

Date October 4, 2021

RESOLUTION SETTING HEARING ON REQUEST FROM MIDAMERICAN ENERGY TO AMEND PLANDSM FUTURE LAND USE DESIGNATION, AND TO REZONE THE PROPERTY LOCATED AT 2399 EAST COUNTY LINE ROAD (ALONG THE SOUTH SIDE OF EAST COUNTY LINE ROAD IN WARREN COUNTY)

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 16, 2021, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from MidAmerican Energy Company (successor to Iowa Power and Light Company) (Owner), represented by Ryan Stansberry (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 2399 East County Line Road (“Property”) from Business Park to Industrial to allow rezoning to ‘I2’ Industrial District, to allow modification of the existing electrical utility service center and to allow for request of a Conditional Use from the Zoning Board of Adjustment for above-ground storage of flammable liquids, which is interpreted as an Intensive Fabrication and Production Use, and for a Junk and Salvage Yard use; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on September 16, 2021, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from MidAmerican Energy Company (successor to Iowa Power and Light Company) (Owner), represented by Ryan Stansberry (officer), to rezone the Property from ‘EX-V’ Mixed Use District to ‘I2’ Industrial District for the above-stated purpose; and

WHEREAS, the Property is legally described as follows:

AN IRREGULAR SHAPED PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 77 NORTH, RANGE 24 WEST OF THE 5TH P.M., WARREN COUNTY, IOWA, LYING NORTHEAST OF THE HIGHWAY, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 1; THENCE S00°06’33”E ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 1, A DISTANCE OF 25.05 FEET TO THE SOUTH RIGHT OF WAY LINE OF COUNTY LINE ROAD AS IT IS PRESENTLY ESTABLISHED AND TO THE POINT OF BEGINNING; THENCE CONTINUING S00°06’33”E ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 1, A DISTANCE OF 1236.79 FEET TO THE NORTHEASTERLY RIGHT OF WAY LINE OF US HIGHWAY 69 AS IT IS PRESENTLY ESTABLISHED; THENCE N33°38’28”W ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 601.92 FEET; THENCE N44°29’14”W ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 302.42 FEET; THENCE N63°50’19”W ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF



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48.51 FEET; THENCE N41°55'55"W ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 111.92 FEET; THENCE N48°21'43"W ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 643.70 FEET TO THE SOUTH RIGHT OF WAY LINE OF SAID COUNTY LINE ROAD; THENCE S89°20'50"E ALONG THE SOUTH RIGHT OF WAY LINE OF SAID COUNTY LINE ROAD, A DISTANCE OF 264.10 FEET; THENCE S67°36'44"E ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 164.97 FEET; THENCE S89°29'43"E ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 298.89 FEET; THENCE N59°21'37"E ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 116.82 FEET; THENCE S89°23'27"E ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 326.44 FEET TO THE POINT OF BEGINNING.

SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD.

CONTAINING 13.65 ACRES.

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

1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed amendment to the comprehensive plan future land use designation, and proposed rezoning are to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposals, shall be held at 5:00 p.m. on October 18, 2021, at the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED BY _____ TO ADOPT.

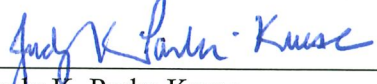
 **Roll Call Number**

Agenda Item Number

25

Date October 4, 2021

APPROVED AS TO FORM:



Judy K. Parks-Kruse
Assistant City Attorney

(ZONG-2021-0000069)
(21-2021-4.18)

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

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.

City Clerk

Date October 4, 2021

Agenda Item 25

Roll Call # _____

September 28, 2021

Communication from the City Plan and Zoning Commission advising that at their September 16, 2021 meeting, the following action was taken regarding a request from MidAmerican Energy Company (successor to Iowa Power & Light Company) (owner), represented by Ryan Stansbury (officer) to rezone property located at 2399 East County Line Road from "EX-V" Mixed Use District to "I2" Industrial District, to allow modification of the existing electrical utility service center and to allow for request of a Conditional Use from the Zoning Board of Adjustment for above-ground storage of flammable liquids, which is interpreted as an Intensive Fabrication and Production use, and for a Junk and Salvage Yard use.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 13-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
Abby Chungath	X			
Kayla Berkson	X			
Chris Draper	X			
Jann Freed				X
Todd Garner	X			
Johnny Alcivar	X			
Lisa Howard	X			
Carolyn Jenison	X			
William Page	X			
Rocky Sposato				X
Steve Wallace	X			
Greg Wattier	X			
Emily Webb	X			

APPROVAL of Part A) The requested rezoning be found not in conformance with the existing PlanDSM future land use designation of Business Park.

