



Date March 18, 2024

HEARING ON REQUEST FROM MAX Z. STEIGLEDER AND TRACY D. STEIGLEDER (OWNERS) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED IN THE VICINITY OF 9500 SOUTHRIDGE BOULEVARD

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 15, 2024, its members voted 7-5 in support of a motion to recommend **DENIAL** of a request from Max Z. Steigleder and Tracy D. Steigleder (Owners), to amend the PlanDSM: Creating Our Tomorrow future land use designation for the irregular portions of GeoParcel #91000010670 and GeoParcel #91000010681 in the vicinity 9500 Southridge Boulevard from Business Park to Industrial; to rezone the Property from “EX” Mixed Use District to “I2” Industrial District; and to determine the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan, to allow the construction of a concrete manufacturing plant with outdoor storage; and

WHEREAS, the Property is legally described as follows:

A PORTION OF THE SOUTH HALF OF THE SOUTHWEST QUARTER AND A PORTION OF PARCEL X OF THE PLAT OF SURVEY RECORDED IN BOOK 2014 AT PAGE 2631. ALL IN

SECTION 1, TOWNSHIP 77 NORTH, RANGE 24 WEST OF THE 5TH P.M., WARREN COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL X; THENCE S25°11'42"E ALONG THE EAST LINE OF SAID PARCEL X AND ALONG THE WEST RIGHT OF WAY LINE OF HIGHWAY 65/69 AS IT IS PRESENTLY ESTABLISHED, A DISTANCE OF 196.11 FEET; THENCE CONTINUING SOUTHEASTERLY ALONG SAID WEST RIGHT OF WAY LINE AND ALONG A 2208.80 FOOT RADIUS CURVE CONCAVE WESTERLY, A DISTANCE OF 395.90 FEET, SAID CURVE HAVING A CHORD BEARING OF S12°00'21"E AND A CHORD LENGTH OF 395.37 FEET; THENCE S89°41'34"W, A DISTANCE OF 655.64 FEET; THENCE N44°52'51"W, A DISTANCE OF 131.57 FEET; THENCE N87°42'14"W, A DISTANCE OF 264.30 FEET; THENCE N35°37'12"W, A DISTANCE OF 206.27 FEET; THENCE N78°44'22"W, A DISTANCE OF 125.97 FEET; THENCE N68°15'57"W, A DISTANCE OF 789.53 FEET TO THE NORTH LINE OF SAID PARCEL X; THENCE S89°20'53"E ALONG THE NORTH LINE OF SAID PARCEL X, A DISTANCE OF 1824.04 FEET TO THE POINT OF BEGINNING.

CONTAINING 16.05 ACRES.; and



Roll Call Number

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Agenda Item Number

44

Date March 18, 2024

WHEREAS, on March 4, 2023, by Roll Call No. 24-0335, it was duly resolved by the City Council that the request for approval of the proposed rezoning be set down for hearing on March 18, 2023, at 5:00 p.m., at the City 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 proposal; and

WHEREAS, in accordance with said notice, those interested in said proposal, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council.

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 are hereby overruled, and the hearing is closed.

Alternative A

MOVED by _____ to **DENY** the proposed rezoning. Second by _____.

Alternative B

MOVED by _____ to continue the public hearing until April 1, 2024, at 5:00 p.m. in the Council Chambers at City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, and to direct the City Manager and Legal Department to prepare the necessary legislation to **APPROVE** the requested rezoning for Property from "EX" Mixed Use District to "I2" Industrial District, to allow the construction of a concrete manufacturing plant with outdoor storage, and determining the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan. Second by _____.

