



Date June 14, 2021

RESOLUTION SETTING HEARING ON REQUEST FROM MIDAMERICAN ENERGY COMPANY TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED IN VICINITY OF 2400 EAST COUNTY LINE ROAD

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 3, 2021, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from MidAmerican Energy Company (owner), represented by Pam McNaughton (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property located in the vicinity of 2400 East County Line Road (“Property”) from Low Density Residential to Industrial, to allow rezoning to I1 Industrial District, to allow development for an electrical utility service center in addition to the existing electrical substation, with restriction to underground fuel storage and enclosed storage of salvage or junk material; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on June 3, 2021, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from MidAmerican Energy Company (owner), represented by Pam McNaughton (officer), to rezone the Property from N2b Neighborhood District to I1 Industrial District for the above-stated purpose; and

WHEREAS, the Property is legally described as follows:

THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., POLK COUNTY, IOWA, EXCEPT FOR ROADS, AND EXCEPT PARCEL G AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 9047 AT PAGE 892; AND EXCEPT PARCEL I AND PARCEL J AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 9242 AT PAGE 184; AND EXCEPT PARCEL 2017-62 AND PARCEL 2017-63 AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 16495 AT PAGE 796. SAID TRACT OF LAND CONTAINS 18.69 ACRES, MORE OR LESS.

AND

A PARCEL OF LAND IN THE SW 1/4 OF THE SW 1/4 AND THE SE 1/4 OF THE SW 1/4 OF SECTION 36, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA, WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE SW CORNER OF THE SAID SE 1/4 OF THE SW 1/4 OF SECTION 36; THENCE N00°05'38"W ALONG THE WEST LINE OF SAID SE 1/4, SW 1/4, 19.99 FEET TO THE POINT OF BEGINNING; THENCE N89°28'25"W, 97.07 FEET TO A POINT; THENCE N00°00'00"W, 447.58 FEET TO A POINT; THENCE N89°43'12"E, 96.28 FEET TO A POINT ON THE WEST LINE OF SAID SE 1/4, SW 1/4;



Date June 14, 2021

THENCE N00°05'38"W ALONG THE WEST LINE OF SAID SE 1/4, SW 1/4, 116.78 FEET TO A POINT; THENCE N89°54'30"E, 383.45 FEET TO A POINT; THENCE S00°08'40"E, 568.65 FEET TO A POINT THENCE N89°39'18"W, 383.90 FEET TO THE POINT OF BEGINNING. SAID PROPERTY CONTAINS 5.991 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 amendment to the comprehensive plan future land use designation and proposed rezoning are 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 June 28, 2021, at which time the City Council will hear both those who oppose and those who favor the proposals.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposals 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:

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

(21-2021-4.16)
(ZON2021-00051)

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



June 8, 2021

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their June 3, 2021 meeting, the following action was taken regarding a request from MidAmerican Energy Company (owner) represented by Pam McNaughton (officer) to rezone property located in the vicinity of 2400 East County Line Road from “N2b” Neighborhood District to “I2” Industrial District, to the property to be developed for an electrical utility service center in addition to the existing electrical substation. This would allow for request of a Conditional Use from the Zoning Board of Adjustment for above ground storage of flammable liquids interpreted as an Intensive Fabrication and Production use.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles				X
Abby Chungath	X			
Kayla Berkson				X
Jann Freed				X
Johnny Alcivar	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 proposed rezoning to “I2” Industrial District (or even “I1” Industrial District) and the proposed Large-Scale Development Plan be found not in

conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Low Density Residential.

Part B) **Approval** of the requested amendment of the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low Density Residential to Industrial.

Part C) **Approval** of the submitted Large Scale Development Plan subject to a revision to indicate fueling area is served by underground storage and so long as storage of salvage or junk material shall only occur within completely enclosed buildings.

Part C) **Denial** of the requested rezoning of the subject property from "N2b" Neighborhood District to "I2" Industrial District.

Approval of an amended rezoning of the property from "N2b" Neighborhood District to the "I1" Industrial District. (ZON2021-00051)

Written Responses

1 in Favor

0 in opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed rezoning to "I2" Industrial District (or even "I1" Industrial District) and the proposed Large-Scale Development Plan be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Low Density Residential.