Part B) Approval of the request to amend the PlanDSM: Creating Our Tomorrow Plan Future Land Use designation for the subject property from Business Park to Industrial.

Part C) Approval of the proposed rezoning of the subject property from "EX" Mixed Use District to "I2" Industrial District. (ZON2021-00069)

Written Responses

0 in Favor
1 in opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested rezoning be found not in conformance with the existing PlanDSM future land use designation of Business Park.

Part B) Staff recommends approval of the request to amend the PlanDSM: Creating Our Tomorrow Plan Future Land Use designation for the subject property from Business Park to Industrial.

Part C) Staff recommends approval of the proposed rezoning of the subject property from "EX" Mixed Use District to "I2" Industrial District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed rezoning would allow modification of the existing electrical utility service center and provide the opportunity for the applicant to request a Conditional Use approval from the Zoning Board of Adjustment for above-ground storage of flammable liquids.
2. **Size of Site:** Approximately 15.45 acres.
3. **Existing Zoning (site):** "EX-V" Mixed Use District. Vehicle sales and rental uses are prohibited in zoning districts with the "V" extension.
4. **Existing Land Use (site):** MidAmerican Energy service center.
5. **Adjacent Land Use and Zoning:**
 - North** – "N2b"; Use is undeveloped land.
 - South** – "EX-V"; Use is undeveloped land.
 - East** – "EX"; Use is undeveloped land.
 - West** – "EX-V"; Uses are one household dwellings and undeveloped land.
6. **General Neighborhood/Area Land Uses:** The subject property is located near the intersection of Southridge Boulevard/U.S. Highway 69 and East County Line Road/Indianola Avenue. The area contains a mix of commercial, industrial, agricultural and residential uses.

- 7. Applicable Recognized Neighborhood(s):** The subject property is not located within 250 feet of any recognized neighborhood. All neighborhoods were notified of the public hearing by mailing of the Preliminary Agenda on August 27, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on August 27, 2021 (20 days prior to the hearing) and September 3, 2021 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. Additionally, a Final Agenda for the hearing will be mailed to all recognized neighborhoods on September 10, 2021

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

- 8. Relevant Zoning History:** None.

- 9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Business Park.

- 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 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 Creating Our Tomorrow:** The subject property is designated as "Business Park" on the Future Land Use Map. PlanDSM describes this designation as follows:

BUSINESS PARK

Accommodates light industrial, office and employment use along with limited complementary retail uses. Industrial uses in this category would produce little or no noise, odor, vibration, glare, or other objectionable influences, and would have little or no adverse effect on surrounding properties.

The proposed "I2" District zoning requires the "Industrial" designation on the Future Land Use Map for the rezoning to be found in conformance with PlanDSM.

The Industrial designation is described 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.

The Zoning Ordinance states that "I2" is intended for general and higher intensity industrial uses as well as warehousing and transportation terminal." Building types

allowed in this district include the General Building, Workshop/Warehouse, Civic Building and Principal-Use Parking Structure.

The applicant has proposed "I2" Industrial District in order to have flexibility to provide above ground storage tanks for flammable liquids, which is defined under the Zoning Ordinance within the Intensive Fabrication and Production description.

The applicant is also proposing the possibility for outside storage of salvage material or inoperable vehicles and machinery. This would fall within the use description of Junk/Salvage Yard. Both these possible uses would require the "I2" Industrial District zoning, as well as a further approval of a Conditional Use by the Zoning Board of Adjustment.

