



Date November 21, 2022

HEARING ON REQUEST FROM ILEX GROUP, INC. (OWNER), REPRESENTED BY BEN SCHULTES (OFFICER) FOR PROPERTY LOCATED IN THE VICINITY OF 4600 EAST 14TH STREET, TO AMEND PLANDSM TO ASSIGN THE INDUSTRIAL WITHIN A COMMUNITY NODE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY FROM “A” AGRICULTURE DISTRICT TO “I1” INDUSTRIAL DISTRICT, TO ALLOW DEVELOPMENT OF AN INDUSTRIAL USE IN COORDINATION WITH THE PROPERTY ADJACENT TO THE WEST

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 20, 2022, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from ILEX Group, Inc. (owner), represented by Ben Schultes (officer), to determine the requested rezoning is not in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan, to amend the PlanDSM: Creating Our Tomorrow to assign the Industrial within a community node future land use designation for Property in the vicinity of 4600 East 14th Street, and to rezone the Property from “A” Agriculture District to “I1” Industrial District to allow development of an industrial use in coordination with the property adjacent to the west, and:

WHEREAS, the Property is legally described as follows:

THE WEST 125.71 FEET OF THE EAST 241.71 FEET OF THE NORTH 191.71 FEET OF THE SOUTH 241.71 FEET OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M.,
POLK COUNTY, IOWA,

AND

THE WEST 41 FEET OF THE EAST 116 FEET OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 14, EXCEPT THE SOUTH 241.71 FEET THEREOF, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., POLK COUNTY, IOWA

WHEREAS, on November 7, 2022, by Roll Call No. 22-1727, it was duly resolved by the City Council that the request for approval of the proposed amendment and rezoning be set down for hearing on November 21, 2022, at 5:00 p.m., at the City Council Chambers; 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 proposals; and

WHEREAS, in accordance with said notice, those interested in said proposals, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council.

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



Roll Call Number

.....

Agenda Item Number

53

Date November 21, 2022

1. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the proposed amendment and rezoning are hereby overruled, and the hearing is closed.
2. The proposed amendment to PlanDSM: Creating Our Tomorrow Plan to assign the Industrial within a community node future land use designation for Property in the vicinity of 4600 East 14th Street is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from "A" Agriculture District to "I1" Industrial District to allow development of an industrial use in coordination with the property adjacent to the west, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY _____ TO ADOPT. SECOND BY _____.

FORM APPROVED:

/s/ Lisa A. Wieland

Lisa A. Wieland

Assistant City Attorney

(ZONG-2022-000019 & ZONG-2022-000020)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED		APPROVED		

Mayor

CERTIFICATE

I, LAURA BAUMGARTNER, 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

November 1, 2022

Communication from the City Plan and Zoning Commission advising that at their October 20, 2022 meeting, the following action was taken regarding a request from ILEX Group, Inc. (owner), represented by Ben Schultes (officer) to rezone property located in the vicinity of 4600 East 14th Street from "A" Agriculture District to "I1" Industrial District, to allow an industrial use in coordination with the property adjacent to the west.

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dan Drendel	X			
Leah Rudolphi	X			
Dory Briles	X			
Abby Chungath	X			
Kayla Berkson	X			
Chris Draper	X			
Todd Garner	X			
Johnny Alcivar	X			
Justyn Lewis				X
Carolyn Jenison				X
William Page	X			
Andrew Lorentzen	X			
Emily Webb	X			
Katie Gillette	X			

ARPROVAL of Part A) The requested rezoning be found not in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan, since there is not a future land use designation assigned for the subject properties.

Part B) Approval of the request to amend the PlanDSM: Creating Our Tomorrow Plan Future Land Use Map designation to assign the Industrial within Community Node future land use classification for the subject properties.

Part C) Approval of the rezoning of the subject properties from "A" Agriculture District to "I1" Industrial District.

Written Responses

1 in Favor

0 in opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested rezoning be found not in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan, since there is not a future land use designation assigned for the subject properties.

Part B) Staff recommends approval of the request to amend the PlanDSM: Creating Our Tomorrow Plan Future Land Use Map designation to assign the Industrial within Community Node future land use classification for the subject properties.

Part C) Staff recommends approval of the rezoning of the subject properties from “A” Agriculture District to “I1” Industrial District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed rezoning would allow the subject properties to be developed in common with the properties immediately to the west, which are within the Northridge PUD (Planned Unit Development). This PUD allows for development of a multi-phase industrial use, including five (5) warehouse buildings with interconnecting parking and private drives for circulation.

2. **Size of Site:** 0.96 acres (41,716.5 square feet).

3. **Existing Zoning (site):** “A” Agricultural District.

4. **Existing Land Use (site):** The subject area consists of undeveloped land.