Part B) Staff recommends approval of the requested amendment of the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low Density Residential to Industrial.

Part C) Staff recommends approval of the submitted Large Scale Development Plan subject to a revision to indicate fueling area is served by underground storage and so long as storage of salvage or junk material shall only occur within completely enclosed buildings.

Part C) Staff recommends **denial** of the requested rezoning of the subject property from "N2b" Neighborhood District to "I2" Industrial District.

Staff recommends **approval** of an amended rezoning of the property from "N2b" Neighborhood District to the "I1" Industrial District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant has assembled approximately 25 acres of land use for crop production to develop a new service center.

2. **Size of Site:** 24.74 acres.
3. **Existing Zoning (site):** “N2b” Neighborhood District.
4. **Existing Land Use (site):** The subject property is partially developed on the eastern edge with a Major Utility and Public Service Facility (electrical utility substation) use. The remainder of the property is undeveloped land used for Crop Production.
5. **Adjacent Land Use and Zoning:**
 - North** – “P2”; Use is Worship Assembly (Lighthouse Community Church).
 - South** – “EX-V”; Use is existing MidAmerican Energy facility with Professional Offices, Vehicle Maintenance and Repair, and Outdoor Equipment and Materials Storage uses.
 - East** – “N3b”; Use is undeveloped land used for Crop Production.
 - West** – “MX3-V” and Meadowlands Legacy “PUD”; Uses are undeveloped land used for Crop Production and General Retail Sale (Earl May Garden Center).
6. **General Neighborhood/Area Land Uses:** The subject property is located near the intersection of Southridge Boulevard/U.S. Highway 69 and East County Line Road/Indianola Avenue. The area contains a mix of commercial, industrial, agricultural and residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is not located within a Recognized Neighborhood. All neighborhood associations were notified of the original May 20, 2021 public hearing by mailing of the Preliminary Agenda on April 30, 2021 and by mailing of the Final Agenda on May 14, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on April 30, 2021 (20 days prior to the original public hearing) and on May 10, 2021 (10 days prior to the original public hearing) to the applicable neighborhood associations and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

The applicant is required to do neighbor communication outreach as part of the rezoning process. This item was continued by the Commission in order to allow the applicant additional time to comply with this requirement. They will be available to provide a summary of that neighborhood outreach at the public hearing.
8. **Relevant Zoning History:** The subject property was zoned from “R1-80” One Family Residential District and “A-1” Agricultural District to “N2b” Neighborhood District as part of the citywide Zoning Map update effective on December 15, 2019.
9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Low Density Residential.
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:** The subject property is designated as “Low Density Residential” on the Future Land Use Map. PlanDSM describes this designation as follows:

LOW DENSITY RESIDENTIAL

Areas developed with primarily single family and two-family residential units with up to 6 dwelling units per net acre.

The applicant is proposing to rezone the property from “N2b” District to “I2” District. The Zoning Ordinance states that “‘N2b’ is intended for contemporary, mid-sized lots for single- and two-household residential houses with a more flexible building form and located in contemporary neighborhoods pursuant to the House A building type in Section 135-2.13 of the Municipal Code.”

The proposed “I2” District zoning requires the “Industrial” designation on the Future Land Use Map in order to find the proposed rezoning in conformance with PlanDSM. Staff believes that the requested amendment to designate the future land use to Industrial would also be necessary.

Industrial is described as follows:

INDUSTRIAL

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 Zoning Ordinance states that “‘I2’ is intended for general and higher intensity industrial uses as well as warehousing and transportation terminal.” Building types allowed in this district include the General Building, Workshop/Warehouse, Civic Building and Principal-Use Parking Structure.

The applicant has proposed “I2” Industrial District in order to have flexibility to provide above ground storage tanks for flammable liquids, which is defined under the Zoning Ordinance within the Intensive Fabrication and Production description.

The applicant is also proposing the possibility for outside storage of salvage material or inoperable vehicles and machinery. This would fall within the used description of Junk/Salvage Yard. Both these possible uses would require the “I2” Industrial District zoning, as well as a further approval of a Conditional Use by the Zoning Board of Adjustment.

