



Agenda Item:

065

COUNCIL COMMUNICATION City Manager's Office

GENERAL INFORMATION

Agenda Date: 10/11/2004

Communication No.: 04-

513

Agenda Item Type: Resolution

Roll Call

No.:

Submitted by: Larry Hulse, Community Development Director

SUBJECT—

Resolution establishing a temporary moratorium on new "M-2" uses pending a comprehensive review of the "M-2", Heavy Industrial District boundaries and the "M-2" district regulations.

SYNOPSIS—

Effective immediately and until January 11, 2005, no use of land or structures shall be commenced upon any land zoned to the "M-2" Heavy Industrial District which is not a permitted use within the "M-1" Light Industrial District. No land or structures upon any land zoned to the "M-2" Heavy Industrial District shall be converted to any new use which is not permitted within the "M-1" Light Industrial District. The City Staff shall not issue any permit for any development which is prohibited by the language above. This moratorium shall not apply to the completion and use of improvements intended for heavy industrial use which were commenced under a valid permit and diligently pursued to completion.

FISCAL IMPACT—

N/A.

RECOMMENDATION—

Approval of the resolution establishing a temporary moratorium.

BACKGROUND—

The "M-2" Heavy Industrial District regulations in the City Zoning Ordinance provide that "a building or premises may be used for any purpose whatsoever" (except residential) subject only to minimal limitations.

It has recently come to the attention of the City Council that the Southeast and Southwest Connector Corridors, the SE Agribusiness Park and Riverpoint Areas, and the major corridors into those areas contain substantial amounts of land zoned to the "M-2" District, and that the "M-2" District regulations in the Zoning Ordinance permit uses of land and structures incompatible with the proposed and adopted plans for the redevelopment of those areas and corridors. In addition, the amount of land in the City of Des Moines zoned to the "M-2" District classification far exceeds the amount of land actually needed to serve the present and future need for heavy industrial uses in the City of Des Moines.

The proposed moratorium would enable the Community Development Department and Plan and Zoning Commission to diligently proceed with a review of the "M-2" Heavy Industrial District to identify what land, if any, should be rezoned to a more restrictive district classification, and what amendments to the "M-2" Heavy Industrial District regulations are necessary to assure that heavy industrial uses are developed and used in a manner compatible with the existing and planned uses of adjoining property.

The moratorium would apply to those M-2 uses listed in Section 134-1122(4) of the City Code which include the following:

- a. Abattoirs and slaughterhouses or stockyards.
- b. Acid manufacture or wholesale storage of acids.
- c. Cement, lime, gypsum, or plaster of Paris manufacture.
- d. Distillation of bones.
- e. Explosive manufacture or storage.
- f. Fat rendering.
- g. Fertilizer manufacture.
- h. Garbage, offal or dead animal reduction or dumping.
- i. Gas manufacture and cylinder recharging.
- j. Glue, size or gelatin manufacture.
- k. Junkyard or salvage yard.
- l. Petroleum or its products, refining or wholesale storage of, and asphalt plants.
- m. Rubber goods manufacture.
- n. Sand or gravel pits.
- o. Smelting of tin, copper, zinc, or iron ores.
- p. Transmitting stations.
- q. Wholesale storage of gasoline.
- r. Solid waste transfer stations.

Any party may, by written application to the City Clerk, request relief from the effect of this moratorium where necessary to avoid unnecessary hardship. The application shall identify the basis for the applicant's contention that the moratorium is causing unnecessary hardship. The application shall be considered by the City Council at the first regularly scheduled Council meeting more than ten days following the date such application is filed with the City Clerk. If the City Council determines that the application of this moratorium is causing the applicant unnecessary hardship, the City Council shall allow such relief from this moratorium as is necessary to remedy such unnecessary hardship.

The Community Development Department and Plan and Zoning Commission shall endeavor to make a report and recommendation to the City Council on appropriate changes to the "M-2" District boundaries and regulations and a schedule for their implementation prior to January 11, 2005. The City Council may need to extend the moratorium beyond January 11, 2005 in order to implement the recommended actions.