5. **Adjacent Land Use and Zoning:**

North – “ROW”; Use is Iowa Department of Transportation Right-of-Way.

South – “ROW” and “Casey’s PUD”; Uses are East Broadway Avenue Right-of-Way and convenience store.

East – Polk County “HI” Heavy Industrial District; Uses are commercial and industrial.

West – “North Ridge PUD”; Uses are undeveloped land.

6. **General Neighborhood/Area Land Uses:** The subject area is located to the southwest of the interchange of Interstate 235 and East 14th Street/ US Highway 69. The subject area is located in the Highland Park Neighborhood, within the very northern extents of the City of Des Moines. The area in the vicinity of the subject property consists of a mix of industrial and higher intensity commercial uses along the East 14th/ US Highway 69 corridor as well as residential uses and undeveloped land.

- 7. Applicable Recognized Neighborhood(s):** The subject area is located within the Highland Park Neighborhood Association. All neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on September 30, 2022, and by mailing of the Final Agenda on October 14, 2022. Additionally, separate notifications of the hearing for this specific item were mailed on September 30, 2022 (20 days prior to the public hearing) and October 10, 2022 (10 days prior to the public hearing) to Highland Park Neighborhood Association and 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 Services Department on the date of the mailing. The Highland Park Neighborhood Association mailings were sent to Sherri Rosener, 106 Oak Park Avenue, Des Moines, IA 50313.

The applicant can provide a summary of the neighborhood meeting at the public hearing.

- 8. Relevant Zoning History:** The subject properties were annexed to the City in 2021, at which time they were automatically zoned "A" Agricultural District.

The properties immediately to the west are zoned "PUD" District (Northridge PUD). Since the City no longer allows properties to be rezoned to "PUD" District, the appellant has requested that the subject properties be rezoned to "I1" Industrial District so they can be developed in common with the properties zoned "PUD" District immediately to the west.

The Northridge PUD was initially approved by the City Council on April 6, 1987, by Roll Call 87-1330. On February 20, 2020, the Plan and Zoning Commission considered a request to amend the Northridge PUD Conceptual Plan, to allow revision of the development from a regional shopping mall to a warehouse and distribution center with 1,050,260 square feet of warehouse building use. On March 23, 2020, by Docket No. 20-0577, the Council approved the first amendment to the Northridge PUD Conceptual Plan subject to applicable conditions.

- 9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** No land use designation. However, the site is within a Community Node centered along East 14th Street near East Broadway Avenue.
- 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 area 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 applicant is requesting that the future land use designation for the property be assigned to “Industrial” within a “Community Node”. PlanDSM describes these designations 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.

Community Node

Mid-sized centers providing a range of daily needs and specialized services within a larger neighborhood context. Consist of a mix of housing, retail, and offices serving a larger population and geographical area than a neighborhood node. May include a shopping district including a grocery and drug store. Residential development including medium and high densities may occur.

The subject parcel is currently zoned “A” District. The Zoning Ordinance describes this district as, “intended for low density uses in agricultural areas.”

The applicant is proposing to rezone the parcel to the “I1” District. The Zoning Ordinance describes this district as, “intended for general industrial uses, warehousing, and transportation terminals”. Building types allowed in this district include the Storefront, Commercial Cottage, General Building, Workshop/Warehouse, Civic Building, and Principal-Use Parking Structure.

Staff believes the requested rezoning to “I1” is appropriate, given the site would be developed in common with the properties immediately to the west, which are approved for industrial use within the Northridge PUD. Additionally, industrial uses should be located in areas of the City that are already designated for those types of uses. The location of the proposed project satisfies that criteria and would not negatively impact the other surrounding uses.

2. **Planning and Design Ordinance:** Any future construction or development of the site must comply with all applicable site plan and design regulations of the Planning and Design Ordinance (Chapter 135 of City Code). Should the rezoning be approved, the applicant would be required to prepare a site plan and building elevations for any proposed additions or modifications.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

Todd Garner made a motion for:

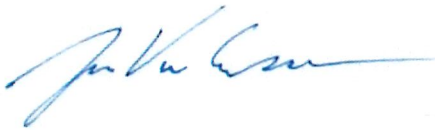
Part A) The requested rezoning be found not in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan, since there is not a future land use designation assigned for the subject properties.

Part B) Approval of the request to amend the PlanDSM: Creating Our Tomorrow Plan Future Land Use Map designation to assign the Industrial within Community Node future land use classification for the subject properties.

Part C) Approval of the rezoning of the subject properties from "A" Agriculture District to "I1" Industrial District.

