

Date March 10, 2025

RESOLUTION SETTING PUBLIC HEARING REGARDING REQUEST FROM LEE M MITCHELL TRUST (OWNER) AND MARGARET V MITCHELL TRUST (OWNER), REPRESENTED BY LORA JORGENSEN (OFFICER) AND COLLEEN MITCHELL (OFFICER), FOR THE FOLLOWING REGARDING TWO (2) IRREGULAR-SHAPED PARCELS LOCATED IN THE VICINITY OF 1111 SOUTHEAST 30TH STREET, TO AMEND PLANDSM CREATING OUR TOMORROW PLAN TO REVISE THE FUTURE LAND USE CLASSIFICATION FROM BUSINESS PARK TO INDUSTRIAL, AND TO REZONE THE PROPERTY FROM EX” MIXED USE DISTRICT TO LIMITED “I2” INDUSTRIAL DISTRICT TO BRING THE EXISTING “JUNK AND SALVAGE YARD” INTO CONFORMANCE WITH ZONING REGULATIONS

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 20, 2025, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Lee M Mitchell Trust (Owner) and Margaret V Mitchell Trust (Owner), represented by Lora Jorgensen (Officer) and Colleen Mitchell (Officer), for the proposed rezoning of two (2) irregular-shaped parcels located in the vicinity of 1111 Southeast 30th Street from “EX” Mixed Use District to Limited “I2” Industrial District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Business Park; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 20, 2025, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Lee M Mitchell Trust (Owner) and Margaret V Mitchell Trust (Owner), represented by Lora Jorgensen (Officer) and Colleen Mitchell (Officer), to amend the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Business Park to Industrial; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on February 20, 2025, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Lee M Mitchell Trust (Owner) and Margaret V Mitchell Trust (Owner), represented by Lora Jorgensen (Officer) and Colleen Mitchell (Officer), to rezone the Property from “EX” Mixed Use District to Limited “I2” Industrial District, to bring the existing “Junk and Salvage Yard” into conformance with zoning regulations, subject to the following conditions:

1. Any use of the Property for a “Fabrication and Production, Intensive” use (as defined by Des Moines Municipal Code Section 134-3.6.1.D) shall be prohibited.; and
2. Any new “Junk or Salvage Yard” use, or expansion of any existing “Junk or Salvage Yard” use that was considered to be legal nonconforming as of January 1, 2025, on the Property shall be prohibited.; and
3. Within 12 months following the completion of the adjoining Southeast Connector or East Martin Luther King, Jr. Parkway roadway, any outdoor storage of junk or inoperable vehicles



Date March 10, 2025

- on the Property shall be screened by a solid opaque fence and gates, at least eight feet in height and of uniform design and color, that is maintained in good repair.; and
- 4. Junk and salvage materials on the Property may not be stacked higher than the perimeter fence within 75 feet of the fence and may not be stacked higher than 25 feet anywhere on the site.; and
- 5. No driveway, ingress-egress, or access from the Property to the Southeast Connector or East Martin Luther King, Jr. Parkway shall be allowed.; and

WHEREAS, the Property is legally described as follows:

THE PART OF THE EAST ONE-HALF (E½) OF THE NORTHWEST QUARTER (NW¼) OF SECTION 7, TOWNSHIP 78 NORTH, RANGE 23, WEST OF THE 5TH P.M., WHICH LIES SOUTH OF THE WABASH RAILROAD RIGHT-OF-WAY, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA, AND ALL THAT PART OF WEST FRACTIONAL ONE-HALF (½) OF NORTHWEST QUARTER (NW¼) OF SECTION 7, TOWNSHIP 78, RANGE 23 WEST 5TH P.M., LYING SOUTH OF RIGHT-OF-WAY OF THE WABASH RAILROAD AND FORMERLY COMPRISING ALL OF BLOCKS 11, 12, 13, 15, 16, 17 AND 18 AND STREETS AND ALLEYS OF MANUFACTURER’S ADDITION, IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA, LOCALLY KNOWN AS 1111 S.E. 30TH STREET.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed amendments to PlanDSM Creating Our Tomorrow comprehensive Plan and proposed rezoning are to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposals, shall be held at City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on March 24, 2025, at which time the City Council will hear both those who oppose and those who favor the proposals.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.



