



Date February 11, 2019

**RESOLUTION HOLDING HEARING ON CITY-INITIATED REQUEST
TO REZONE PROPERTY LOCATED AT 3500 VANDALIA ROAD**

WHEREAS, on January 28, 2019, by Roll Call No. 19-0136 the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on January 17, 2019, its members voted 8-0 in support of a motion to recommend **APPROVAL** of a City-initiated request to rezone property located at 3500 Vandalia Road ("Property") from "M-1" Light Industrial District to Limited "M-2" Heavy Industrial District, to allow development by a proposed developer and purchaser of the Property with a steel fabrication plant fronting on Southeast 36th Street with outdoor storage and fabrication of materials and finished products, subject to the following condition:

1. Landscaping within 200 feet of Southeast 36th Street and Vandalia Road rights-of-way in accordance with the City's standards for "C-2" Districts shall be provided by developer at such time as development occurs within 200 feet of the applicable corridor. Should the City's landscaping standards be revised, the new landscape standards will apply to all applicable portions of the site when developed; and

WHEREAS, on January 28, 2019, by Roll Call No. 19-0136, it was duly resolved by the City Council that the City-initiated request to rezone the Property, as legally described below, be set down for hearing on February 11, 2019 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, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; 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; and

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property locally known as 3500 Vandalia Road, legally described as:

A PART OF LOTS B, D, 72 AND 81, AND ALL OF LOT A, AND ALL OF LOTS 67 THROUGH 71, AND ALL OF LOTS 82 THROUGH 102, ALL IN VANDALIA ACRES PLAT NO. 2, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT E IN SAID VANDALIA ACRES PLAT NO. 2, SAID NORTHWEST CORNER ALSO BEING THE SOUTHWEST CORNER OF LOT A IN SAID VANDALIA ACRES PLAT NO. 2, AND SAID LOT A ALSO BEING VACATED SOUTHEAST 34TH STREET RIGHT OF WAY (VACATED BY ORDINANCE 14,644); THENCE NORTH ALONG THE WEST LINE OF SAID LOT A TO THE NORTHWEST CORNER OF SAID LOT A, SAID NORTHWEST CORNER ALSO BEING THE SOUTHWEST CORNER OF LOT D IN SAID VANDALIA ACRES PLAT NO. 2 AND SAID LOT D ALSO BEING VACATED EAST GRANGER AVENUE RIGHT OF WAY (VACATED BY ORDINANCE 14,644); THENCE CONTINUING NORTH ALONG THE WEST LINE OF SAID LOT D TO THE NORTH LINE OF SAID LOT D; THENCE EAST ALONG THE NORTH LINE OF SAID LOT D TO THE NORTHERLY EXTENSION OF THE WEST RIGHT OF WAY LINE OF SOUTHEAST 36TH STREET; THENCE SOUTH ALONG SAID NORTHERLY EXTENSION AND ALONG THE WEST RIGHT OF WAY LINE OF SAID SOUTHEAST 36TH STREET, A DISTANCE OF 711 FEET; THENCE WESTERLY ALONG A LINE



Date February 11, 2019

PARALLEL WITH THE NORTH LINE OF SAID LOT D TO THE WEST LINE OF LOT B IN SAID VANDALIA ACRES PLAT NO. 2, SAID LOT B ALSO BEING THE VACATED SOUTHEAST 35TH STREET RIGHT OF WAY (VACATED BY ORDINANCE 14,644); THENCE SOUTH ALONG SAID WEST LINE OF SAID LOT B TO THE NORTH LINE OF SAID LOT E; THENCE WEST ALONG SAID NORTH LINE OF SAID LOT E TO THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 29.85 ACRES (1,300,095 SQUARE FEET)

from "M-1" Light Industrial District to Limited "M-2" Heavy Industrial District, to allow development by a proposed developer and purchaser of the Property with a steel fabrication plant fronting on Southeast 36th Street with outdoor storage and fabrication of materials and finished products, subject to the conditions stated above as agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by the proposed purchaser of the Property, PDM Precast, Inc., which is binding upon said proposed purchaser and its successors, heirs and assigns.

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, and any and all statements of interested persons and arguments of counsel, any objections to the proposed rezoning of the Property to Limited "M-2" Heavy Industrial District with conditions as set forth above, are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property to Limited "M-2" Heavy Industrial District with conditions as set forth above, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to final passage of an ordinance rezoning the Property as set forth herein.
3. The City of Des Moines, as current owner of the Property, hereby agrees to and accepts the above-stated rezoning conditions on the Property.

