



Date May 4, 2020

**RESOLUTION SETTING HEARING ON REQUEST FROM SKYLINE TRUCKING, INC.
TO REZONE PROPERTY LOCATED AT 3220 DIXON STREET**

WHEREAS, on April 25, 2016, by Roll Call No. 16-0717, the City Council adopted the PlanDSM: Creating Our Tomorrow Plan; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 16, 2020, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Skyline Trucking, Inc. (owner), represented by Ronald Fadness (officer), to rezone the real property locally known as 3220 Dixon Street (“Property”) from I1 Industrial District to I2 Industrial District, to allow for future consideration by the Zoning Board of Adjustment of a conditional use for a Fabrication and Production, Intensive use for a 12,000-gallon above-ground petroleum tank for truck fueling to replace the use of mobile tanks; and

WHEREAS, the Property is legally described as follows:

PARCEL H, OF THE SOUTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 27, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., DES MOINES, POLK COUNTY, IOWA AS RECORDED IN BOOK 11845, PAGE 280 AND CORRECTED BY AFFIDAVIT RECORDED IN BOOK 13334, PAGE 87 OF THE POLK COUNTY RECORDERS OFFICE. SAID TRACT OF LAND CONTAINS 2.50 ACRES MORE OR LESS.

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, and at which time the City Council will hear both those who oppose and those who favor the proposal, shall be held at 5:00 p.m. on May 18, 2020, by electronic means in accordance with the Governor’s and Mayor’s Proclamations.
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. The City Clerk is instructed to provide this notice including information about participation in the electronic meeting as indicated above.

 **Roll Call Number**

Agenda Item Number

21

.....
Date May 4, 2020.....

MOVED BY _____ TO ADOPT.

FORM APPROVED:

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

(ZON2020-00029)

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

MOTION CARRIED

APPROVED

CERTIFICATE

I, P. KAY CMELIK, 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



April 28, 2020

Date May 4, 2020
 Agenda Item 21
 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 April 16, 2020 meeting, the following action was taken regarding a request from Skyline Trucking, Inc. (owner) represented by Ronald Fadness (officer) to rezone property located at 3220 Dixon Street from "I1" Industrial District to "I2" Industrial District, to allow for future consideration of a Conditional Use application for a Fabrication and Production, Intensive use, specifically for an above-ground petroleum tank in excess of 1,000 gallons (12,000 gallons).

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles	X			
Abby Chungath	X			
Jacqueline Easley	X			
Jann Freed	X			
John "Jack" Hilmes	X			
Lisa Howard	X			
Carolyn Jenison	X			
Greg Jones	X			
William Page	X			
Rocky Sposato	X			
Steve Wallace				X
Greg Wattier	X			
Emily Webb	X			

APPROVAL of Part A) the Commission find the proposed rezoning in conformance with the Des Moines' PlanDSM: Creating Our Tomorrow Plan future land use designation of Industrial and Part B) **APPROVAL** of the request to rezone to the "I2" Industrial District.
 (ZON2020-00029)

Written Responses

2 in Favor

0 in Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the Commission find the proposed rezoning in conformance with the Des Moines' PlanDSM: Creating Our Tomorrow Plan future land use designation of Industrial.

Part B) Staff recommends approval of the request to rezone to the "I2" Industrial District.

Should the rezoning be denied, the applicant would have up to one (1) year following that denial to seek a Use Variance from the Zoning Board of Adjustment to allow use of the property for a specific commercial use.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

- 1. Purpose of Request:** The applicant is seeking to install a 12,000-gallon above-ground petroleum tank for truck fueling to replace the use of mobile tanks. The tank would be proposed to be placed west of the existing shop building.
- 2. Size of Site:** 2.5 acres.
- 3. Existing Zoning (site):** "I1" Industrial District.
- 4. Existing Land Use (site):** The subject property contains a 1-story, 4,000-square foot service shop building and a 2-story, 1,800-square foot office building for Bullseye Trucking.
- 5. Adjacent Land Use and Zoning:**
 - North** - "I1", Use is Liberty Ready Mix concrete mixing plant.
 - South** - "I1"; Use is repair shop and outdoor storage yard for Hallett Materials.
 - East** - "I2"; Uses are Alter Trading metal recycling and EP2 Electrical Power Products.
 - West** - "I1"; Use is Liberty Ready Mix materials storage yard.
- 6. General Neighborhood/Area Land Uses:** The subject property is located along the west side of the Dixon Street corridor north of Hull Avenue, in an area that includes a mix of industrial uses. The subject property is separated from a high-density multi-household residential development to the west by Liberty Ready Mix materials storage yard and the Union Pacific Railroad.

