

Docket Number: #20/8798

Applicant: Northwest Steel Erection, Inc.
represented by Shaun O'Tool, President, 4100 SE
Beisser Drive, Grimes, IA 50111 (prospective buyer)

Request: Conditional Use Permit to establish a Moderate Industry Use, specifically a General Building Contractors – Non-Residential Buildings use, which is addressed as 6285 and approximately 1.9 acres of 6335 NE Industry Drive, Des Moines, Iowa 50313 (*Attachment 'A'*).

Background:

The Applicant, Northwest Steel Erection, Inc., is requesting a Conditional Use Permit. If approved, the Conditional Use Permit would allow the Applicant to establish a Moderate Industry Use, specifically a General Building Contractors – Non-Residential Buildings use, at the subject property. The proposed conceptual plan and application with narrative submitted by the Applicant is attached as *Attachment 'B'*.

The property was originally platted as Lot 13 in Albaugh Industrial Park Plat 5 and was 9.53 acres in size. A Major Site Plan was reviewed and approved and Building Permits were issued for the construction of three (3) buildings on Lot 13 in 2013. On December 8, 2014, Albaugh Industrial Park Plat 7 was recorded. Albaugh Industrial Park Plat 7 separated the original Lot 13 into three (3) industrial properties, one (1) building on each lot. The subject property became Lot 1 in Albaugh Industrial Park Plat 7 and is 2.70 acres in size. On January 20, 2015, a Conditional Use Permit was approved for the subject property. The Conditional Use Permit was approved for Moderate Industry Uses, more specifically Heavy Construction Contractors and Excavation Work to allow an underground boring company (Advanced Underground Specialties) dealing with the installation of conduit and fiber optic cable, the underground water and sewer utility company (McKinney Excavating) and the flat work concrete company (Caligiuri Concrete LLC) to operate at this site. Upon approval of the Conditional Use Permit in 2015, the three (3) companies moved their businesses to the subject property as tenants with the ownership of the property remaining with DRA Properties, LC.

The three (3) previous companies that were approved to operate at this site, Advanced Underground Specialties, McKinney Excavating and Caligiuri Concrete LLC, are no longer operating from this location and the previously approved Conditional Use Permit for a Moderate Industry Use is no longer valid.

The current proposal is submitted from the prospective buyer, Northwest Steel Erection, Inc., who will purchase and operate their business from this location if they are able to obtain the necessary approvals. The Applicant plans to expand and enclose the existing outdoor storage area with an eight (8) foot opaque fence and to move forward with some needed updates, however the existing structure and other improvements will remain. The needed improvements will be reviewed through a future Minor Site Plan. The following criteria for outdoor storage areas in the "LI" Light Industrial zone will be reviewed through the Minor Site Plan and will need to be met through the use of this site:

- (1) Material storage and display yards shall not cover more than 15% of the lot and be setback a minimum of fifteen (15) feet from adjacent property lines.

- (2) All outside storage must be completely enclosed in a fenced yard with a minimum screening opacity of 1.0.
- (3) No item in the storage yard may be stacked higher than the fence.
- (4) The storage of junk, explosives, or flammable materials, and other noxious or dangerous materials are specifically prohibited.
- (5) Material and equipment storage area may utilize a gravel surface. Semi and truck trailers are not considered equipment and shall be parked on paved surface.

To obtain the needed amount of outdoor storage, approximately 30,000 square feet, and with the maximum amount of outdoor storage in the "LI" Light Industrial District zone of 15 percent, the Applicant is proposing to adjust the size of the subject property to include approximately 1.9 acres of the adjacent property to the north, addressed as 6335 NE Industry Drive. The adjustment of the adjoining property line will require the approval of a Plat of Survey – Boundary Line Adjustment and this adjacent 1.9 acres has been included with this Conditional Use Permit request.

