

Date November 18, 2013.

WHEREAS, on November 4, 2013 by Roll Call No. 13-1718, it was duly resolved by the City Council that the application of Loffredo Gardens, Inc. to rezone certain property located in the vicinity of 4001 Southwest 63<sup>rd</sup> Street from the "PBP" Planned Business Park to Limited "M-1" Light Industrial District classification, more fully described below, be set down for hearing on November 18, 2013, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of the hearing was published in the Des Moines Register on November 7, 2013, as provided by law, setting forth the time and place for hearing on the proposed amendment to the Zoning Ordinance; and,

WHEREAS, in accordance with the notice those interested in the 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 following described property:

Outlot Z, Airport Industrial Park Plat 2, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

from the "PBP" Planned Business Park to Limited "M-1" Light Industrial District classification, subject to the following conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by all owners of the property and are binding upon the owners and their successors, heirs and assigns as follows:


- 1) Permitted uses and accessory uses shall only be those in the Planned Business Park regulations in Section 134-737 and 134-738.
- 2) Vehicular driveway access for site development use may only be from Watrous Avenue.
- 3) Any development of the property shall be compatible with the design of the existing warehouse and office facility on the adjoining property to the north, to include pre-cast concrete panels, metal panels with no exposed fasteners, and glass with stucco panels used only as an accent material.
- 4) Applicant shall meet with adjoining property owner to discuss provision of landscaping along the south boundary.

Date..... November 18, 2013

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the Property from "PBP" Planned Business Park to Limited "M-1" Light Industrial District classification are hereby overruled, the hearing is closed, and the proposed rezoning to the Limited "M-1" District classification is hereby APPROVED.

Moved by \_\_\_\_\_ to adopt and approve the rezoning, subject to final passage of the rezoning ordinance.

FORM APPROVED:

  
 Michael F. Kelley  
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MOORE				
TOTAL				
MOTION CARRIED			APPROVED	

**CERTIFICATE**

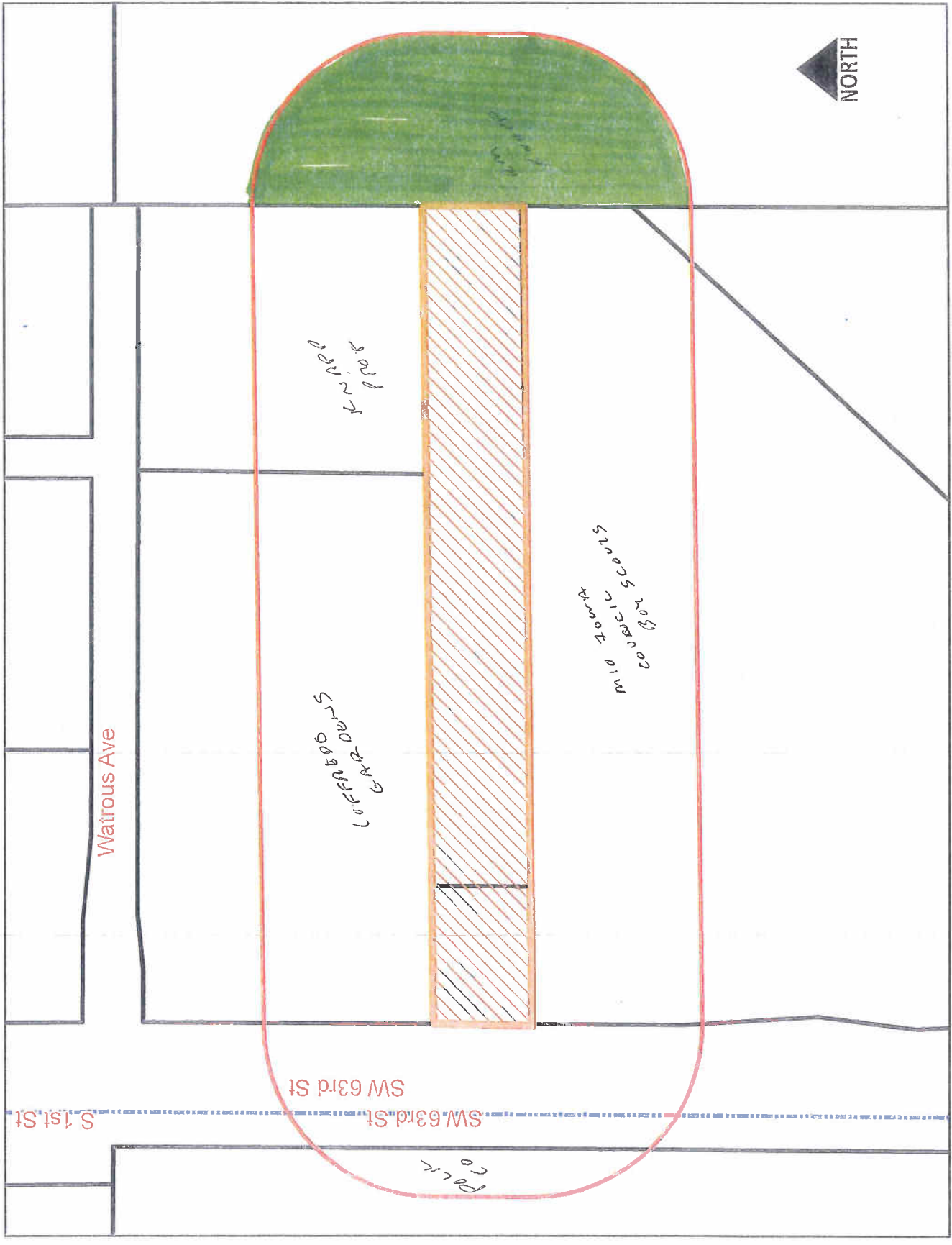
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_ Mayor

