



Date October 4, 2021

RESOLUTION SETTING HEARING ON REQUEST FROM MIDAMERICAN ENERGY TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND REZONE THE PROPERTY LOCATED AT 2400 EAST COUNTY LINE ROAD (ALONG THE NORTH SIDE OF EAST COUNTY LINE ROAD IN WARREN COUNTY)

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 16, 2021, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from MidAmerican Energy Company (Owner), represented by Ryan Stansberry (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 2400 East County Line Road (“Property”) from Low Density Residential to Business Park to allow rezoning to ‘EX’ Mixed Use District, to allow the property to be developed for a Storage, Distribution, and Wholesaling Use (data center/warehouse) and Office use; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on September 16, 2021, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from MidAmerican Energy Company (Owner), represented by Ryan Stansberry (officer), to rezone a 3.49- acre portion of the Property from ‘N2b’ Neighborhood District to ‘EX’ Mixed Use District for the above-stated purpose; and

WHEREAS, the Property is legally described as follows:

AN IRREGULAR SHAPED PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH/ P.M., POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 36; THENCE N89°23'12"W ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 36, A DISTANCE OF 96.64 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N89°23'12"W ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 36, A DISTANCE OF 229.49 FEET; THENCE N70°25'21"W, A DISTANCE OF 105.79 FEET; THENCE N00°24'50"E, A DISTANCE OF 431.23 FEET; THENCE S89°49'17"E, A DISTANCE OF 329.03 FEET TO THE WEST LINE OF PARCEL I AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 9242 AT PAGE 184; THENCE S00°21'58"W ALONG THE WEST LINE OF SAID PARCEL I, A DISTANCE OF 468.11 FEET TO THE POINT OF BEGINNING.

151,984 SQUARE FEET

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

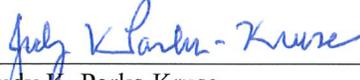
1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.

Date October 4, 2020

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, and at which time the City Council will hear both those who oppose and those who favor the proposals, shall be held at 5:00 p.m. on October 18, 2021, at the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.
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.

APPROVED AS TO FORM:



Judy K. Parks-Kruse
Assistant City Attorney

(ZONG-2021-000017)
(ZONG-2021-000018)

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

Date October 4, 2021

Agenda Item 26

Roll Call # _____

September 28, 2021

Communication from the City Plan and Zoning Commission advising that at their September 16, 2021 meeting, the following action was taken regarding a request from MidAmerican Energy Company (owner) represented by Ryan Stansbury (officer) to rezone a 3.49-acre portion of the property located at 2400 East County Line Road from "N2b" Neighborhood District to "EX" Mixed Use District, to allow the property to be developed for a Storage, Distribution, and Wholesaling Use (data center/warehouse) and Office use.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 13-0 as follows:

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
Francis Boggus	X			
Dory Briles	X			
Abby Chungath	X			
Kayla Berkson	X			
Chris Draper	X			
Jann Freed				X
Todd Garner	X			
Johnny Alcivar	X			
Lisa Howard	X			
Carolyn Jenison	X			
William Page	X			
Rocky Sposato				X
Steve Wallace	X			
Greg Wattier	X			
Emily Webb	X			

APPROVAL of Part A) The requested rezoning be found not in conformance with the existing PlanDSM future land use designation of Low Density Residential.

Part B) Approval of the request to amend the PlanDSM Creating Our Tomorrow Plan Future Land Use designation for the subject property from Low Density Residential to Business Park.

Part C) Approval of the proposed rezoning from "N2b" Neighborhood District to "EX" Mixed Use District.
(ZONG-2021-000018)

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested rezoning be found not in conformance with the existing PlanDSM future land use designation of Low Density Residential.

Part B) Staff recommends approval of the request to amend the PlanDSM Creating Our Tomorrow Plan Future Land Use designation for the subject property from Low Density Residential to Business Park.

