

Date July 15, 2019

**RESOLUTION SETTING HEARING ON REQUEST FROM SANCO PROPERTIES, LLC TO REZONE PROPERTY LOCATED AT 5092 EAST BROADWAY AVENUE**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on June 20, 2019, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Sanco Properties, LLC (owner), represented by Matt Griebrok (officer), to rezone property located at 5092 East Broadway Avenue (“Property”) from “A-1” Agricultural District to Limited “M-1” Light Industrial District, to allow expansion of the existing sales, service, warehousing and distribution uses in operation at the adjoining business located at 4975 Hubbell Avenue, subject to the following conditions:

- 1) Permitted uses shall be limited to the following:
  - a) Sales and service of recreational vehicles and refrigerated semi-tractor trailers, and above-ground storage tanks of petroleum.
  - b) Uses allowed in the C-2 District, excluding adult entertainment businesses, off-premises advertising signs, delayed deposit services and pawn shops.
  - c) Uses allowed in the C-3 and C-3A District, excluding assembly and packaging of small components; and manufacturing, packaging, and storage of dairy products.
  - d) Storage yards, and communication towers and antennas as permitted in the M-1 District.
- 2) Any outdoor storage or vehicle display shall occur on a paved asphalt or Portland cement concrete surface.
- 3) Any Site Plan submitted shall comply with the City’s Landscaping Standards for the “C-2” District; and

**WHEREAS**, the Property is legally described as follows:

THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 15, TOWNSHIP 79 NORTH, RANGE 23, WEST OF THE 5TH P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, DESCRIBED AS FOLLOWS:

BEGINNING 423.3 FEET NORTH OF THE SOUTH 1/4 CORNER OF SAID SECTION 15; THENCE S 28°20' E, 330.4 FEET TO THE NORTH LINE OF THE ABANDONED RAILROAD RIGHT-OF-WAY (NORTH LINE BEING 133 FEET NORTH OF THE SOUTH LINE OF SECTION 15); THENCE WEST ALONG NORTH LINE OF RAILROAD RIGHT-OF-WAY 293.5 FEET; THENCE N 00°05 1/2' E, 541.2 FEET; THENCE S 28°20' E, 286.2 FEET TO THE POINT OF BEGINNING, CONTAINING 1.823 ACRES, MORE OR LESS.



**Roll Call Number**

**Agenda Item Number**

28

**Date** July 15, 2019

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Des Moines, Iowa, as follows:

1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held at the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on August 5, 2019, at which time the City Council will hear both those who oppose and those who favor the proposal.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED BY \_\_\_\_\_ TO ADOPT.

FORM APPROVED:

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

(ZON2019-00092)