\_\_\_\_\_ City Clerk

Loffredo Fresh Produce Co Inc - 4001 SW 63rd Street ZON2013-00161



Watrous Ave

SW 63rd St

SW 63rd St

S 1st St

LIFE ENJOYERS

KIND PARK

MINIMUM ZONING FOR AGRICULTURAL 5 ACRES

PARK CO



October 29, 2013

Date \_\_\_\_\_

Agenda Item 5a

Roll Call # \_\_\_\_\_

Honorable Mayor and City Council  
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held October 17, 2013, the following action was taken regarding a request from Loffredo Gardens, Inc. (owner) represented by Eugene Loffredo (officer) to rezone property located at 4001 Southwest 63<sup>rd</sup> Street.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 12-0-1 as follows:

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
Dory Briles	X			
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Tim Fitzgerald				X
Dann Flaherty	X			
Jann Freed	X			
John "Jack" Hilmes			X	
Ted Irvine	X			
Greg Jones	X			
William Page				X
Christine Pardee	X			
CJ Stephens	X			
Vicki Stogdill	X			
Greg Wattier	X			

**APPROVAL** to find the proposed rezoning conforms with the existing Des Moines' 2020 Community Character Plan future land use designation of Planned Business Park.

By separate motion Commissioners recommended 12-0-1 as follows:

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
Dory Briles	X			
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Tim Fitzgerald				X
Dann Flaherty	X			
Jann Freed	X			
John "Jack" Hilmes			X	
Ted Irvine	X			



CITY PLAN AND ZONING COMMISSION  
ARMORY BUILDING  
602 ROBERT D. RAY DRIVE  
DES MOINES, IOWA 50309 -1881  
(515) 283-4182

ALL-AMERICA CITY  
1949, 1976, 1981  
2003

Commission Action:	Yes	Nays	Pass	Absent
Greg Jones	X			
William Page				X
Christine Pardee	X			
CJ Stephens	X			
Vicki Stogdill	X			
Greg Wattier	X			

**APPROVAL** of the requested rezoning to a Limited "M-1" District subject to the owner agreeing to the following conditions: (ZON2013-00161)

1. Permitted uses and accessory uses shall only be those in the Planned Business Park regulations in Section 134-737 and 134-738.
2. Vehicular driveway access for site development use may only be from Watrous Avenue
3. Any development of the property shall be compatible with the design of the existing warehouse and office facility on the adjoining property to the north, to include pre-cast concrete panels, metal panels with no exposed fasteners, and glass with stucco panels used only as an accent material.

**STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Part A) Staff recommends that the Commission find the requested rezoning conforms with the existing Des Moines' 2020 Community Character Plan future land use designation of Planned Business Park.

Part B) Staff recommends approval of the requested rezoning to a Limited "M-1" District subject to the owner agreeing to the following conditions:

1. Permitted uses and accessory uses shall only be those in the Planned Business Park regulations in Section 134-737 and 134-738.
2. Vehicular driveway access for site development use may only be from Watrous Avenue
3. Any development of the property shall be compatible with the design of the existing warehouse and office facility on the adjoining property to the north, to include pre-cast concrete panels, metal panels with no exposed fasteners, and glass with stucco panels used only as an accent material.

Written Responses

- 1 In Favor
- 0 In Opposition

## STAFF REPORT

### I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant proposes to incorporate the subject property into the existing Loffredo Fresh Produce Company site for development of a 45,000-square foot warehouse.
2. **Size of Site:** The area proposed for rezoning is approximately 4 acres. The overall site would be approximately 11.8 acres.
3. **Existing Zoning (site):** "PBP" Planned Business Park.
4. **Existing Land Use (site):** Vacant land.
5. **Adjacent Land Use and Zoning:**

**North** – "PUD" Airport Commerce Park West; Uses are Grace Label, Crossmark Food Trade brokerage, and vacant business park land.

**South** – "PBP", Use is Boy Scouts of America Mid-Iowa Council headquarters.

**East** – "R1-80", Use is vacant agricultural land.

**West** – "OS" Agricultural/Open Space (West Des Moines), Use is Browns Woods County Park.

6. **General Neighborhood/Area Land Uses:** The property is located along the Iowa Highway 28 corridor with business park development generally to the east supporting the Des Moines International Airport, and the Browns Woods County Conservation Park to the west.
7. **Applicable Recognized Neighborhood(s):** The subject property is within the Southwestern Hills Neighborhood. All recognized neighborhoods were notified of the meeting by mailing of the Preliminary Agenda on September 27, 2012. Additionally, separate notifications of the hearing for this specific item were mailed on September 27, 2012 (20 days prior) and October 7, 2013 (10 days prior to the scheduled hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. The notices for the Southwestern Hills Neighborhood Association were sent to George Davis, 3124 Southwest 29<sup>th</sup> Street, Des Moines, IA 50321. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on October 11, 2013.

The applicant is responsible for conducting a neighborhood meeting inviting surrounding property owners within 250 feet. The applicant will provide a summary of the meeting at the public hearing.

**8. Relevant Zoning History:** On July 10, 1995 Ordinance No. 13,213, the City Council rezoned the property on the existing site to the north from R1-80 to M-1 subject to the following conditions:

- A. Prior to any request for site plan approval upon that portion of the Property lying south of the north 11.7 acres thereof exclusive of streets or within 12 months from the effective date of this rezoning , whichever is earlier , the owner of that portion of the Property lying south of the north 11.7 acres thereof exclusive of streets shall file a rezoning application requesting a change of the zoning of said portion of the Property to "PBP" Planned Business Park District.
- B. Any improvements constructed upon the Property shall be located so as to allow a future street to be placed within the north thirty-three (33) feet of the Property and to comply with the required twenty-five (25) foot front yard setback for such street.

The subject property was rezoned from R1-80 to PBP on December 4, 1995 by Ordinance No. 13,274. On March 24, 2008 the City Council approved a PBP Conceptual Plan "Cornerstone Church" for property that included the subject property. The subject property was shown as an outlot in that plan.

**9. 2020 Community Character Land Use Plan Designation:** Planned Business Park.

**10. Applicable Regulations:** The Commission reviews all proposals to amend zoning regulations or zoning district boundaries 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 recommend that certain conditions be applied to the subject property if the property owner agrees in writing, prior to the City Council Hearing. The recommendation of the Commission will be forwarded to the City Council.