Part C) Staff recommends approval of the proposed rezoning from "N2b" Neighborhood District to "EX" Mixed Use District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

- 1. Purpose of Request:** The proposed rezoning would allow redevelopment of crop land for a new data service center. The applicant previously proposed rezoning a larger area that included the subject property to "I1" District. This request was heard by the Commission on May 20, 2020. It was withdrawn by the applicant prior to it being considered by the City Council due to a change in plans by the applicant.
- 2. Size of Site:** 3.49 acres.
- 3. Existing Zoning (site):** "N2b" Neighborhood District.
- 4. Existing Land Use (site):** Undeveloped land used for crop production.
- 5. Adjacent Land Use and Zoning:**
 - North** – "N2b"; Use is undeveloped land owned by the applicant.
 - South** – "EX-V"; Use is existing MidAmerican Energy facility with Professional Offices, Vehicle Maintenance and Repair, and Outdoor Equipment and Materials Storage uses.
 - East** – "N2b"; Use is undeveloped land owned by the applicant.
 - West** – "N2b"; Use is undeveloped land owned by the applicant.
- 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 250 feet of any recognized neighborhood. All neighborhoods were notified of the public hearing by mailing of the Preliminary Agenda on August 27, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on August 27, 2021 (20 days prior to the hearing) and September 3, 2021 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for each

property within 250 feet of the site. Additionally, a Final Agenda for the hearing will be mailed to all recognized neighborhoods on September 10, 2021

The applicant can provide a summary of the neighborhood meeting 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 "EX" 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 "EX" District zoning requires the "Business Park" designation on the Future Land Use Map for the proposed rezoning to be found in conformance with PlanDSM.

The Business Park designation is described as follows:

BUSINESS PARK

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

The Zoning Ordinance states that "EX" is intended for locations and corridors with a mix of light industrial and heavier commercial uses, accommodating higher levels of vehicular traffic than MX districts and a predominance of mid-scale employment uses. Building types allowed in this district include the Storefront, Commercial Cottage, General Building, Workshop/Warehouse, Civic Building and Principal-Use Parking Structure.

The applicant has proposed "EX" Industrial District in order to allow the property to be developed for a Storage, Distribution, and Wholesaling Use (data center/warehouse) and Office use.

In reviewing the surrounding context of uses within the area staff believes that the Workshop/Warehouse and General Building Types for Office and Data Center uses can be compatible with aesthetic design and site development that is clean and conforms to the Site Plan requirements in Chapter 135 of the Municipal Code. Therefore, Staff recommends approval of the requested "EX" Business Park District.

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. Stormwater is showing to be collected in a stormwater basin at the north of the property.
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

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

COMMISSION ACTION:

Carolyn Jension made a motion for approval of:

Part A) The requested rezoning be found not in conformance with the existing PlanDSM future land use designation of Low Density Residential.

Part B) Approval of the request to amend the PlanDSM Creating Our Tomorrow Plan Future Land Use designation for the subject property from Low Density Residential to Business Park.

Part C) Approval of the proposed rezoning from "N2b" Neighborhood District to "EX" Mixed Use District.

