



**Roll Call Number**

**Agenda Item Number**

51

Date October 18, 2021

**RESOLUTION HOLDING HEARING ON REQUEST FROM NMDP HOLDINGS, LLC  
TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE  
PROPERTY LOCATED AT 3312 EAST GRANGER AVENUE**

**WHEREAS**, on October 4, 2021, by Roll Call No. 21-1474, 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 NMPD Holdings LLC (Owner), represented by Adam Petersen (Officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property generally located at 3312 East Granger Avenue (“Property”) from Business Park to Industrial to allow rezoning to ‘I2’ Industrial District to allow an expansion of existing operations; 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 NMPD Holdings LLC (Owner), represented by Adam Petersen (Officer), to rezone the Property from ‘EX’ Mixed Use District to ‘I2’ Industrial District for the above-stated purpose; and

**WHEREAS**, on October 4, 2021, by Roll Call No. 21-1474, 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 3312 East Granger Avenue, legally described as:

The East 522.0 feet, Lot Three (3) of the OFFICIAL PLAT OF THE SOUTHWEST FRACTIONAL QUARTER (SW FRL ¼) OF SECTION 7, TOWNSHIP 78, RANGE 23 West of the 5<sup>th</sup> P.M., now included in and forming a part of the City of Des Moines, Polk County, Iowa;

AND

Date October 18, 2021

Lot Four (4) in the OFFICIAL PLAT OF THE SOUTHWEST FRACTIONAL QUARTER (SW FRL ¼) OF SECTION 7, TOWNSHIP 78, RANGE 23 West of the 5<sup>th</sup> P.M., now included in and forming a part of the City of Des Moines, Polk County, Iowa.

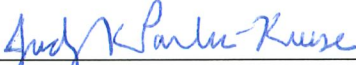
from 'EX' Mixed Use District to 'I2' Industrial District.

**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 'I2' Industrial 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 Business Park to Industrial is hereby approved.
3. 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

APPROVED AS TO FORM:

  
 \_\_\_\_\_  
 Judy K. Parks-Kruse  
 Assistant City Attorney

(ZONG-2021-000011)  
 (ZONG2021-000012)

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 10/18/21

Agenda Item 51

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 NMDP Holdings, LLC (owner), represented by Adam Petersen (president) to rezone property located at 3312 East Granger Avenue from "EX" Mixed Use District to "I2" Industrial District to allow an expansion of existing operations.

**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 requested amendment to the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Business Park to Industrial.

Part C) Approval of the requested rezoning from "EX" Mixed Use District to "I2" Industrial District. (ZONG-2021-000012)

Written Responses

3 in Favor

0 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 requested amendment to the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Business Park to Industrial.

Part C) Staff recommends approval of the requested rezoning 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 for site improvements and an expansion of operations for PDM Precast, the current user of the site. Additionally, a rezoning would provide the opportunity for the applicant to request a Conditional Use approval from the Zoning Board of Adjustment for an Intensive Fabrication and Production Use (e.g., manufacturing of concrete and/or steel products).
2. **Size of Site:** Approximately 27.27 acres.
3. **Existing Zoning (site):** "EX" Mixed-Use District.
4. **Existing Land Use (site):** PDM Precast manufacturing facility. Prestressed structural and precast concrete, structural, and steel products are manufactured, stored, and distributed from this site. There are multiple buildings on the property, housing a mix of production, warehousing, or office/administrative activities.
5. **Adjacent Land Use and Zoning:**
  - North** – "EX"; Use is a salvage yard.
  - South** – "EX"; Use is a salvage yard.
  - East** – "EX"; Use is a quarry/outdoor materials storage.
  - West** – "EX-V"; Use is a food products processing facility.
6. **General Neighborhood/Area Land Uses:** The subject property is located on the north side of Granger Avenue, east of the intersection of Granger Avenue and SE 30<sup>th</sup> Street. The surrounding area is composed almost exclusively of industrial type 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 will provide a summary of the neighborhood meeting at the public hearing.

8. **Relevant Zoning History:** On October 14, 2012, the Board of Adjustment, by Docket ZON2012-00175, granted appeals for a Variance of the provision that requires any drive aisles, parking lots, and areas used for temporary storage of vehicles to be paved with an asphaltic or Portland Cement Concrete binder pavement or a dustless surface approved by the City Engineer, to allow expansion of the business involving the manufacturing of concrete products on the 27.27-acre parcel, subject to the appellant installing paving for the two western drive approaches in substantial conformance with the dimensions (length and width) as shown on the site sketch submitted with the application.

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 in order to find the proposed rezoning in conformance with PlanDSM. Staff believes that the requested amendment to designate the future land use to Industrial is necessary and appropriate.

Industrial 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" Industrial Districts are intended for "general and higher intensity industrial uses as well as warehousing and transportation terminals." Building types allowed in this district include the General Building, Workshop/Warehouse, Civic Building and Principal-Use Parking Structure.

The applicant has proposed the "I2" Industrial District in order to make site improvements and expand concrete and steel manufacturing operations at the site, which are activities that are defined under the Zoning Ordinance as an Intensive Fabrication and Production use.

