

Agenda Item Number

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Date October 18, 2021

RESOLUTION HOLDING HEARING ON REQUEST FROM MIDAMERICAN ENERGY TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED AT 2400 EAST COUNTY LINE ROAD (ALONG THE NORTH SIDE OF EAST COUNTY LINE ROAD IN POLK COUNTY)

WHEREAS, on October 4 2021, by Roll Call No. 21-1477, the City Council received a communication from the City Plan and Zoning Commission advising 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 (Owner), represented by Ryan Stansberry (Officer) to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property generally located at 2400 East County Line Road ("Property") from Low Density Residential to Business Park to allow rezoning to 'EX' Mixed Use District to allow the property to be developed for a Storage, Distribution, and Wholesaling Use (data center/warehouse) and Office 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 from MidAmerican Energy (Owner), represented by Ryan Stansberry (Officer) to rezone a 3.49- acre portion of the Property from 'N2b' Neighborhood District to 'EX' Mixed Use District for the above-stated purpose; and

WHEREAS, on October 4, 2021, by Roll Call No. 21-1477, it was duly resolved by the City Council that the request to amend PlanDSM and to rezone the Property be set down for hearing on October 18, 2021 at 5:00 P.M., in the Council Chambers; 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 PlanDSM and proposed rezoning; and

WHEREAS, in accordance with said notice, those interested in said proposed amendment to PlanDSM and 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 2400 East County Line Road, legally described as:

AN IRREGULAR SHAPED PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH/ P.M., POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 36; THENCE N89°23'12"W ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 36, A DISTANCE OF 96.64 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N89°23'12"W ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 36, A DISTANCE OF 229.49 FEET;



Date October 18, 2021

THENCE N70°25'21"W, A DISTANCE OF 105.79 FEET; THENCE N00°24'50"E, A DISTANCE OF 431.23 FEET; THENCE S89°49'17"E, A DISTANCE OF 329.03 FEET TO THE WEST LINE OF PARCEL I AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 9242 AT PAGE 184; THENCE S00°21'58"W ALONG THE WEST LINE OF SAID PARCEL I, A DISTANCE OF 468.11 FEET TO THE POINT OF BEGINNING.

151,984 SQUARE FEET

from 'N2b' Neighborhood District to 'EX' Mixed Use District.

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 amendment to PlanDSM and proposed rezoning of the Property to 'EX' Mixed Use District are hereby overruled, and the hearing is closed.

2. The proposed amendment to PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification for the Property from Low Density Residental to Business Park to is hereby approved.

3. The proposed rezoning of the Property, as legally described above, to 'EX' Mixed Use 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

APPROVED AS TO FORM:

Judy K. Parks-Kruse Assistant City Attorney (ZONG-2021-000012) (ZONG2021-000011)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT	CERTIFICATE					
COWNIE										
BOESEN					I, P. Kay Cmelik, City Clerk of said City, hereby					
GATTO					certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among					
GRAY					other proceedings the above was adopted.					
MANDELBAUM										
VOSS					IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first					
WESTERGAARD					above written.					
TOTAL										
MOTION CARRIED APPROVED										
Mayor					City Clerk					

CITY OF DES MOINES
DEVELOPMENT SERVICES
Date CPEDE USCE
Agenda Item <u><u> </u></u>
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 (owner) represented by Ryan Stansbury (officer) to rezone a 3.49-acre portion of the property located at 2400 East County Line Road from "N2b" Neighborhood District to "EX" Mixed Use District, to allow the property to be developed for a Storage, Distribution, and Wholesaling Use (data center/warehouse) and Office use.

COMMISSION RECOMMENDATION:

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

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

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

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

Part C) Approval of the proposed rezoning from "N2b" Neighborhood District to "EX" Mixed Use District. (ZONG-2021-000018)

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 Low Density Residential.

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 Low Density Residential to Business Park.