Applicable Recognized Neighborhood(s): The subject property is not located within a recognized neighborhood but is within 250 feet of the Highland Park Neighborhood to the west.

A notice regarding postponement of the March 19, 2020 P&Z meeting was mailed on March 13, 2020 to the Highland Park Neighborhood and all primary titleholders on file with the Polk County Assessor for each property within 250' of the site.

A notice of the April 16, 2020 electronic/Zoom meeting was mailed on April 3, 2020 to the Highland Park Neighborhood and the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda was mailed to all recognized neighborhoods on April 10, 2020.

The Highland Park Neighborhood mailings were sent to Drew Kelso, 815 East Seneca Avenue, Des Moines, IA 50316.

The applicant held their neighborhood meeting on March 13, 2020. The applicant will be available to go over their summary of the neighborhood meeting at the hearing.

7. Relevant Zoning History: N/A.

8. PlanDSM Land Use Plan Designation: Industrial.

9. 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 Land Use Plan: The City's comprehensive land use plan designates the property as "Industrial". PlanDSM describes "Industrial" as *"Accommodates industrial development and limited supporting commercial uses. Development in this classification could have a large impact on adjoining properties and the environment which would need to be mitigated."*

The recently adopted Zoning Ordinance describes the requested "I2" District as follows: *"intended for general and higher intensity industrial uses as well as warehousing and transportation terminals"*.

Staff recommends that the requested "I2" District be found in conformance with the Des Moines' PlanDSM: Creating Our Tomorrow Plan future land use designation of "Industrial". The proposed above ground storage tank would be within the Fabrication and Production – Intensive use of the property as defined in the Zoning Ordinance as it would exceed 1,000 gallons of flammable or combustible liquids. Should the property be rezoned, the use must the further be reviewed and granted as a Conditional Use by

the Zoning Board of Adjustment, where mitigating conditions may be required for protection of surrounding properties.

- 2. Site Considerations:** The existing property has a Site Plan approved on May 11, 2006 for Bullseye Trucking. This plan did not provide for any development west of the shop and office buildings other than a detention basin south and west of the buildings. Since that time, the property west of the buildings has been used for maneuvering for trucks using the mobile fueling tanks, and for storage of aggregate materials. For these uses to continue, and for the proposed permanent 12,000 gallon above-ground storage tank use, the Site Plan would be required to show necessary paving for the maneuvering to the refueling area and to demonstrate requirements for the outside storage yard area.

SUMMARY OF DISCUSSION

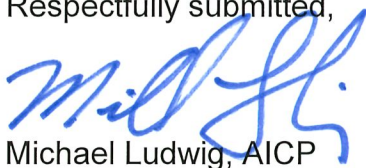
Jann Freed asked if any member of the audience or the Commission desired to speak regarding the item. None were present or requested to speak.

COMMISSION ACTION:

John "Jack" Hilmes made a motion for approval of Part A) the Commission find the proposed rezoning in conformance with the Des Moines' PlanDSM: Creating Our Tomorrow Plan future land use designation of Industrial and Part B) **APPROVAL** of the request to rezone to the "I2" Industrial District.