(NOTE – APPROVAL REQUIRES SIX VOTES DUE TO THE PLAN & ZONING COMMISSION RECOMMENDING DENIAL)



Roll Call Number

Agenda Item Number

44

Date March 18, 2024

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill
Assistant City Attorney

(ZONG-2023-000021)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
GATTO				
COLEMAN				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	

CERTIFICATE

I, LAURA BAUMGARTNER, 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

February 23, 2024

Communication from the City Plan and Zoning Commission advising that at their February 15, 2024 meeting, the following action was taken for request from Max Z. Steigleder and Tracy D. Steigleder (owners), for the following regarding irregular portions of GeoParcel # 91000010670 and GeoParcel # 91000010681 in the vicinity 9500 Southridge Boulevard

- A) Determination as to whether the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.
- B) Amend the PlanDSM Creating Our Tomorrow Comprehensive Plan to revise the future land use classification of the property from Business Park to Industrial Rezone property from “DXR” Downtown District to “EX” Mixed Use District, to allow the expansion of an existing warehousing and office use
- C) Rezone property from “EX” Mixed Use District to “I2” Industrial District, to allow the construction of a concrete manufacturing plant with outdoor storage

COMMISSION RECOMMENDATION:

After public hearing, the members voted 7-5-0 as follows.

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus	X				
Leah Rudolphi		X			
Abby Chungath					X
Kayla Berkson	X				
Chris Draper	X				
Laura Kessel	X				
Todd Garner		X			
Johnny Alcivar		X			
Justyn Lewis		X			
Carolyn Jenison	X				
William Page	X				
Andrew Lorentzen	X				
Emily Webb					X
Katie Gillette	X				
Rick Trower		X			

Denial of the request to amend PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Business Park to Industrial and to rezone the property from “EX” Mixed Use District to “I2” Industrial District.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends denial of the request to amend PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Business Park to Industrial and to rezone the property from “EX” Mixed Use District to “I2” Industrial District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

- 1. Purpose of Request:** The applicant is proposing a precast concrete manufacturing/batch plant facility within the site. The development would include a building that would contain all processing activities, outdoor storage of precast concrete panels, and truck parking. This use is considered a Fabrication and Production - Intensive use type under the Industrial category and requires the proposed “I2” District.
- 2. Size of Site:** 16.05 acres.
- 3. Existing Zoning (site):** “EX” Mixed Use District.
- 4. Existing Land Use (site):** Undeveloped land, open space along North River.
- 5. Adjacent Land Use and Zoning:**
 - North* – “EX”; Uses include undeveloped vacant land.
 - South* – “F”, “EX”; Uses include vacant land, and North River corridor and open space.
 - East* – “ROW”, “EX”; Uses include US Highway 65 right-of-way and undeveloped vacant land.
 - West* - “F”; Uses include North River corridor and open space.
- 6. General Neighborhood/Area Land Uses:** The subject property is located south of Highway US5/US65 interchange. This area is primarily undeveloped with significant open space and vacant land areas in the vicinity. It is a gateway corridor into Des Moines from the south.
- 7. Applicable Recognized Neighborhood(s):** The subject property is not within a designated Neighborhood Association. All neighborhood associations were notified of the February 15, 2024, public hearing by emailing the Preliminary Agenda on January

26, 2024, and the Final Agenda on February 9, 2024. Additionally, separate notifications of the hearing for this specific item were mailed on January 26, 2024 (20 days prior to the public hearing) and February 5, 2023 (10 days prior to the public hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

All notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division on the date of the mailing.

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

8. Relevant Zoning History: None

- 9. Applicable Regulations:** 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 and taking into consideration the criteria set forth in Chapter 18B 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 has a future land use designation of “Business Park”. It is located to the north of a future Community Node as identified on the Future Landuse Map. The applicant is proposing to change the landuse designation to “Industrial”. Plan DSM describes the designations 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.

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 subject property is currently zoned “EX” Mixed Use District.

The Zoning Ordinance states that the “EX” District 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, such as office, low intensity industrial, and warehouse spaces associated with offices”. Building types

allowed in this district Storefront, Commercial Cottage, General Building, Workshop/Warehouse, Civic Building, and Principal-Use Parking Structure.

The applicant is proposing to rezone the subject property from "EX" to "I2" Industrial District.

The Zoning Ordinance states that the "I2" District is 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.