Staff believes that the "I2" Industrial District designation is compatible with the uses and aesthetic design that currently exist at the site and in the surrounding area. The site can remain compatible with applicable "I2" Industrial District regulations provided that future site improvements incorporate contemporary site design and landscaping principles, appropriate levels of organized outdoor storage, a plan for a clean property that minimizes impacts to adjacent property owners, and new building construction that conforms to the Workshop/Warehouse and General Building Types described in Chapter 135 of the Municipal Code. Provided that any future property improvements conform to the criteria listed above, Staff recommends approval of the requested "I2" Industrial District.

2. **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 for review before the property can be occupied by the proposed use.
3. **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 requested amendment to the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Business Park to Industrial.

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

Motion passed: 13-0

Respectfully submitted,



Bert Drost, AICP  
Deputy Planning & Urban Design Administrator

BAD:tjh



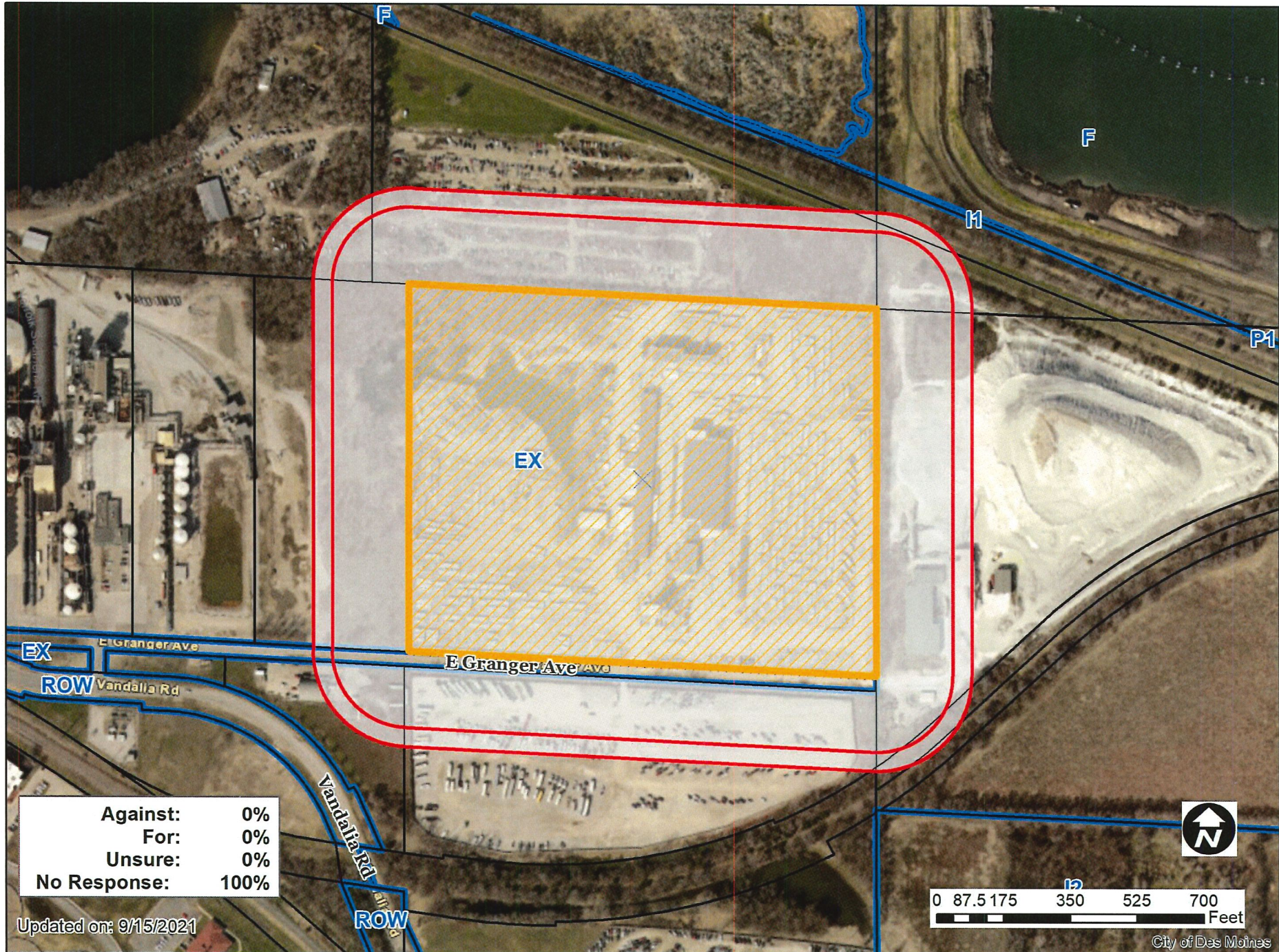
1 inch = 238 feet