MOVED BY _____ TO ADOPT.

FORM APPROVED:

Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

(ZON2018-00252)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
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.

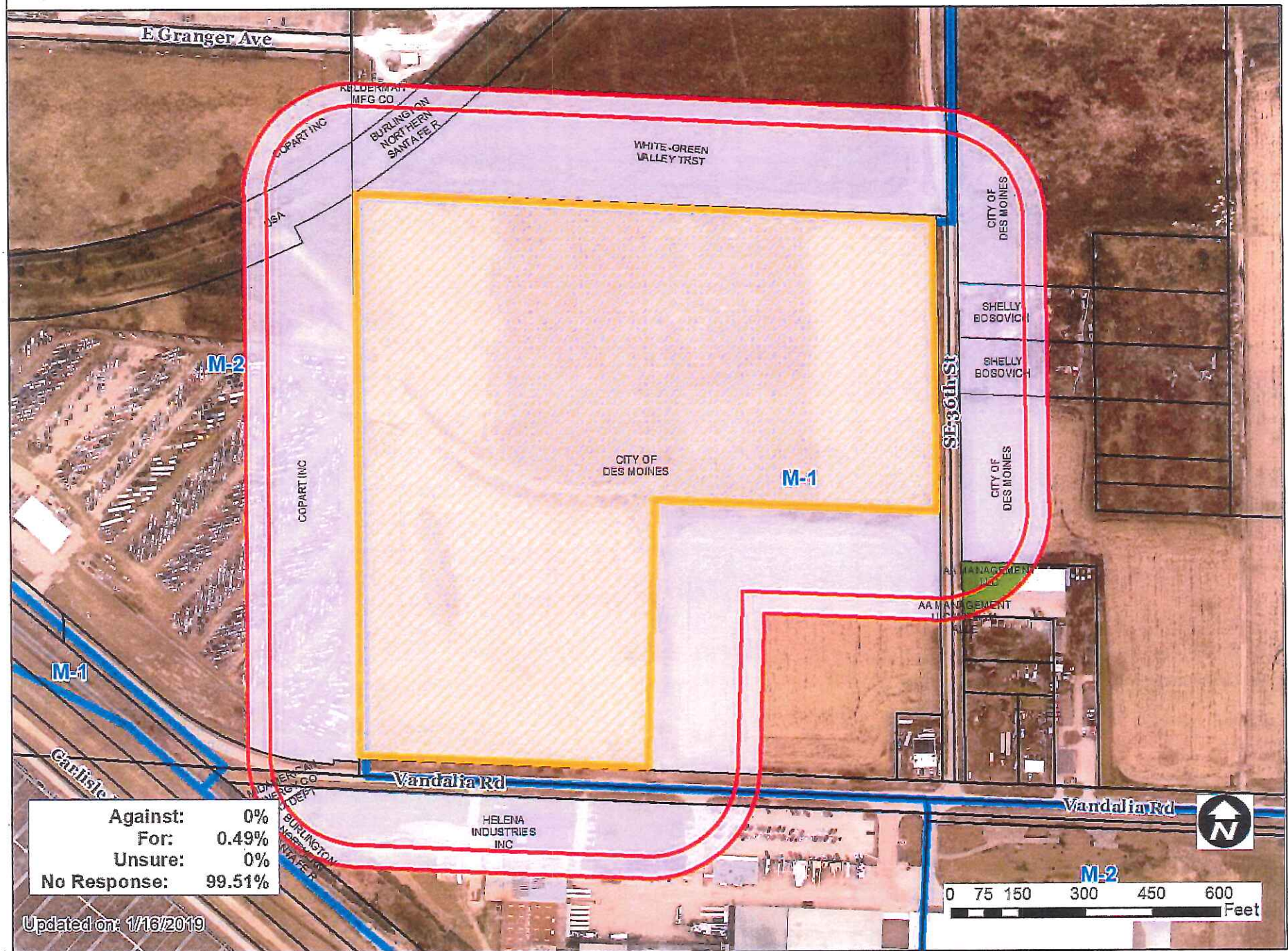
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