Motion passed: 12-0

Respectfully submitted,



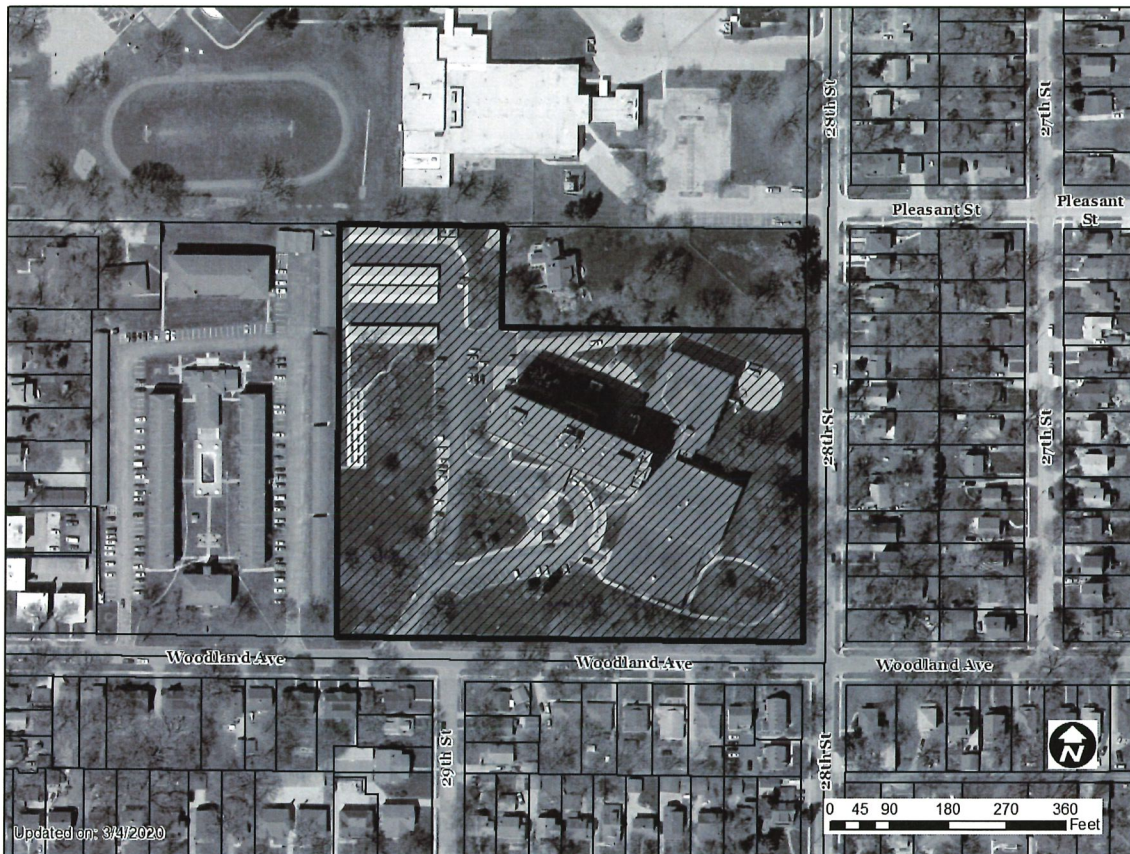
Michael Ludwig, AICP
Planning Administrator

MGL:tjh

Scottish Rite Park, Inc. (owner) represented by Daniel J. Boor (officer) for property located at 2909 Woodland Avenue.				File # 21-2020-4.07	
Description of Action	Amend the PlanDSM Creating Our Tomorrow Plan future land use designation from Public/Semi-Public to Neighborhood Mixed Use.				
PlanDSM Future Land Use	Current: Public/Semi-Public. Proposed: Neighborhood Mixed Use.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"NX3" Neighborhood Mix District.				
Proposed Zoning District	"RX1" Mixed-Use District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Outside Area (200 feet)	0	0			
Within Subject Property					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Scottish Rite Park, Inc., 2909 Woodland Avenue