Staff believes that industrial uses should be located in areas of the City that are already designated for those types of uses. Additionally, the subject site is along the community gateway corridor of US Highway 5 with easy visibility for the travelling public. Plan DSM's Community Character and Neighborhoods Goal 3 states, "Improve the appearance of property along Gateway Corridors". Therefore, Staff believes that the subject property is not a suitable location for the proposed use.

2. Conditional Use: Should the rezoning be approved, a Conditional Use approval from the Zoning Board of Adjustment is required pursuant to Section 134-3.6.1. The Board considers the conditional use request based on applicable standards and review criteria of section 134-6.4.8 as outlined below:

1. The proposed geographic location and operation of the use or activity adequately safeguards the health, safety, and general welfare of persons residing or working in adjoining or surrounding property;
2. The proposed use will not impair an adequate supply of light and air to surrounding property;
3. The proposed use will not unduly increase congestion in the streets, or public danger of fire, safety or flooding;
4. The proposed use will not diminish or impair established nearby property values;
5. The proposed use is consistent with the general purpose of this zoning ordinance, the planning and design ordinance, chapter 135 of this code, and the comprehensive plan and any specific purposes established in this zoning ordinance for the subject use;
6. The proposed use in an F zoning district is fully in compliance with chapter 50 of this code;
7. The proposed use shall have no significant detrimental impact on the use and enjoyment of adjoining properties;
8. Adequate setbacks shall be provided to protect adjacent residentially zoned property from nonresidential and institutional uses; and
9. No parking should be permitted in a required front yard of an N district unless shown to be compatible with the adjoining land use.

3. Planning and Design Ordinance: Any construction or change in use must comply with all applicable site plan and design regulations of the Planning and Design Ordinance (City Code Chapter 135). Furthermore, the applicant will be required to prepare a Site Plan and building elevations for any proposed additions or modifications for review before the property can be utilized for the proposed use.

4. **Outdoor Storage:** Any outdoor storage relating to the proposed use within the property must comply with the following standards:

134-3.6.3.E Supplemental Use Regulations

Storage, distribution, and wholesaling uses are subject to the following:

1. Outdoor storage of inoperable or unsafe vehicles in quantities constituting a junk or salvage yard is prohibited.
2. No part of the use may be a residential use.
3. No odors, gases, noise, vibration, pollution of air, water or soil, or lighting is emitted onto any adjoining property so as to create a nuisance.
4. The owner or occupant has provided the neighborhood services department with a written statement upon a form acceptable to the neighborhood services director describing the use to occur upon the property and the nature of any odors, gases, noise, vibration, and other environmental impacts that may be generated by such use, and certifying that the use upon the property will be operated in a manner that does not permit any odors, gases, noise, vibration, pollution of air, water or soil, or lighting to be emitted onto any adjoining property so as to create a nuisance.
5. The use shall be operated in strict conformance with the statement provided pursuant to paragraph 4, above.

SUMMARY OF DISCUSSION

Sreyoshi Chakraborty presented the staff report and recommendation.

Andrew Lorentzen asked why a conditional use is required if the rezoning is approved.

Sreyoshi Chakraborty stated that all heavy industrial uses are considered a conditional use by the zoning ordinance and require review by the Board of Adjustment.

Todd Garner noted the proposed car dealership project to the north. Asked if a truck could leave the property and go north on Hwy 69.

Sreyoshi Chakraborty stated access would come from a frontage road and there is a cut in the median for a north bound turn.

CHAIRPERSON OPENED THE PUBLIC HEARING

Steve Jordison of 1201 Ridgemont wishes to purchase this land and develop a pre-cast plant. Pre-cast material is in high demand in the Des Moines area. The location is good as it has access to a four-lane highway. They have four concrete plants around Des Moines and all are kept neat and never any problems. Their plant in Grimes is buffered by a berm with evergreens and they intend to do the same on this location. They intend to make an improvement to the southside and supply a much-needed commodity. It will add to the tax base of Des Moines and no neighbors are taking issue with their request.

