



Date April 4, 2022

RESOLUTION HOLDING HEARING ON CITY-INITIATED REQUEST TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED IN THE VICINITY OF VANDALIA ROAD BETWEEN SOUTHEAST 30TH STREET TO THE WEST AND THE CITY’S CORPORATE LIMITS TO THE EAST

WHEREAS, on March 21, 2022, by Roll Call No. 22-0419, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on March 3, 2022, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a City-initiated request to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property located generally to the north of Vandalia Road between Southeast 30th Street to the west and the City’s corporate limits to the east (“Property”) from Business Park and Parks and Open Space to Industrial, to allow rezoning to I2 Industrial District and the option for higher-intensity industrial uses, subject to obtaining a Conditional Use approval from the Zoning Board of Adjustment; and

WHEREAS, on March 21, 2022, by Roll Call No. 22-0419, the City Council received a communication from the City Plan and Zoning Commission further advising that at a public hearing held on March 3, 2022, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a City-initiated request to rezone the Property for the above-stated purpose as follows:

- The following 13 parcels (collectively “Unconditional Parcels”) to be rezoned from EX Mixed Use District to I2 Industrial District:
 - Unconditional Parcels:
 1. GP 7823-07-377-001 (3300 Vandalia Rd)
 2. GP 7823-07-327-001 (No Address)
 3. GP 7823-07-452-021 (3546 Vandalia Rd)
 4. GP 7823-07-476-009 (1823 SE 36th St)
 5. GP 7823-07-476-019 (3602 Vandalia Rd)
 6. GP 7823-07-476-020 (3608 Vandalia Rd)
 7. GP 7823-07-477-019 (3704 Vandalia Rd)
 8. GP 7823-08-351-004 (3900 Vandalia Rd)
 9. GP 7823-08-351-006 (4000 Vandalia Rd)
 10. GP 7823-08-376-003 (No Address)
 11. GP 7823-08-376-004 (4100 Vandalia Rd)
 12. GP 7823-08-377-002 (No Address)
 13. GP 7823-08-377-003 (4250 Vandalia Rd)
- The following 5 parcels (collectively “Limited Parcels”) to be rezoned from EX Mixed Use District to Limited I2 Industrial District, subject to the below-stated conditions:
 - Limited Parcels:
 1. GP 7823-08-351-001 (1419 SE 38th St)
 2. GP 7823-08-376-001 (1502 SE 42nd St)
 3. GP 7823-08-376-002 (1502 SE 42nd St)
 4. GP 7823-08-377-001 (1511 SE 42nd St)
 5. GP 7823-07-176-001 (800 SE 32nd St)



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- Rezoning 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.
 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, 2022, 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; and

WHEREAS, on March 21, 2022, by Roll Call No. 22-0419, it was duly resolved by the City Council that the request to amend PlanDSM and to rezone the Property be set down for hearing on April 4, 2022 at 5:00 P.M., in the Council Chambers; and

WHEREAS, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said proposed amendment to PlanDSM and proposed rezoning; and

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

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the following legally described parcels within the Property from EX Mixed Use District to I2 Industrial District for the above-stated purpose:

Unconditional Parcels:

1. GP 7823-07-377-001 (3300 Vandalia Rd)
 THAT PART OF LOTS 6 AND 9 OF THE OFFICIAL PLAT OF THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 7, TOWNSHIP 78 NORTH, RANGE 23 WEST OF THE 5TH P.M. LYING SOUTH OF RELOCATED C.B. & Q RAILROAD RIGHT OF WAY, - EXCEPT STREET-, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.
2. GP 7823-07-327-001 (No Address)



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THAT PART OF LOT 6 OF THE OFFICIAL PLAT OF THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 7, TOWNSHIP 78 NORTH, RANGE 23 WEST OF THE 5TH P.M. LYING NORTH OF RELOCATED C.B. & Q RAILROAD RIGHT OF WAY, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