Site Operation:

The Applicant has provided the following information regarding their proposed use of the property:

Northwest Steel Erection is a steel and precast erection company. We erect steel and precast structures onsite. We do not do any onsite fabrications or manufacturing. We will have 12 management salary staff onsite daily. Our hours of operation are typically 6-5 daily. The only noise and dust would be delivery trucks and equipment/tools coming and going. The outside storage would be utilized to store vehicle/trailers on the concrete, larger tools that cannot fit in shop easily, and shipping type containers that contain miscellaneous tools and supplies.

Future Process

If approved, the Conditional Use Permit for the Moderate Industry Use will need to be followed by a Plat of Survey to enlarge the subject property to allow additional area for outdoor storage and a Minor Site Plan to bring the existing site into compliance with the 2013 Major Site Plan and any additional site improvements needed for Northwest Steel Erection, Inc. Further, if a new business owner, other than Northwest Steel Erection, Inc. wishes to continue this use, they will be required to obtain a new Conditional Use Permit.

Public Testimony

Staff created a public notice that was mailed to eight (8) property owners within 500 feet of the subject property. To-date staff has received one (1) item of testimony in favor of the proposal and none in opposition. The item of testimony is attached as *Attachment 'C'*.

Natural Resources / Environmental

The property is located within Zone X, Area of Minimal Flood Hazard, on the current adopted

FEMA Flood Insurance Rate Map (FIRM) for Polk County. A common detention basin that serves the subject property is located on the eastern edge of the property and the portion of property planned to be acquired to the north at 6335 NE Industry Drive. An existing Ponding and Drainage easement protects this common detention basin. The site topography is at an elevation in the low 960's at NE Industry Drive and falls to a normal pool elevation of 952.78 at the detention basin. The subject property is primarily developed and no significant natural features or resources exist.

Roads / Utilities

This property is fully developed and has an existing access onto NE Industry Drive. No new entrances are proposed for this development. The existing building is served by six (6) inch sanitary sewer and six (6) inch water service lines.

Analysis

The Board of Adjustment in reviewing an application for a Conditional Use Permit shall consider the proposal in terms of:

1. Existing zoning and land use in the vicinity of the uses.

The subject property and surrounding area are zoned "LI" Light Industrial District. This is an existing light industrial developed subdivision with a variety of approved light industrial uses. The subject property was previously approved as a Moderate Industry Use and complaints were not received that indicated that the previous Moderate Industry use had a detrimental effect on the surrounding properties. As proposed, Northwest Steel Erection, Inc. would operate their site consistently with other uses in this vicinity and would update the property to be in compliance with previously approved site plans.

2. Planned and proposed public and private development, which may be adversely affected by the proposed use.

There are no major public or private developments planned in the area.

3. Whether and to what extent the proposed use, at the particular location for which it is suggested, is necessary or desirable to provide a development which is in the interest of the public convenience or which will contribute to the general welfare of the area or Polk County.

The Applicant provides specialized services to commercial and industrial developments in the Des Moines metropolitan area and supports industrial and commercial growth in and around Polk County.

4. Whether and to what extent all steps possible have been taken by the developer to minimize any adverse effects of the proposed use on the immediate vicinity and on the public health, safety and welfare in general.

The Minor Site Plan for this business will require site compliance with the previously approved Site Plan for this property and will confirm compliance with current standards for the new proposed site improvements. The outdoor operation of the business will occur in an approved and enclosed area that is setback from the public street, east of the existing

building. The Applicant has further stated that potential nuisances' have been evaluated and will not be created by the proposed use.

Findings

The application shall be denied if the Board of Adjustment finds any of the following:

- a. **The application and record fail to establish compliance with the standard made applicable to the proposed development by the provision of this Ordinance.**

A Moderate Industry Use, specifically a General Building Contractors – Non-Residential Buildings use, is permitted within the “LI” Light Industrial District upon the granting of a Conditional Use Permit by the Polk County Board of Adjustment. Staff has prepared a condition of approval that requires a new Conditional Use Permit if the business ownership changes from Northwest Steel Erection, Inc.

