



Date May 18, 2020

**RESOLUTION HOLDING HEARING ON REQUEST FROM SKYLINE TRUCKING, INC.  
TO REZONE PROPERTY LOCATED AT 3220 DIXON STREET**

**WHEREAS**, on April 25, 2016, by Roll Call No. 16-0717, the City Council adopted the PlanDSM: Creating Our Tomorrow Plan; and

**WHEREAS**, on May 4, 2020, by Roll Call No. 20-0749, the City Council received a communication from the Plan and Zoning Commission advising that at a public hearing held on April 16, 2020, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Skyline Trucking, Inc., represented by Ronald Fadness, to rezone the real property locally known as 3220 Dixon Street (“Property”) from I1 Industrial District to I2 Industrial District, to allow for future consideration by the Zoning Board of Adjustment of a conditional use for a Fabrication and Production, Intensive use for a 12,000-gallon above-ground petroleum tank for truck fueling to replace the use of mobile tanks; and

**WHEREAS**, on May 4, 2020, by Roll Call No. 20-0749, it was duly resolved by the City Council that the request to rezone the Property be set down for hearing on May 18, 2020 at 5:00 P.M., by electronic means in accordance with the Governor’s and Mayor’s Proclamations and the current prohibition on gatherings of ten or more persons during the COVID19 outbreak; 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 rezoning; 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 3220 Dixon Street, legally described as:

PARCEL H, OF THE SOUTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 27, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., DES MOINES, POLK COUNTY, IOWA AS RECORDED IN BOOK 11845, PAGE 280 AND CORRECTED BY AFFIDAVIT RECORDED IN BOOK 13334, PAGE 87 OF THE POLK COUNTY RECORDERS OFFICE. SAID TRACT OF LAND CONTAINS 2.50 ACRES MORE OR LESS

from I1 Industrial District to I2 Industrial District, to allow for future consideration by the Zoning Board of Adjustment of a conditional use for a Fabrication and Production, Intensive use for a 12,000-gallon above-ground petroleum tank for truck fueling to replace the use of mobile tanks.

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

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 I2 Industrial District are hereby

**Date** May 18, 2020

overruled, and the hearing is closed.

2. The proposed rezoning of the Property, as legally described above, to I2 Industrial District, 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.

MOVED BY \_\_\_\_\_ TO ADOPT.

FORM APPROVED:

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

(ZON2020-00029)

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 May 18, 2020  
 Agenda Item 47  
 Roll Call # \_\_\_\_\_

April 28, 2020

Honorable Mayor and City Council  
 City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their April 16, 2020 meeting, the following action was taken regarding a request from Skyline Trucking, Inc. (owner) represented by Ronald Fadness (officer) to rezone property located at 3220 Dixon Street from "I1" Industrial District to "I2" Industrial District, to allow for future consideration of a Conditional Use application for a Fabrication and Production, Intensive use, specifically for an above-ground petroleum tank in excess of 1,000 gallons (12,000 gallons).

**COMMISSION RECOMMENDATION:**

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

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles	X			
Abby Chungath	X			
Jacqueline Easley	X			
Jann Freed	X			
John "Jack" Hilmes	X			
Lisa Howard	X			
Carolyn Jenison	X			
Greg Jones	X			
William Page	X			
Rocky Sposato	X			
Steve Wallace				X
Greg Wattier	X			
Emily Webb	X			

**APPROVAL** of Part A) the Commission find the proposed rezoning in conformance with the Des Moines' PlanDSM: Creating Our Tomorrow Plan future land use designation of Industrial and Part B) **APPROVAL** of the request to rezone to the "I2" Industrial District.  
 (ZON2020-00029)

Written Responses

2 in Favor

0 in Opposition

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

Part A) Staff recommends that the Commission find the proposed rezoning in conformance with the Des Moines' PlanDSM: Creating Our Tomorrow Plan future land use designation of Industrial.

Part B) Staff recommends approval of the request to rezone to the "I2" Industrial District.

Should the rezoning be denied, the applicant would have up to one (1) year following that denial to seek a Use Variance from the Zoning Board of Adjustment to allow use of the property for a specific commercial use.