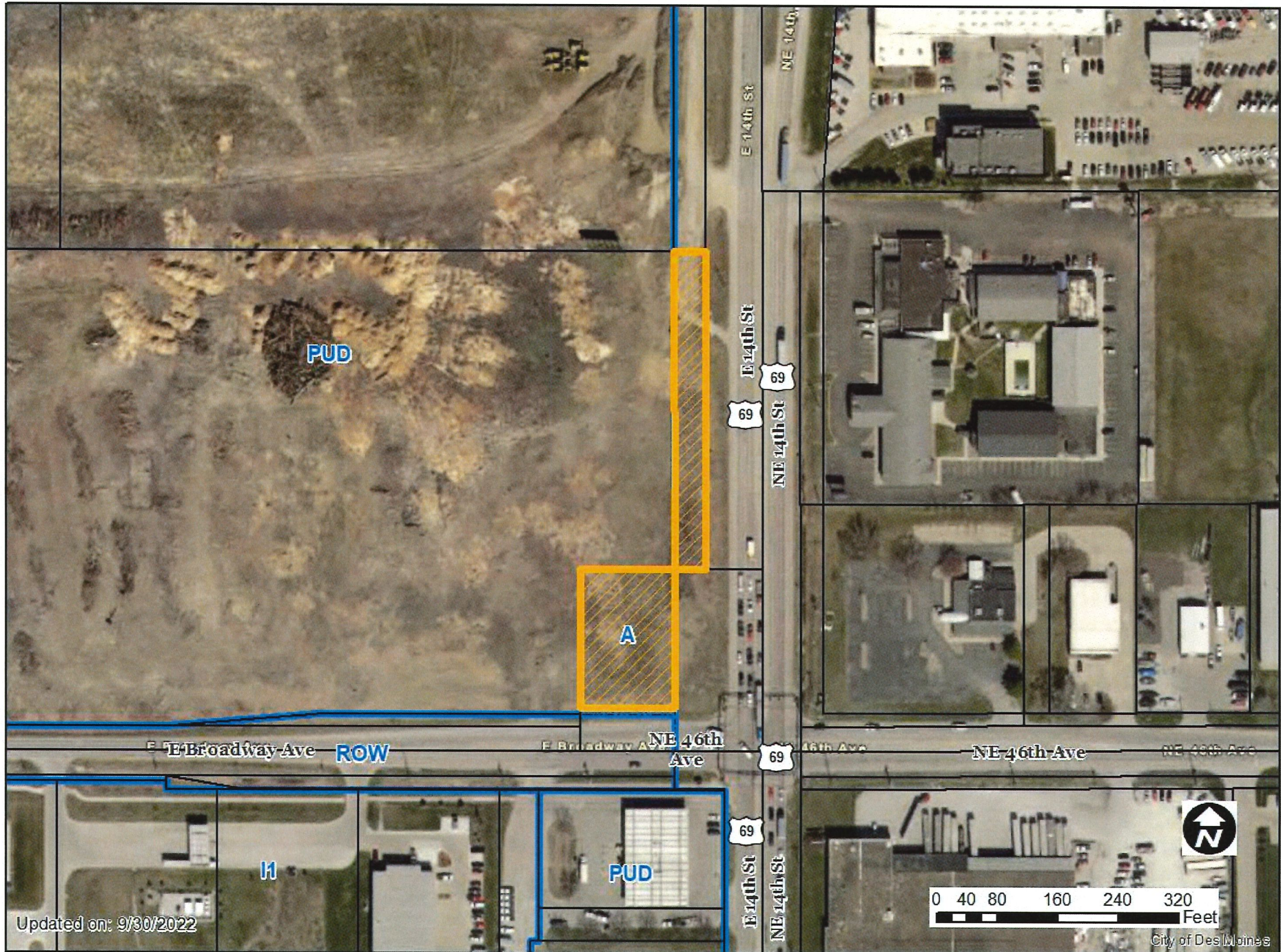
Motion passed: 12-0

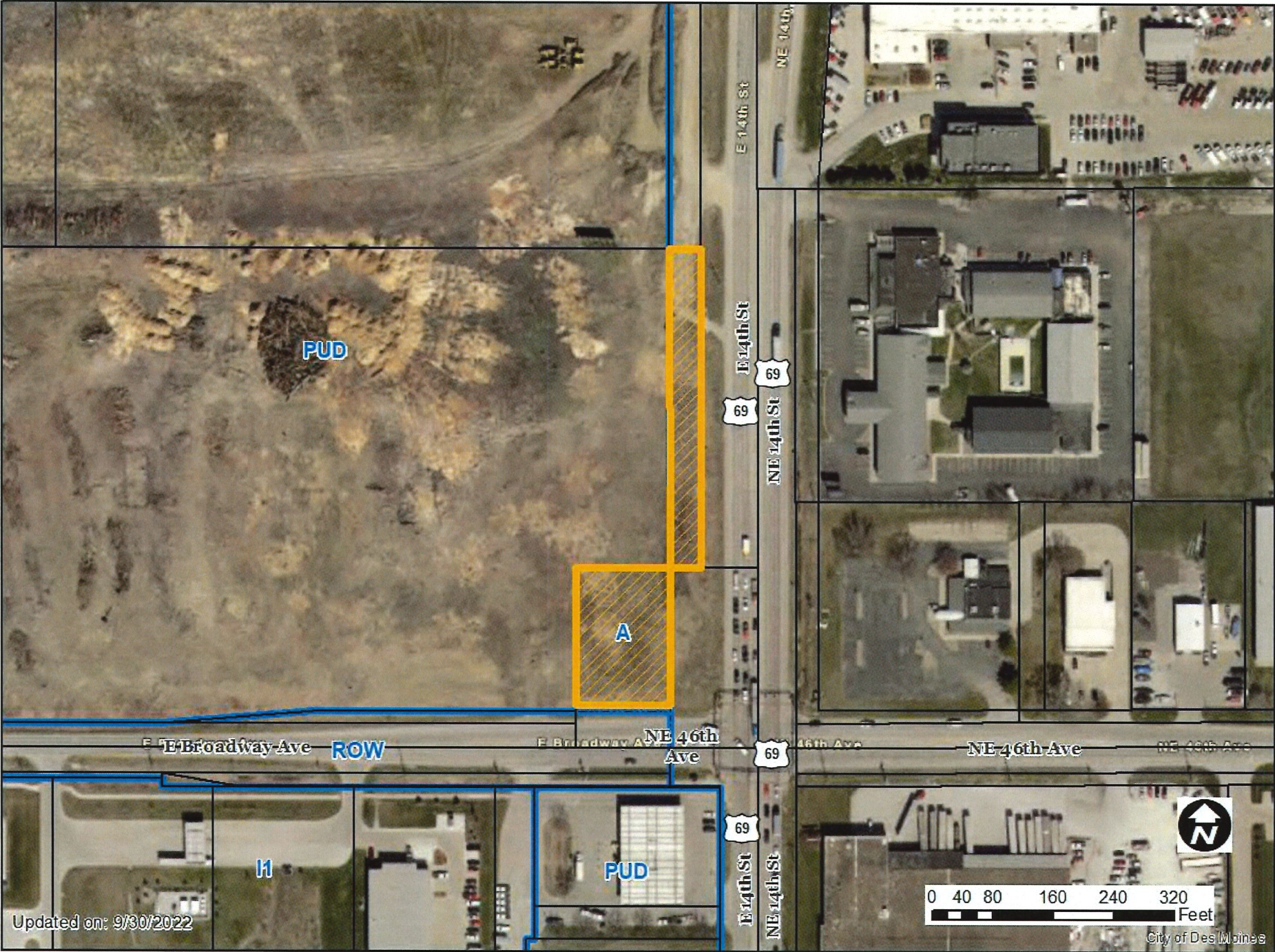
Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jason Van Essen", written over a horizontal line.