Max Steigleder of 5656 SE 36th Street, current owner of the subject property, stated this area is farmland currently and near a flood plain. MidAmerican Energy has a facility to the

north that has outdoor storage. To the east of this area, Sandstone has a dirt working company that also has outdoor storage and none of the neighboring properties take issue with this. Another company is looking at a business park in the area. It's a good opportunity for growth on the southside.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Carolyn Jennison stated her inclination is to move the staff recommendation of denial as allowing this use on the southern gateway into the city seems short sided.

Rick Trower asked if other similar developments are being planned at this time in the area.

Jason Van Essen stated there was a pre-application meeting for a site to the east not too long ago for a flex warehousing project.

Andrew Lorentzen stated that pre-cast is a commodity that is needed. He finds himself torn on the proposal.

COMMISSION ACTION

Carolyn Jennison moved denial of the request to amend PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Business Park to Industrial and to rezone the property from "EX" Mixed Use District to "I2" Industrial District.

Justyn Lewis asked for clarification that the reason for denial is due to the heavy industrial nature of the use.

Jason Van Essen stated that is correct. Staff is very supportive of trying to help the applicant find another location for their use.

THE VOTE 7-5-0 (Todd Garner, Justyn Lewis, Andrew Lorentzen ,Leah Rudolphi and Rick Trower voted in opposition), (Chris Draper had left the meeting)

