



Roll Call Number

18-0616

Agenda Item Number

54B

Date April 9, 2018

**RESOLUTION HOLDING HEARING ON REQUEST FROM
HELENA INDUSTRIES, INC. TO REZONE PROPERTY AT 3525 VANDALIA ROAD**

WHEREAS, on March 19, 2018, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on March 1, 2018, its members voted 9-0 in support of a motion to recommend **APPROVAL** of a request from Helena Industries, Inc. (purchaser), represented by Troy Hugen (officer), to rezone property locally known as 3525 Vandalia Road ("Property") from "PUD" Planned Unit Development District to Limited "M-2" Heavy Industrial District, to allow a 46.81-acre expansion of the existing chemical manufacturing campus, subject to the following rezoning conditions:

1. Overhead doors shall not face Vandalia Road unless screen by another building.
2. Provision of landscaping in accordance with the City's standards for "C-2" Districts.
3. No portion of the north 100 feet of the Property may be used for the outside storage of materials or equipment. Any area used for the outside storage of materials or equipment shall be paved and screened from view from Vandalia Road.
4. The north, west and east facades of any building or portion thereof located within the north 100 feet of the Property which is not blocked from view from Vandalia Road by other structures or landscaping shall be construed using exterior materials that are predominately glass, brick, masonry, architectural steel panels and other durable materials. No Exterior Insulations and Finish System ("EIFS") shall be used below an elevation of 6 feet above grade on such facades; and

WHEREAS, on March 19, 2018, by Roll Call No. 18-0459, it was duly resolved by the City Council that the application of Helena Industries, Inc. to rezone the Property, as legally described below, be set down for hearing on April 9, 2018 at 5:00 p.m. in the Council Chambers at City Hall; 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 proposed amendment to the Zoning Ordinance; and

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

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property locally known as 3525 Vandalia Road, legally described as:

A PARCEL OF LAND BEING A PART OF AND LYING ENTIRELY WITHIN LOT 4 AND LOT 5 OF HENDERSON ESTATE, AN OFFICIAL PLAT, FORMING AND BEING A PART



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OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 18, TOWNSHIP 78 NORTH, RANGE 23 WEST OF THE 5TH P.M.; THENCE ALONG THE NORTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 18, NORTH 87°29'01" WEST, 404.66'; THENCE SOUTH 02°30'59" WEST, 50.00' TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF VANDALIA ROAD AS PRESENTLY ESTABLISHED, ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH 00°17'55" EAST, 1274.78'; THENCE SOUTH 87°28'42" EAST, 684.20'; THENCE NORTH 00°17'55" WEST, 1274.82' TO A POINT ON SAID SOUTHERLY RIGHT OF WAY LINE OF VANDALIA ROAD AS PRESENTLY ESTABLISHED; THENCE ALONG SAID RIGHT OF WAY LINE, NORTH 87°28'42" WEST, 277.12' TO A FOUND IRON ROD BEING ON THE EAST LINE OF SAID NORTHEAST QUARTER (NE 1/4); THENCE CONTINUING ON SAID RIGHT OF WAY LINE, NORTH 87°29'01" WEST, 407.08' TO THE POINT OF BEGINNING. CONTAINING 20.00 ACRES (871,165.61 SQ. FT.), MORE OR LESS.

AND

A PARCEL OF LAND BEING A PART OF AND LYING ENTIRELY WITHIN LOT 5 AND LOT 6 OF HENDERSON ESTATE, AN OFFICIAL PLAT, FORMING AND A BEING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 17, TOWNSHIP 78 NORTH, RANGE 23 WEST OF THE 5TH P.M.; THENCE ALONG THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 17, SOUTH 87°28'42" EAST, 279.54'; THENCE SOUTH 02°31'18" WEST, 50.00' TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF VANDALIA ROAD AS PRESENTLY ESTABLISHED, ALSO BEING THE POINT OF BEGINNING; THENCE ALONG SAID RIGHT OF WAY LINE, SOUTH 87°28'42" EAST, 952.17'; THENCE SOUTH 02°21'18" WEST, 705.57'; THENCE NORTH 87°28'42" WEST, 24.73'; THENCE SOUTH 00°08'19" EAST, 568.32'; THENCE NORTH 87°28'42" WEST, 893.15'; THENCE NORTH 00°17'55" WEST, 1274.82' TO THE POINT OF BEGINNING. CONTAINING 26.81 ACRES (1,167,787.14 SQ.FT.), MORE OR LESS.

from "PUD" Planned Unit Development District to Limited "M-2" Heavy Industrial District, to allow a 46.81-acre expansion of the existing chemical manufacturing campus, subject to the conditions stated above as agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by the owner(s) of the Property, which is binding upon the owner(s) and their successors, heirs and assigns.

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



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1. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the proposed rezoning of the Property to Limited "M-2" Heavy Industrial District with conditions as set forth above, are hereby overruled, and the hearing is closed.

2. The proposed rezoning of the Property to Limited "M-2" Heavy Industrial District with conditions as set forth above, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

(Council Communication No. 18-160)

MOVED BY Gatto TO ADOPT.

FORM APPROVED:

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

(ZON2018-00002)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T. M. Franklin Mayor

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.

Diane Rauh City Clerk