## **II. ADDITIONAL APPLICABLE INFORMATION**

- 1. Natural Features:** The site is currently built as a industrial site and has some landscape plantings from the original site development. There are also scrub growth trees and vegetation within the subject property of the rezoning which has served as a constructed drainage way. Any tree removal as part of site development would be subject to all Tree Preservation and Mitigation Ordinances.
- 2. Drainage/Grading:** The subject property of the rezoning contains a constructed drainage way serving the existing site and adjoining Boy Scout headquarters property to the south. This will be altered by any site expansion. Any future site development is subject to all storm water management requirements and soil erosion protection requirements with preparation of a Stormwater Pollution Prevention Plan (SWPPP) reviewed by the Iowa DNR and issuance of a grading permit by the Permit and Development Center.
- 3. Landscaping:** The subject property is along a Landscape Enhancement Corridor. So, with approval of the requested rezoning, any development of the property would be required to landscape in accordance with requirements in the Des Moines Landscape Standards applicable to C-2 Districts.

4. **Traffic/Street System:** Vehicular access is currently provided to the property from two drive entrances along Watrous Avenue. Watrous has direct access onto Southwest 63<sup>rd</sup> Street (Iowa Highway 28). The proposed addition would generate additional truck traffic over the existing pattern for the site. Under the Site Plan policies, any site development would therefore be expected to provide traffic generation analysis as part of any submitted Site Plan. The surrounding street network is designed to accommodate business park traffic patterns.
5. **2020 Community Character Plan:** The proposed “M-1” District zoning is light industrial zoning. The existing designation for future land use of Planned Business Park is described in the 2020 Community Character Plan on page 97. The category proposes allowing for the development of light industry, manufacturing activity, office and warehouse uses. With appropriate attention to form and design, planned business parks are intended to provide for light industrial use with minimal impacts to neighbors. Staff believes that the proposed rezoning to M-1 can be found in conformance with this designation so long as the quality of design is compatible with the surrounding business park areas.
6. **Urban Design:** The original Loffredo facility was built with pre-cast panels with offices areas that were developed with architectural metal panel exteriors and stucco panel accents. A more recent addition to the north side of the building was built with smooth metal panels that are painted to match the pre-cast concrete portion of the building. Staff believes that any expansion should be compatible with the existing facilities in order to protect the surrounding uses such as the Boy Scout headquarters to the south and residential acreages to the east. Any rezoning should include a condition that the architecture design and materials of any expansion be compatible with the existing facility and surrounding business park areas.

## SUMMARY OF DISCUSSION

*Jacqueline Easley joined the meeting*

Erik Lundy presented the staff report and recommendation.

Dann Flaherty asked what is the benefit to the applicant to rezone this property from PBP to “M-1”.

Erik Lundy stated the applicant doesn't have to submit a detailed conceptual plan for “M-1” zoning like they would under PBP zoning. They would have a more significant front end investment to do the conceptual plan for the PBP. They would also need to rezone their existing site to PBP because it would be split zoned. It was more of a timing issue and they already have a predominance of “M-1” zoning. There really is no benefit under the intent of PBP in terms of getting the right street layouts and etc. It is probably simpler for the applicant to take this approach.

Mike Ludwig asked if there were any comments from the Airport on height hazard.



Erik Lundy stated not at this time but if any development of the property would have to go through all of the proper channels (the storm water engineering, height and hazard review for the airport, etc.). The property is in proximity to an area that is considered protected. Currently there is no condition addressing this but it is a requirement for any site plan review.

Rick Baumhover Bishop Engineering 3501 104<sup>th</sup> Street representing Loffredo Fresh Foods stated this project came about because Loffredo's need to find room to expand for development of a 45,000 square foot warehouse. They are in planning stages and that is why they looked at this property. Staff recommended that the applicant get this property rezoned as "M-1" so they would have similar zoning to their existing site as they move forward. They ask that the Commission grant their request.

Dann Flaherty asked if the "M-1" zoning would have the same restrictions as PBP zoning.