In reviewing the surrounding context of uses within the area, Staff is concerned about the possibility of above-ground fuel storage and outside storage of junk and salvage materials within close proximity to civic and retail commercial uses and in direct proximity to future contemporary household living development. Staff believes, however, that aesthetic Workshop/Warehouse and General Building Types for Office and Vehicle Maintenance/Repair uses can be compatible with aesthetic design and outdoor storage and site development that is clean and conforms to the Site Plan requirements in Chapter 135 of the Municipal Code. Therefore, Staff recommends denial of the requested "I2" Industrial District, but is in favor of an alternative to consider a rezoning to the "I1" Industrial District. This would necessitate a shift to the applicant's business model to provide underground fuel storage and to keep any storage of salvage or junk material completely within buildings. Staff believes this adjustment to the proposed development would be able to be compatible with the surrounding land use pattern.

2. **Large-Scale Development Plan:** The applicant provided the required Large-Scale Development Plan (LSDP) with the rezoning when it exceeds 5 acres in area. The submitted LSDP depicts the concept for the property development. It shows proposed buildings, parking area, outside storage area, open space and storm water detention. There is proposed vehicular access on the west and south. East County Line Road is shown based on proposed reconfiguration shifting the intersection with Indianola Road further north away from the intersection of Indianola Road and Southridge Boulevard/U.S. Highway 69. Stormwater is showing to be collected in a stormwater basin at the northwest corner of the property. Staff would recommend adjusting the LSDP to indicate the fueling area would have underground storage.
3. **Planning and Design Ordinance:** Any development must comply with all applicable site plan and design regulations of the Planning and Design Ordinance. Should the rezoning be approved, the applicant would be required to prepare a Site Plan and building elevations for review before the property can be occupied by the proposed use.
4. **Grading & Storm Water Management:** Any 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. Tree removal and mitigation calculations must be submitted with any site plan in accordance with Section 42-550 of the Municipal Code.

SUMMARY OF DISCUSSION

Emily Webb asked if any member of the public or the commission desired to speak on the item. No one requested to speak.

COMMISSION ACTION:

Carolyn Jenison made a motion for:

Part A) The proposed rezoning to "I2" Industrial District (or even "I1" Industrial District) and the proposed Large-Scale Development Plan be found not in conformance with the

PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Low Density Residential.

Part B) **Approval** of the requested amendment of the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low Density Residential to Industrial.

Part C) **Approval** of the submitted Large Scale Development Plan subject to a revision to indicate fueling area is served by underground storage and so long as storage of salvage or junk material shall only occur within completely enclosed buildings.

Part C) **Denial** of the requested rezoning of the subject property from "N2b" Neighborhood District to "I2" Industrial District.

Approval of an amended rezoning of the property from "N2b" Neighborhood District to the "I1" Industrial District.

Motion passed: 10-0

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jason Van Essen".