2. **Large-Scale Development Plan:** The applicant provided the required Large-Scale Development Plan (LSDP) with the rezoning when it exceeds 5 acres in area. The submitted LSDP depicts the concept for the property development. It shows proposed buildings, parking area, fuel islands, outside storage area, open space and storm water detention. There two proposed vehicular access drives on the south frontage of East County Line Road. A drainage path is shown along the east property line but does not show a stormwater basin.
3. **Planning and Design Ordinance:** Any development must comply with all applicable site plan and design regulations of the Planning and Design Ordinance. Should the rezoning be approved, the applicant would be required to prepare a Site Plan and building elevations, for any proposed additions or modifications.
4. **Grading & Storm Water Management:** Any grading is subject to an approved grading permit and soil erosion control plan, as well as a Stormwater Pollution Protection Plan (SWPPP) approved by the Iowa DNR. Tree removal and mitigation calculations must be submitted with any site plan in accordance with Section 42-550 of the Municipal Code.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

Carolyn Jension made a motion for approval of:

Part A) The requested rezoning be found not in conformance with the existing PlanDSM future land use designation of Business Park.

Part B) Approval of the request to amend the PlanDSM: Creating Our Tomorrow Plan Future Land Use designation for the subject property from Business Park to Industrial.

Part C) Approval of the proposed rezoning of the subject property from "EX" Mixed Use District to "I2" Industrial District.