Rick Baumhover stated it would be same for the land use but there are things such as setbacks that could be different. They believed that it made sense to have one zoning so they understood the setbacks and requirements that they had on their existing space would follow along with the additional space. They looked at it as a cleanup action to have all the same zoning.

#### **CHAIRPERSON OPENED THE PUBLIC HEARING**

Bob Hopper 35 Broderick Drive, Waukee, IA the CEO of Mid Iowa Council Boy Scouts of America stated he is not here to directly oppose what their neighbor Loffredo chooses to do with their property. They are concerned about what is the outcome if the rezoning happens. They had a meeting with Loffredo and they mentioned they wanted to clean up their zoning. The Mid Iowa Council Boy Scouts of America think that is an appropriate thing to do. Loffredo also mentioned that it would be expensive for them to build on that site and don't see that happening. The Mid Iowa Council Boy Scouts of America want to know if the applicant does decide to build what will be the expectations of the landscaping, building material and will that be in keeping what they believe they provided for the community at the Fred Maytag Second Scout Center. They are investing a lot of effort and natural territory and prairie restoration solely for thousands of scouts and families and community groups to use that facility. Therefore, they are interested in making sure that is maintained as well as possible.

Erik Lundy stated the property is still subject to "C2" Landscape standards which would double the amount of material that would normally be required for an "M1" district. A retaining wall may be oriented towards the Fred Maytag Second Scout Center so if there is some preference as to how that would be handled from a design perspective, the Commission could put a condition on that.

Greg Wattier asked if the zoning remained PBP what would the setback be.

Erik Lundy stated the plan that was done for the Fred Maytag Second Scout Center would have to be amended to incorporate the standards for the Loffredo Addition. Setbacks would be created through the plan process and that is the additional cost the applicant was looking to not have to do.

JoAnne Corigliano asked if the 25 foot setback is allowed in "M-1" is suitable.

Erik Lundy stated the building code is going to take care of the setback. However, if there is a concern the Commission can add a condition to reflect the number of feet in the setback is appropriate to protect that property.

Greg Wattier asked why couldn't the setback be zero.

Erik Lundy stated in this particular property zero setback would be virtually impossible on the property to the south because it would involve a large retaining wall system in order to develop that land or some large amount of fill.

JoAnne Corigliano stated she would like to know what the representative of Mid Iowa Council Boy Scouts of America thinks.

Rick Baumhover asked that the question be repeated.

JoAnne Corigliano asked whether or not 25 feet would be an adequate setback for the Fred Maytag Second Scout Center so the building would not be quite as imposing when it was built.

Rick Baumhover stated the scenarios they are looking at the 25 feet is not going to impact where the building will be located. Then building code states they need a 60 foot separation between buildings and the City assumes there is a building closest to the setback in the neighbor property which is 25 feet. Therefore, they would have to have a 35 feet setback on their property to keep that 60 foot building separation. Their building will be more than 25 feet away from the property line.

### **CHAIRPERSON CLOSED THE PUBLIC HEARING**

Greg Jones is less worried about the setback because he believes the building code settles it. His concern is the "M1" level of landscape in the buffer area versus what might PBP be. He would like to see that 25 or 30 feet however far back the Fred Maytag Second Scout Center is heavily landscaped and he is not sure what number should be put, maybe double the usual buffer amount.

Erik Lundy asked if Mr. Jones was suggesting greater than "C2" standard.

Greg Jones stated yes, he believes there is such a big difference that if a lot of landscaping material was added it would help soften that difference and then if the building sits far enough away then it is screened and hidden and the Fred Maytag Second Scout Center would be protected.

JoAnne Corigliano stated she agrees with Commissioner Jones to require double the "C2" standard.

Erik Lundy pointed out that the standards are measured on units per 2500 square feet of open space. One tree, one evergreen, and one shrub per 2500 square feet is the "C-2" standard. So to clarify you are asking for two trees, two evergreens and two shrubs per 2500 square feet of open space.

Greg Jones stated instead of pushing the landscaping back to their back property line he rather see it all condensed. Therefore from back of the Fred Maytag Second Scout Center all to the west should be twice the normal "C-2" standard.