**STAFF REPORT TO THE PLANNING COMMISSION**

**I. GENERAL INFORMATION**

1. **Purpose of Request:** The applicant is seeking to install a 12,000-gallon above-ground petroleum tank for truck fueling to replace the use of mobile tanks. The tank would be proposed to be placed west of the existing shop building.
2. **Size of Site:** 2.5 acres.
3. **Existing Zoning (site):** "I1" Industrial District.
4. **Existing Land Use (site):** The subject property contains a 1-story, 4,000-square foot service shop building and a 2-story, 1,800-square foot office building for Bullseye Trucking.
5. **Adjacent Land Use and Zoning:**
  - North** - "I1", Use is Liberty Ready Mix concrete mixing plant.
  - South** - "I1"; Use is repair shop and outdoor storage yard for Hallett Materials.
  - East** - "I2"; Uses are Alter Trading metal recycling and EP2 Electrical Power Products.
  - West** - "I1"; Use is Liberty Ready Mix materials storage yard.
6. **General Neighborhood/Area Land Uses:** The subject property is located along the west side of the Dixon Street corridor north of Hull Avenue, in an area that includes a mix of industrial uses. The subject property is separated from a high-density multi-household residential development to the west by Liberty Ready Mix materials storage yard and the Union Pacific Railroad.

**Applicable Recognized Neighborhood(s):** The subject property is not located within a recognized neighborhood but is within 250 feet of the Highland Park Neighborhood to the west.

A notice regarding postponement of the March 19, 2020 P&Z meeting was mailed on March 13, 2020 to the Highland Park Neighborhood and all primary titleholders on file with the Polk County Assessor for each property within 250' of the site.

A notice of the April 16, 2020 electronic/Zoom meeting was mailed on April 3, 2020 to the Highland Park Neighborhood and the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda was mailed to all recognized neighborhoods on April 10, 2020.

The Highland Park Neighborhood mailings were sent to Drew Kelso, 815 East Seneca Avenue, Des Moines, IA 50316.

The applicant held their neighborhood meeting on March 13, 2020. The applicant will be available to go over their summary of the neighborhood meeting at the hearing.

7. **Relevant Zoning History:** N/A.
8. **PlanDSM Land Use Plan Designation:** Industrial.
9. **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 Land Use Plan:** The City's comprehensive land use plan designates the property as "Industrial". PlanDSM describes "Industrial" as *"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."*

The recently adopted Zoning Ordinance describes the requested "I2" District as follows: *"intended for general and higher intensity industrial uses as well as warehousing and transportation terminals"*.

Staff recommends that the requested "I2" District be found in conformance with the Des Moines' PlanDSM: Creating Our Tomorrow Plan future land use designation of "Industrial". The proposed above ground storage tank would be within the Fabrication and Production – Intensive use of the property as defined in the Zoning Ordinance as it would exceed 1,000 gallons of flammable or combustible liquids. Should the property be rezoned, the use must the further be reviewed and granted as a Conditional Use by

the Zoning Board of Adjustment, where mitigating conditions may be required for protection of surrounding properties.

- 2. Site Considerations:** The existing property has a Site Plan approved on May 11, 2006 for Bullseye Trucking. This plan did not provide for any development west of the shop and office buildings other than a detention basin south and west of the buildings. Since that time, the property west of the buildings has been used for maneuvering for trucks using the mobile fueling tanks, and for storage of aggregate materials. For these uses to continue, and for the proposed permanent 12,000 gallon above-ground storage tank use, the Site Plan would be required to show necessary paving for the maneuvering to the refueling area and to demonstrate requirements for the outside storage yard area.

## **SUMMARY OF DISCUSSION**

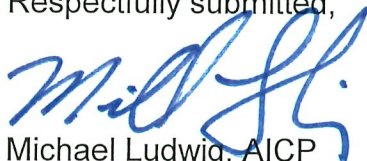
Jann Freed asked if any member of the audience or the Commission desired to speak regarding the item. None were present or requested to speak.

## **COMMISSION ACTION:**

John "Jack" Hilmes made a motion for approval of Part A) the Commission find the proposed rezoning in conformance with the Des Moines' PlanDSM: Creating Our Tomorrow Plan future land use designation of Industrial and Part B) **APPROVAL** of the request to rezone to the "I2" Industrial District.