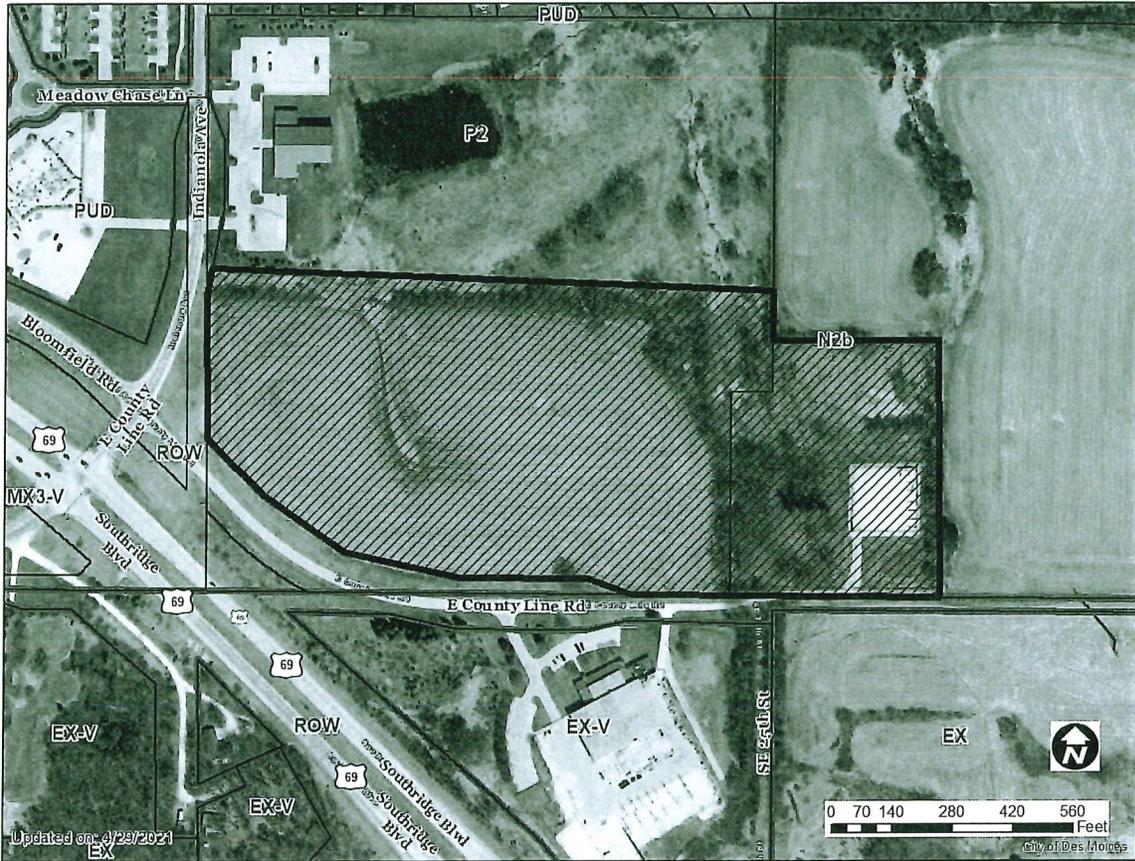
Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh

Request from MidAmerican Energy Company (owner) represented by Pam McNaughton (officer) for property located in the vicinity of 2400 East County Line Road.				File # 21-2021-4.16	
Description of Action		Amendment to the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential to Industrial.			
PlanDSM Future Land Use		Current: Low Density Residential. Proposed: Industrial.			
Mobilizing Tomorrow Transportation Plan		No planned improvements.			
Current Zoning District		"N2b" Neighborhood District.			
Proposed Zoning District		"I2" Industrial 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	
		Denial		Yes	
				No	X

