Docket Number: 22/11278

Applicant: Pomp’s Tire Service (prospective tenant), represented by Don Read, 1123 Cedar Street, Green Bay, WI 54305, with consent from Elidan, LLC (property owner), represented by Paul Wochinski, 4845 Hidden Acres Lane, Denmark, WI 54208

Request: Approval of a Conditional Use Permit to allow the Moderate Industry uses of tire retreading and wheel reconditioning at the subject property.

Subject Property / Surrounding Land Uses:
The subject property is located at 5990 NE Industry Drive, Des Moines. The property is approximately 5.45 acres in size, and is legally described as Lot 5 of Albaugh Industrial Park Plat 4, being located within Section 12 of Township 79 North, Range 24 West of the 5th P.M. (Saylor Township). The property is zoned “LI” Light Industrial District, and contains an existing 60,000 square foot warehouse building with partial office space. The building was originally constructed in 2009, and has been occupied by various transportation and logistics businesses. The subject property is located on the west side of NE Industry Drive, which provides access to a number of commercial and industrial properties stretching between NE 58th Avenue to the south and NE 66th Avenue to the north. All surrounding properties are zoned “LI” Light Industrial District and developed with existing commercial and industrial uses. The City of Ankeny corporate limits are located approximately one-half (½) mile to the northeast where they extend south along NE 22nd Street (SE Delaware Avenue). 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 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 applicant is requesting approval of the following Moderate Industry uses. Tire Retreading (NAICS Code 326212) and Transportation Equipment (NAICS Code 336) – specifically for Motor Vehicle Parts Manufacturing for a wheel reconditioning operation. The applicant will be leasing the subject property as well as the two (2) properties adjacent to the north at 6046 and 6096 NE Industry Drive. The applicant, Pomp’s Tire Service, will utilize all three (3) properties for their operation, to include office, warehouse, and truck service. The requested tire retreading and wheel reconditioning operations will be located within the existing building on the subject property at 5990 NE Industry Drive. See Attachment B at the end of this report for a copy of the application and exhibit. The applicant is also working with an engineer on updating the site plan for all three (3) properties to include expanded parking and circulation areas. Building Permits will be required prior to any interior reconfiguration of the subject property and adjacent buildings to be occupied by the applicant.

Public Testimony
Staff mailed out a total of 14 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 one (1) response in support, and none in opposition, of this request.
Natural Resources / Environmental
The subject property is not located within a mapped floodplain, nor does it contain other mapped environmental hazards or features. The site contains relatively flat topography with little to no change in elevation. The site is developed with an existing warehouse building, parking lot, interior circulation drives and entrance onto NE Industry Drive. The site contains areas of open space primarily to the western, rear of the building and along its frontage to the east on NE Industry Drive. There is existing parking lot and street landscaping that was installed at time of original development.

Roads / Utilities
The subject property has approximately 370 feet of frontage to the east onto NE Industry Drive, which is a two-lane paved curb and gutter roadway owned and maintained by Polk County. NE Industry Drive provides access to a number of adjacent industrial properties and extends from NE 58th Avenue to the south to NE 66th Avenue to the north. Existing water service is provided by Des Moines Water Works, and existing public sanitary sewer is provided by Polk County. Storm water detention for the subject property is provided by a regional basin located on adjacent lots within this development. As part of the updated site plan for Pomp’s Tire Service to utilize the subject property and two (2) properties adjacent to the north, the storm water management plan is being updated to accommodate for the additional impervious surfaces being added, including compliance with County’s current Ordinance.

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 and surrounding area are zoned “LI” Light Industrial District, and contain existing commercial and industrial warehouses and development.

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 subject property is an established industrial use. The proposed Moderate Industry uses will take place within an existing enclosed building and are necessary to accommodate the applicant’s proposed operation at this site.

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 applicant is already working with an engineer to update the development site plan for the subject property and adjacent lots to the north to accommodate the new use. Site plan approval, building permits and other approvals are required prior to occupancy.
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.
   Following approval of the Conditional Use Permit the applicant is required to gain final approval of their engineered site plan, as well as supply construction plans and building permit applications for review and approval by Polk County, prior to any construction or occupancy of the site.

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 subject property was developed and has been operated as an industrial property since 2009, including appropriate permits and approvals from Polk County. Additionally, required site plan and building permit review will ensure compliance with all County requirements for the 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.
   Future site plan and building permit review will ensure all requirements for the proposed use are met, with the intent of protecting the public health, safety and welfare.

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 this Conditional Use Permit by the Board of Adjustment, and pending the following: Future approval of an engineered site plan, building permit review, issuance and inspections, as well as completion of all improvements and issuance of a certificate of occupancy by Polk County Public Works.