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

MOTION CARRIED

APPROVED

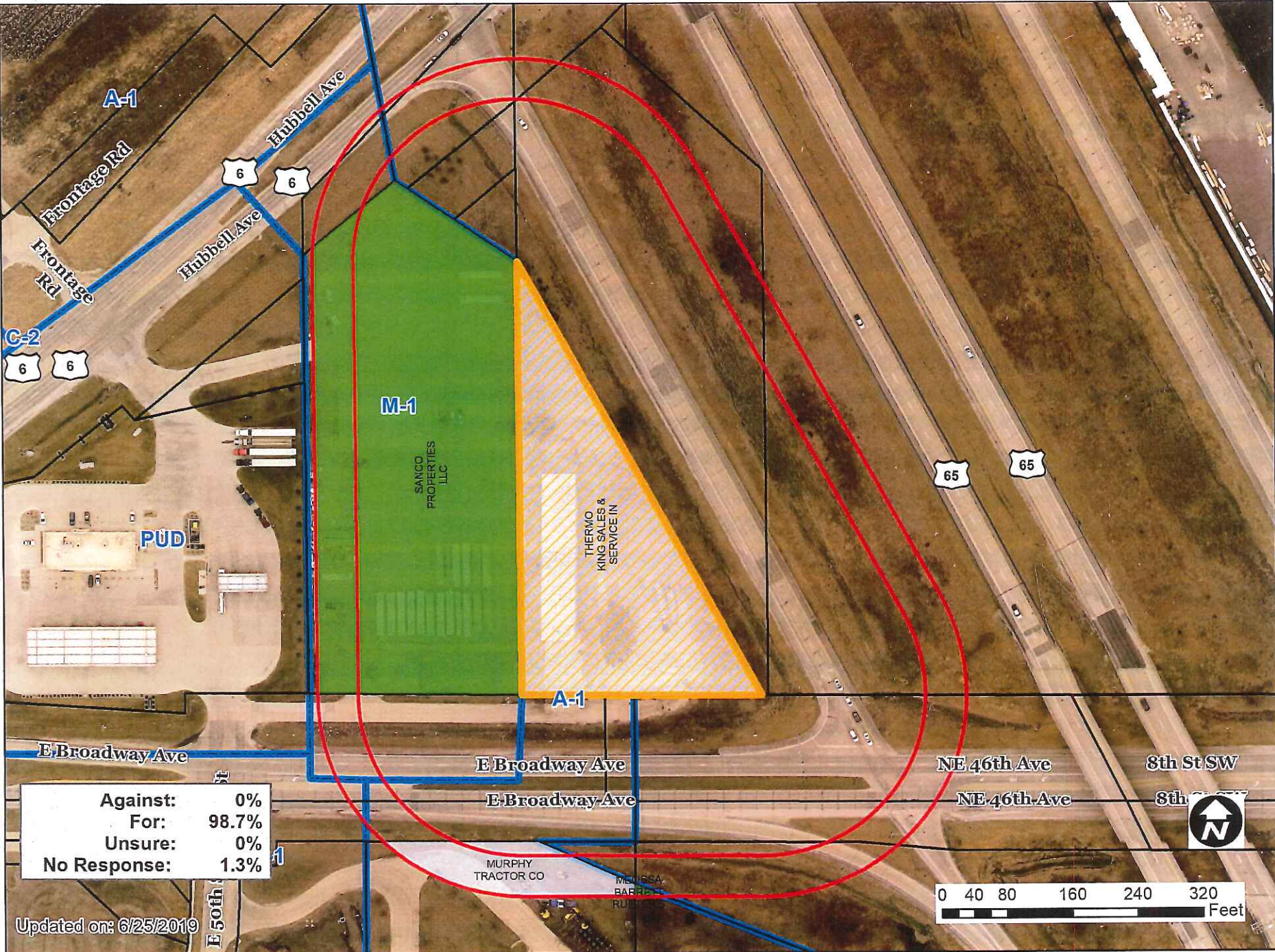
**CERTIFICATE**

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.

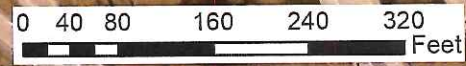
\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



Against:	0%
For:	98.7%
Unsure:	0%
No Response:	1.3%

Updated on: 6/25/2019



1 inch = 157 feet

July 9, 2019

Honorable Mayor and City Council  
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their June 20, 2019 meeting, the following action was taken regarding a request from Sanco Properties, LLC (owner) represented by Matt Greibrok (officer) to rezone property located at 5092 East Broadway Avenue from from "A-1" Agricultural District to "M-1" Light Industrial District to allow the expansion of the sales, service, warehousing, and distribution operations for Thermo King on property adjoining to the west.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 12-0 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
Emily Webb	X			

**APPROVAL** of Part A) The proposed rezoning be found in conformance with the existing PlanDSM Creating Our Tomorrow future land use designations and **APPROVAL** of Part B) Rezoning the subject property from "A-1" District to a Limited "M-1" District subject to the following conditions:

- 1) Permitted uses shall be limited to the following:
  - a) Sales and service of recreational vehicles and refrigerated semi-tractor trailers, and above-ground storage tanks of petroleum.
  - b) Uses allowed in the C-2 District, excluding adult entertainment businesses, off-premises advertising signs, delayed deposit services and pawn shops.
  - c) Uses allowed in the C-3 and C-3A District, excluding assembly and packaging of small components; and manufacturing, packaging, and storage of dairy products.
  - d) Storage yards, and communication towers and antennas as permitted in the M-1 District.
- 2) Any outdoor storage or vehicle display shall occur on a paved asphalt or Portland cement concrete surface.
- 3) Any Site Plan submitted shall comply with the City's Landscaping Standards for the "C-2" District.

(ZON2019-00092)

Written Responses

2 in Favor

0 in Opposition

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

Part A) Staff recommends that the proposed rezoning be found in conformance with the existing PlanDSM Creating Our Tomorrow future land use designations.

Part B) Staff recommends approval of rezoning the subject property from "A-1" District to a Limited "M-1" District subject to the following conditions:

- 1) Permitted uses shall be limited to the following:
  - a) Sales and service of recreational vehicles and refrigerated semi-tractor trailers, and above-ground storage tanks of petroleum.
  - b) Uses allowed in the C-2 District, excluding adult entertainment businesses, off-premises advertising signs, delayed deposit services and pawn shops.
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  - d) Storage yards, and communication towers and antennas as permitted in the M-1 District.
- 2) Any outdoor storage or vehicle display shall occur on a paved asphalt or Portland cement concrete surface.

- 3) Any Site Plan submitted shall comply with the City's Landscaping Standards for the "C-2" District.