21-2020-4.07

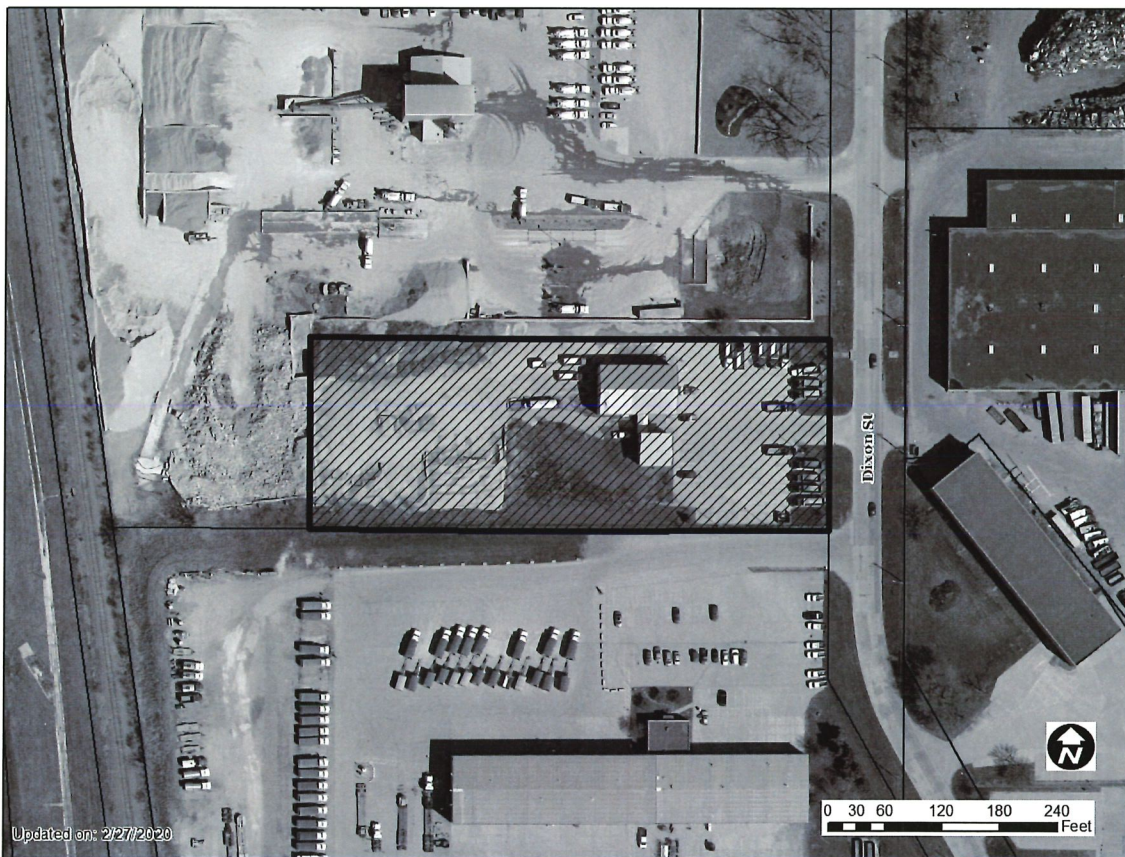


1 inch = 173 feet

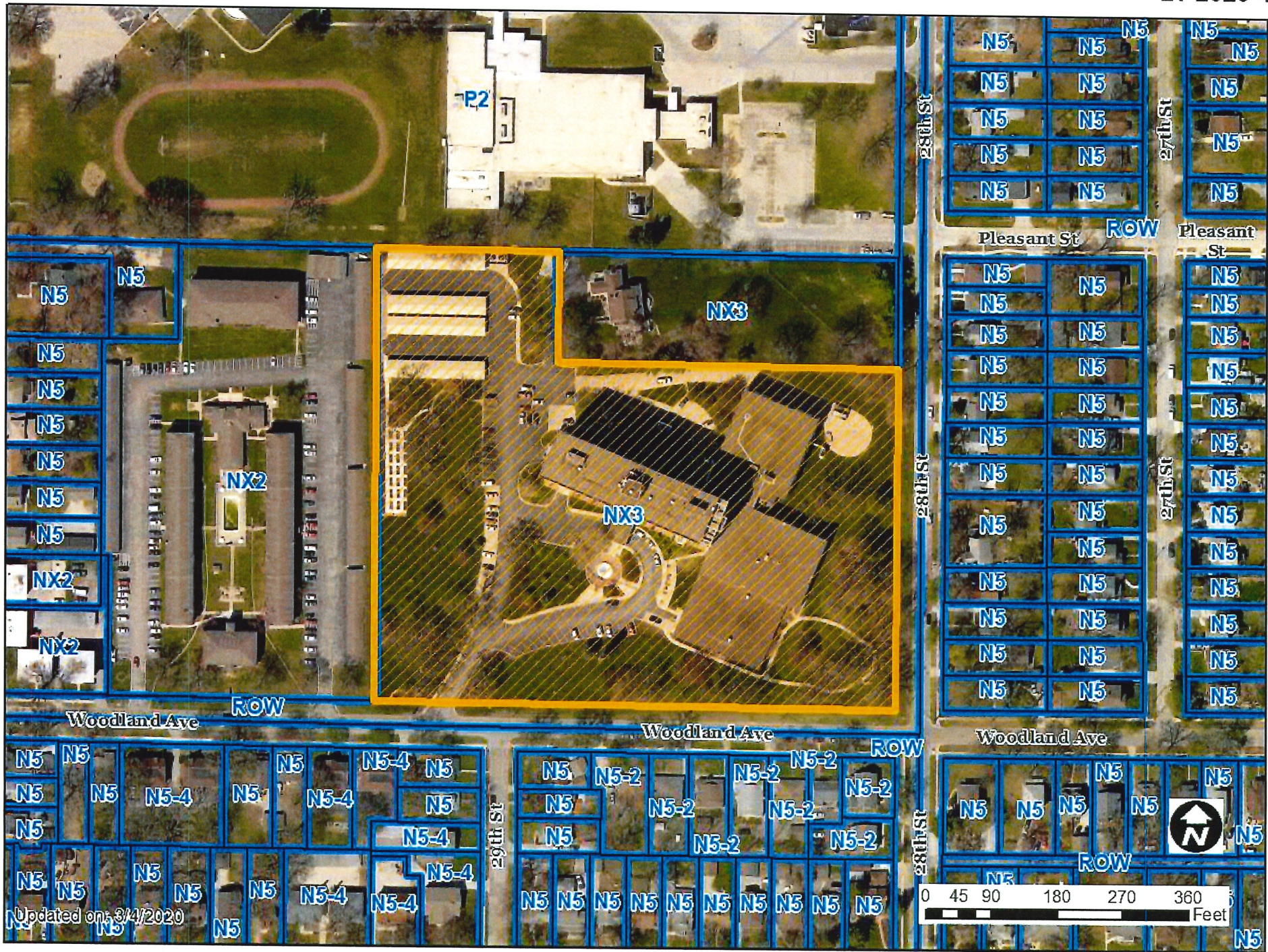
Skyline Trucking, Inc. (owner) represented by Ronald Fadness (officer) for property located at 3220 Dixon Street.			File # ZON2020-00029		
Description of Action	Rezone property from "I1" Industrial District to "I2" Industrial District, to allow for future consideration of a Conditional Use application for a Fabrication and Production, Intensive use, specifically for an above-ground petroleum tank in excess of 1,000 gallons (12,000 gallons).				
PlanDSM Future Land Use	Current: Industrial. Proposed: N/A.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	I1" Industrial District.				
Proposed Zoning District	"I2" Industrial District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Outside Area (200 feet)	2	0			
Within Subject Property					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