37B

City initiated, 3500 Vandalia Road

ZON2018-00252



Against:	0%
For:	0.49%
Unsure:	0%
No Response:	99.51%

Updated on: 1/16/2019

1 inch = 286 feet



Date February 11, 2019
 Agenda Item 37B
 Roll Call # _____

January 22, 2019

Honorable Mayor and City Council
 City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their January 17, 2019 meeting, the following action was taken regarding a City initiated request to rezone property located at 3500 Vandalia Road from "M-1" Light Industrial District to "M-2" Heavy Industrial District, to allow development of a steel fabrication plant with outdoor storage of materials and finished products.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 8-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles				X
David Courard-Hauri				X
Jacqueline Easley	X			
Jann Freed	X			
John "Jack" Hilmes				X
Lisa Howard	X			
Carolyn Jenison	X			
Greg Jones				X
William Page	X			
Mike Simonson	X			
Rocky Sposato				X
Steve Wallace	X			
Greg Wattier				X

RECOMMEND APPROVAL of Part A) the proposed rezoning is **not** in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation, Part B) **APPROVAL** of amending the PlanDSM Creating Our Tomorrow future land use designation from Business Park to Industrial and Part C) **APPROVAL** of the proposed rezoning subject to the provision of landscaping within 200 feet of Southeast 36th Street and Vandalia Rights-of-Way in accordance with the City's standards for "C-2" Districts at

such time as development occurs within 200' of the applicable corridor. Should the City's landscaping standards be revised, the new landscape standards will apply to all applicable portions of the site when developed.

(21-2018-4.22) & (ZON2018-00252)

Written Responses

1 in Favor

0 in Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the Commission find the proposed rezoning is not in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation.

Part B) Staff recommends approval of amending the PlanDSM Creating Our Tomorrow future land use designation from Business Park to Industrial.

Part C) Staff recommends approval of the proposed rezoning subject to the provision of landscaping within 200 feet of Southeast 36th Street and Vandalia Rights-of-Way in accordance with the City's standards for "C-2" Districts at such time as development occurs within 200' of the applicable corridor. Should the City's landscaping standards be revised, the new landscape standards will apply to all applicable portions of the site when developed.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The proposed rezoning would allow the developer to construct a new steel fabrication facility fronting on Southeast 36th Street. The developer is also proposing the outside storage and fabrication of materials and finished products. The developer is in negotiations for the purchase of the subject property from the City of Des Moines.

Any approved rezoning of the subject property would require a Conditional Use Permit from the Zoning Board of Adjustment.

2. Size of Site: 29.85 acres (1,300,095 square feet).

3. Existing Zoning (site): "M-1" Light Industrial District, "GGP" Gambling Games Prohibition Overlay District, and "FSO" Freestanding Sign Overlay District.

4. Existing Land Use (site): Undeveloped land used for agricultural production.

5. Adjacent Land Use and Zoning:

North – "M-2", Uses include manufacturing and undeveloped land.

South – "M-2", Use is Helena Industries, Inc. chemical processing and distribution.

East – “M-1”, Uses include salvage yards and warehousing.

West – “M-2”, Uses include salvage yards and undeveloped land.

- 6. **General Neighborhood/Area Land Uses:** The subject property is located north of Vandalia Road to the west of Southeast 36th Street and the Highway 65/69 bypass. It is located in an area known as the Agrimergent Business Park.
- 7. **Applicable Recognized Neighborhood(s):** The subject property is not located in a recognized neighborhood. All neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on December 28, 2018 and a Final Agenda on January 11, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on December 28, 2018 (20 days prior to the public hearing) and January 7, 2019 (10 days prior to the public hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the subject property.

The required neighborhood meeting will be held on Monday, January 14, 2019. The applicant will be available at the public hearing to provide a summary.

8. **Relevant Zoning History:** None.

9. **PlanDSM Future Land Use Plan Designation:** Business Park.

10. **Applicable Regulations:** The Commission, considering the criteria set forth in Chapter 18B of the Iowa Code, 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.

II. ADDITIONAL APPLICABLE INFORMATION

1. **PlanDSM:** The subject site is designated as “Business Park” on the Future Land Use Map. Plan DSM describes this designation as follows:

Accommodates light industrial, office and employment uses along with limited complementary retail uses. Industrial uses in the category would produce little or no noises, order, vibration, glare, or other objectionable influences, and would have little or no adverse effect on surrounding properties.

The proposed rezoning to the “M-2” Heavy Industrial District requires the Future Land Use map designation for the site to be amended to “Industrial.” Plan DSM describes this designation as follows:

Accommodates industrial development and limited supporting commercial uses. Development in this classification could have large impact on adjoining properties and the environment which would need to be mitigated.