CJ Stephens asked if the Fred Maytag Second Scout Center had any trees on their property.

Bob Hopper stated they are looking at an old photo because they have hundreds of trees on the property.

Mike Ludwig stated if the Commission wanted to make a recommendation requiring additional landscaping the applicant would have to agree to that condition in writing prior to the Council hearing. There would be an opportunity for them to review what that standard would be and to agree or disagree with the requirement prior to the Council hearing.

Ted Irvine asked if there could be a meeting between Loffredo and the Fred Maytag Second Scout Center and have some sort of administrative approval on what the landscape could be. Maybe not set it here but allow them to negotiate maybe what it might be and that could go to Council.

Greg Wattier thinks that it is very arbitrary to say 25 feet setback or four times the "M-1" landscaping standards. He understands the intent. He almost rather deny the request and keep it PBP so when an actual design comes forward the design team can work out a solution that both property owners agree on because they are using the same property to the south.

Greg Jones stated that it is no more arbitrary than the current zoning ordinance that is just a bunch of numbers.

Mike Ludwig stated that between now and the Council meeting they could calculate what the landscaping is how many trees and shrubs would be required based on what is recommended, schedule a meeting with both the applicant and the Fred Maytag Second Scout Center representative and have them come in prior to the Council meeting. The Fred Maytag Second Scout Center representative can be at the Council meeting to indicate whether that is an acceptable amount of landscaping to them and the applicant can indicate whether it is an acceptable amount of landscaping for them.

Dann Flaherty stated that Council can change the Commission's recommendation anyway.

**COMMISSION ACTION:**

JoAnne Corigliano moved staff recommendation to find the requested rezoning conforms with the existing Des Moines' 2020 Community Character Plan future land use designation of Planned Business Park.

Motion passed 12-0-1 (John "Jack" Hilmes abstained)

AND

Approval of the requested rezoning to a Limited "M-1" District subject to the owner agreeing to the following conditions:

1. Permitted uses and accessory uses shall only be those in the Planned Business Park regulations in Section 134-737 and 134-738.
2. Vehicular driveway access for site development use may only be from Watrous Avenue
3. Any development of the property shall be compatible with the design of the existing warehouse and office facility on the adjoining property to the north, to include pre-cast concrete panels, metal panels with no exposed fasteners, and glass with stucco panels used only as an accent material.
4. Applicant shall meet with adjoining property owner to discuss provision of landscaping along the south boundary.

Motion passed 12-0-1 (John "Jack" Hilmes abstained)