3. GP 7823-07-452-021 (3546 Vandalia Rd)
THE SOUTH 150 FEET OF LOT 74, VANDALIA ACRES PLAT NO.2, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.
4. GP 7823-07-476-009 (1823 SE 36th St)
THE SOUTH 75 FEET OF THE NORTH 175 FEET OF LOTS 50 AND 51, VANDALIA ACRES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.
5. GP 7823-07-476-019 (3602 Vandalia Rd)
-EXCEPT THE NORTH 175 FEET-, THE WEST 20 FEET OF LOT 50, AND -EXCEPT THE NORTH 175 FEET-, LOT 51, ALL IN VANDALIA ACRES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.
6. GP 7823-07-476-020 (3608 Vandalia Rd)
-EXCEPT THE NORTH 175 FEET-, THE EAST 80 FEET OF LOT 50, VANDALIA ACRES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.
7. GP 7823-07-477-019 (3704 Vandalia Rd)
-EXCEPT THE NORTH 94.75 FEET-, LOT 17, VANDALIA ACRES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.
8. GP 7823-08-351-004 (3900 Vandalia Rd)
THE EAST 1/2 OF THE EAST 286.82 FEET OF LOT 7, HENDERSON ESTATES, AN OFFICIAL PLAT, AND LOT 14 OF THE OFFICIAL PLAT OF THE S.W. 1/4 AND THE S.1/2 OF THE N.W. 1/4 AND THE W. 1/2 OF THE E. 1/2 OF SECTION 8-T78-R23, AN OFFICIAL PLAT, -EXCEPT THE WEST 410 FEET OF THE EAST 425.3 FEET OF THE NORTH 382 FEET OF THE SOUTH 415 FEET OF SAID LOT 14-, AND -EXCEPT THE EAST 15.3 FEET OF THE SOUTH 833 FEET OF SAID LOT 14-, AND -EXCEPT THE WEST 582.07 FEET OF SAID LOT 14 MEASURED ALONG THE NORTH LINE OF SAID LOT 14-, AND LOT 15 OF THE OFFICIAL PLAT OF THE S.W. 1/4 AND THE S.1/2 OF THE N.W. 1/4 AND THE W. 1/2 OF THE E. 1/2 OF SECTION 8-T78-R23, AN OFFICIAL PLAT, -EXCEPT THE NORTH 4 ACRES OF SAID LOT 15-, AND -EXCEPT THE SOUTH 833 FEET OF THE WEST 216.7 FEET OF SAID LOT 15-, AND -EXCEPT A PARCEL BEGINNING AT A POINT 33 FEET NORTH 0°15'00" WEST OF THE SOUTHEAST CORNER OF SAID LOT 15; THENCE NORTH 87°23'00" WEST ALONG A LINE PARALLEL WITH AND 33 FEET NORTH OF THE SOUTH LINE OF SAID LOT 15, A DISTANCE OF 446.35 FEET; THENCE NORTH 0°10'00" WEST ALONG A LINE PARALLEL WITH AND 216.7 FEET EAST OF THE WEST LINE OF SAID LOT 15, A DISTANCE OF 1033.93 FEET; THENCE SOUTH 89°58'00" EAST,



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A DISTANCE OF 444.29 FEET TO THE NORTHWEST CORNER OF LOT 16 IN SAID OFFICIAL PLAT OF THE S.W. ¼ AND THE S.1/2 OF THE N.W. 1/4 AND THE W. 1/2 OF THE E. 1/2 OF SECTION 8-T78-R23; THENCE SOUTH 0°15'00" EAST ALONG THE EAST LINE OF SAID LOT 15, A DISTANCE OF 1054.05 FEET TO THE POINT OF BEGINNING, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

9. GP 7823-08-351-006 (4000 Vandalia Rd)

A PARCEL IN LOT 14 OF THE OFFICIAL PLAT OF THE S.W. ¼ AND THE S.1/2 OF THE N.W. 1/4 AND THE W. 1/2 OF THE E. 1/2 OF SECTION 8-T78-R23, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 15.3 FEET WEST AND 33 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT 15; THENCE WEST 210 FEET AND PARALLEL TO THE SOUTH LINE OF SAID LOT 14; THENCE NORTH 382 FEET; THENCE EAST 210 FEET; THENCE SOUTH 382 FEET TO THE POINT OF BEGINNING.

10. GP 7823-08-376-003 (No Address)

THE NORTH 800 FEET OF THE SOUTH 833 FEET OF THE EAST 15.3 FEET OF LOT 14 IN THE OFFICIAL PLAT OF THE S.W. ¼ AND THE S.1/2 OF THE N.W. 1/4 AND THE W. 1/2 OF THE E. 1/2 OF SECTION 8-T78-R23, AN OFFICIAL PLAT, AND THE NORTH 800 FEET OF THE SOUTH 833 FEET OF THE WEST 216.7 FEET OF LOT 15 IN SAID OFFICIAL PLAT OF THE S.W. ¼ AND THE S.1/2 OF THE N.W. 1/4 AND THE W. 1/2 OF THE E. 1/2 OF SECTION 8-T78-R23, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

11. GP 7823-08-376-004 (4100 Vandalia Rd)

A PART OF LOT 15 IN THE OFFICIAL PLAT OF THE S.W. ¼ AND THE S.1/2 OF THE N.W. 1/4 AND THE W. 1/2 OF THE E. 1/2 OF SECTION 8-T78-R23, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 33 FEET NORTH 0°15'00" WEST OF THE SOUTHEAST CORNER OF SAID LOT 15; THENCE NORTH 87°23'00" WEST ALONG A LINE PARALLEL WITH AND 33 FEET NORTH OF THE SOUTH LINE OF SAID LOT 15, A DISTANCE OF 446.35 FEET; THENCE NORTH 0°10'00" WEST ALONG A LINE PARALLEL WITH AND 216.7 FEET EAST OF THE WEST LINE OF SAID LOT 15, A DISTANCE OF 1033.93 FEET; THENCE SOUTH 89°58'00" EAST, A DISTANCE OF 444.29 FEET TO THE NORTHWEST CORNER OF LOT 16 IN SAID OFFICIAL PLAT OF THE S.W. ¼ AND THE S.1/2 OF THE N.W. 1/4 AND THE W. 1/2 OF THE E. 1/2 OF SECTION 8-T78-R23; THENCE SOUTH 0°15'00" EAST ALONG THE EAST LINE OF SAID LOT 15, A DISTANCE OF 1054.05 FEET TO THE POINT OF BEGINNING.