Staff finds that the “Industrial” designation is appropriate given the property’s location along Vandalia Road and that the proposed “M-2” Heavy Industrial District is in conformance with this designation. The properties to the south are designated “M-2” and used for manufacturing purposes.

2. **Site Plan Requirements:** Development of the site requires that it be brought into conformance with an approved site plan. Applicable site plan requirements include stormwater management, landscaping, and screening of overhead doors and outside storage of materials or equipment.
3. **Natural Site Features:** The site consists of undeveloped land. The majority of the area is currently utilized for agricultural production. A few scrub trees are located on the property lines along Vandalia Road and Southeast 36th Street. A wooded and unutilized portion of land is located within the interior of the northern portion of the property.

Development of the site must comply with the City’s Tree Removal and Mitigation Ordinance (Section 42-550 of the City Code).

4. **Drainage/Grading:** All grading is subject to an approved grading permit and soil erosion control plan, as well as a Stormwater Pollution Protection Plan (SWPPP) approved by the Iowa DNR. All site plans must comply with the City’s Stormwater Management requirements to the satisfaction of the City’s Permit and Development Center.

The City of Des Moines has developed a regional stormwater management plan for the Agrimergent Technology Park and Southeast Connector that includes regional detention and retention facilities, conveyance facilities, and stormwater pump stations. Use of the regional system will be evaluated during the review of any future site plans.

5. **Utilities:** The site has access to all necessary utilities. A 54-inch sanitary sewer main is located within the Vandalia Road right-of-way. There are three 8-inch water mains located in or adjacent to the subject property including within the Vandalia Road Right-of-Way and the Southeast 36th Street Right-of-Way.
6. **Street System & Access:** The developer intends to initially construct the main facility in the northeast portion of the property. Primary access to the facility would be provided from Southeast 36th Street. One driveway would be along the northern property line and one driveway would be along the southern property line to allow access to the sides and rear of the property. An additional driveway in the middle of the property would provide access to the office and parking lot.
7. **Landscaping & Buffering:** “C-2” landscaping standards are required within 200 feet of Southeast 36th Street and Vandalia Rights-of-Way when development occurs within 200 feet of the applicable corridor. Should the City’s landscaping standards be revised, the new landscape standards will apply to all applicable portions of the site when developed. Staff recommends that the proposed rezoning be subject to providing landscaping in accordance with the standards for the “C-2” District.

SUMMARY OF DISCUSSION

Jacqueline Easley asked if any member of the audience or the commission desired to speak regarding the item. None requested to speak.

COMMISSION ACTION:

Mike Simonson made a motion for **APPROVAL** of Part A) the proposed rezoning is **not** in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation, Part B) **APPROVAL** of amending the PlanDSM Creating Our Tomorrow future land use designation from Business Park to Industrial and Part C) **APPROVAL** of the proposed rezoning subject to the provision of landscaping within 200 feet of Southeast 36th Street and Vandalia Rights-of-Way in accordance with the City's standards for "C-2" Districts at such time as development occurs within 200' of the applicable corridor. Should the City's landscaping standards be revised, the new landscape standards will apply to all applicable portions of the site when developed.

Motion Carried 8-0

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:tjh

City initiated request for property located at 3500 Vandalia Road.		File #		
		21-2018-4.22		
Description of Action	Amendment to the PlanDSM future land use classification from Business Park to Industrial.			
PlanDSM Future Land Use	Current: Business Park. Proposed: Industrial.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"M-1" Light Industrial District and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District	"M-2" Heavy Industrial District and "FSO" Freestanding Signs Overlay District.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Subject Property	0	0		
Outside Area (200 feet)				
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes
	Denial			No