Roll Call Number

Agenda Item Number

23

Date March 10, 2025

MOVED BY _____ TO ADOPT.

SECOND BY _____

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill
Assistant City Attorney

(ZONG-2024-000030) (COMP-2024-000045)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
SIMONSON				
VOSS				
COLEMAN				
WESTERGAARD				
MANDELBAUM				
GATTO				
TOTAL				

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.

MOTION CARRIED APPROVED

Mayor

City Clerk

Date 3/10/25

Agenda Item 23

Roll Call # _____

March 3, 2025

Communication from the City Plan and Zoning Commission advising that at their February 20, 2025 meeting, the following action was taken on a request Lee M Mitchell Trust (owner) and Margaret V Mitchell Trust (owner), represented by Lora Jorgensen (officer) and Colleen Mitchell (officer), for the following regarding two (2) irregular-shaped parcels located in the vicinity of 1111 Southeast 30th Street:

- 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.
- C) Rezone property from “EX” Mixed Use District to “I2” Industrial District, to bring the existing “Junk and Salvage Yard” into conformance with zoning regulations.

COMMISSION RECOMMENDATION: 11-0

After public hearing, the members voted as follows:

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus					X
Leah Rudolphi	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				
Jane Rongerude	X				

Approval of the following:

Part A) The "I2" Heavy Industrial District be found not in conformance with the existing PlanDSM future land use designation of Business Park.

Part B) The PlanDSM: Creating Our Tomorrow Comprehensive Plan future land use designation be revised from "Business Park" to "Industrial".

Part C) The subject property which adjoins the future Southeast Connector roadway, be rezoned from "EX" Mixed Use District to Limited "I2" Industrial District, subject to the conditions listed below:

1. Any use of the Property for a "Fabrication and Production, Intensive" use (as defined by Des Moines Municipal Code Section 134-3.6.1.D) shall be prohibited.
2. Any new "Junk or Salvage Yard" use, or expansion of any existing "Junk or Salvage Yard" use that was considered to be legal nonconforming as of January 1, 2025, on the Property shall be prohibited.
3. Within 12 months following the completion of the adjoining Southeast Connector or East Martin Luther King, Jr. Parkway roadway, any outdoor storage of junk or inoperable vehicles on the Property shall be screened by a solid opaque fence and gates, at least eight feet in height and of uniform design and color, that is maintained in good repair.
4. Junk and salvage materials on the Property may not be stacked higher than the perimeter fence within 75 feet of the fence and may not be stacked higher than 25 feet anywhere on the site.
5. No driveway, ingress-egress, or access from the Property to the Southeast Connector or East Martin Luther King, Jr. Parkway shall be allowed.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the "I2" Heavy Industrial District be found not in conformance with the existing PlanDSM future land use designation of Business Park.

Part B) Staff recommends that the PlanDSM: Creating Our Tomorrow Comprehensive Plan future land use designation be revised from "Business Park" to "Industrial".

Part C) Staff recommends that the subject property which adjoins the future Southeast Connector roadway, be rezoned from "EX" Mixed Use District to Limited "I2" Industrial District, subject to the conditions listed below:

1. Any use of the Property for a "Fabrication and Production, Intensive" use (as defined by Des Moines Municipal Code Section 134-3.6.1.D) shall be prohibited.
2. Any new "Junk or Salvage Yard" use, or expansion of any existing "Junk or Salvage Yard" use that was considered to be legal nonconforming as of January 1, 2025, on the Property shall be prohibited.

3. Within 12 months following the completion of the adjoining Southeast Connector or East Martin Luther King, Jr. Parkway roadway, any outdoor storage of junk or inoperable vehicles on the Property shall be screened by a solid opaque fence and gates, at least eight feet in height and of uniform design and color, that is maintained in good repair.
4. Junk and salvage materials on the Property may not be stacked higher than the perimeter fence within 75 feet of the fence and may not be stacked higher than 25 feet anywhere on the site.
5. No driveway, ingress-egress, or access from the Property to the Southeast Connector or East Martin Luther King, Jr. Parkway shall be allowed.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The subject property which includes two (2) parcels has been zoned “EX” Mixed Use District since the adoption of the City’s current zoning map in 2019. At that time, the zoning map designated these parcels as “EX” Mixed Use District since the PlanDSM: Creating Our Tomorrow Plan future land use map designates this area as Business Park. Additional zoning history is provided In Section I, Subsection 8 of this report.