- b. **The proposed use, developed in the proposed manner, and at the proposed location, would be inconsistent with the standards pursuant to the provisions of this Ordinance.**

If the Conditional Use Permit is approved, the Applicant will be required to submit and receive approval of a Minor Site Plan, which will mandate compliance with the provisions of the Polk County Zoning Ordinance. Staff has not found additional inconsistencies. The proposed conditions of approval provide clarifications to the expectations of the proposed use.

- c. **The adverse impacts on the overall public health, safety and welfare are not balanced by the public or private benefits of the proposal. The Board of Adjustment shall include in this balance, any proposals of the applicant and any conditions that it might impose on the development, pursuant to the provisions of this Ordinance, to ameliorate problems associated with the development.**

See recommended conditions of approval at the end of this report.

In addition, no application for a Conditional Use Permit shall be approved unless the Board of Adjustment specifically finds the proposed conditional use appropriate in the location for which it is proposed. This finding shall be based on the following criteria:

- A. **The proposed use is not in harmony with the general purpose, goals, objectives, and standards of the following:**
1. **Polk County Comprehensive Plan:** The proposal is consistent with the goals and policies of the 2030 Polk County Comprehensive Plan.
 2. **Polk County Zoning Ordinance:** The Ordinance allows the proposed use, pending approval of the Conditional Use Permit.
 3. **Other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the County:** None.

- B. The proposed location of the use is not consistent with policies or provisions of the following:**
- 1. Comprehensive Plan:** The proposed use is consistent with the goals and policies of the 2030 Polk County Comprehensive Plan.
 - 2. Polk County Zoning Ordinance:** The use is permitted in the zoning district subject to approval of the requested Conditional Use Permit, Plat of Survey and a Minor Site Plan.
 - 3. Other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the County:** None.
- C. The proposed use at the proposed location results in a substantial or undue adverse effect on any of the following either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of the Comprehensive Plan, this Ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the County or other governmental agency having jurisdiction to guide growth and development:**
- 1. Adjacent property:** Adjacent properties, and properties within this general area, are developed with allowed “LI” Light Industrial District uses. No residential uses exist within this area.
 - 2. Character of the neighborhood:** There will be no undue adverse effects. Surrounding properties are developed with “LI” Light Industrial District uses. Notification to all property owners within 500 feet of the subject property has not provided testimony.
 - 3. Traffic conditions:** The public street utilized to access the site is NE Industry Drive. The surrounding street network has been constructed assuming usage by heavy industrial vehicles and equipment.
 - 4. Parking:** The parking appears to be sufficient and will be reviewed through a future Minor Site Plan process.
 - 5. Public improvements:** The property is fully developed and public improvements are in place to serve this property.
 - 6. Public sites or rights-of-way:** The surrounding street network is adequate for the proposed use.
 - 7. Other matters affecting the public health, safety, and general welfare:** None.

D. The proposed use in the proposed area is not adequately served by or imposes an undue burden on any of the following.

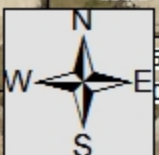
- 1. Public improvements:** Adequate for proposed use.
- 2. Public facilities:** Adequate for proposed use.
- 3. Public utilities:** Adequate for proposed use.
- 4. Public services:** Adequate for proposed use.

Recommendation

Staff recommends approval of the Conditional Use Permit for the Moderate Industry Use, specifically a General Building Contractors – Non-Residential Buildings use at the subject property at 6285 and a portion of 6335 NE Industry Drive, Des Moines, Iowa 50313 and including approximately 4.59 total acres. Approval is subject to the following conditions:

1. This Conditional Use Permit is approved for Northwest Steel Erection, Inc. Any changes in the operation of the site as described in this staff report and as represented in the attachments will require a new or amended Conditional Use Permit. Operation of this use by a business owner, other than Northwest Steel Erection, Inc., will require a new Conditional Use Permit.
2. The operation of this use shall comply with all Polk County Lighting and Noise Ordinance requirements.
3. Northwest Steel Erection, Inc. shall not operate their business at the subject property until compliance with the applicable site improvements from the 2013 Major Site Plan approval and the upcoming Minor Site Plan approval are confirmed and a Final Certificate of Occupancy has been issued for this property.
4. All vehicles and equipment that are licensed for over-the-road travel must be parked and/or stored on an approved hard surfaced area.
5. A Minor Site Plan followed by a Grading and Site Improvement Permit are required for the expansion of the outdoor storage area.
6. The outdoor storage area must comply with the following standards:
 - a. Material storage and display yards shall not cover more than 15% of the lot and be setback a minimum of fifteen (15) feet from adjacent property lines.
 - b. All outside storage must be completely enclosed in a fenced yard with a minimum screening opacity of 1.0.
 - c. No item in the storage yard may be stacked higher than the fence.
 - d. The storage of junk, explosives, or flammable materials, and other noxious or dangerous materials are specifically prohibited.

- e. Material and equipment storage area may utilize a gravel surface. Semi and truck trailers are not considered equipment and shall be parked on paved surface.
- 7. The operation shall comply with all Polk County Air Quality Division requirements to maintain dust free surfaces on drives, reduce errant dust generated from the subject property, and clean all dirt and mud generated by the site from adjacent roadways.



Attachment 'A'

Subject Property:
6285 & 6335 NE Industry Drive

Conditional Use Permit Application

Conditional Uses are those uses which may have a special impact or uniqueness demanding closer scrutiny and analysis to the site and the surrounding environment. When such a use is proposed, a review and report by Planning Division staff of the location, design, configuration, and impact will be conducted, comparing the proposed use to fixed standards and presented to the Board of Adjustment for action at a public hearing. Notices of the request are mailed to all property owners located within 500 feet of the subject property.



Please complete the entire application, submit with fee and review the standards on page 3.

To: **Polk County Board of Adjustment**

1. The undersigned Petitioners request that the Board consider this application for a Conditional Use Permit for the following use: (Describe briefly the nature of the use.)

Steel Erection Company

2. Subject Property Address: 6285 NE Industry Drive, Des Moines

3. Subject Property District and Parcel Number: IA 50313 270.00 To 5.511.001

4. Subject Property Legal Description (attach if necessary):

lot 1, Albaugh Industrial park plat 7, an official plat, now included in and forming a part of Polk County, Iowa.

(time stamp)
Official Use Only

5. Filing Fee: - \$407.00

6. Applicant(s) Information:

Shawn O'Tool

Applicant (Print Name)

[Signature]

Signature

2/12/2020

Date

Perspective Buyer

Interest in Property (owner, renter, perspective buyer, etc.)

sotoolenorthwesterection.com

Email

4100 SE Beisser Dr., Grimes IA 50111

Address, City, State and Zip

515-986-0380

Phone

none

Fax

7. Applicant(s) Representative:

If the appeal is going to be represented by someone other than the applicant please provide that information below.

Applicant Representative (Print Name)

Firm or Business Name

Address, City, State and Zip

Email

Phone

Fax

8. Property Owner Consent:

The application must be signed by all the Titleholders, Contract Purchasers, or Option Purchasers of the subject property. The application may also be signed by the Registered Agent for a corporation or other person with similar legal authority to sign for a property owner. (if additional signatures are needed please attach)

Tara Meredith

(Print Name)

DRA properties, LC.

Tara Meredith

Signature

2/17/2020

Date

(Print Name)

Signature

Date

Please provide a written description providing specific detail and reasons for the proposed Conditional Use Permit. (attach if necessary)

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

- A. Complete Application including the detailed description of requested Conditional Use Permit, including specific information about the request.
- B. Submit six (6) copies of a fully dimensioned, to scale site plan meeting site plan requirements, as required.
 1. Provide additional information as required by Zoning Ordinance specific to the use requested.
 2. Submit a reduced size, 11"X17" site plan that is legible that can be reproduced.