Part C) Staff recommends approval of the proposed rezoning from "N2b" Neighborhood District to "EX" Mixed Use District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

- 1. Purpose of Request: The proposed rezoning would allow redevelopment of crop land for a new data service center. The applicant previously proposed rezoning a larger area that included the subject property to "I1" District. This request was heard by the Commission on May 20, 2020. It was withdrawn by the applicant prior to it being considered by the City Council due to a change in plans by the applicant.
- 2. Size of Site: 3.49 acres.
- 3. Existing Zoning (site): "N2b" Neighborhood District.
- 4. Existing Land Use (site): Undeveloped land used for crop production.
- 5. Adjacent Land Use and Zoning:
 - North "N2b"; Use is undeveloped land owned by the applicant.
 - South "EX-V"; Use is existing MidAmerican Energy facility with Professional Offices, Vehicle Maintenance and Repair, and Outdoor Equipment and Materials Storage uses.
 - East "N2b"; Use is undeveloped land owned by the applicant.
 - West "N2b"; Use is undeveloped land owned by the applicant.
- 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: The subject property was zoned from "R1-80" One Family Residential District and "A-1" Agricultural District to "N2b" Neighborhood District as part of the citywide Zoning Map update effective on December 15, 2019.
- 9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation: Low Density Residential.
- **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 "Low Density Residential" on the Future Land Use Map. PlanDSM describes this designation as follows:

LOW DENSITY RESIDENTIAL

Areas developed with primarily single family and two-family residential units with up to 6 dwelling units per net acre.

The applicant is proposing to rezone the property from "N2b" District to "EX" District. The Zoning Ordinance states that "N2b' is intended for contemporary, mid-sized lots for single- and two-household residential houses with a more flexible building form and located in contemporary neighborhoods pursuant to the House A building type in Section 135-2.13 of the Municipal Code."

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

The Business Park designation is described as follows:

BUSINESS PARK

Accommodates light industrial, office and employment uses 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.

3

The Zoning Ordinance states that "EX" is intended for locations and corridors with a mix of light industrial and heavier commercial uses, accommodating higher levels of vehicular traffic than MX districts and a predominance of mid-scale employment uses. Building types allowed in this district include the Storefront, Commercial Cottage, General Building, Workshop/Warehouse, Civic Building and Principal-Use Parking Structure.

The applicant has proposed "EX" Industrial District in order to allow the property to be developed for a Storage, Distribution, and Wholesaling Use (data center/warehouse) and Office use.

In reviewing the surrounding context of uses within the area staff believes that the Workshop/Warehouse and General Building Types for Office and Data Center uses can be compatible with aesthetic design and site development that is clean and conforms to the Site Plan requirements in Chapter 135 of the Municipal Code. Therefore, Staff recommends approval of the requested "EX" Business Park District.

- 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, outside storage area, open space and storm water detention. There is proposed vehicular access on the west. Stormwater is showing to be collected in a stormwater basin at the north of the property.
- **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 review before the property can be occupied by the proposed use.
- **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

<u>Dory Briles</u> 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 Low Density Residential.

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

Part C) Approval of the proposed rezoning from "N2b" Neighborhood District to "EX" Mixed Use District.