MidAmerican Energy Company, Vicinity of 2400 East County Line Road

21-2021-4.16

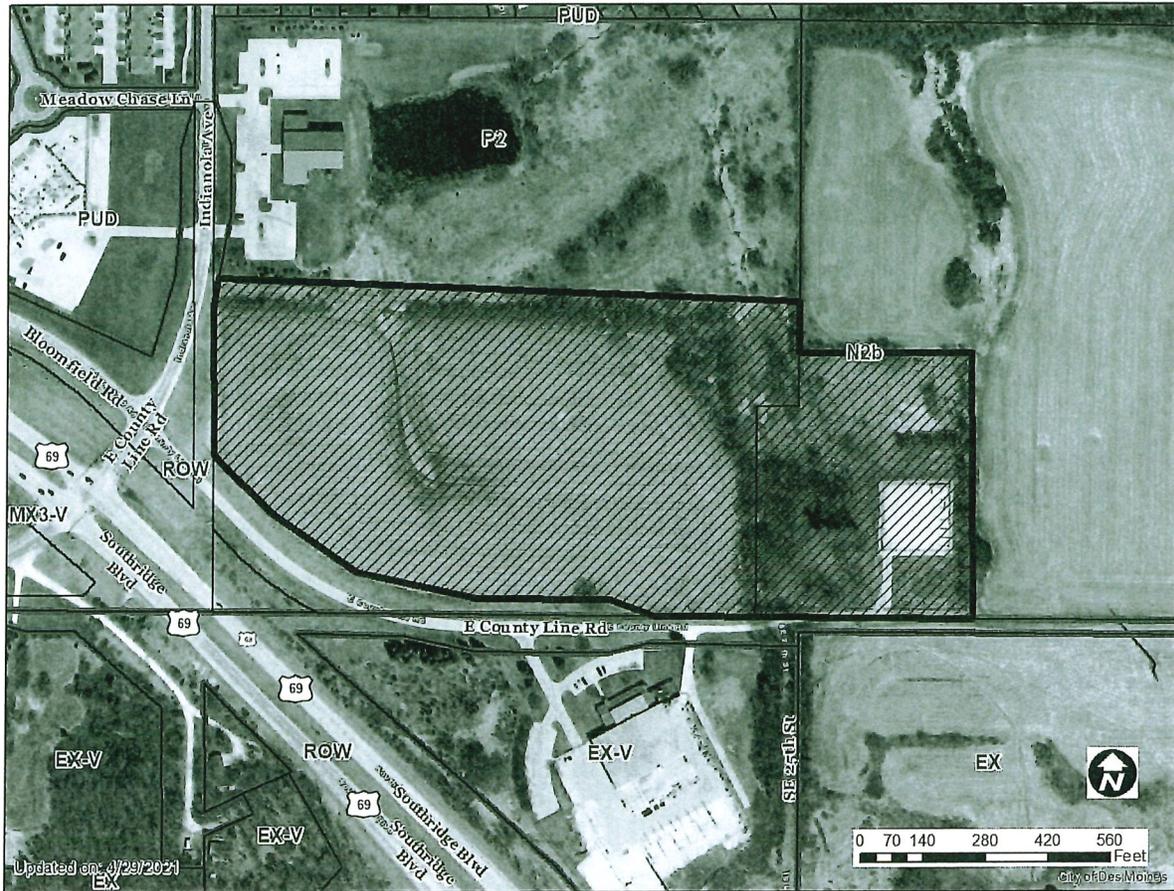


1 inch = 263 feet

Request from MidAmerican Energy Company (owner) represented by Pam McNaughton (officer) for property located in the vicinity of 2400 East County Line Road.				File # ZON2021-00051	
Description of Action	Rezone property from "N2b" Neighborhood District to "I2" Industrial District, to the property to be developed for an electrical utility service center in addition to the existing electrical substation. This would allow for request of a Conditional Use from the Zoning Board of Adjustment for above ground storage of flammable liquids interpreted as an Intensive Fabrication and Production use.				
PlanDSM Future Land Use	Current: Low Density Residential. Proposed: Industrial.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"N2b" Neighborhood District.				
Proposed Zoning District	"I2" Industrial District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Outside Area (200 feet)	1	0			
Within Subject Property					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