City initiated, 3500 Vandalia Road

21-2018-4.22



1 inch = 287 feet

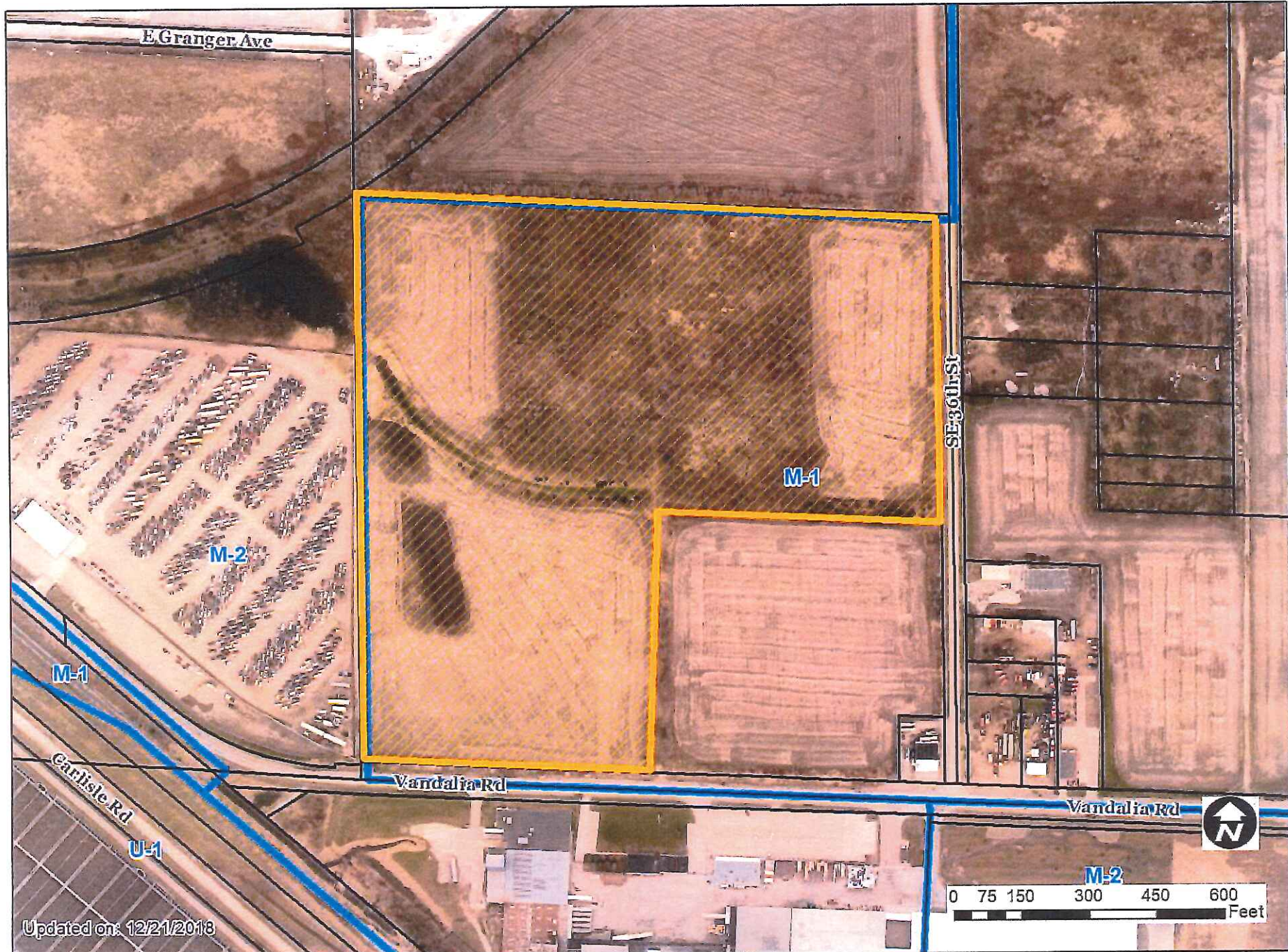
City initiated request for property located at 3500 Vandalia Road.			File #	
			ZON2018-00252	
Description of Action	Rezone property from "M-1" Light Industrial District to "M-2" Heavy Industrial District, to allow development of a steel fabrication plant with outdoor storage of materials and finished products.			
PlanDSM Future Land Use	Current: Business Park. Proposed: Industrial.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"M-1" Light Industrial District and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District	"M-2" Heavy Industrial District and "FSO" Freestanding Signs Overlay District.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Subject Property	1	0		
Outside Area (200 feet)				
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes
	Denial			No

City initiated, 3500 Vandalia Road

ZON2018-00252



1 inch = 286 feet



Updated on: 12/21/2018

1 inch = 287 feet

Item ZON2018-00252

Date 1-11-18

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

(Circle One)