Respectfully submitted,

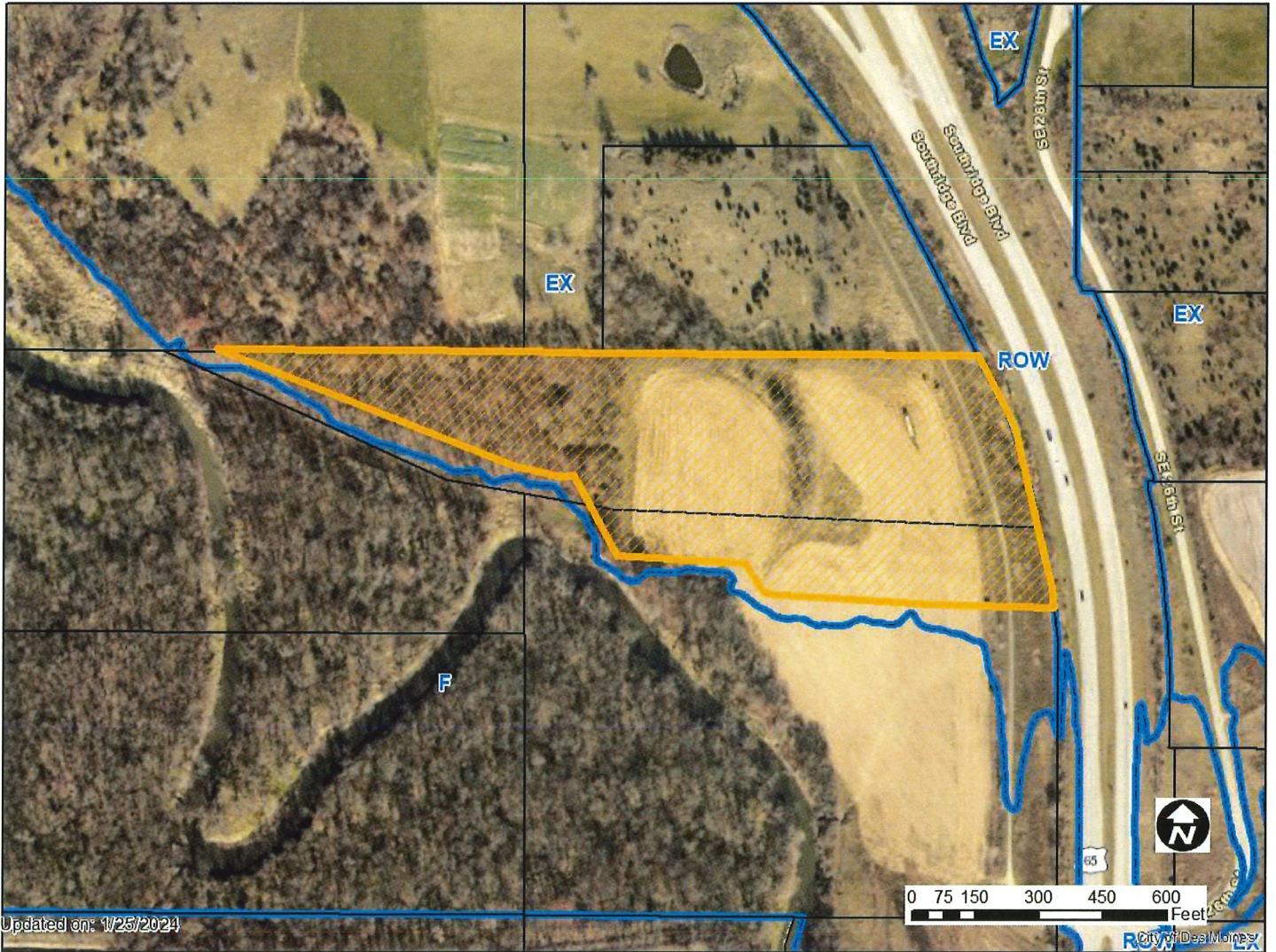


Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:mrw

Max Z. & Tracy D. Steigleder, Property in Vicinity of GeoParcel #91000010670

ZONG-2024-000001

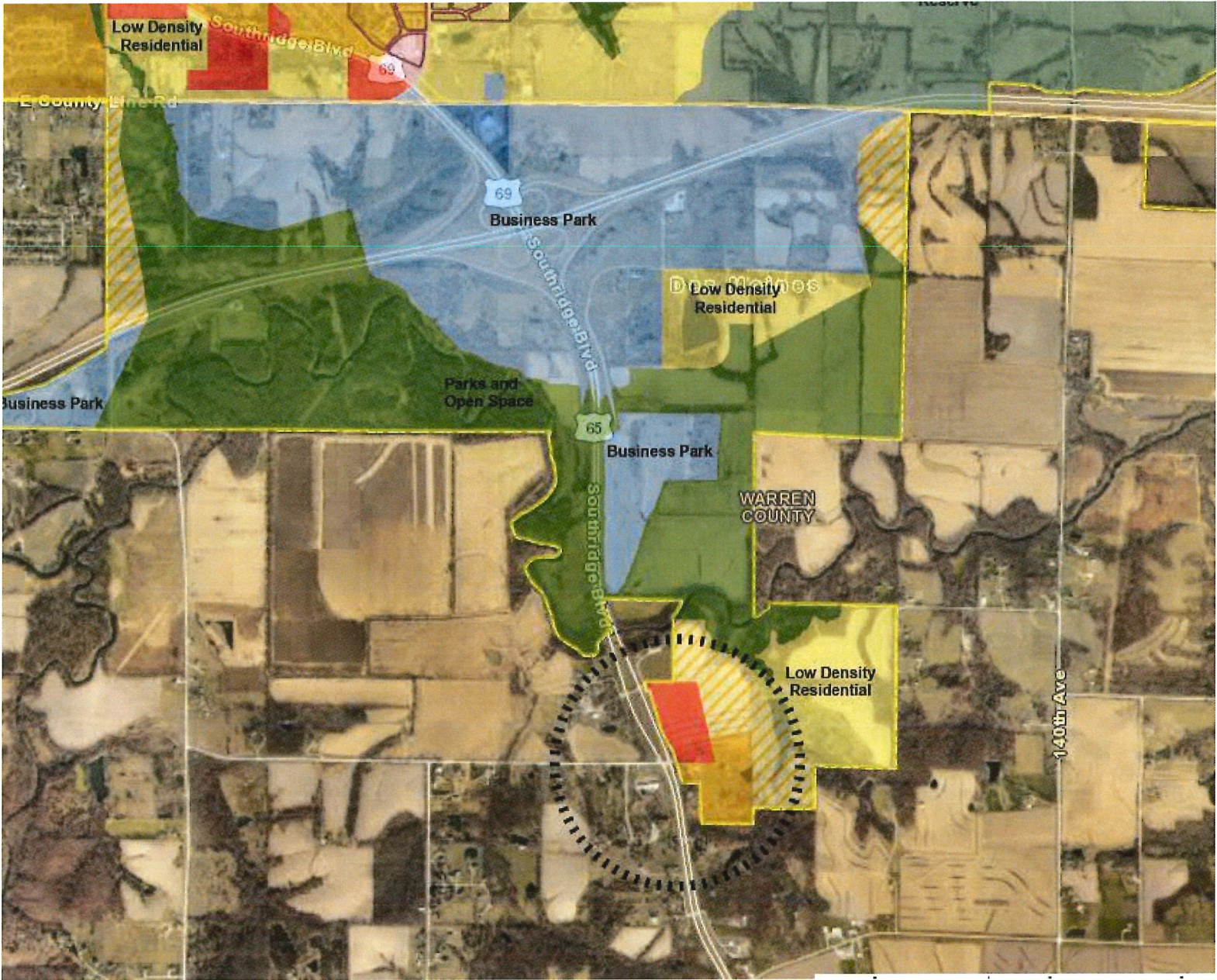


Updated on: 1/25/2024

1 inch = 298 feet







Neighborhood Meeting Recap:**Parcel #91000010670 and Parcel #91000010681 (Warren County)****PAPP-2023-000358**

Meeting invites and exhibits were mailed out to the mailing list provided by the City of Des Moines including Max & Tracy Steigleder, Rueter Corporation, Richard Ledlie Living Trust. The invites were for a Teams Meeting at 6:00 PM on Monday February 5th 2024. The meeting ID and Password was included on the invite as well as Dan Southwick's (Bishop Engineering) email and phone number. Invites were sent out January 30th 2024. A sample of the mailing package has been included with this document.

Chris Gaster, Steve Jordison, Sheryl and Dick Ledlie and myself (Dan Southwick) were on the call. Max and Tracy Steigleder were are the current owners/sellers of the property.

The neighbors were mostly curious just to see what was to be done with the property and supportive of the development. They expressed concerns pertaining to existing issues of illegal dumping and trespassing from the public onto their land asking if paving the access road would encourage more people continue this action. This prompted the discussion of looking into the potential of adding a gate which all land owners abutting the access road would have access to. The owner is open to this solution and will remain in contact with the neighbors as we work through this process as they state the DOT has infrequently been maintaining this road so coordination with various jurisdictions may be required.

Dick and Sheryl were excited to hear the road would be paved as they have had issues in the past getting farm equipment up the hill times of frequent rainfall.

To Whom It May Concern

Jordison Construction in partnership of Max and Tracy Steigleder are requesting a zoning amendment of parcel 91000010670 located to the south west of the highway 65, highway 69 interchange. The intent is to rezone this parcel from EX-mixed use zoning to I2-industrial zoning. The reason for this change of zoning is to allow for the future construction of a manufacturing plant or a batch plant.

Attached is the Rezoning Exhibit showing the extents of the rezoning as well as a potential concept of what development could look like on the site.

We will be holding a neighborhood meeting on **Monday, February 5, 2024 from 6:00 pm – 7:00 pm Via Teleconference** and encourage you to attend. If you have any concerns, questions, or objections please feel free to contact me anytime by phone or email. It is anticipated that this will be presented on February 15th, 2023 to the Planning and Zoning Commission.