MidAmerican Energy Company, Vicinity of 2400 East County Line Road

ZON2021-00051



1 inch = 263 feet

Item: ZON2021-00051 Date: _____

Please mark one of the following

- I am in favor of the request
- I am not in favor of the request

Staff Use Only
RECEIVED
 COMMUNITY DEVELOPMENT
 MAY 14 2021

Signature: _____

Name: Tomer Koelhe

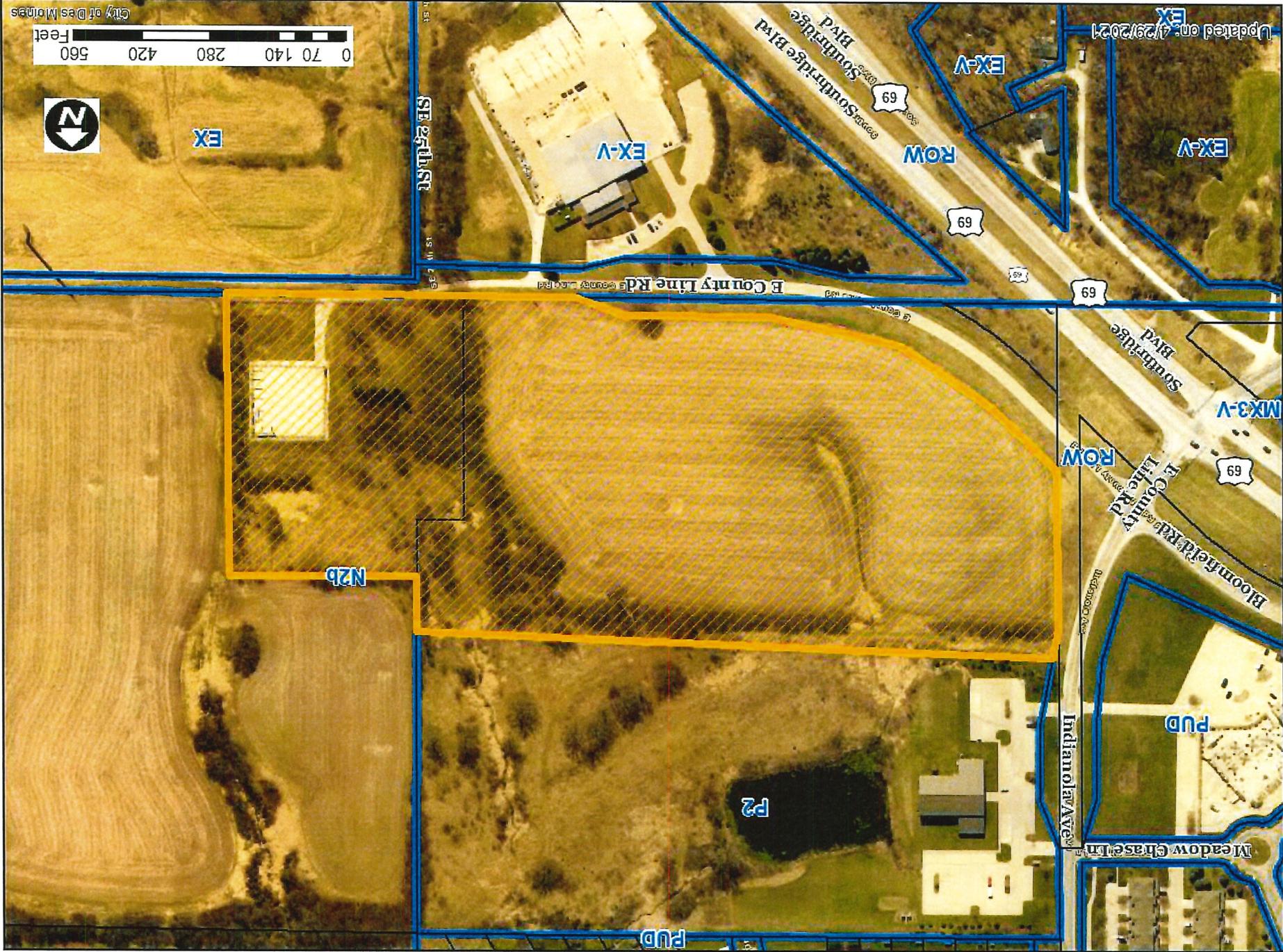
Address: 6000 Douglas Ave Ste 210
Des Moines IA 50322