Motion passed: 13-0

Respectfully submitted,

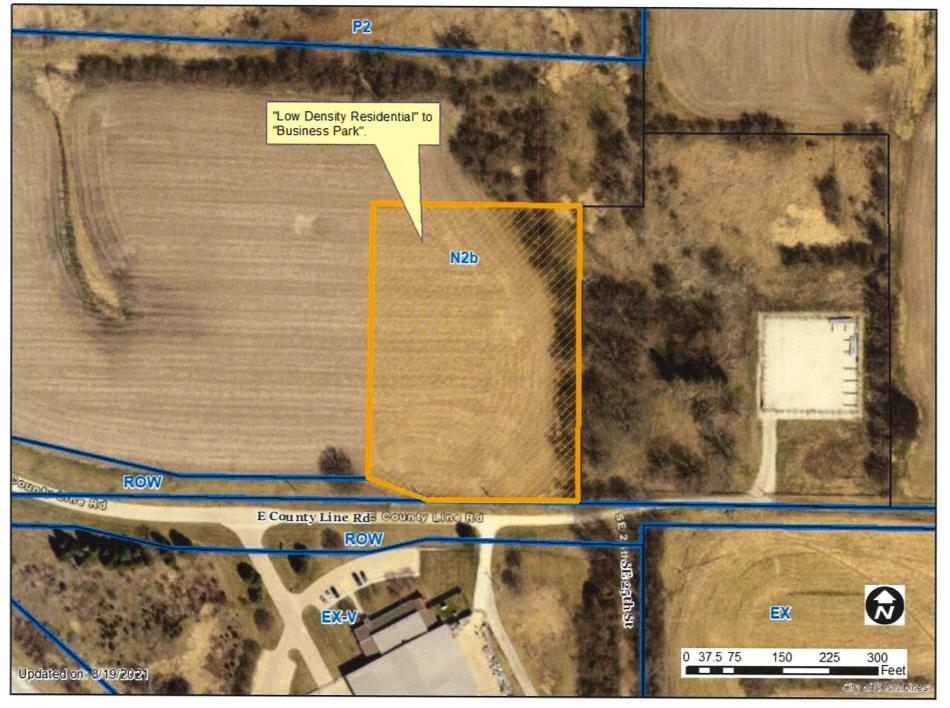
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Bert Drost, AICP Deputy Planning & Urban Design Administrator