Prior to adoption of the current zoning map in 2019, this property was zoned industrial. The current “EX” Mixed Use District allows for business park-type uses (office, warehouse, limited industrial, etc.) but does not allow for higher intensity industrial uses (junk and salvage, manufacturing, heavy industrial, etc.). The proposed “I2” Industrial District would allow for higher-intensity industrial uses so long as the Zoning Board of Adjustment grants Conditional Use approval for any heavy industrial use.

The future Southeast Connector (East Martin Luther King Jr Parkway) roadway passes through the area adjoining the north perimeter of the subject property. The right-of-way acquisition for the future segment to the east of Southeast 30th Street has been completed and the roadway is expected to be constructed over the next 2-3 years.

As noted in Section II of this staff report, Staff recommends that the subject property which is immediately to the south of a segment of the future Southeast Connector be rezoned to a Limited “I2” District to ensure uses along this gateway corridor are appropriate and are compatible with the business park environment that the City envisions for this corridor.

2. **Size of Site:** Approximately 14.7 acres.
3. **Existing Zoning (site):** “EX” Mixed Use District.
4. **Existing Land Use (site):** The subject property contains a mix of junk and salvage yard uses, auto repair uses, and outdoor storage.

5. Adjacent Land Use and Zoning:

North – “EX”, “Limited I2”; Uses include the future Southeast Connector right-of way, light and heavy industrial businesses, and undeveloped land.

South – “EX”, “I2”; Uses include heavy industrial and junk and salvage yard.

East – “F”; “EX”, “I2”; Uses includes open space and undeveloped land.

West – “EX”, “P2”; Uses include vehicle sales and the Des Moines Wastewater Reclamation Authority’s facility.

6. **General Neighborhood/Area Land Uses:** The subject property is located in an area that includes a mix of industrial and commercial uses and undeveloped property.
7. **Applicable Recognized Neighborhood(s):** The subject area is not located within 250 feet of any recognized neighborhood association. All neighborhood associations were notified of the February 20, 2025, public hearing by emailing of the Preliminary Agenda on January 31, 2025, and the Final Agenda on February 14, 2025. Additionally, separate notifications of the hearing for this specific item were mailed on January 31, 2025, (20 days prior to the public hearing) and January 10, 2025, (10 days prior to the public hearing) to any Neighborhood Association, and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

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

A summary of the neighborhood outreach meeting held by the applicant can be provided during the public hearing.

8. **Relevant Zoning History:** On August 7, 2000, the City Council approved the 2020 Community Character Plan. Its Future Land Use Map designated properties along the future Southeast Connector roadway to east of Southeast 30th Street as “Planned Business Park.” The properties within this area remained zoned industrially (“M-1” Light Industrial District or “M-2” Heavy Industrial District), even though the industrial zoning did not conform with this “Planned Business Park” future land use plan designation.

In October 2004, the City Council approved a temporary moratorium on new “M-2” Heavy Industrial District uses, pending a comprehensive review of the “M-2” Heavy Industrial District boundaries and “M-2” District regulations. Analysis showed that approximately 60% of the land zoned “M-2” Heavy Industrial District contained uses that did not require “M-2” Heavy Industrial District classification and that the “M-2” Heavy Industrial District text did not ensure uses would be developed to sufficient standards, especially along existing and planned significant corridors. In May 2005, the City Council took the following actions (as a temporary solution until such time as a new zoning code and citywide zoning map could be approved and implemented):

- Rezoned 1,478 acres out of a total of 2,650 acres of land citywide from “M-2” District to “M-1” District; (*The subject rezoning area remained zoned “M-2” Heavy Industrial District.*)

- Approved amendments to the “M-1” District text to amend the list of permitted uses, performance standards, and “R” Residential-District protection standards;
- Approved amendments to the “M-2” District text to amend the list of permitted uses, standards for the Board of Adjustment’s review of conditional uses, performance standards, and “R” Residential-District protection standards.
- Amended fence regulations to require all fences to be maintained in good repair and to allow increased fence height in “M” industrial districts; and
- Designated landscape corridors where heightened landscape standards apply and require development with 250 feet of a designated landscape corridor to comply with “C-2” District landscape standards, unless a higher standard was required.