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

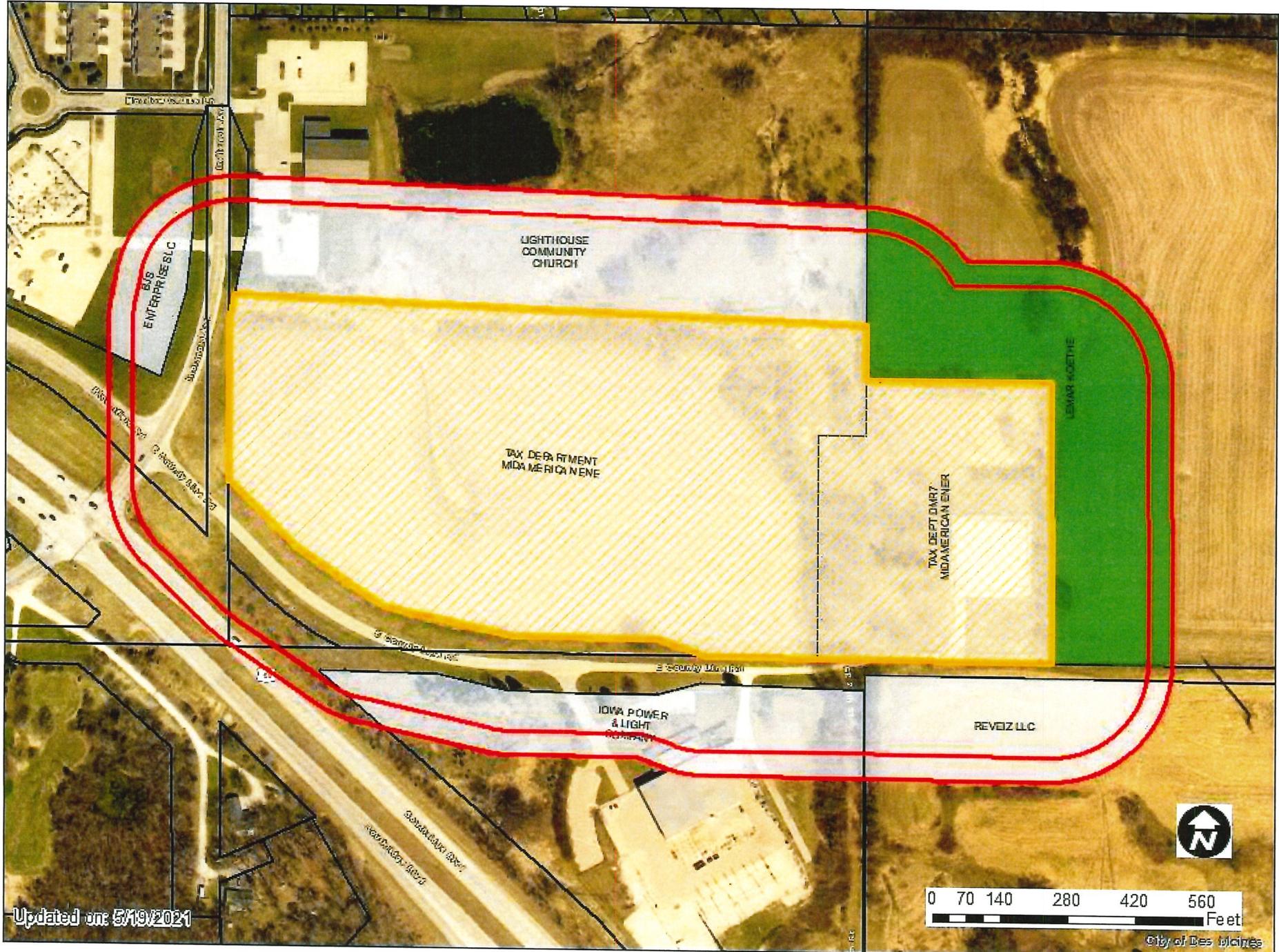
As long as E County Line Rd would not be obstructed
and would continue to be maintained as a
street to the property I owned to the
South.

