Request: The applicant is requesting a Conditional Use Permit to allow the Moderate Industry Use of a Fabricated Metal Shop (NAICS Code 332812), and the at the property addressed as 4370 NW 4th Street, Des Moines, IA 50313.

Subject Property / Surrounding Land Uses: The subject property is located at the Northwest corner of NW 43rd Place and NW 4th Street, approximately 650-feet west of the intersection of NW 43rd Place and NW 2nd Street (HWY 415). The subject property is legally described as the Southerly portion of Lot 20, and all Lots 21 and 22, Day Acres, all within Section 22 of Township 79 North, Range 24 West of the 5th P.M. (Saylor Township). The subject property is approximately 3.39 acres in area and contains an industrial warehouse that is currently being constructed.

The subject properties are zoned “LI” Light Industrial District, as are adjacent properties to the east. Properties to the south, southeast, and southwest are zoned “MDR” Medium Density Residential. Properties to the west/northwest are zoned “NB” Neighborhood Business. Properties to the north are zoned “HI” Heavy Industrial District. Surrounding land uses include industrial warehouses owned by the applicant to the east, residential properties to the southeast, south, and west, and the heavy industrial use of Firestone Tire and Rubber processing facility to the north. The corporate limits of the City of Des Moines are approximately 930-feet south of the subject properties. See Attachment ‘A’ for a vicinity map of the subject property and surrounding area.

Application: The Polk County Zoning Ordinance, Article 4: Use Regulations, Division 2, Table 4.1, Table of Uses permits Moderate Industry uses within the “LI” Light Industrial District upon the granting of a Conditional Use Permit by the Polk County Board of Adjustment. The applicants are proposing to lease 4,000 square feet of their 20,000 square foot building to Pinnacle Powder Coating to commence operations of a metal fabricating use of a powder coating operation (NAICS Code 332812). The applicants would be constructing an 8’x10’ spray booth and a 8’x8’x10’ oven within the 4,000 square foot leased area. See Attachment ‘B’ at the end of this report for a copy of the application that includes a written description of the proposed uses. See Attachment ‘C’ at the end of this report for a copy of the proposed interior layout plan.
If this Conditional Use Permit application is approved, the applicants are required to apply for an Interior Remodel Commercial Building Permit for the construction of any dividing walls, the spray booth, and the oven. The applicant will be required to adhere to all applicable Building Codes during the construction. Review of the construction plans and issuance of a Building Permit is also required from Polk County Public Works prior to construction. Additionally, before final certificates of occupancy are granted for the site, all required site improvements outlined in the approved 2021 Site Plan will need to be completed.

**Public Testimony**
Staff mailed out 30 notices regarding this request, including the date and time of the public hearing, to surrounding property owners within the 500-foot notification boundary. To-date staff has received two (2) petitions in support of the proposal, and four (4) petitions in opposition of the proposal.

**Natural Resources / Environmental**
The subject property features an area of mapped floodplain associated with Walfley Creek near the southwestern corner of the parcel. Walfley Creek is a component of the Hamilton Drain network and flows into the Des Moines River approximately 0.8 miles from the subject property. The building and site improvements on the subject property are not located within the mapped floodplain. The site slopes gradually from a high-point at the northern portion of the property to a low-point in the creek bed of Walfley Creek. A stormwater detention area will be completed as a required site improvement with the construction of the new building, and is located near the southeastern corner of the property.

**Roads / Utilities / Access**
The subject property accesses NW 43rd Place near the point where NW 43rd Place makes a 90-degree turn and becomes NW 4th Street. The entrance and parking area are all Portland concrete cement. Water and sanitary sewer comes from respective mains within the NW 43rd Place and NW 4th Street right-of-ways, and a 35-foot Utility Easement located east of the building on the property. Polk County has sanitary sewer main on the West side of NW 4th Street, extending into the subject property through the 35-foot Utility Easement. Des Moines Water Works has an eight-inch water main on the west side of NW 4th Street and also extending North through the 35-foot Utility Easement.

**Analysis**
The Board of Adjustment in reviewing an application for a Conditional Use permit shall consider the proposal in terms of the following:

1. **Existing zoning and land use in the vicinity of the uses.**
The subject property is zoned “LI” Light Industrial District. The area surrounding the subject property serves as a transition between industrial, commercial, and residential use types and zoning districts. The surrounding area features residential and commercial/industrial use types, all of which are permitted in their respective zoning districts. The proposed use of a fabricated metal use within an industrial warehouse would be consistent with existing uses in the area, and would have a minimal impact on surrounding properties.
2. Planned and proposed public and private development, which may be adversely affected by the proposed use.
   There are currently 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 proposed use of a fabricated metal use would be located within a permitted industrial warehouse of a compatible use. Many of the residences in the vicinity are adjacent to commercial or industrial uses which have been established over time.

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.
   Outdoor storage on the subject property will only be permitted within a screened and designated outdoor storage area. The applicant is required to comply with all building and site development codes, and will be required to obtain all required permits prior to the commencement of any site work. The issuance of the conditional use permit would allow for Pinnacle Powder Coating to lease a 4,000 square foot area and conduct their business within a previously permitted industrial building.

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.
   The proposed uses fit within the category of Moderate Industry Uses as defined within the Zoning Ordinance, and may be permitted upon the granting of a Conditional Use Permit by the Polk County Board of Adjustment, subject to any conditions of approval.