Meeting Information:

Microsoft Teams

Meeting ID: 214 092 822 261

Passcode: hjh78v

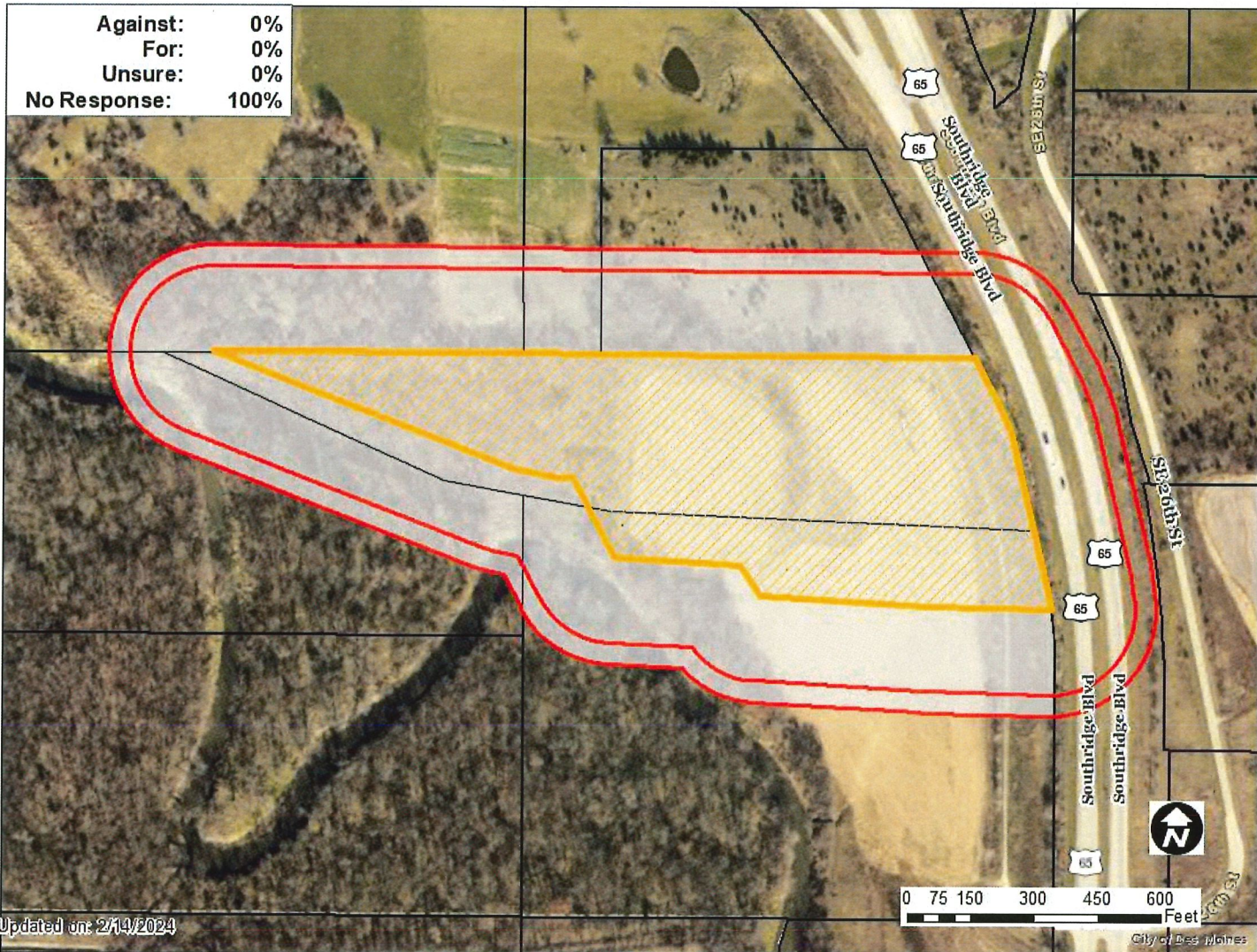
Bishop Engineering
3501 104th Street
Des Moines, Iowa 50322
Dan Southwick
515-276-0467 Office
515-867-3373 Cell
dsouthwick@bishopengr.com