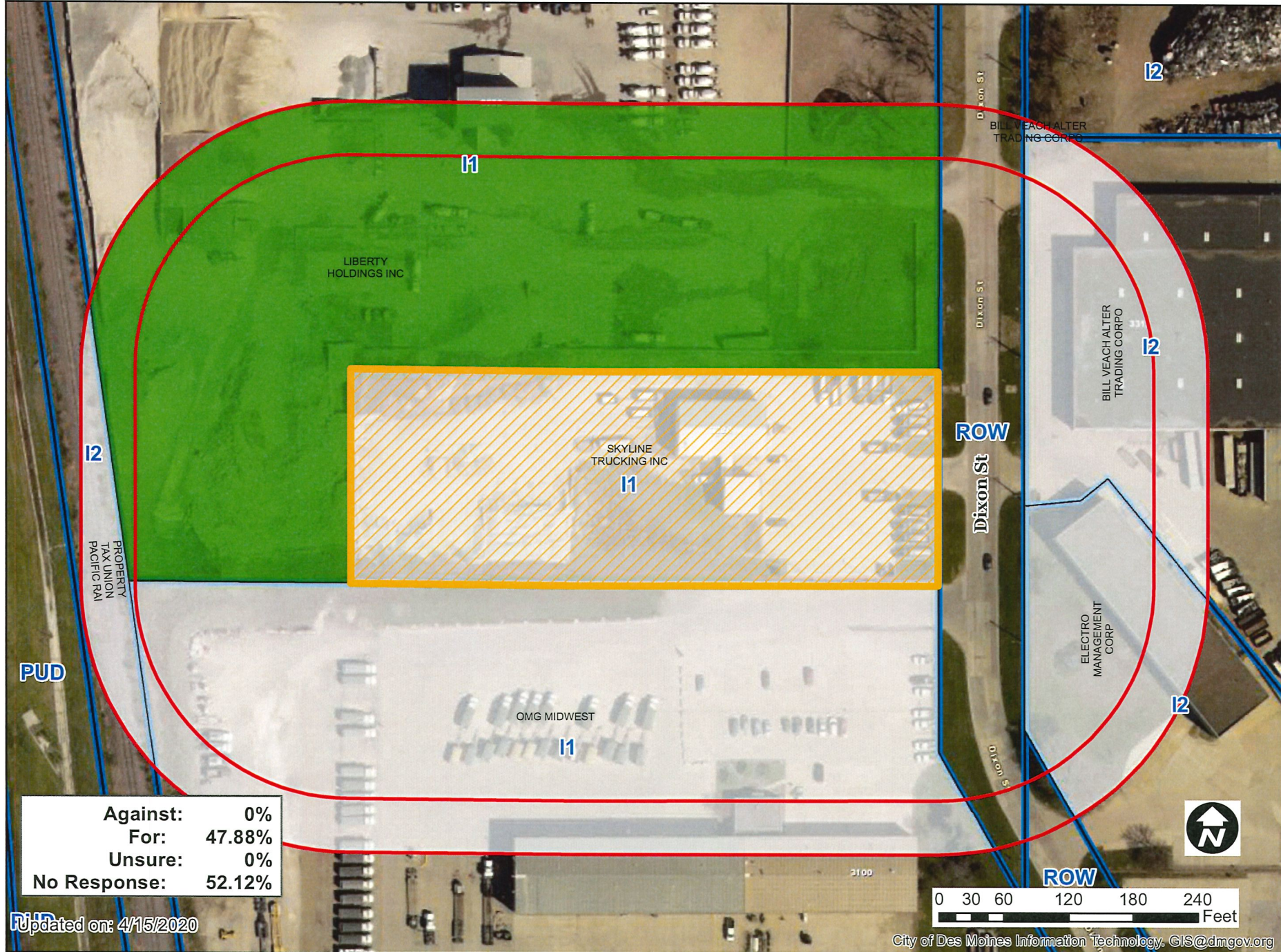
Skyline Trucking, Inc., 3220 Dixon Street

ZON2020-00029



1 inch = 118 feet





Updated on: 4/15/2020

1 inch = 118 feet

21

Item: ZON2020-00029

Date: _____

I **(am)** (am not) in favor of the request:

(Circle One)

Print Name: Libert Ready Mix Bob Friedman

RECEIVED
COMMUNITY DEVELOPMENT

Signature: Bob Friedman

APR 03 2020

Address: 3921 121st ST Urbandale, IA 50323

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

Item: ZON2020-00029 Date: _____

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

(Circle One)

Print Name: Liberty Holdings, Inc Bob

RECEIVED
COMMUNITY DEVELOPMENT

Signature: Bob Friedman

APR 13 2020

Address: 3921 121 st street

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