BAD:tjh

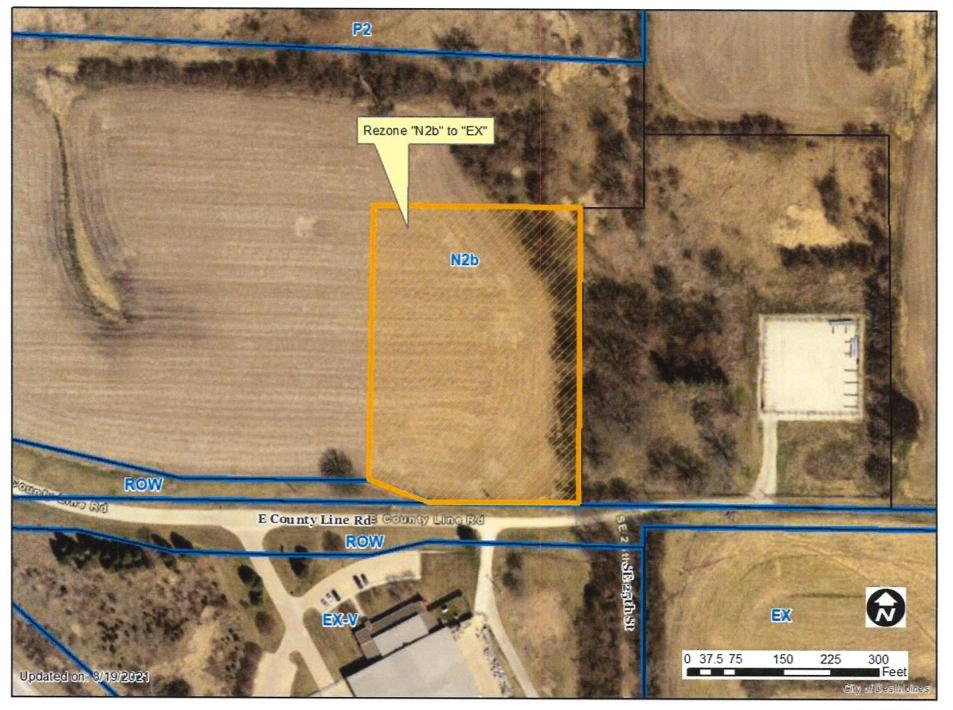
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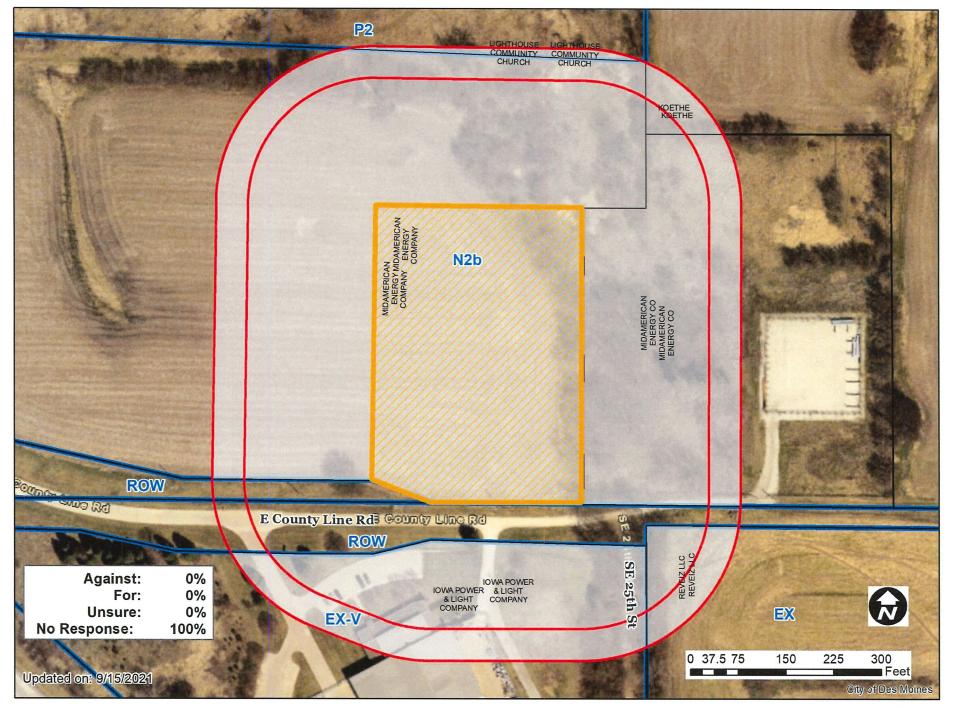
1 inch = 145 feet

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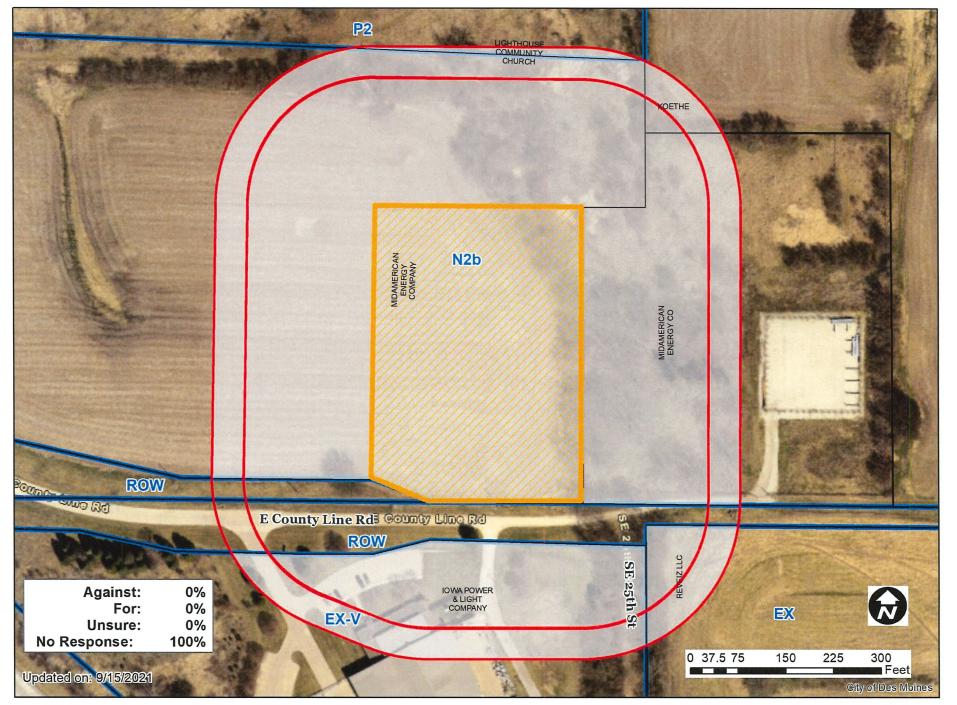