In 2008, the Southeast Connector Land Use Planning Study identified the preference for business park and flex warehouse buildings along the Southeast Connector roadway to screen light industrial and general industrial uses from the Southeast Connector.

In 2016, the City Council adopted PlanDSM: Creating our Tomorrow Plan as the City’s comprehensive land use plan in place of the 2020 Community Character Plan. PlanDSM continued to designate this area “Business Park”.

In 2019, the City adopted the current zoning map, which was required by State law to be in conformance with the City’s comprehensive land use plan (PlanDSM). Since PlanDSM designates the subject parcels as “Business Park”, the parcels were zoned as “EX” Mixed Use District, which is the zoning district most consistent with “Business Park” designation.

All existing properties and uses within the rezoning area are considered to be legal non-conforming with regards to City Code Chapter 134 (Zoning Ordinance) and Chapter 135 (Planning & Design Ordinance).

In order for any Junk or Salvage Yard use to be considered a conforming use, it needs to be zoned “I2” Industrial District, have a valid Conditional Use from the Board of Adjustment, and comply with the Supplemental Use regulations contained in City Code Section 134-3.4.6.B.

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 Plan:** The proposed “I2” Industrial District would require that the future land use designation for the subject property be amended from “Business Park” to “Industrial.”

Plan DSM describes these 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 Zoning Ordinance describes the “I2” District as “intended for general and higher intensity industrial uses, warehousing, and transportation terminals.” Building types allowed in this district by Chapter 135 include the General Building, Workshop/Warehouse, Civic Building and Principal-Use Parking Structure.

- 2. Southeast Connector Land Use Planning Study and Roadway Implementation:** In June of 2008, the City Council received and filed a final report on the Southeast Connector Land Use Planning Study. The study identified the preference for business park and flex warehouse buildings along the Southeast Connector to screen light industrial and general industrial uses from the Southeast Connector.

Subsequent to the Study, the City constructed the Martin Luther King, Jr. Parkway bridge over the Des Moines River and the Southeast Connector roadway from that bridge to Southeast 30th Street. Design and site acquisition for the final unbuilt eastern portion of the Southeast Connector from Southeast 30th to Highway 65/69 has been completed and construction funding has been secured. It is anticipated that the project will be let soon for construction over the next 2-3 years.

- 3. Development Standards:** Any future construction or redevelopment of any lot within this area must comply with all applicable site plan and design regulations contained in the Planning and Design Ordinance (Chapter 135 of City Code).
- 4. Staff Rationale:** Staff recommends that the subject property which is to the south of the future Southeast Connector roadway be rezoned to a Limited “I2” Industrial District, with zoning conditions that ensure uses along this gateway corridor are appropriate and are compatible with the business park environment that the City envisions for this corridor.

Staff recommends that the permitted uses for the subject property exclude any “Fabrication and Production, Intensive” use or any new or expanded “Junk or Salvage Yard” use. Des Moines Municipal Code Section 134-3.6.1.D, defines the “Fabrication and Production, Intensive” use category as:

Uses that regularly use hazardous chemicals or procedures or produce hazardous byproducts, including the following: manufacturing of acetylene, cement, lime, gypsum or plaster-of-paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum

products, coal products, plastic and synthetic resins, radioactive materials, and above ground storage of flammable and combustible liquids in excess of 1,000 gallons. This subcategory also includes petrochemical tank farms, gasification plants, foundries, chrome plating, smelting, electroplating, fiberglass manufacturing, animal slaughtering, oil refining, asphalt and concrete plants, flour mills, paper products manufacturing, and tanneries. Intensive industrial uses have high potential for external impacts on the surrounding area in terms of noise, vibration, odor, hours of operation, and traffic.