Motion passed: 12-0

Respectfully submitted,



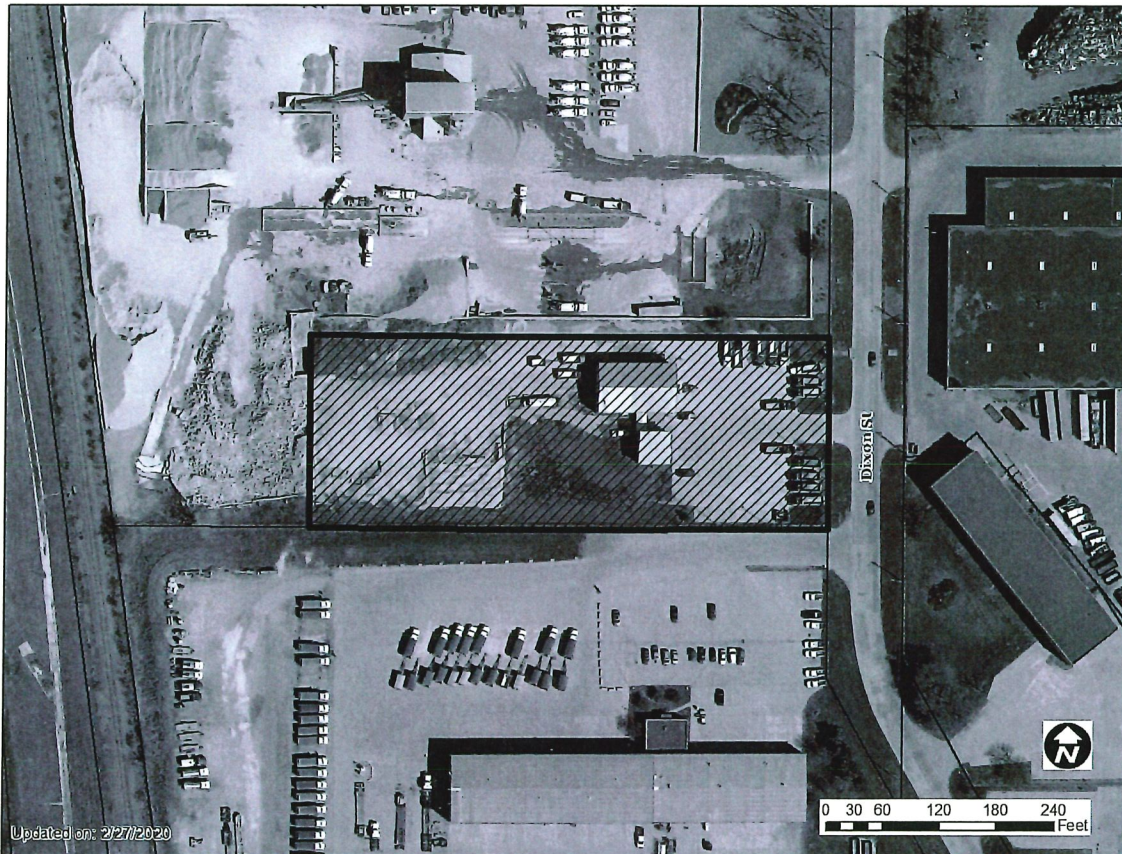
Michael Ludwig, AICP  
Planning Administrator