Motion passed: 13-0

Respectfully submitted,

Bert Drost

Bert Drost, AICP
Deputy Planning & Urban Design Administrator

BAD:tjh



Updated on: 8/19/2021

1 inch = 270 feet

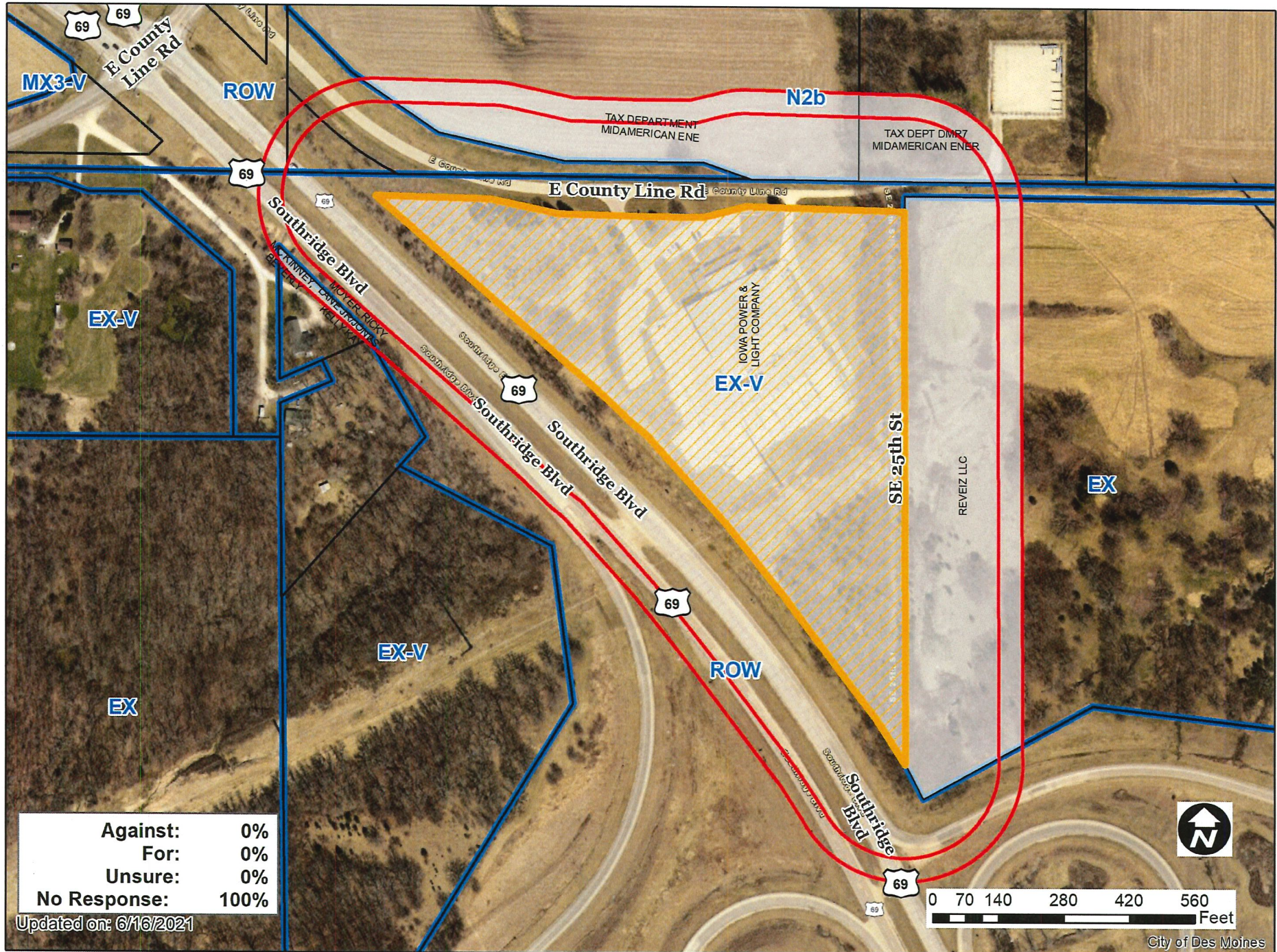
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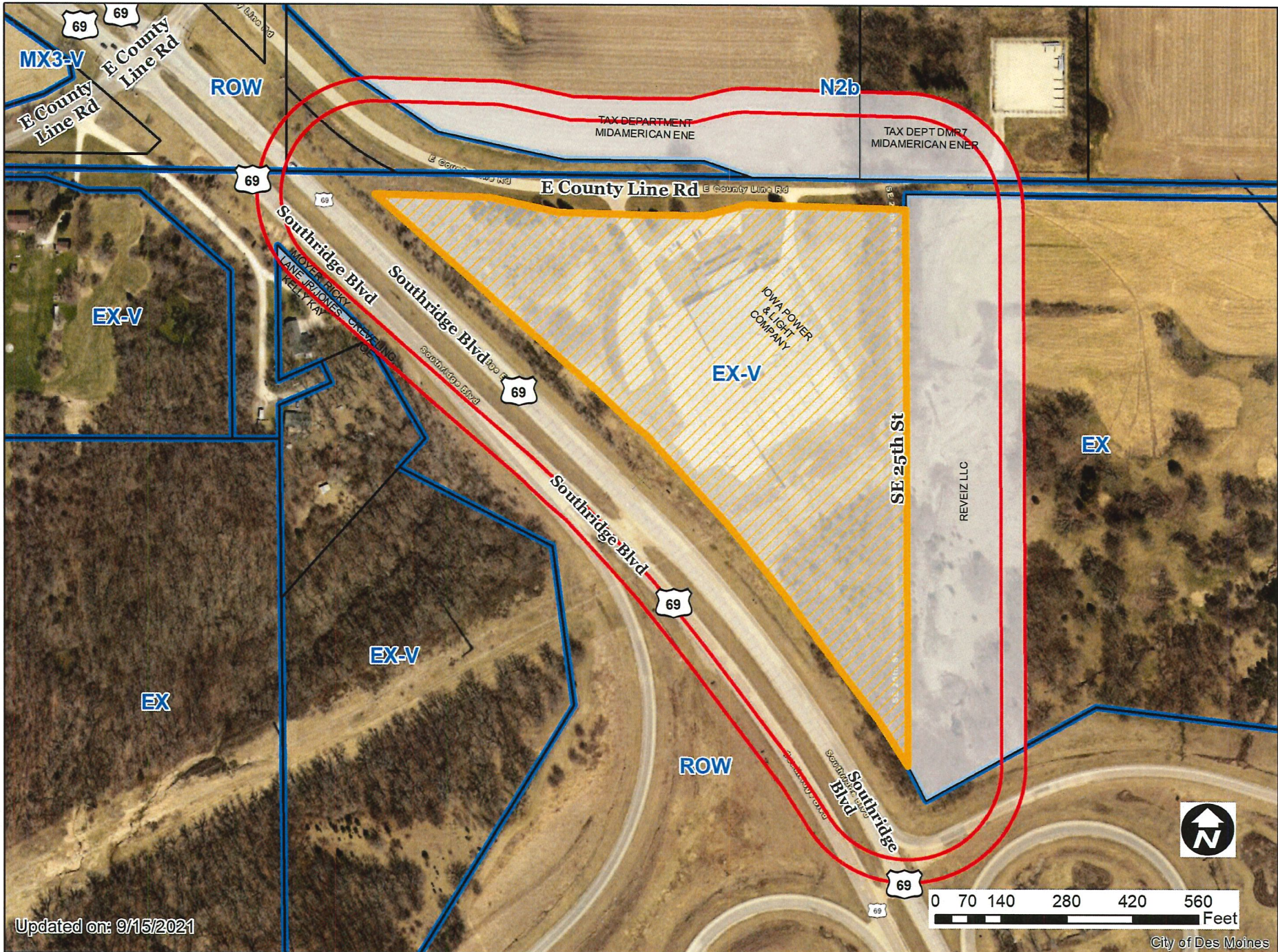
Updated on: 8/19/2021

