Southwest 29<sup>th</sup> Street, Des Moines, IA 50321. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on October 11, 2013.

The applicant is responsible for conducting a neighborhood meeting inviting surrounding property owners within 250 feet. The applicant will provide a summary of the meeting at the public hearing.

**8. Relevant Zoning History:** On July 10, 1995 Ordinance No. 13,213, the City Council rezoned the property on the existing site to the north from R1-80 to M-1 subject to the following conditions:

- A. Prior to any request for site plan approval upon that portion of the Property lying south of the north 11.7 acres thereof exclusive of streets or within 12 months from the effective date of this rezoning, whichever is earlier, the owner of that portion of the Property lying south of the north 11.7 acres thereof exclusive of streets shall file a rezoning application requesting a change of the zoning of said portion of the Property to "PBP" Planned Business Park District.
- B. Any improvements constructed upon the Property shall be located so as to allow a future street to be placed within the north thirty-three (33) feet of the Property and to comply with the required twenty-five (25) foot front yard setback for such street.

The subject property was rezoned from R1-80 to PBP on December 4, 1995 by Ordinance No. 13,274. On March 24, 2008 the City Council approved a PBP Conceptual Plan "Cornerstone Church" for property that included the subject property. The subject property was shown as an outlot in that plan.

**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 site is currently built as an industrial site and has some landscape plantings from the original site development. There are also scrub growth trees and vegetation within the subject property of the rezoning which has served as a constructed drainage way. Any tree removal as part of site development would be subject to all Tree Preservation and Mitigation Ordinances.
- 2. Drainage/Grading:** The subject property of the rezoning contains a constructed drainage way serving the existing site and adjoining Boy Scout headquarters property to the south. This will be altered by any site expansion. Any future site development is subject to all storm water management requirements and soil erosion protection requirements with preparation of a Stormwater Pollution Prevention Plan (SWPPP) reviewed by the Iowa DNR and issuance of a grading permit by the Permit and Development Center.
- 3. Landscaping:** The subject property is along a Landscape Enhancement Corridor. So, with approval of the requested rezoning, any development of the property would be required to landscape in accordance with requirements in the Des Moines Landscape Standards applicable to C-2 Districts.

4. **Traffic/Street System:** Vehicular access is currently provided to the property from two drive entrances along Watrous Avenue. Watrous has direct access onto Southwest 63<sup>rd</sup> Street (Iowa Highway 28). The proposed addition would generate additional truck traffic over the existing pattern for the site. Under the Site Plan policies, any site development would therefore be expected to provide traffic generation analysis as part of any submitted Site Plan. The surrounding street network is designed to accommodate business park traffic patterns.
5. **2020 Community Character Plan:** The proposed "M-1" District zoning is light industrial zoning. The existing designation for future land use of Planned Business Park is described in the 2020 Community Character Plan on page 97. The category proposes allowing for the development of light industry, manufacturing activity, office and warehouse uses. With appropriate attention to form and design, planned business parks are intended to provide for light industrial use with minimal impacts to neighbors. Staff believes that the proposed rezoning to M-1 can be found in conformance with this designation so long as the quality of design is compatible with the surrounding business park areas.
6. **Urban Design:** The original Loffredo facility was built with pre-cast panels with offices areas that were developed with architectural metal panel exteriors and stucco panel accents. A more recent addition to the north side of the building was built with smooth metal panels that are painted to match the pre-cast concrete portion of the building. Staff believes that any expansion should be compatible with the existing facilities in order to protect the surrounding uses such as the Boy Scout headquarters to the south and residential acreages to the east. Any rezoning should include a condition that the architecture design and materials of any expansion be compatible with the existing facility and surrounding business park areas.

## SUMMARY OF DISCUSSION

*Jacqueline Easley joined the meeting*

Erik Lundy presented the staff report and recommendation.

Dann Flaherty asked what is the benefit to the applicant to rezone this property from PBP to "M-1".

Erik Lundy stated the applicant doesn't have to submit a detailed conceptual plan for "M-1" zoning like they would under PBP zoning. They would have a more significant front end investment to do the conceptual plan for the PBP. They would also need to rezone their existing site to PBP because it would be split zoned. It was more of a timing issue and they already have a predominance of "M-1" zoning. There really is no benefit under the intent of PBP in terms of getting the right street layouts and etc. It is probably simpler for the applicant to take this approach.

Mike Ludwig asked if there were any comments from the Airport on height hazard.