MGL:tjh

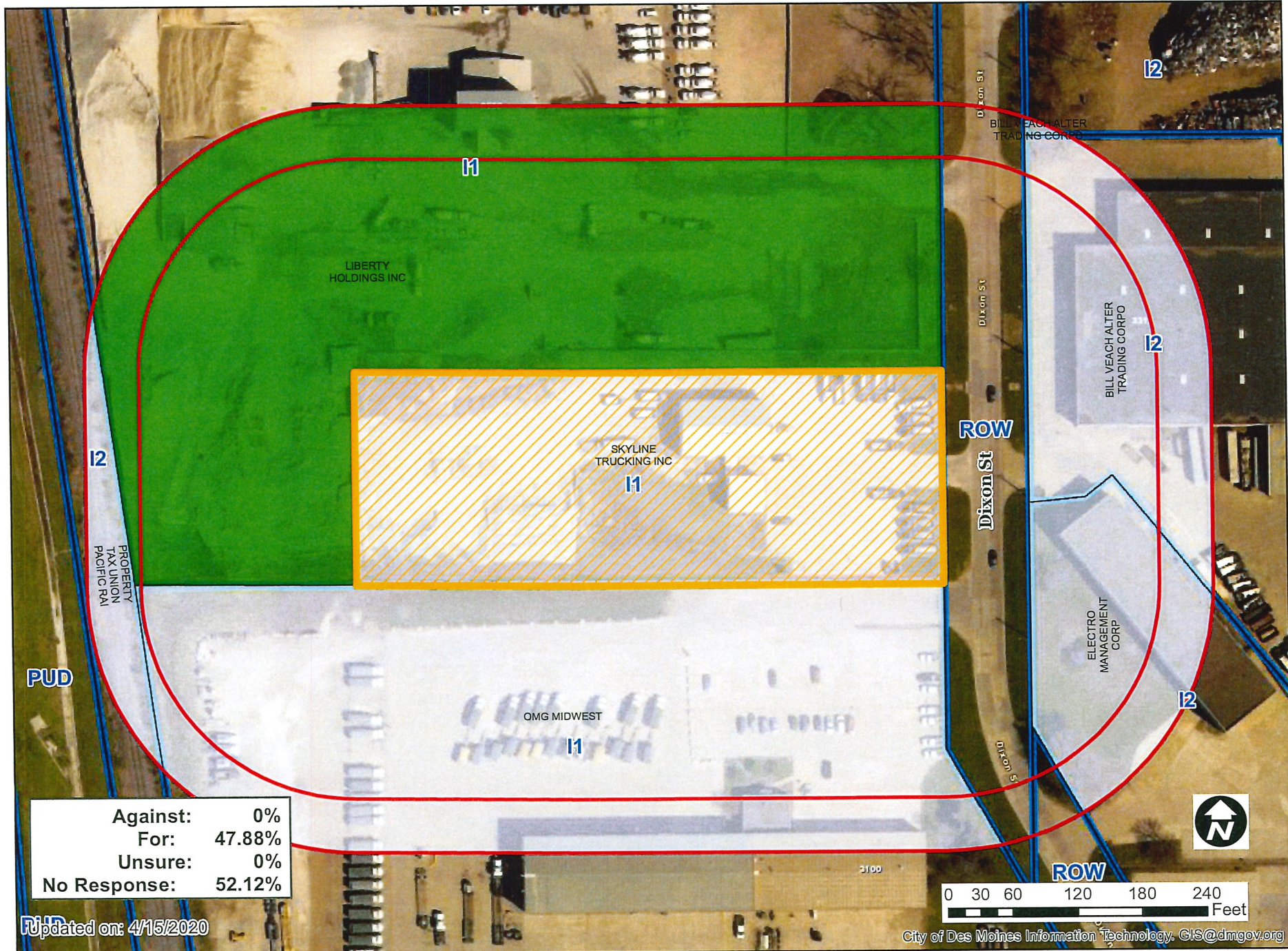
Skyline Trucking, Inc. (owner) represented by Ronald Fadness (officer) for property located at 3220 Dixon Street.				File #	
				ZON2020-00029	
Description of Action	Rezone property from "I1" Industrial District to "I2" Industrial District, to allow for future consideration of a Conditional Use application for a Fabrication and Production, Intensive use, specifically for an above-ground petroleum tank in excess of 1,000 gallons (12,000 gallons).				
PlanDSM Future Land Use	Current: Industrial. Proposed: N/A.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	I1" Industrial District.				
Proposed Zoning District	"I2" Industrial District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Outside Area (200 feet)	2	0			
Within Subject Property					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Skyline Trucking, Inc., 3220 Dixon Street

ZON2020-00029



1 inch = 118 feet



Against:	0%
For:	47.88%
Unsure:	0%
No Response:	52.12%

Updated on: 4/15/2020

City of Des Moines Information Technology. GIS@dm.gov.org

0 30 60 120 180 240 Feet

1 inch = 118 feet

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Item: ZON2020-00029 Date: \_\_\_\_\_

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

(Circle One)

Print Name: Libert Ready Mix Bob Friedman

RECEIVED  
COMMUNITY DEVELOPMENT

Signature: Bob Friedman

APR 03 2020

Address: 3921 121st ST Urbandale, IA 50323

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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Item: ZON2020-00029 Date: \_\_\_\_\_

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

(Circle One)

Print Name: Liberty Holdings, Inc Bob

RECEIVED  
COMMUNITY DEVELOPMENT

Signature: Bob Friedman

APR 13 2020

Address: 3921 121<sup>st</sup> Street

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_