1 inch = 270 feet

95



25



Updated on: 9/15/2021

City of Des Moines

1 inch = 271 feet

25

Item: ZON2021-00069

Date: 9-8-21

Please mark one of the following

- I am in favor of the request
- I am not in favor of the request

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

SEP 13 2021

Signature: Beverly McKinney

Name: Beverly McKinney

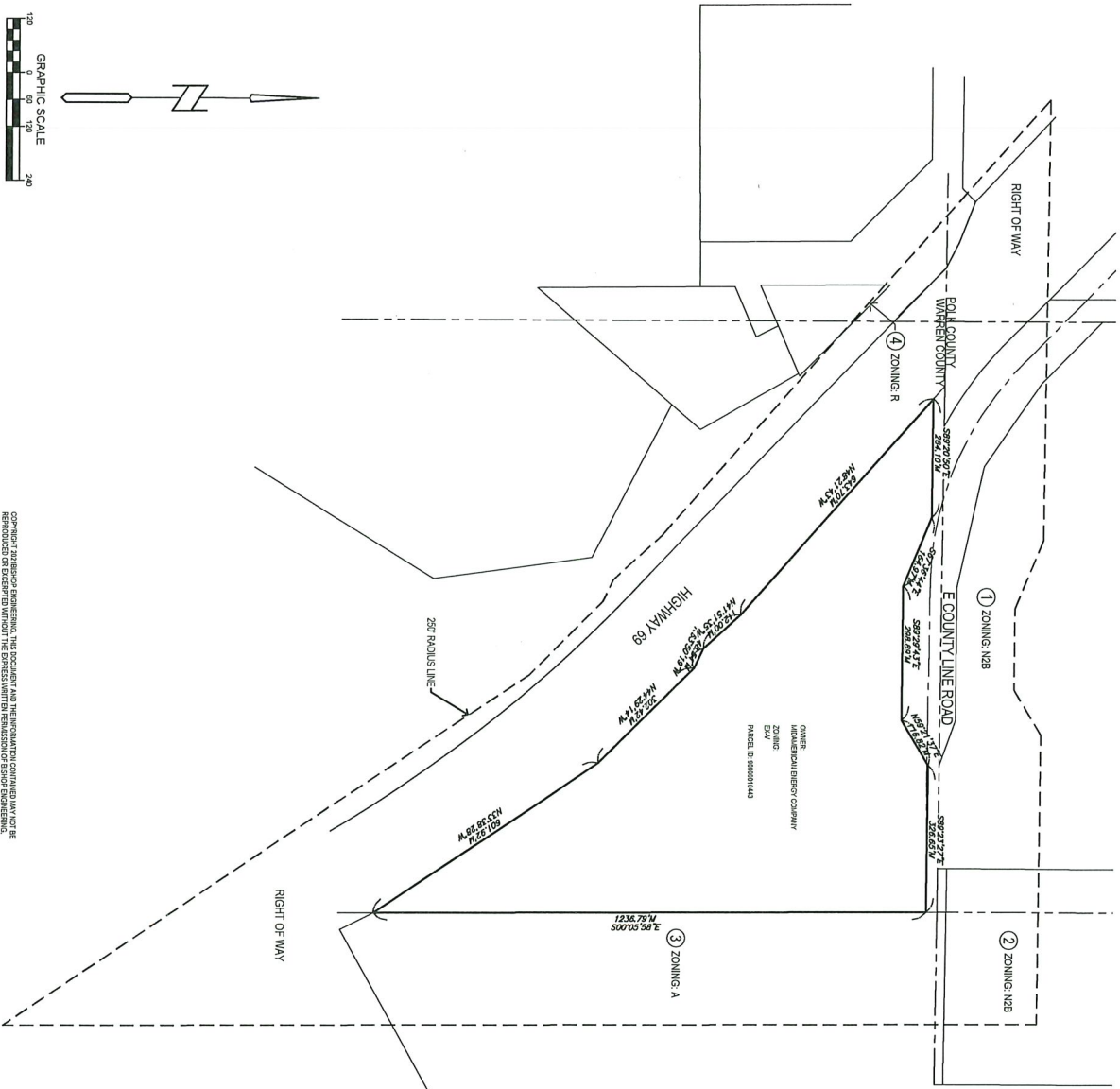
Address: 11680 Lucas Pl

Indianola IA

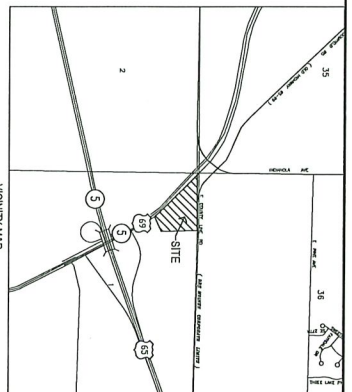
Reason for opposing or approving this request may be listed below:

A dump site will decrease property values
and MAY EFFECT my well.
Also can be dangerous if chemicals
are stored. ✓

DES MOINES GREENFIELD SERVICE CENTER REZONING EXHIBIT



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INDEX LEGEND

PROPERTY DESCRIPTION:
1-1774 DES MOINES LAWN SEC. 10 W. 1/4 OF HWY

ADDRESS:
2391 E COUNTY LINE ROAD
DES MOINES, IA 50318

OWNER/PREPARED FOR:
WILSON/BOULDER DRIVE COMPANY
841 GRAND AVENUE
DES MOINES, IOWA 50309
PHONE: 515-281-2229

ZONING:
INDUSTRIAL
RESUBMITTED ZONING 12 INDUSTRIAL

SITE:
SITE AREA = 12.6 ACRES

NO.	DESCRIPTION	AREA (AC)	PERCENT	TOTAL AREA (AC)	TOTAL PERCENT
1	INDUSTRIAL	12.6	100%	12.6	100%
2	RESUBMITTED ZONING 12 INDUSTRIAL	12.6	100%	12.6	100%

MEC DSM GREENFIELD SERVICE CENTER
DES MOINES, IOWA

REZONING EXHIBIT

PROJECT NUMBER: 200144-3
SHEET NUMBER: 1 OF 1

DESIGNED BY: [Signature]
CHECKED BY: [Signature]
DATE: [Date]

Bishop Engineering
"Planning Your Successful Development"

3501 104th Street
Des Moines, Iowa 50322-3825
Phone: (515) 276-0687 Fax: (515) 276-0217
Civil Engineering & Land Surveying Established 1959

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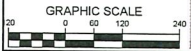
MIDAMERICAN DSM SERVICE CENTER LARGE SCALE DEVELOPMENT PLAN



PARCEL ID: 1200142035903
EXISTING ZONING
 I2B Zoning - I2B Neighborhood District
 setbacks: Front = 25'
 Side = 15'
 Rear = 30'

PROPOSED ZONING
 EX Zoning - EX-V
 setbacks: Front = 10'
 Side = 10'
 Rear = 15'

1/20/2018 8:41 AM I:\LAND PROJECTS\2020\2018\1 MIDAMERICAN DSM SERVICE CENTER\SCALE 80% PLAN\SCALE 80% PLAN.DWG



Bishop Engineering
 "Planning Your Successful Development"
 2501 100th Street
 Des Moines, Iowa 50325-8835
 Phone: (515) 276-0467 Fax: (515) 276-0437
 Civil Engineering & Land Surveying Established 1959

MEC DSM SERVICE CENTER DES MOINES, IOWA LARGE SCALE DEVELOPMENT PLAN

REFERENCE NUMBER:
DRAWN BY: GSA
CHECKED BY: SVS
REVISION DATE:
PROJECT NUMBER: 200144-3
SHEET NUMBER: 1 OF 1

25