Motion passed: 13-0

Respectfully submitted,

Bert Drost

Bert Drost, AICP
Deputy Planning & Urban Design Administrator

BAD:tjh



Updated on: 8/19/2021

1 inch = 145 feet

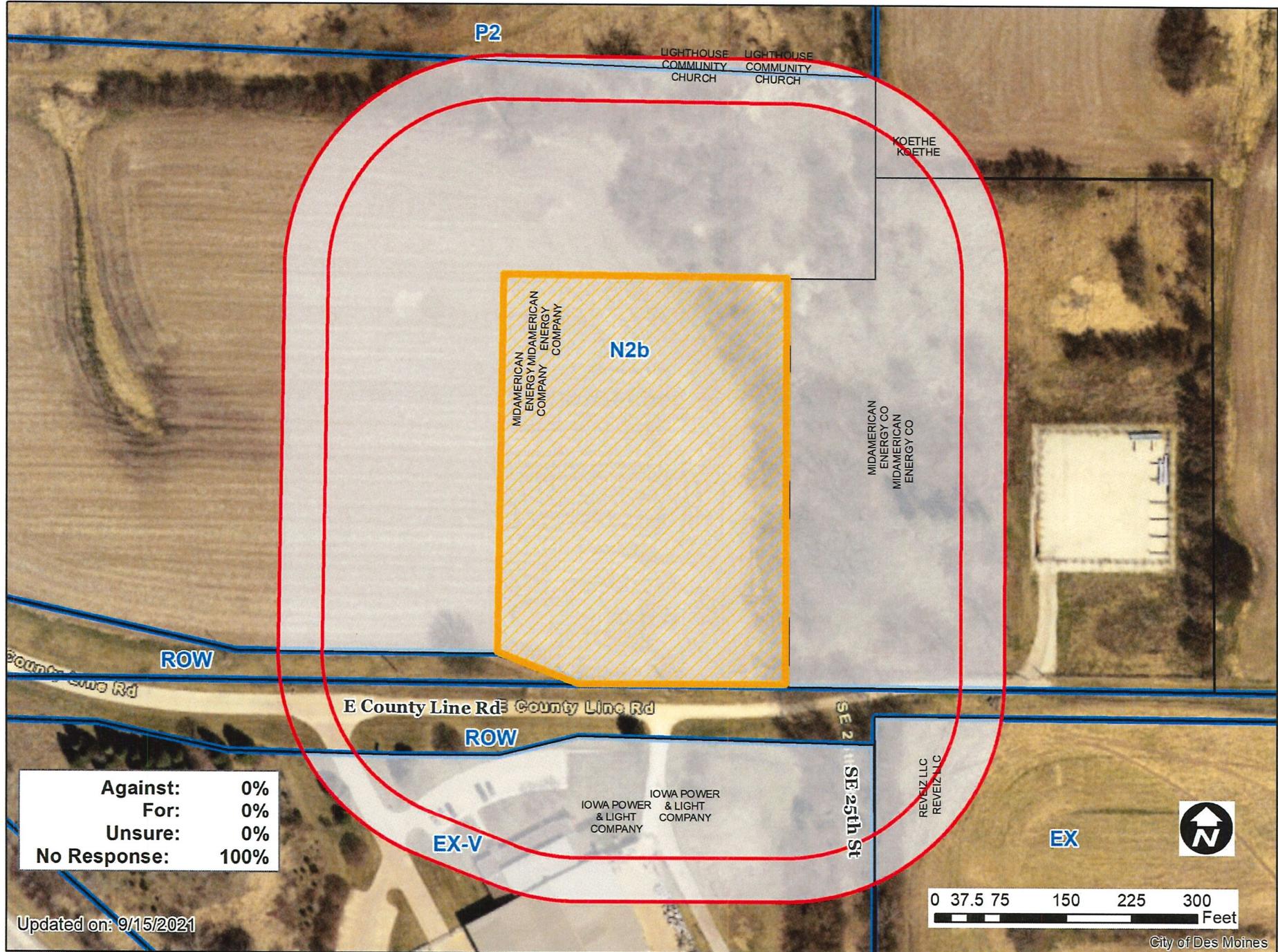
26



Updated on: 8/19/2021

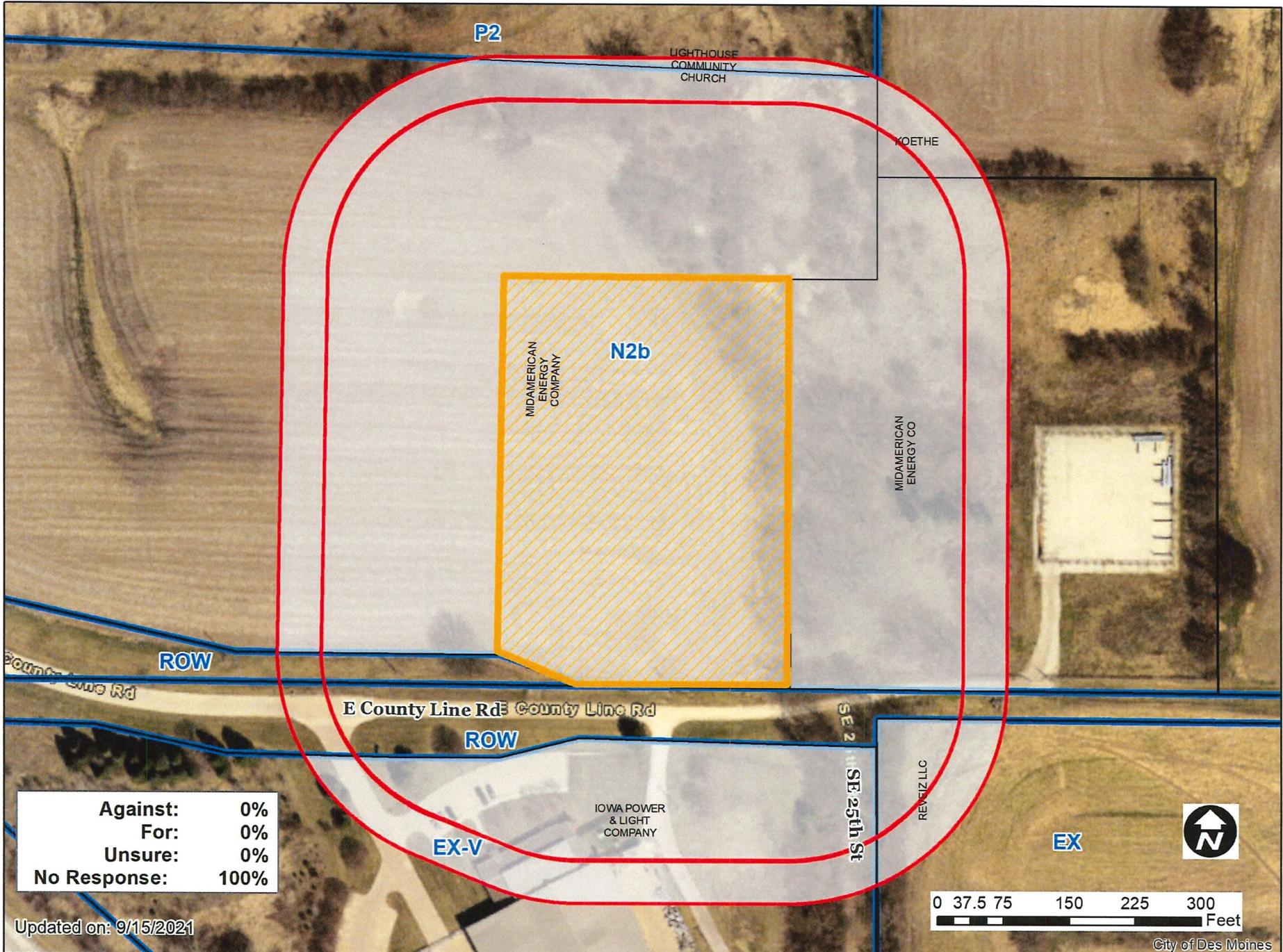
1 inch = 145 feet

210



1 inch = 145 feet

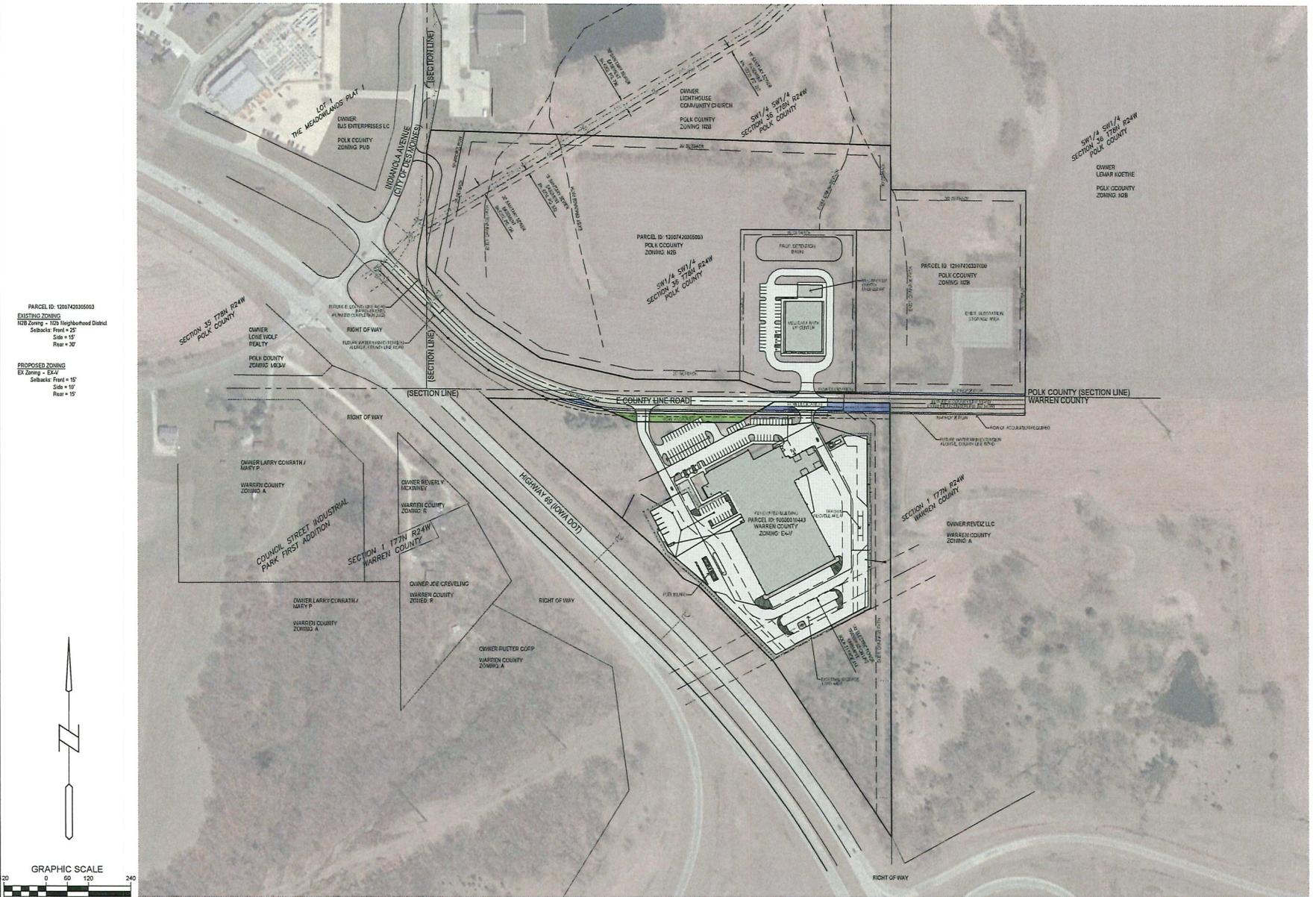
Handwritten signature/initials



1 inch = 145 feet

de

MIDAMERICAN DSM SERVICE CENTER LARGE SCALE DEVELOPMENT PLAN