Return forms to: Polk County Public Works, Planning & Development Division 5885 NE 14th Street
Des Moines, IA 50313

Forms and calendar available online <http://www.polkcountyiowa.gov/PublicWorks/>

OFFICIAL USE ONLY			
Received by		Docket Number	
Application deadline		Date Received	
BOA meeting date		BOA Approved	Y / N

Conditional Use Permit Standards

Section 1. Review Standards

The review determines whether the proposed use should be permitted by weighing public need for and benefits to be derived from the use against the local impact which it may cause. The review shall consider the proposal in terms of:

- (A) Existing zoning and land use in the vicinity of the use; and
- (B) planned and proposed public and private developments which may be adversely affected by the proposed use; and
- (C) whether and to what extent the proposed use, at the particular location for which it is suggested, is necessary or desirable to provide a development which is in the interest of the public or which will contribute to the general welfare of the area or Polk County; and
- (D) whether and to what extent all steps possible have been taken by the developer to minimize any adverse effects of the proposed use on the immediate vicinity and on the public health, safety and welfare in general.

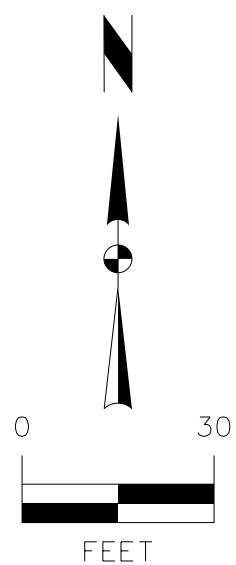
Section 2. General Standards

No application for a conditional use permit shall be approved unless the Board of Adjustment specifically finds the proposed conditional use appropriate in the location for which it is proposed. This finding shall be based on the following criteria:

The proposed use shall be in harmony with the general purpose, goals, objectives, and standards of the Polk County Comprehensive Plan, this Ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the County.

- (A) The proposed location and use shall be consistent with policies or provisions of the Comprehensive Plan, this Ordinance, or other plans or programs of the County.
- (B) The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of the Comprehensive Plan, this Ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the County or other governmental agency having jurisdiction to guide growth and development.
- (C) The proposed use in the proposed area will be adequately served by, and will not impose an undue burden on, any public improvements, facilities, utilities, and services. Where any such improvements, facilities, utilities, or services are not available or adequate to service the proposed use in the proposed location, the applicant shall, as part of the application and a condition to approval of the proposed conditional use permit, be responsible for establishing ability, willingness, and binding commitment to provide such improvements, facilities, utilities, and services in sufficient time, and in a manner consistent with the Comprehensive Plan, this Ordinance, and other plans, programs, maps, and ordinances adopted by Polk County to service the development. The approval of the conditional use permit shall be conditioned upon such improvements, facilities, utilities, and services being provided and guaranteed by the applicant.

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2/19/2020 3:48:02 PM Snyder 1:30



MARK		REVISION		DATE	BY
Engineer:	CDD	Checked By:	BKC	Scale:	1"= 30'
Technician:	AWS	Date:	02/19/20	Field Bk:	Pg:
Project No:			1200123	Sheet 1 of 1	

ALBAUGH INDUSTRIAL PARK PLAT 7 LOT 1

CONDITIONAL USE PERMIT SITE PLAN

POLK COUNTY, IOWA

SNYDER & ASSOCIATES, INC.

2727 S.W. SNYDER BLVD.
ANKENY, IOWA 50023
515-964-2020 | www.snyder-associates.com

Project No: 1200123

Sheet 1 of 1

----- cut and return -----

Case #2020/8798 – Northwest Steel Erection Conditional Use Permit.

Please provide your name and address. If the property does not have an address please provide parcel # or identify your property by placing an "X" on the enclosed map and return the map along with this portion. As the owner of the property, I hereby state my:



support for



opposition to

Print Name: _____

MARK LARSON

Address: _____

THE GRAHAM GROUP, INC.

505 5TH AVE. SUITE 200

Signature: _____

DES MOINES, IA 50309

3/2/2020