## STAFF REPORT TO THE PLANNING COMMISSION

### I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed rezoning would allow the applicant to expand the business they operate on the property to the west (4975 Hubbell Avenue) to the subject property.
2. **Size of Site:** 79,230 square feet or 1.82 acres.
3. **Existing Zoning (site):** "A-1" Agricultural District.
4. **Existing Land Use (site):** Light industrial including a 8,040-square foot building.
5. **Adjacent Land Use and Zoning:**
  - North** – Unincorporated Highway 65 By-pass right-of-way.
  - South** – Unincorporated Highway 65 By-pass right-of-way and land zoned "A-1" that contains a light industrial and agricultural production uses.
  - East** – Unincorporated Highway 65 By-pass right-of-way.
  - West** – Limited "M-1"; Use is light industrial.
6. **General Neighborhood/Area Land Uses:** The subject property is located on the north side of East Broadway Avenue between the Hubbell Avenue and Highway 65 Bypass intersections. The surrounding area primarily consist of light industrial and commercial uses. It is located at the edge of the City limits in the northeast quadrant of Des Moines.
7. **Applicable Recognized Neighborhood(s):** The subject property is not located within 250 feet of a recognized neighborhood. All neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on May 31, 2019 and a Final Agenda on June 14, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on May 31, 2019 (20 days prior to the public hearing) and June 10, 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 site. All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division.
8. **Relevant Zoning History:** The applicant operates a light industrial business on the property to the west (4975 Hubbell Avenue). The proposed rezoning would allow that business to expand onto the subject property. The existing site was rezoned from "A-1" District to Limited "M-1" District by the City Council on February 27, 2012, by Ordinance Number 15,088. The rezoning was subject to the following conditions:
  - 1) Permitted uses shall be limited to the following:

- a) Sales and service of recreational vehicles and refrigerated semi-tractor trailers, and above-ground storage tanks of petroleum.
  - b) Uses allowed in the C-2 District, excluding adult entertainment businesses, off-premises advertising signs, delayed deposit services and pawn shops.
  - c) Uses allowed in the C-3 and C-3A District, excluding assembly and packaging of small components; and manufacturing, packaging, and storage of dairy products.
  - d) Storage yards, and communication towers and antennas as permitted in the M-1 District.
- 2) Any outdoor storage or vehicle display shall occur on a paved asphalt or Portland cement concrete surface.

**9. PlanDSM Creating Our Tomorrow Future Land Use Plan Designation:** Industrial.

**10. Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, 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.

**II. ADDITIONAL APPLICABLE INFORMATION**

1. **PlanDSM Creating Our Tomorrow Future Land Use Plan Designation:** The subject property is designated as "Industrial" on the Future Land Use Map. This designation "accommodates industrial development and limited supporting commercial uses; development in the classification could have a large impact on adjoining properties and the environment which would need to be mitigated." Staff is supportive of the request, so long as the allowed uses are limited by the conditions found in Section III of the report. The subject property is located at a gateway into Des Moines. As such, some uses allowed by the "M-1" District are not appropriate and a higher level of landscaping is warranted.
2. **Site Plan Requirements:** The proposed expansion of the applicant's existing business requires the submittal of a Site Plan and for the site to be brought into conformance with current standards including storm water management and landscaping.
3. **Access:** The subject property has access to East Broadway Avenue. In addition, the applicant's existing site to the west has access to Hubbell Avenue. The site has frontage along the Highway 65 Bypass.
4. **Utilities:** Public storm sewer is not available to serve the property. The existing building is served by a sanitary sewer line and water line in the East Broadway Avenue right-of-way.

## SUMMARY OF DISCUSSION

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

### COMMISSION ACTION:

John "Jack" Hilmes made a motion for **APPROVAL** of Part A) The proposed rezoning be found in conformance with the existing PlanDSM Creating Our Tomorrow future land use designations and **APPROVAL** of Part B) Rezoning the subject property from "A-1" District to a Limited "M-1" District subject to the following conditions:

- 1) Permitted uses shall be limited to the following:
  - a) Sales and service of recreational vehicles and refrigerated semi-tractor trailers, and above-ground storage tanks of petroleum.
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Motion Carried: 12-0