PARCEL ID: 1206742035003
EXISTING ZONING
 H2B Zoning - 123 Neighborhood District
 Sublots: Front = 25'
 Side = 15'
 Rear = 30'

PROPOSED ZONING
 EX Zoning - EX47
 Sublots: Front = 15'
 Side = 15'
 Rear = 15'



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

Handwritten initials or mark.

MIDAMERICAN DSM SERVICE CENTER REZONING EXHIBIT

PROPERTY DESCRIPTION:
(WARRANTY DEED BOOK 18278, PAGE 280)

THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 18 NORTH, RANGE 24 WEST OF THE 5TH P.M., POLK COUNTY, IOWA, EXCEPT FOR ROADS, AND EXCEPT PARCEL 6 AS SHOWN ON THE PLAN OF SURVEY RECORDED IN BOOK 9047 AT PAGE 192, AND EXCEPT PARCEL 1 AND PARCEL 14 AS SHOWN ON THE PLAN OF SURVEY RECORDED IN BOOK 9242 AT PAGE 184, AND EXCEPT PARCEL 20142 AND PARCEL 20143 AS SHOWN ON THE PLAN OF SURVEY RECORDED IN BOOK 16445 AT PAGE 76.

SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD.

SAID TRACT OF LAND CONTAINS 18.69 ACRES.