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:** 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:** 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 are also zoned Light Industrial and contain a variety of existing industrial and commercial uses. There are no residential properties in close proximity, and all property owners within 500 feet were notified of this request. Furthermore, there are no planned or proposed public or private improvements in this area that would be negatively impacted by this proposal.

2. **Character of the neighborhood:** All surrounding property is zoned and utilized industrially, and there are no residential properties in close proximity.

3. **Traffic conditions:** NE Industry Drive was constructed to handle the anticipated industrial traffic from the subject property and surrounding development.

4. **Parking:** Any additional parking needs generated by the proposed use will be accommodated onsite through the site plan review and approval process.

5. **Public improvements:** No impact upon future public improvements is anticipated.

6. **Public sites or rights-of-way:** No impact upon public sites or adjacent rights-of-way is anticipated.

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 for the following Moderate Industry uses: Tire Retreading (NAICS Code 326212) and Transportation Equipment (NAICS Code 336) – specifically for Motor Vehicle Parts Manufacturing for a wheel reconditioning operation.

1. The applicant shall gain approval of the submitted Minor Site Plan currently under review by Polk County. The Minor Site Plan shall be approved prior to any construction activity. Prior to the issuance of a Final Certificate of Occupancy, all required site improvements shall be completed and inspected by Polk County.

2. Any proposed modifications to the existing building shall require review and approval of a Commercial Building Permit Application by Polk County Public Works, including required inspections and occupancy permits.

3. This Conditional Use Permit is only valid for the subject property as described in this report, and is only valid for the Moderate Industry uses of Tire Retreading (NAICS Code 326212) and Transportation Equipment (NAICS Code 336) – specifically for Motor Vehicle Parts Manufacturing for a wheel reconditioning operation. Any future Moderate Industry uses proposed shall first require review and approval of another Conditional Use Permit Application.

4. Prior to operating the tire retread and curing process the applicant shall apply for an Air Quality Construction/Operating Permit for the associated equipment from the Polk County Air Quality Division.
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 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.)
   Request to allow the Moderate Industry Use of Tire Rebuilding NAICS Code 332212 and request to allow additional Moderate Industry use of Transportation Equipment NAICS code 335281 specifically for Motor Vehicle Parts Mfg. for a proposed wheel reconditioning operation.

2. Subject Property Address: 5990 NE Industry Drive Des Moines, IA.

3. Subject Property District and Parcel Number: 270/00705-550-005

4. Subject Property Legal Description (attach if necessary):
   Lot 5 Albaugh Industrial Park Plat A, an official plat, Polk County, Iowa

5. Filing Fee: $435.00

6. Applicant(s) Information:

   Don Read
   Applicant (Print Name)  
   Signature
   Date

   dread@pompsfire.com
   Email

   1123 Cedar St. Green Bay, WI 54305
   Address, City, State and Zip

   6307438792
   Phone

   N/A
   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 Purchaser, 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)

   Paul Wochinske  
   (Print Name)  
   Signature
   Date

   (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)

Please see attached Word Document.

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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Pomp’s Tire Service-Des Moines expansion

I would really encourage you to visit our website(www.pompstire.com) to familiarize yourself with us. We are a very old and respected midwest company that has been blessed to be successful. Roughly 130 locations in 10 midwest states. Family owned and operated since 1939. Very diverse in the tire business-retail, commercial, Off the road, Agricultural, Original equipment sales and service, mechanical service. We are a morale, ethical, clean, well presented organization. We look forward to being a valued business in Polk County.

We are trying to consolidate and considerably expand in the Des Moines market-actually this would be a distribution center for all of our Iowa and Nebraska stores, a local market service center, and retread shop.

We will need to know about the light manufacturing allowing a retread shop in one of the buildings. To view a retread shop at work please go to You Tube and view “Bandag retread plant tour”. It is a light manufacturing process. It is recycling at it’s best. Bandag is a retreading process that was started in Muscatine, Ia.-now owned by Bridgestone Tire. We retread and service such customers as UPS, Fedex, Waste Management and many others. We have 18 other Bandag retread plants and are one of the largest retreaders in North America.

As discussed we would do retail, commercial, retreading, Off Road tires, Agricultural, vehicle alignment and repair, distribution center. Very diverse operation. If this comes together this would be distribution for Iowa and Nebraska.

5990 NE Industry Drive- will be the retread shop, wheel reconditioning facility, mounting and dismounting operation and storage of tires. Truck tires mounted on wheels will be dismounted, tires retreaded, wheels reconditioned, mounted back together and delivered back to the customer.

6046 NE Industry Drive- will be the service center. This would be for retail, commercial tire services, alignment, mechanical services and storage of tires.

6096 NE Industry Drive- this will be a distribution center for passenger, light truck, truck, agricultural, OTR tires and tracks.

Please contact me for further information. I’d be happy to address any questions or concerns.

Don Read-Regional Vice President- dread@pompstire.com Cell-630-743-8792