Sincerely,

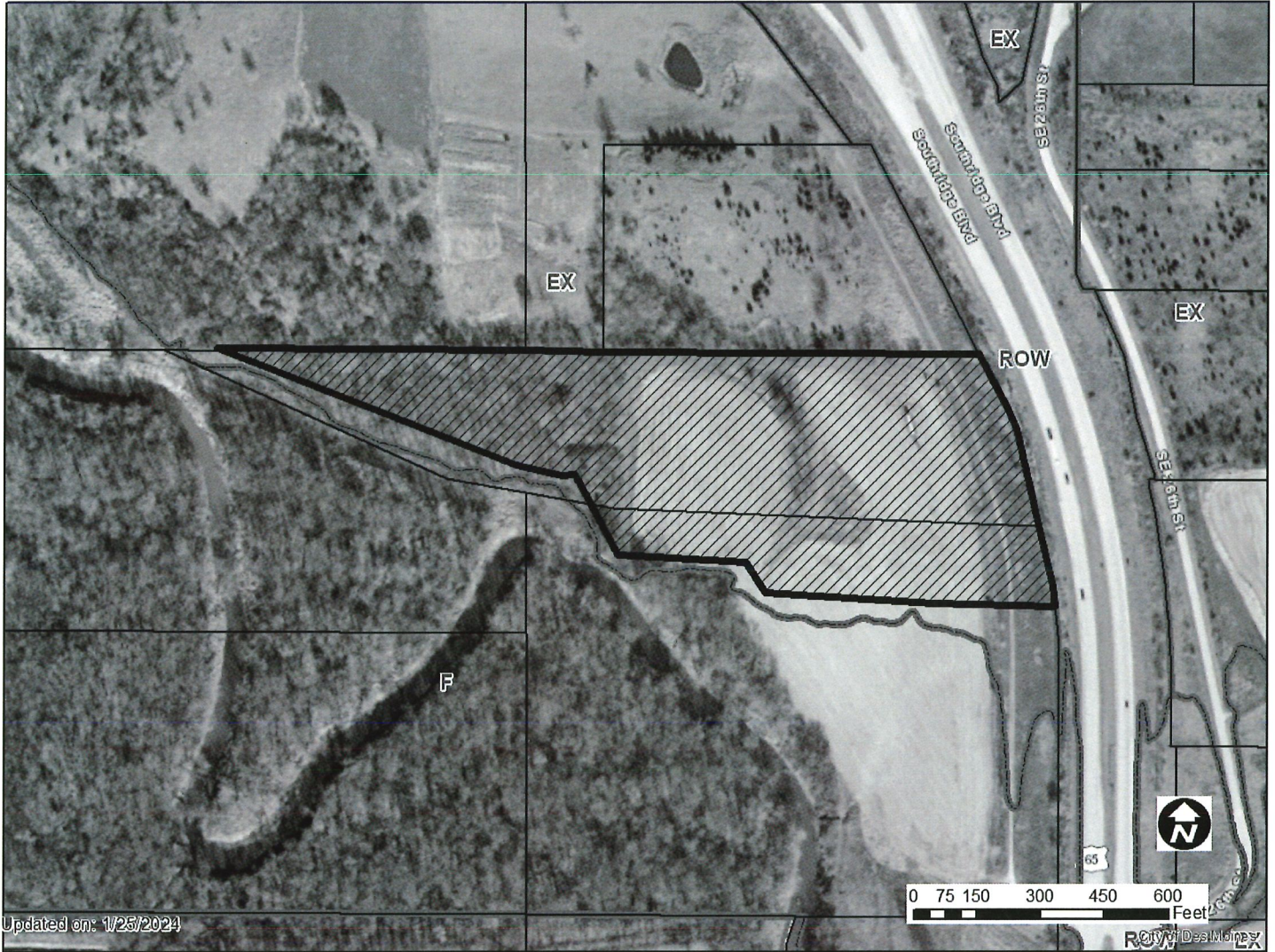
Daniel Southwick, P.E.

Max Z. & Tracy D. Steigleder, Property in Vicinity of GeoParcel #91000010670

ZONG-2024-000001



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