AND
(WARRANTY DEED BOOK 8242, PAGE 188-189)

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 18 NORTH, RANGE 24 WEST OF THE 5TH P.M., 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 N89°52'58"W ALONG THE WEST LINE OF SAID SE 1/4 SW 1/4, 19.99 FEET TO THE POINT OF BEGINNING; THENCE N89°25'22"W 19.99 FEET TO A POINT; THENCE N89°00'00"W, 441.58 FEET TO A POINT; THENCE N89°41'17"E, 89.24 FEET TO A POINT ON THE WEST LINE OF SAID SE 1/4 SW 1/4; THENCE N89°00'00"W ALONG THE WEST LINE OF SAID SE 1/4 SW 1/4, 116.78 FEET TO A POINT; THENCE N89°49'17"E, 333.65 FEET TO A POINT; THENCE S89°00'40"E, 589.85 FEET TO A POINT;

THENCE N89°52'58"W, 383.80 FEET TO THE POINT OF BEGINNING. SAID PROPERTY CONTAINS 5.91 ACRES, MORE OR LESS.

SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD.

REZONING DESCRIPTION:

AN IRREGULAR SHAPED PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 18 NORTH, RANGE 24 WEST OF THE 5TH P.M., POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 36; THENCE N89°22'12"W ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 36, A DISTANCE OF 84.14 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N89°22'12"W ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 36, A DISTANCE OF 228.49 FEET; THENCE N72°52'11"W, A DISTANCE OF 156.79 FEET; THENCE N89°24'50"E, A DISTANCE OF 431.23 FEET; THENCE S89°49'17"E, A DISTANCE OF 329.03 FEET TO THE WEST LINE OF PARCEL 1 AS SHOWN ON THE PLAN OF SURVEY RECORDED IN BOOK 9042 AT PAGE 184; THENCE S89°21'19"W ALONG THE WEST LINE OF SAID PARCEL 1, A DISTANCE OF 408.11 FEET TO THE POINT OF BEGINNING.
15.984 SQUARE FEET

ADDRESS:

NO ADDRESS AT TIME OF SURVEY

OWNER/PREPARED FOR:

MIDAMERICAN ENERGY CO
688 GRAND AVENUE
DES MOINES, IOWA 50309

PHONE: 515-242-3819

REZONE AREA:

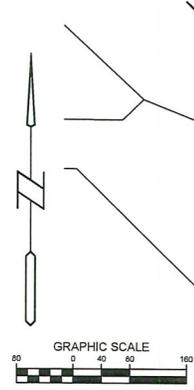
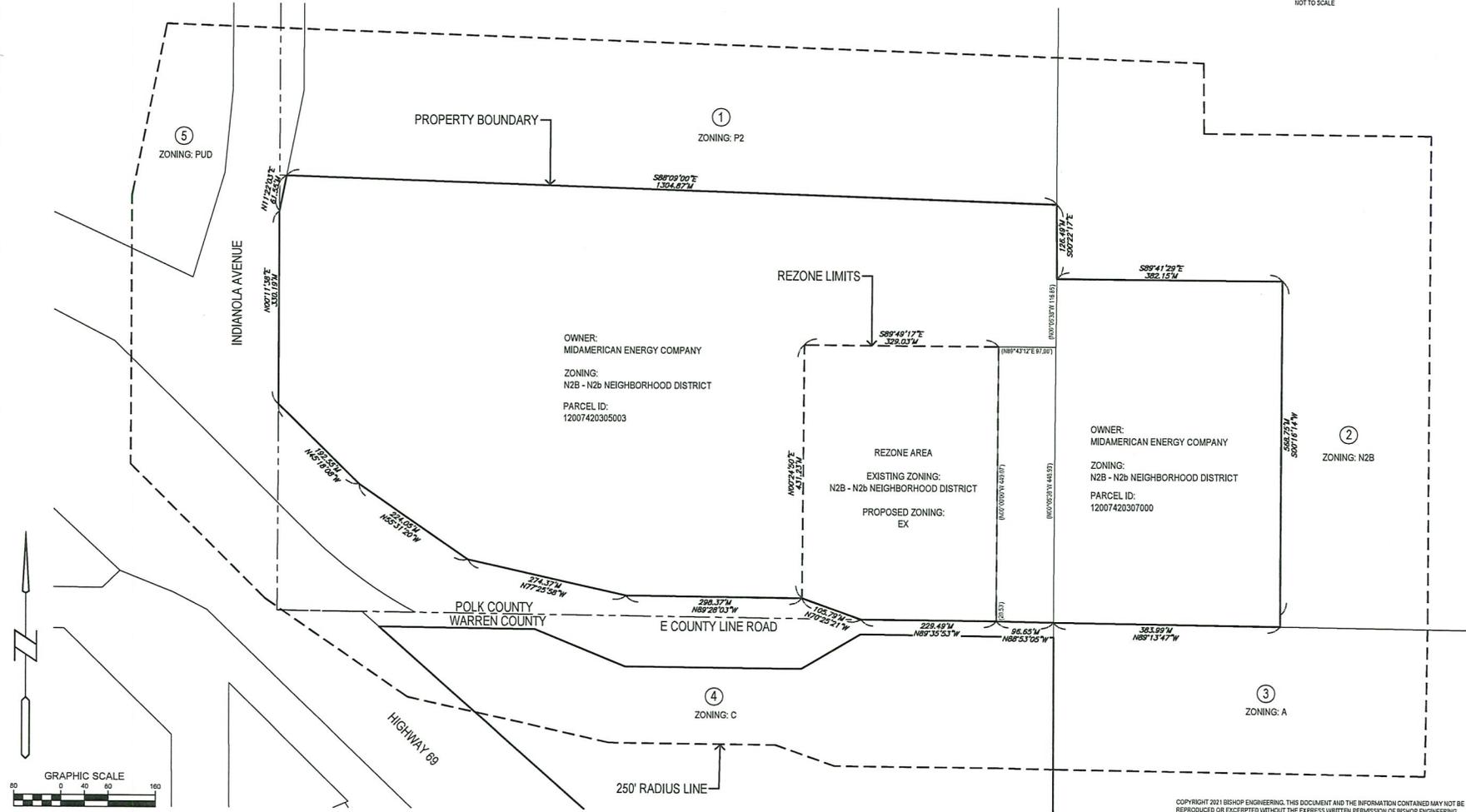
3.49 ACRES