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

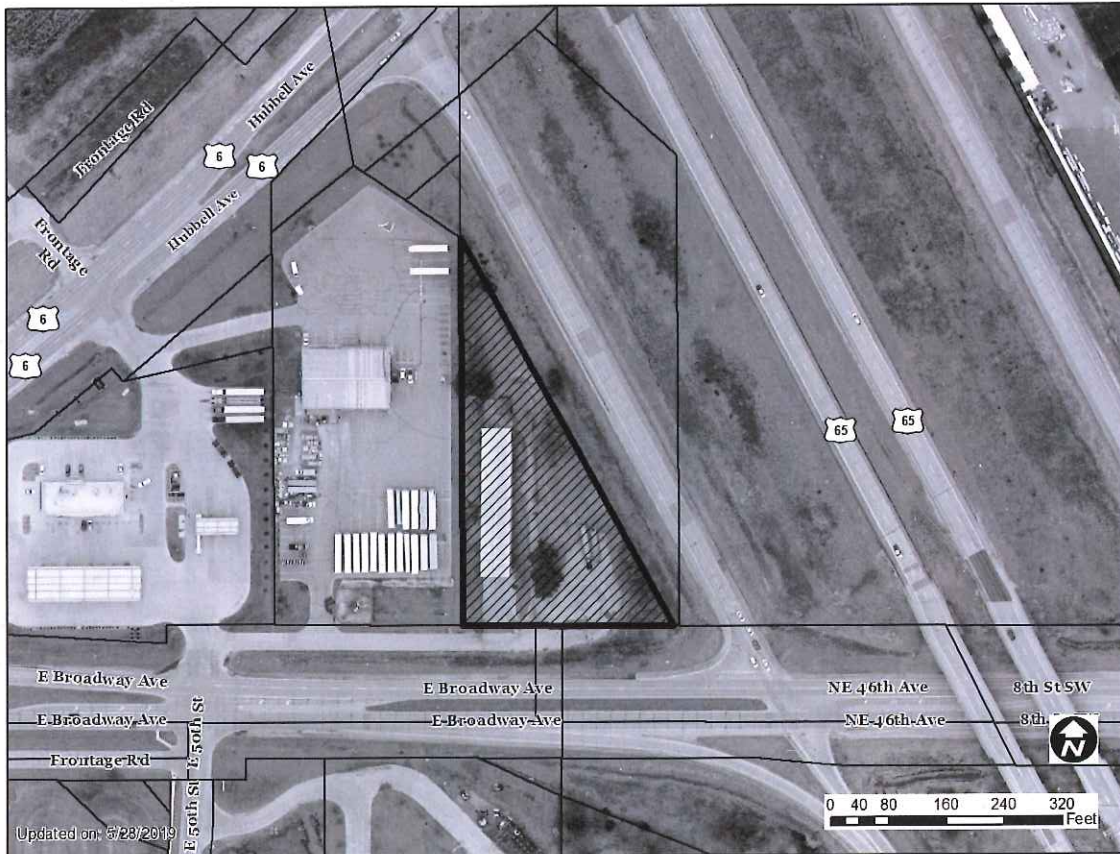
MGL:tjh



<b>Sanco Properties, LLC (owner) represented by Matt Greibrok (officer) for property located at 5092 East Broadway Avenue.</b>				<b>File #</b>	
				<b>ZON2019-00092</b>	
<b>Description of Action</b>	Rezone property from "A-1" Agricultural District to "M-1" Light Industrial District to allow the expansion of the sales, service, warehousing, and distribution operations for Thermo King on property adjoining to the west.				
<b>PlanDSM Future Land Use</b>	Current: Business Park. Proposed: N/A.				
<b>Mobilizing Tomorrow Transportation Plan</b>	No planned improvements.				
<b>Current Zoning District</b>	"A-1" Agricultural District and "FSO" Freestanding Signs Overlay District.				
<b>Proposed Zoning District</b>	"M-1" Light Industrial District and "FSO" Freestanding Signs Overlay District.				
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition	
<b>Subject Property</b>	2	0			
<b>Outside Area (200 feet)</b>					
<b>Plan and Zoning Commission Action</b>	Approval	X	<b>Required 6/7 Vote of the City Council</b>	Yes	
	Denial			No	X

Sanco Properties, LLC, 5092 East Broadway Avenue

ZON2019-00092



1 inch = 157 feet

ZON2019-00092

Date 6/20/19

28

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

(Circle One)

RECEIVED  
COMMUNITY DEVELOPMENT

JUN 21 2019

Print Name John D. Trillmann, Corporate Counsel

Signature *J. D. Trillmann*

Address Vacant land

Parcel ID - 060 09027 049 000

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

Rueter Corp. has intentions of rezoning its property in the future - possibly to M-7, Light Industrial and feel this change across the road from our property is a good fit for the future use of the area.

ZON2019-00092

Date 6-12-19

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

(Circle One)

RECEIVED  
COMMUNITY DEVELOPMENT

JUN 20 2019

Print Name Kris Van DerKam

Signature *Kris Van DerKam*

Address 4975 Hubbell Ave  
Des Moines, IA 50317

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_