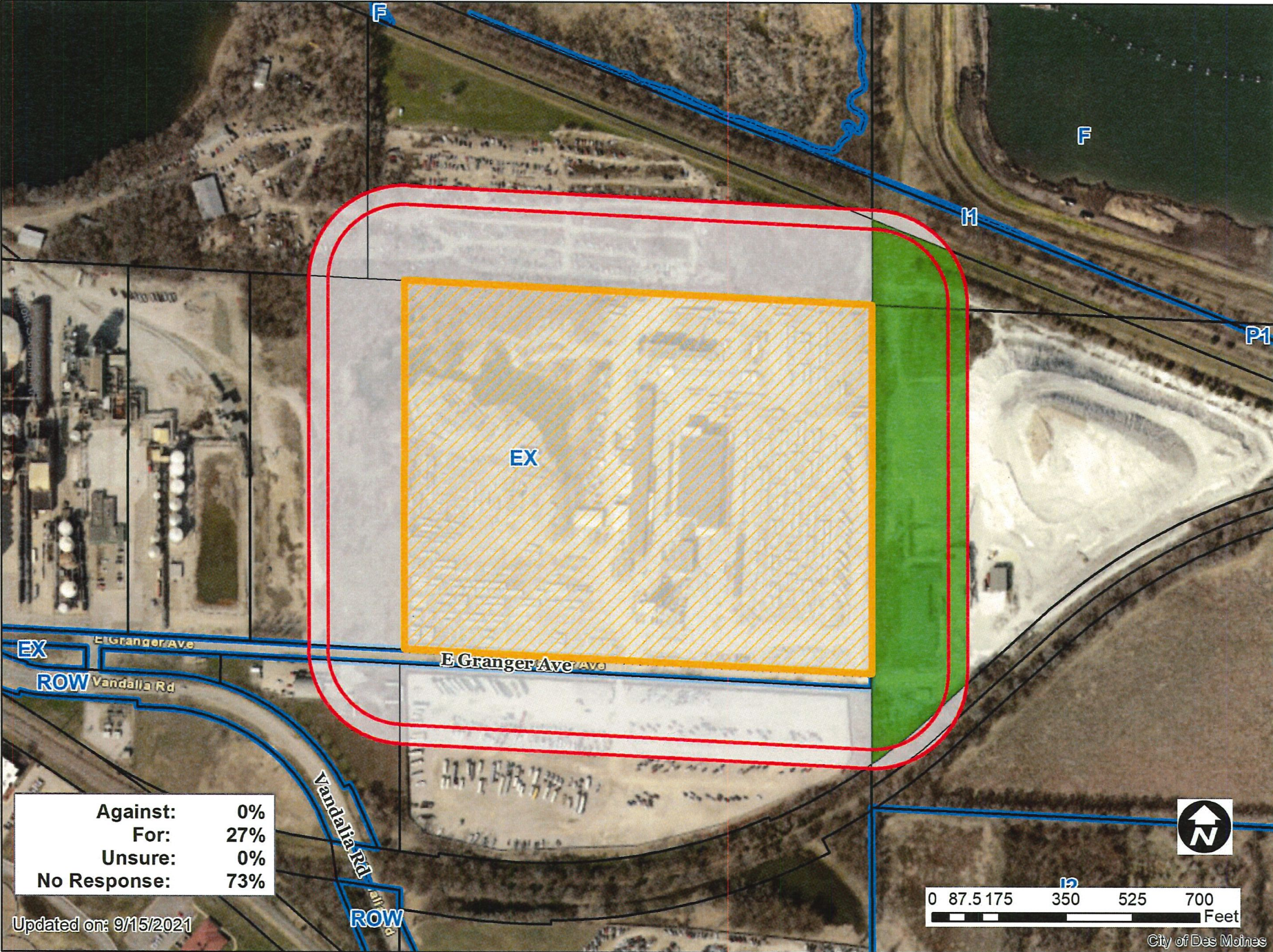




Updated on: 8/19/2021

1 inch = 333 feet





51

Item: ZONG-2021-000012

Date: Sept 9, 2021

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: \_\_\_\_\_

*Clint Kelderman*

Name: \_\_\_\_\_

*Clint Kelderman*

Address: \_\_\_\_\_

*3400 East Granger Ave*

Staff Use Only

RECEIVED  
COMMUNITY DEVELOPMENT

SEP 13 2021

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

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

Item: ZONG-2021-000012

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

Signature: \_\_\_\_\_

*Eric Nixt*

Name: \_\_\_\_\_

*Eric Nixt*

Address: \_\_\_\_\_

~~200 SE 6th Street, Setao~~  
*3312 E Granger, Des Moines, IA 50317*

Staff Use Only

RECEIVED  
COMMUNITY DEVELOPMENT

SEP 13 2021

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

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

51

Item: ZONG-2021-000012

Date: 09-14-21

Please mark one of the following:

I am in favor of the request

I am not in favor of the request

Signature: Bryan G. Evans TTEE

Name: WHITE-GREEN VALLEY TRUST

Address: P.O. Box 13318  
DES MOINES, IOWA 50310-0318

Staff Use Only

**RECEIVED**  
COMMUNITY DEVELOPMENT

SEP 20 2021

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

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