ZONING:

EXISTING
N2B-N2b NEIGHBORHOOD DISTRICT

PROPOSED
EX DISTRICT

PARCEL ID	OWNER	LOCAL DESCRIPTION OF PROPERTY	AREA ADDRESS	TOTAL AREA OF PROPERTY (ACRES)	% OF TOTAL DISTRICT	% OF TOTAL DISTRICT	% OF TOTAL DISTRICT
1	LEHMAN & COMPANY	PARCEL 9, BURGESS PROPERTY	WHITE ASH ROAD, 2001 W. 14TH AVE., DES MOINES, IA 50319	92.250	30.0%	100%	100%
2	DEMPHNEY	PARCEL 1, BURGESS PROPERTY	WHITE ASH ROAD, 2001 W. 14TH AVE., DES MOINES, IA 50319	38.610	30%	100%	100%
3	RELEZ LLC	PARCEL 1, BURGESS PROPERTY	WHITE ASH ROAD, 2001 W. 14TH AVE., DES MOINES, IA 50319	17.800	18%	100%	100%
4	MIDAMERICAN ENERGY COMPANY	PARCEL 1, BURGESS PROPERTY	WHITE ASH ROAD, 2001 W. 14TH AVE., DES MOINES, IA 50319	99.570	17%	100%	100%
5	DEMPHNEY	PARCEL 1, BURGESS PROPERTY	WHITE ASH ROAD, 2001 W. 14TH AVE., DES MOINES, IA 50319	14.340	5.1%	100%	100%
TOTAL AREA				130.990	100%		



Bishop Engineering
"Planning Your Successful Development"

9501 100th Street
Des Moines, Iowa 50322-5825
Phone: 515-276-0667 Fax: 515-276-0217
Civil Engineering & Land Surveying
Established 1999

MEC DSM SERVICE CENTER
DES MOINES, IOWA

REZONING EXHIBIT

REFERENCE NUMBER:

FOUNDED BY: GSA

CHECKED BY: SVS

REVISION DATE:

PROJECT NUMBER:
200144-3

SHEET NUMBER:
1 OF 1

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