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.
   The applicants have proposed a Moderate Industry use that are considered Conditional Uses in the “LI” Light Industrial District. Development is required to adhere to all site development standards set forth in the Zoning Ordinance.

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.
   The applicant is constructing an industrial warehouse to operate a painting business on the subject property, which is permitted by right. The proposed Conditional Use Permit will allow for Pinnacle Powder Coating to operate a Metal Fabricated business in leased portion of said building, which is generally consistent with the current approved use.
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. The subject property is located within the North Central Area Plan, which features the most urbanized areas of unincorporated Polk County. The subject property is classified on the Future Land Use Map as Light Industrial, with surrounding properties being a combination of Heavy Industrial, Low Density Residential, Medium Density Residential, and Neighborhood Commercial. The proposed use is consistent with North Central Area Goals of growing the tax base through economic development, agricultural land protection by not furthering sprawl through new development, and development in existing commercial and mixed use areas.

2. **Polk County Zoning Ordinance:** The Zoning Ordinance allows the proposed uses pending approval of this Conditional Use Permit by the Board of Adjustment, and pending the approval of building permit, issuance and inspections, as well as completion of all improvements and issuance of a certificate of occupancy by the Polk County Public Works Department.

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 location of the proposed use is consistent with the goals and policies of the 2030 Polk County Comprehensive Plan.

2. **Polk County Zoning Ordinance:** Moderate Industry uses are allowed within the “LI” Light Industrial District, subject to approval of a Conditional Use Permit by the Board of Adjustment.

3. **Other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the County:** The use will be required to comply with all Polk County Ordinances and Codes, including the Polk County Building Code, Air Quality Division, as well as Engineering and Planning. Major requirements would include construction plan review, building permits, building inspections, and completion of all required site improvements.
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:** Property owners within 500 feet were notified of this request. The general vicinity is a transitional area between industrial and commercial businesses and residential properties, and has existed as such for many years.

2. **Character of the neighborhood:** The proposed use will likely fit in with the character of the neighborhood, as it is a mix of residential, commercial and industrial properties.

3. **Traffic conditions:** Access to the site comes from NW 43rd Place, via a new drive entrance, both of which are appropriate for a collector designated street.

4. **Parking:** The proposed use will be required to comply with all parking requirements. Parking compliance will be confirmed with the review of the Major Site Plan.

5. **Public improvements:** There are no known public improvements that will be impacted by the proposed use of the property.

6. **Public sites or rights-of-way:** No public site or projects are planned for the area in the near future.

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 to allow the Moderate Industry Use of a Fabricated Metal, operating as a powder coating business (NAICS Code 332812) at the property addressed as 4370 NW 4th Street, Des Moines, IA 50313, subject to the following conditions:

1. The applicant should obtain approval of all applicable building permits prior to commencing construction.
2. All site improvements associated with the approved 2021 Major Site Plan shall be completed prior to the issuance of a full Certificate of Occupancy.
3. This Conditional Use Permit is only valid for the property legally described above, for the Moderate Industry Use of a Fabricated Metal, operating as a powder coating business (NAICS Code 332812). Any change in use not permitted by right in the “LI” Light Industrial District will require the issuance of an additional Conditional Use Permit, or will not be permitted.
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.)

Pinacol Powder Coating use in 1 of the potential 6 commercial office build outs at the below location.

2. Subject Property Address: 4370 NW 4th St., Des Moines, IA 50313

3. Subject Property District and Parcel Number: Saylor Twp 792422277004

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

PARCEL B BK 10486 PG 614 S 26F LT 20 SUBJ TO 615A DRAINAGE EAS ALL LTS 21 & 22 DAY ACRES

5. Filing Fee: - $413.00

6. Applicant(s) Information:

Jeremy Toland
Applicant (Print Name)  Signature  Date

Owner: jeremy.toland@jctolandpainting.com
Interest in Property (owner, renter, perspective buyer, etc.)
397 NW 43rd PL, Des Moines, IA 50313  515.288.2402
Address, City, State and Zip  Phone  Fax

7. Applicant(s) Representative:
If the appeal is going to be represented by someone other than the applicant please provide that information below.

Steve Chase  JC Toland Painting
Applicant Representative (Print Name)  Firm or Business Name
397 NW 43rd PL, Des Moines, IA 50313
Address, City, State and Zip
steve.chase@jctolandpainting.com  515.953.8807
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)

Jeremy Toland  5/24/22
(Print Name)  Signature  Date
Jeremy Toland  5/24/22
(Print Name)  Signature  Date

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9. Written description:

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

Toland Properties requests that the building that is currently nearly complete be considered for a conditional use permit for a potential tenant. Pinnacle Powder Coating has requested a 4,000 Square Foot space to continue their operations. This location will be zoned light industrial / S1 and the requirement is M1 or M2. We hope this be considered as a conditional use for the building as it will be constructed.

10. Required Information: (must be included prior to making submittal)

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.

A completed application with required information and filing fee must be submitted. Incomplete submittals will not be processed and will be returned to the Applicant.

Return forms to: Polk County Public Works, Planning & Development Division 5885 NE 14th Street Des Moines, IA 50313
   • Phone (515) 286-3705 • Fax (515) 286-3437 •
   email: PublicWorks@polkcountyiowa.gov

Forms available online http://www.polkcountyiowa.gov/PublicWorks/ BOA Calendar Calendar

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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.