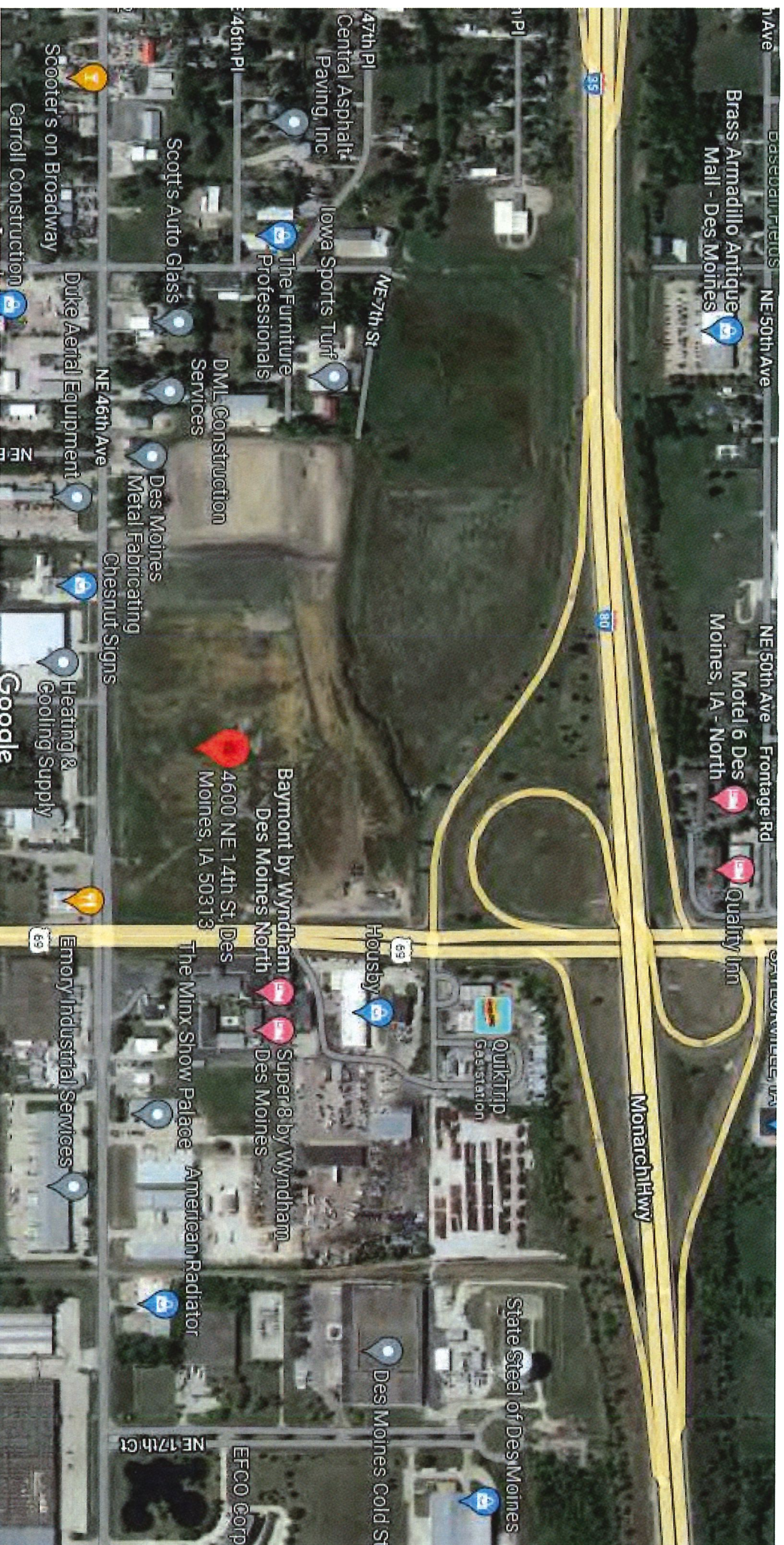
Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh





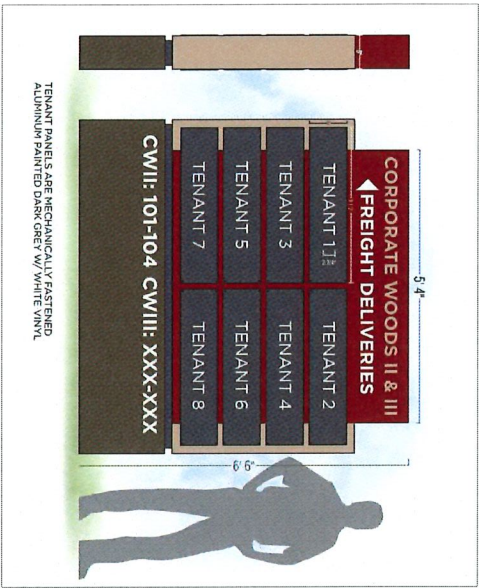
1 inch = 168 feet











MONUMENT DEVELOPMENT SIGN
TYPICAL EXAMPLE

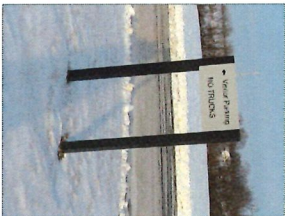
TENANT PANELS ARE MECHANICALLY FASTENED
ALUMINUM PAINTED DARK GREY W/ WHITE VINYL



WALL MOUNTED TENANT SIGN
TYPICAL EXAMPLE 7' X 12' = 48 SF



WALL MOUNTED TENANT SIGN
TYPICAL EXAMPLE 7' X 20' = 75 SF



DIRECTIONAL SIGN
TYPICAL EXAMPLE 1' X 3' = 3 SF



DIRECTIONAL SIGN
TYPICAL EXAMPLE 1' X 3' = 3 SF

NORTHRIDGE PUD - FIRST AMENDMENT

SIGNAGE PLAN

DES MOINES, IOWA

SNYDER & ASSOCIATES, INC.