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:clw

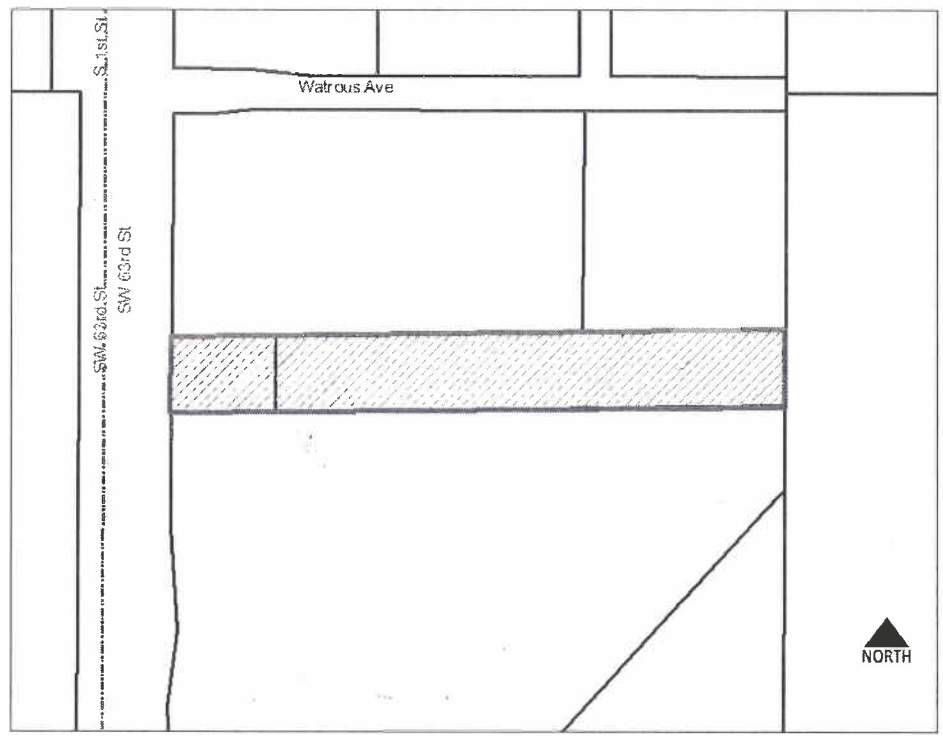
Attachment

52

Request from Loffredo Gardens, Inc. (owner) represented by Eugene Loffredo (officer) to rezone property located at 4001 Southwest 63 <sup>rd</sup> Street.		File #		
		ZON2013-00161		
<b>Description of Action</b>	Approval to rezone from "PBP" Planned Business Park to "M-1" Light Industrial District to allow for an approximately 45,000-square foot warehouse building to be developed on property to the south of the existing facility subject to conditions.			
<b>2020 Community Character Plan</b>	Planned Business Park (current & no change proposed)			
<b>Horizon 2035 Transportation Plan</b>	No Planned Improvements			
<b>Current Zoning District</b>	"PBP" Planned Business Park			
<b>Proposed Zoning District</b>	"M-1" Light Industrial District			
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	1	0		
Outside Area				
<b>Plan and Zoning Commission Action</b>	Approval	12-0-1	<b>Required 6/7 Vote of the City Council</b>	Yes
	Denial			No

Loffredo Fresh Produce Co Inc - 4001 SW 63rd Street

ZON2013-00161



ZON2013-00161

Item \_\_\_\_\_

Date 10/16/2013

I (am) (am not) in favor of the request.

(Circle One)

RECEIVED

COMMUNITY DEVELOPMENT

Print Name MIKE KWAPP

OCT 16 2013

Signature [Handwritten Signature]

Address 5425 W. McKinley Ave

DEPARTMENT

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

See attached letter  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RECEIVED  
COMMUNITY DEVELOPMENT

OCT 16 2013

DEPARTMENT



City Planning and Zoning Commission  
Armory Building  
Des Moines, Iowa 50309

Members,

I have received the Notice of Hearing as a result of the request from Loffredo Garden, Inc. to rezone property located at 4001 Southwest 63rd Street from PBP to M-1 Light Industrial District. The stated purpose for new zoning is to allow for an approximately 45,000-square foot warehouse building south of current facilities operated by Loffredo Gardens.

Having met with Mr. Loffredo last week, it is my current understanding that he has now determined it is not in his current or known future plan to construct this new facility on the subject property.

While there is not a current plan to review, Mr. Loffredo wishes to have the balance of his land holding adjacent to the now existing Loffredo Gardens rezoned so that the subject property's zoning will comport to his current existing facilities.

Mr. Loffredo's facilities are constructed of top quality materials and very well maintained and I have comfort that any addition would be done in like fashion.

I would be in favor of the requested rezoning change to M-1 Light Industrial, provided that future improvements on the property would incorporate the same buffering, shielded lighting mitigation, noise and landscaping requirements as those required as if the property were still zoned PBP.

Mike Knapp and Ellyn Knapp  
5935 SW McKinley Ave.  
Des Moines, Iowa 50321



RECEIVED  
COMMUNITY DEVELOPMENT  
NOV 14 2013  
DEPARTMENT

November 11, 2013

To: Mr. Phil Delafield  
Community Development Director

Fr: Robert E. Hopper  
Scout Executive / CEO

Re: Loffredo – rezoning

It is the position of Mid-Iowa Council that the amount of landscaping required, due to the Landscape Enhancement Corridor designation already in place, is sufficient for the area that is adjacent to our property which Loffredo desires to re-zone.

Loffredo has acknowledged that Mid-Iowa Council will be consulted on plans for any future development of the site.