Staff recommends that a condition be placed on the subject property that prohibits any new “Junk or Salvage Yard” use, or any expansion of an existing “Junk or Salvage Yard” use. This would allow the area currently used for a “Junk or Salvage Yard” use to continue but would not allow any expansion outside of the business’ existing footprint.

Staff recommends that within 12 months following the completion of the adjoining Southeast Connector roadway, any outdoor storage of junk or inoperable vehicles shall be screened by a solid opaque fence and gates, at least 8 feet in height and of uniform design and color, that is maintained in good repair. This condition could potentially be all or partially satisfied by any fence that the City constructs in association with the Southeast Connector roadway project.

Staff recommends a condition stating that junk and salvage materials may not be stacked higher than the perimeter fence within 75 feet of the fence and may not be stacked higher than 25 feet anywhere on the site.

Finally, Staff recommends a condition that no driveway, ingress-egress, or access from the Property to the Southeast Connector or East Martin Luther King, Jr. Parkway shall be allowed

SUMMARY OF DISCUSSION

Leah Rudolphi asked if any member of the public or commission desired to speak on the item. No one requested to speak.

COMMISSION ACTION

Emily Webb made a motion for approval of the following:

Part A) The “I2” Heavy Industrial District be found not in conformance with the existing PlanDSM future land use designation of Business Park.

Part B) The PlanDSM: Creating Our Tomorrow Comprehensive Plan future land use designation be revised from “Business Park” to “Industrial”.

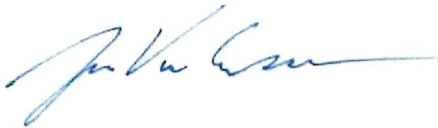
Part C) The subject property which adjoins the future Southeast Connector roadway, be rezoned from “EX” Mixed Use District to Limited “I2” Industrial District, subject to the conditions listed below:

1. Any use of the Property for a “Fabrication and Production, Intensive” use (as defined by Des Moines Municipal Code Section 134-3.6.1.D) shall be prohibited.
2. Any new “Junk or Salvage Yard” use, or expansion of any existing “Junk or Salvage Yard” use that was considered to be legal nonconforming as of January 1, 2025, on the Property shall be prohibited.

3. Within 12 months following the completion of the adjoining Southeast Connector or East Martin Luther King, Jr. Parkway roadway, any outdoor storage of junk or inoperable vehicles on the Property shall be screened by a solid opaque fence and gates, at least eight feet in height and of uniform design and color, that is maintained in good repair.
4. Junk and salvage materials on the Property may not be stacked higher than the perimeter fence within 75 feet of the fence and may not be stacked higher than 25 feet anywhere on the site.
5. No driveway, ingress-egress, or access from the Property to the Southeast Connector or East Martin Luther King, Jr. Parkway shall be allowed.

THE VOTE: 11-0 (Carolyn Jenison had not yet arrived)