2727 S.W. SNYDER BLVD
ANKENY, IOWA 50023
515-964-2020 | www.snyder-associates.com

MARK	REVISION	DATE	BY
2	REVISED PER CITY COMMENTS	7-24-2020	AWB
1	REVISED PER CITY COMMENTS	4-09-2020	AWB
Engineer:	JLH	Checked By:	BKC
Technician:	AWB	Date:	1-22-2020
Project No:	119.0858	Scale:	1" = 100'
		T-R-S:	79N-24W-14

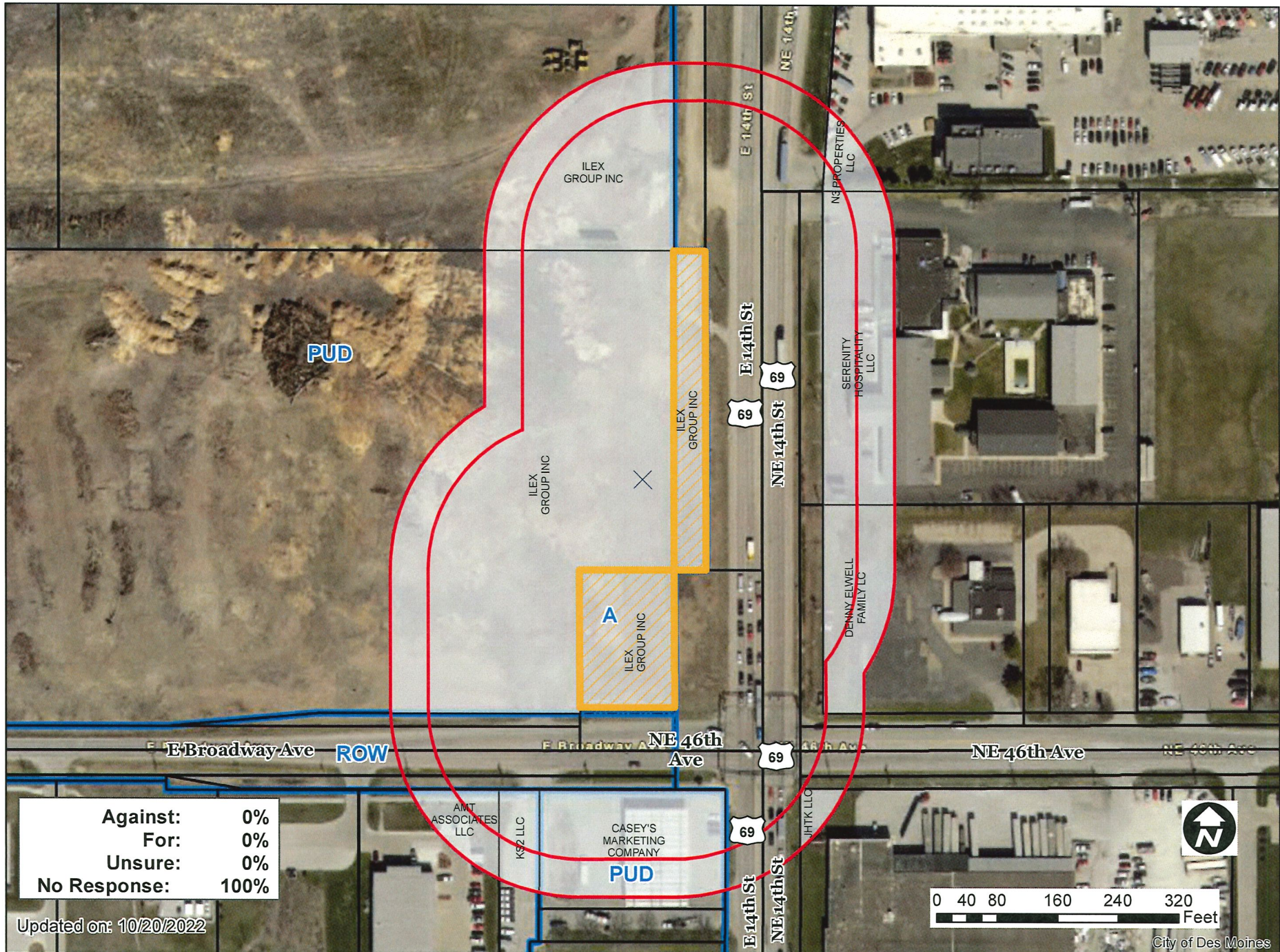
Sheet C400



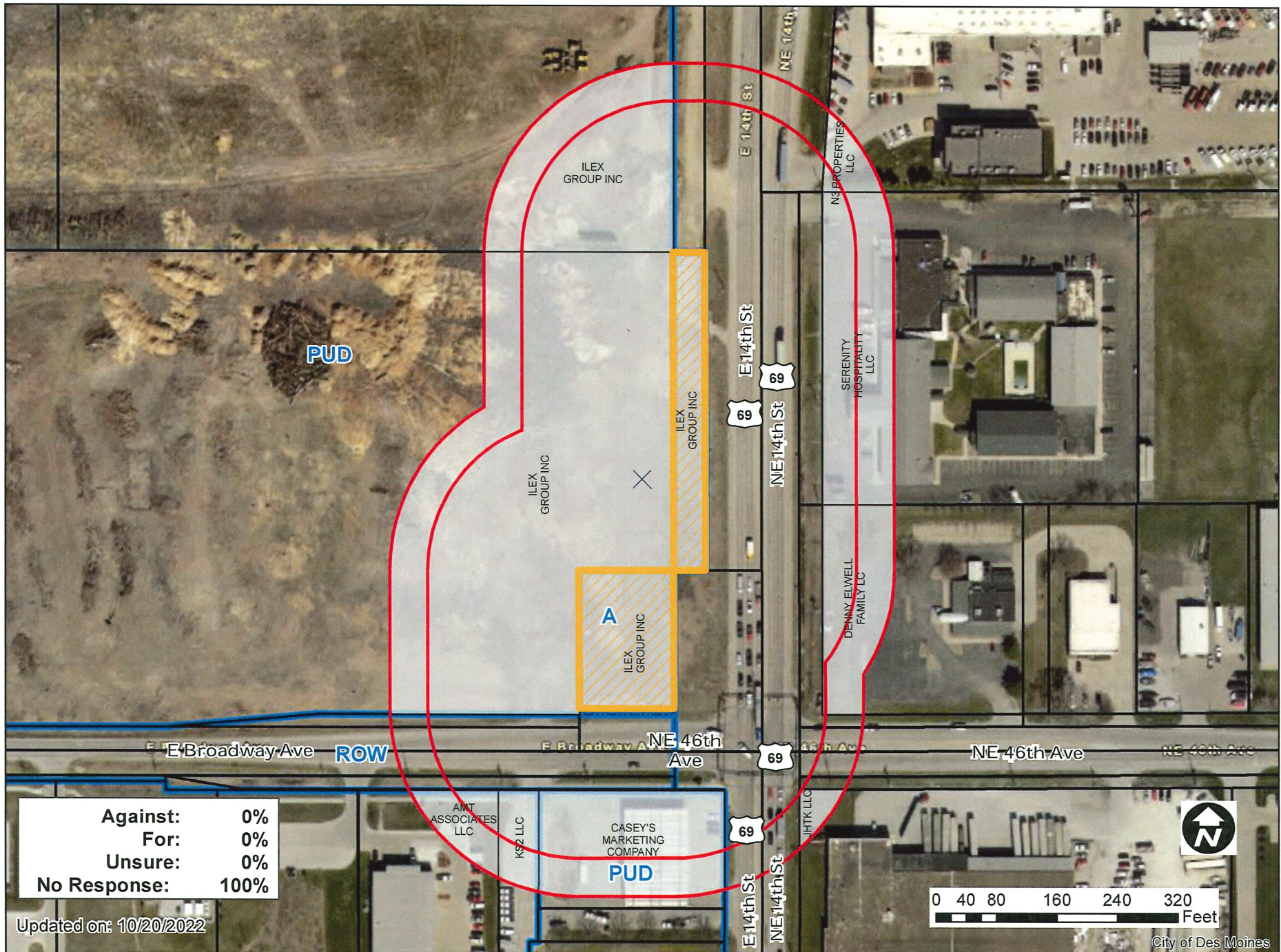
Project No: 119.0858
Sheet C400

ILEX Group, Inc, Two Parcels in Vicinity of 4600 East 14th Street

ZONG-2022-000019



1 inch = 168 feet



1 inch = 168 feet

Item: ZONG-2022-000019 Date: _____

Please mark one of the following



I am in favor of the request



I am not in favor of the request

Signature: Ken Niece

Name: Ken Niece

Address: 1001 NE 44th Ave Des Moines
Iowa 50313

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

OCT 17 2022

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

Opus notified neighbors via certified mail for the neighborhood meeting to rezone 4600 E 14th St, Des Moines, IA 50313. Invites went out on October 3rd. Opus notified everyone on the list given to us from the city. ILEX was notified via email but with the same information. Attached is a copy of the invitation and receipts for the certified mail. The meeting was to be held in our office at 1860 NW 118th Street, Suite 250, Clive, IA 50325, with an option to attend virtually on October 11th from 4-5 pm.

None of the neighbors attended the meeting. Many of these neighbors showed interest in our first developments on this site but have since understood what has been happening on the land.

Neighbors of 4600 E 14th St, Des Moines, IA 50313,

On behalf of The Opus Group, we invite you to a meeting to discuss the proposed rezoning of property at 4600 E 14th St, Des Moines, IA 50313. The meeting will be held Tuesday, October 11th, from 4 pm- 5 pm in our office, 1860 NW 118th Street, Suite 250 Clive, IA 50325. The rezoning is being requested to allow the subject property to reflect the same zoning as the adjacent development.