MidAmerican Energy Company, Vicinity of 2400 East County Line Road

21-2021-4.16



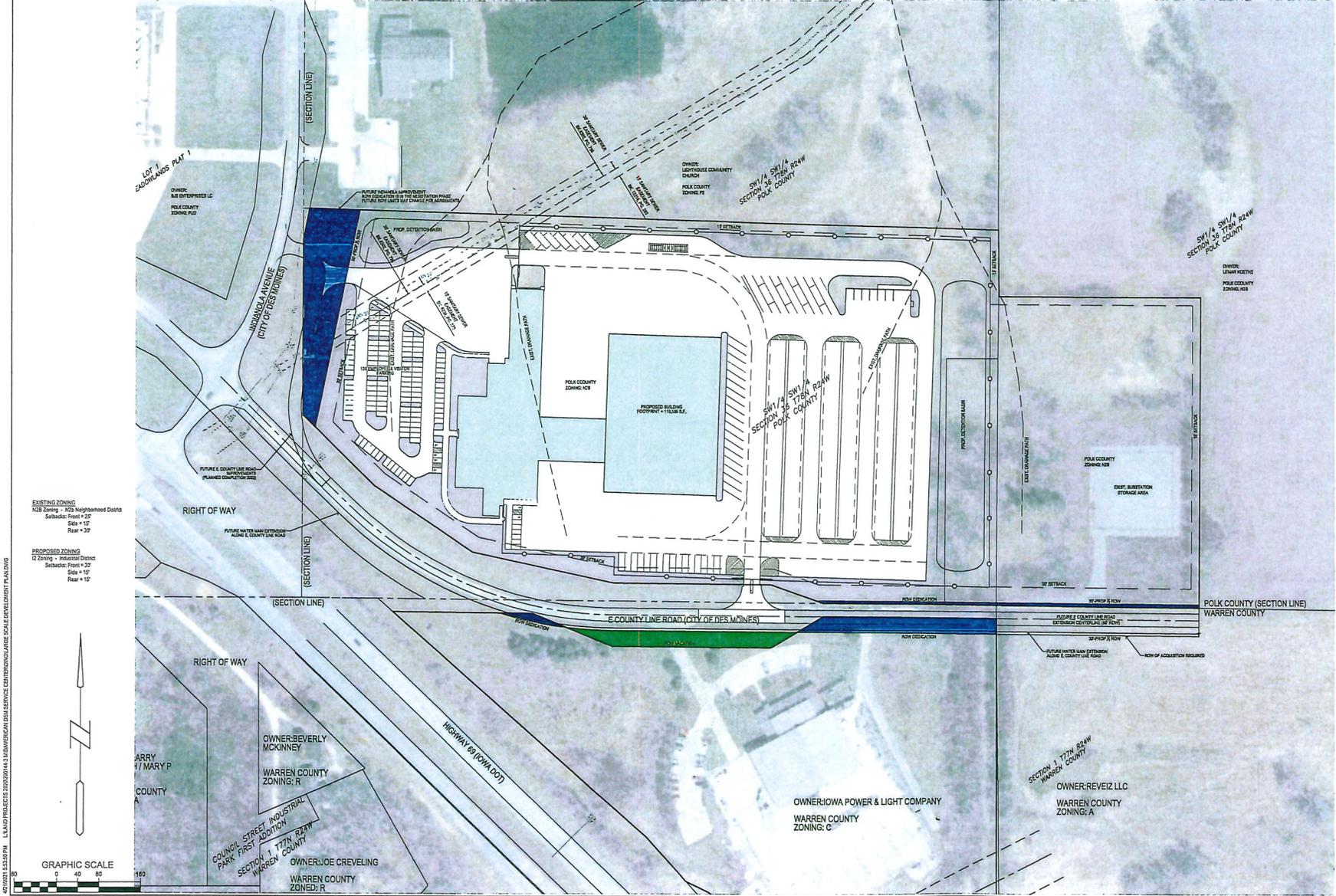
1 inch = 263 feet



Updated on: 5/19/2021

1 inch = 26.3 feet

MIDAMERICAN DSM SERVICE CENTER LARGE SCALE DEVELOPMENT PLAN



EXISTING ZONING
R-12 Zoning - R-12 Neighborhood District
Setbacks: Front = 25'
Side = 10'
Rear = 30'

PROPOSED ZONING
R-1 Zoning - Industrial District
Setbacks: Front = 25'
Side = 10'
Rear = 10'



47/2021 143.03.07 PM L&L PROJECTS 2020/01/14 3 MIDAMERICAN DSM SERVICE CENTER LARGE SCALE DEVELOPMENT PLAN.DWG

Bishop Engineering
"Planning Your Successful Development"
3501 104th Street
Des Moines, Iowa 50322-3025
Phone: 515.281.9999 Fax: 515.281.9999
Civil Engineering & Land Surveying - Established 1959

MEC DSM SERVICE CENTER DES MOINES, IOWA LARGE SCALE DEVELOPMENT PLAN

REFERENCE NUMBER:	
DRAWN BY:	GSA
CHECKED BY:	SVS
REVISION DATE:	
PROJECT NUMBER:	200144-3
SHEET NUMBER:	1 OF 1