Respectfully submitted,

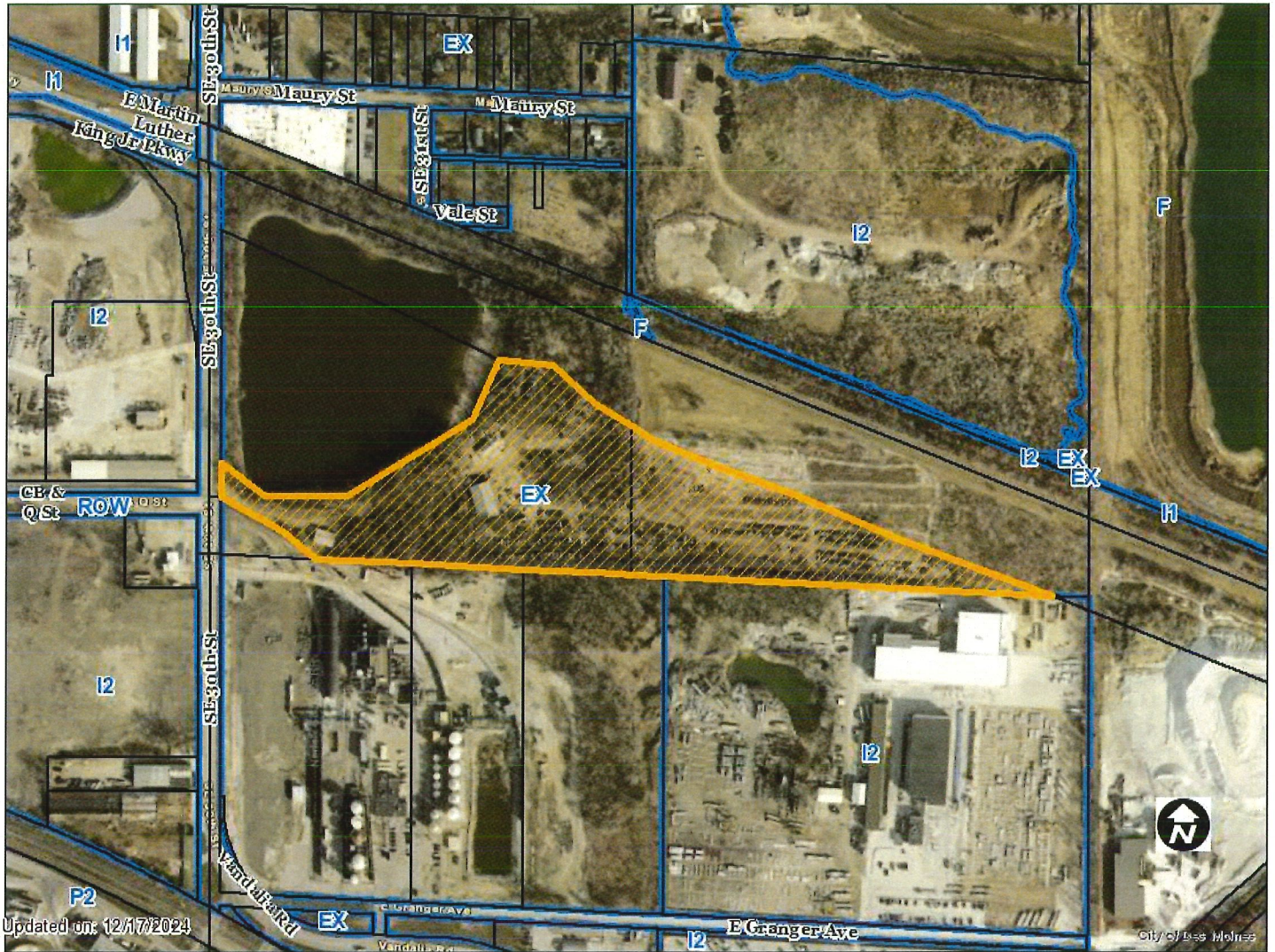


Jason Van Essen

Planning & Urban Design Administrator

JMV:mrw

Lee M Mitchell Trust and Margaret V Mitchell Trust Vicinity of 1111 SE 30th Street ZONG-2024-000045