Print Name A. Allen Cannon & Assoc

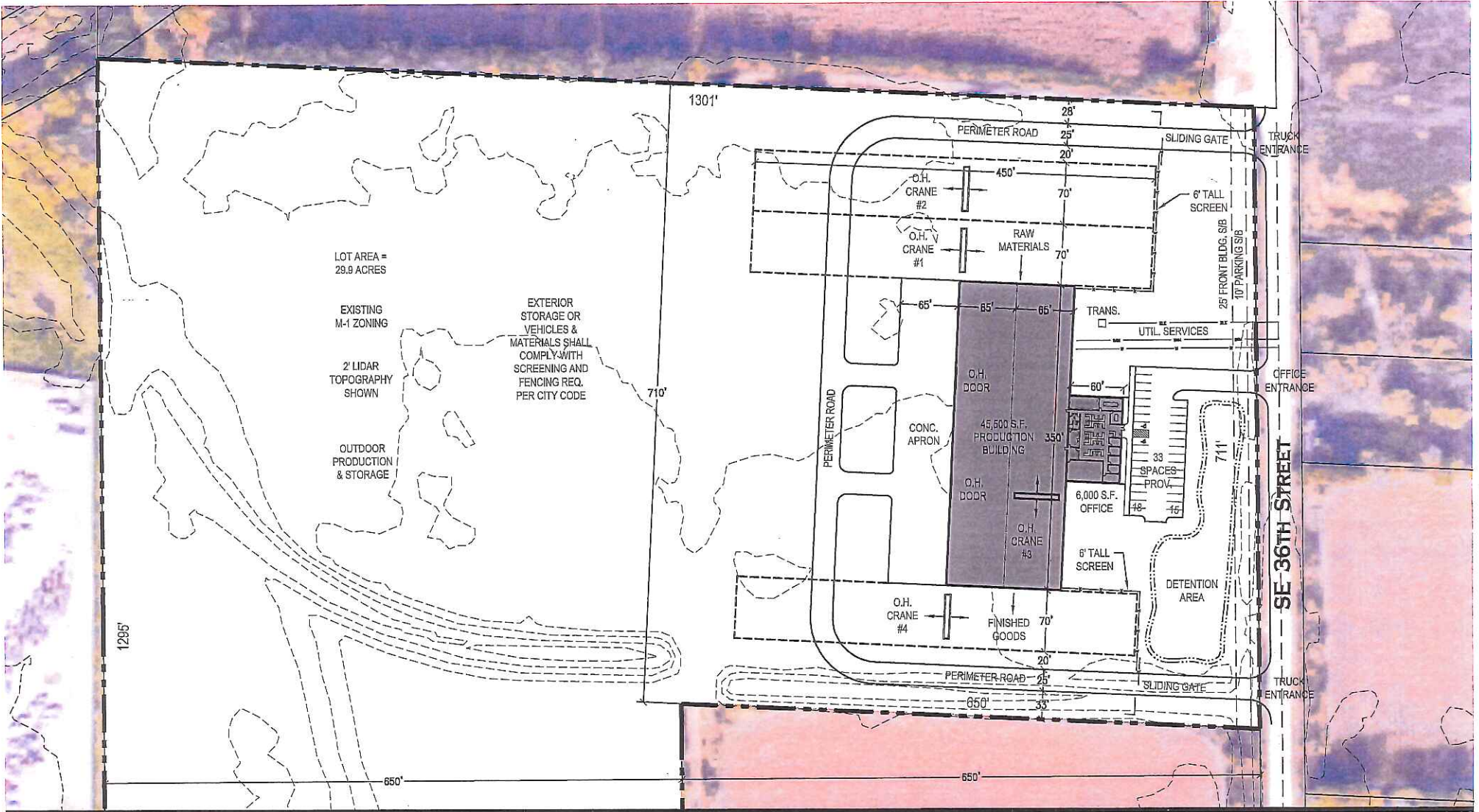
Signature [Handwritten Signature]

Address 3618 UANDALLA RD

RECEIVED
COMMUNITY DEVELOPMENT

JAN 14 2018

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



PDM

This drawing has been prepared by the Architect, or under the Architect's direct supervision. This drawing is intended to be conceptual in nature only. Property boundaries, setbacks, easements, topography, utilities, structures and other physical features shown herein are based on the information available to the architect at the time of design. This document reflects a site plan concept only, and does not necessarily reflect all governing authority requirements, including green space calculations, bulk regulations, landscaping, storm water management, city laws, site signage, grading and other factors that may impact final site design. This drawing shall not be used for construction or final binding documentation. (C) Copyright 2018 by Simonson & Associates Architects, L.L.C.

PDM Facility
Steel Production - Concept #4
Des Moines, Iowa

December 14, 2018



1" = 100'-0" @ 11"x17" Sheet
SAA# 18054



DRAWN BY: AVG

simonson

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37B