If you have any questions or would like to attend virtually, you can reach me at my email Alyson.leusink@opus-group.com.

Thank you,



Driven to Deliver

Alyson G. Leusink

Real Estate Representative | Opus Development Company, L.L.C.
1860 NW 118th St., Suite 250 | Clive, IA 50325

D: 515.446.4941 |

Alyson.Leusink@opus-group.com | www.opus-group.com



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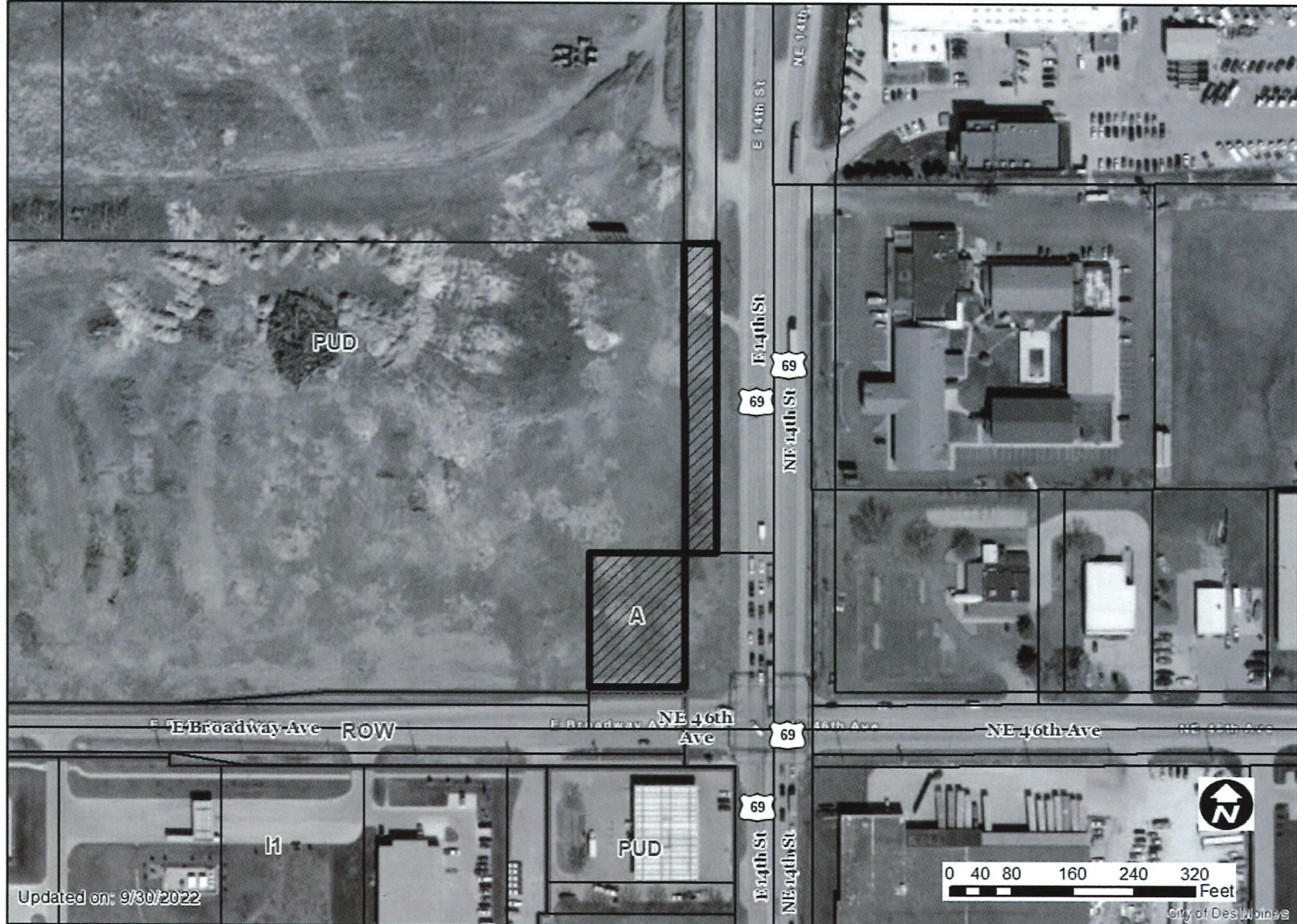
Official Use

Form 3800, April 2013 PSN 7530-02-000-90
Don't Remove for Postmarking

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ILEX Group, Inc, Two Parcels in Vicinity of 4600 East 14th Street

ZONG-2022-000019



1 inch = 168 feet