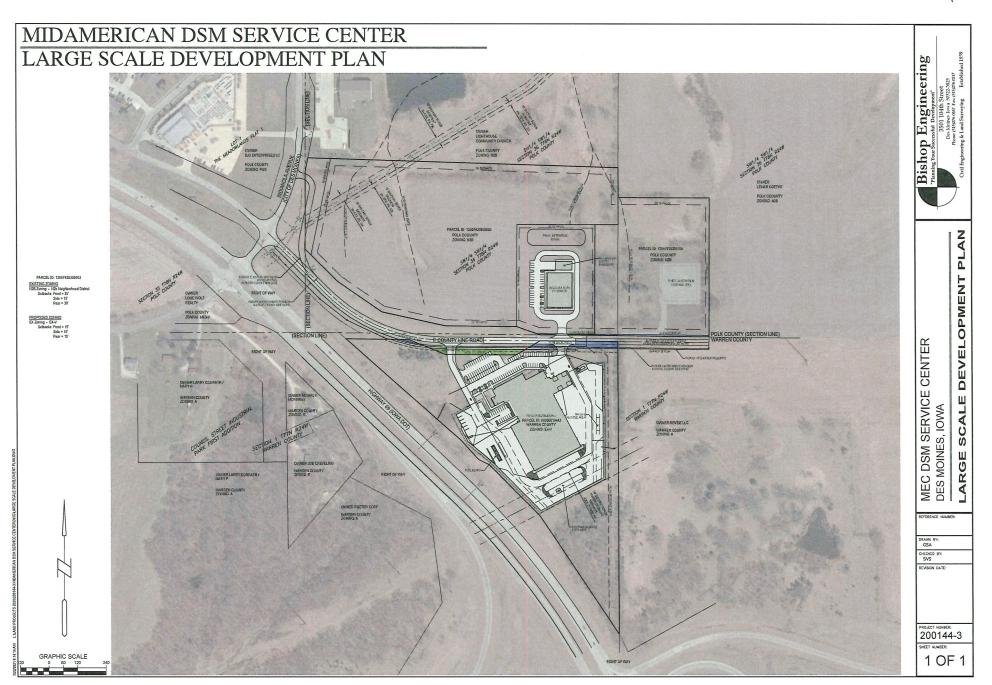
1 inch = 145 feet

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MIDAMERICAN DSM SERVICE CENTER NS 🖸 Lighthouse Community Church **REZONING EXHIBIT** 0 Bishop Engineering "Planing Your Saccedul Drebyment" 301 104h Street 501 04h Street 501 04h Street Ctal Bagineering & Land Sarveying Established 1999 Center IN OF TOTAL SOLIAR FOOTAGE WITHIN 200 OF REZONING 0 PROPERTY DESCRIPTION: (WARRANTY DEED BOOK 18278, PAGE 380) THENCE N89*39/18"W, 383,90 FEET TO THE POINT OF REZONING DESCRIPTION ADDRESS: READINGS DESCRIPTION: AN INFRECULA SYNCHES PORTION OF THE SOUTINEST GUARTER OF THE SOUTINEST GUARTER OF SECTION 3, TOWISHIP 31 NOTIT, RANGE 34 SECRETS AND STATES OF SECTION 3, TOWISHIP 31 NOTIT, RANGE 34 SECRETS AND STREED STATES OF SECRETS OF SECRETS SECRETS AND STREED STATES OF SECRETS OF SECRETS SECRETS AND STREED STATES OF SECRETS OF SECRETS AN ADDITATES OF THE SOUTINEST GUARTER OF SAM SECRETS AND STREED STATES OF SECRETS OF SECRETS AND STREED STREED STATES OF SECRETS OF SECRETS SECRETS AND STREED STREED STATES OF SECRETS OF SECRETS AND STREED STREED STATES OF SECRETS OF SECRETS OF SECRETS SECRETS AND STREED STREE (WARRANTY DEED BOOK 9242, PAGE 188-189) BEGINNING, SAID PROPERTY CONTAINS 5,091 ACRES, MORE NO ADDRESS AT THE OF SURVEY THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNISHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., POLK COUNTY, IOWA, EXCEPT FOR ROADS, OR LESS. A PARCEL OF LAND IN THE SVI AL OF THE SVI AL AND THE SE 14 OF THE SVI 14 OF SECTION 36, TOWNISHIP 78 NORTH, RAINGE 24 WEST OF THE STIP FM, CITY OF DES MONES, POLK COUNTY, IOWA WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS AND RESTRICTIONS OF OWNER/PREPARED FOR: THE STH PJAL, POLK COUNTY, IOWA, EXCEPT FOR ROADS, AND EXCEPT PARCEL AS AS HOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 94/1 AT PAGE 992, AND EXCEPT PARCEL, IAND PARCEL JAS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 3242 AT PAGE 184, AND EXCEPT PARCEL 2017-42 AND PARCEL 2017-43 AS SHOWN MIDAMERICAN ENERGY CO. \odot RECORD 665 GRAND AVENU DES MOINES, IOWA 50303 Erwaren PHONE: 515-242-3019 -SITE 0 REZONE AREA: ON THE PLAT OF SURVEY RECORDED IN BOOK 16495 AT PAGE 796. 3,49 ACRES O MDALERIC ENERGY COMPANY L77.24 DES VOINES LAN IN SEC NWINNIN ZONING: SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD. EXISTING N2B - N2b NEIC 0 SAID TRACT OF LAND CONTAINS 18.69 ACRES. PROPOSED EX DISTRICT 151,984 SQUARE FEET VICINITY MAP NOT TO SCALE 1 PROPERTY BOUNDARY -5 ZONING: P2 ZONING: PUD NI1'22'017 588'09'00'E 1304.87'M EXHIBIT INDIANOLA AVENUE 589'41'29'E CENTER 1.61 ULT REZONE LIMITS-REZONING 589'49'17'E 329.03'M OWNER: MIDAMERICAN ENERGY COMPANY N39*43'12*E 97,00" MEC DSM SERVICE DES MOINES, IOWA ZONING: N2B - N2b NEIGHBORHOOD DISTRICT PARCEL ID: 12007420305003 OWNER: 2 MIDAMERICAN ENERGY COMPANY 115-18-08-W REZONE AREA ZONING: N2B N0024'50'E ZONING: EXISTING ZONING N2B - N2b NEIGHBORHOOD DISTRICT N2B - N2b NEIGHBORHOOD DISTRICT PARCEL ID: 12007420307000 1653567 PROPOSED ZONING: EX 274.37W NTT 25'58W GSA 298.37'M N89'28'03 W POLK COUNTY WARREN COUNTY 105.79W E COUNTY LINE ROAD SVS 229.49'M 383.99'W N89'13'47'W 96.65'M 3 4 HICHWALES ZONING: A ZONING: C 200144-3 GRAPHIC SCALE 40 80 160 1 OF 1

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