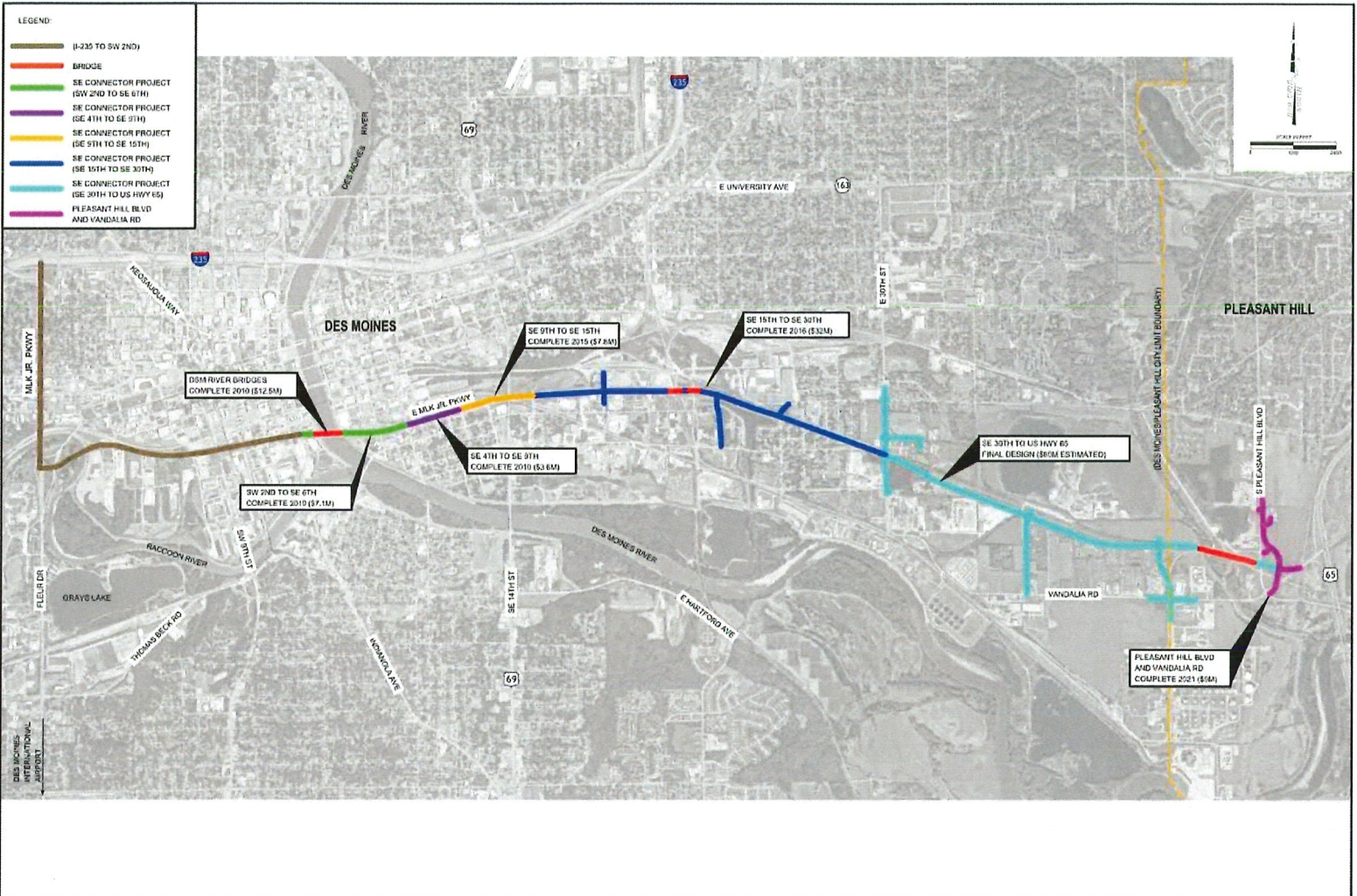






© 2023 Google





**NEIGHBORHOOD MEETING SUMMARY
TUESDAY, FEBRUARY 11, 2025 at 6:00pm**

Mitchell Trust Rezoning

1. The Applicant held the neighborhood meeting at the subject property, 1111 SE 30th St, Des Moines, IA 50317.

2. The meeting started at approximately 6:00pm on Tuesday, February 11, 2025. The following were present:

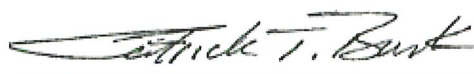
- a. Lora Mitchell (Representative of Owner)
- b. Tim Mitchell (Representative of Owner)
- c. Kirk Mitchell (Representative of Owner)
- e. Patrick T. Burk (Legal Counsel)

There were no neighbors or other interested parties in attendance.

3. The attendees discussed the rezoning matters and upcoming hearing.

4. The meeting ended at 6:15pm, with all parties leaving the premises by approximately 6:20-6:25pm with no additional attendees arriving.

Approved as to form and content this 18th day of February, 2025



 Patrick T. Burk

Lee M Mitchell Trust and Margaret V Mitchell Trust Vicinity of 1111 SE 30th Street ZONG-2024-000045