12. GP 7823-08-377-002 (No Address)

-EXCEPT THE WEST 24 FEET-, THE NORTH 5 ACRES OF THE SOUTH 15 ACRES OF LOT 16 IN THE OFFICIAL PLAT OF THE S.W. ¼ AND THE S.1/2 OF THE N.W. 1/4 AND THE W.



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1/2 OF THE E. 1/2 OF SECTION 8-T78-R23, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

13. GP 7823-08-377-003 (4250 Vandalia Rd)
-EXCEPT THE WEST 24 FEET-, AND -EXCEPT THE VANDALIA ROAD RIGHT OF WAY-, THE SOUTH 10 ACRES OF LOT 16 IN THE OFFICIAL PLAT OF THE S.W. ¼ AND THE S.1/2 OF THE N.W. 1/4 AND THE W. 1/2 OF THE E. 1/2 OF SECTION 8-T78-R23, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; and

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the following legally described parcels within the Property from EX Mixed Use District to Limited I2 Industrial District for the above-stated purpose and subject to the above-stated conditions, which conditions have been approved and accepted in writing by the property owners:

Limited Parcels:

1. GP 7823-08-351-001 (1419 SE 38th St)
THE WEST 1/2 OF LOT 13 OF THE OFFICIAL PLAT OF THE S.W. ¼ AND THE S.1/2 OF THE N.W. 1/4 AND THE W. 1/2 OF THE E. 1/2 OF SECTION 8-T78-R23, AN OFFICIAL PLAT, LYING SOUTH OF THE WABASH RAILROAD RIGHT OF WAY, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.
2. GP 7823-08-376-001 (1502 SE 42nd St)
THE WEST 3 ACRES OF THE EAST 1/2 OF LOT 13 OF THE OFFICIAL PLAT OF THE S.W. ¼ AND THE S.1/2 OF THE N.W. 1/4 AND THE W. 1/2 OF THE E. 1/2 OF SECTION 8-T78-R23, AN OFFICIAL PLAT, LYING SOUTH OF THE WABASH RAILROAD RIGHT OF WAY, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.
3. GP 7823-08-376-002 (1502 SE 42nd St)
THE NORTH 4 ACRES OF LOT 15 OF THE OFFICIAL PLAT OF THE S.W. ¼ AND THE S.1/2 OF THE N.W. 1/4 AND THE W. 1/2 OF THE E. 1/2 OF SECTION 8-T78-R23, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.
4. GP 7823-08-377-001 (1511 SE 42nd St)
-EXCEPT THE WEST 24 FEET-, THE NORTH 1.54 ACRES OF LOT 16, AND -EXCEPT THE WEST 24 FEET-, LOT 22, AND -EXCEPT THE WEST 24 FEET-, ALL THAT FRACTIONAL PART OF LOT 13 LYING NORTH AND ADJOINING SAID LOT 22 AND LYING SOUTH OF THE WABASH RAILROAD RIGHT OF WAY, ALL IN THE OFFICIAL PLAT OF THE S.W. ¼ AND THE S.1/2 OF THE N.W. 1/4 AND THE W. 1/2 OF THE E. 1/2 OF SECTION 8-T78-R23, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.
5. GP 7823-07-176-001 (800 SE 32nd St)
-EXCEPT THAT PART LYING WITHIN THE 100 YEAR FLOODPLAIN-, THAT PART OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 7, TOWNSHIP 78 NORTH, RANGE



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23 WEST OF THE 5TH P.M., WHICH LIES NORTH OF THE WABASH RAILROAD RIGHT OF WAY, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, -EXCEPT THE NORTH 10 ACRES THEREOF, AND -EXCEPT COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 7; THENCE SOUTH ON ASSUMED BEARING OF SOUTH 0°00'00" WEST, 330 FEET TO THE POINT OF BEGINNING; THENCE NORTH 86°52'00" WEST, 1320 FEET; THENCE SOUTH 0°00'00" WEST, 785 FEET; THENCE SOUTH 83°57'00" EAST, 1321.5 FEET; THENCE NORTH 0°00'00" WEST, 848.3 FEET TO THE POINT OF BEGINNING.

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

1. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the proposed land use amendment and the proposed rezoning of the Property are hereby overruled, and the hearing is closed.
2. The proposed amendment to PlanDSM: Creating Our Tomorrow comprehensive plan, to amend the future land use classification for the Property from Business Park and Parks and Open Space to Industrial, is hereby approved.
3. The proposed rezoning of the Unconditional Parcels within the Property, as legally described above, to I2 Industrial District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to final passage of an ordinance rezoning said Unconditional Parcels as set forth herein.
4. The proposed rezoning of the Limited Parcels within the Property, as legally described above, to Limited I2 Industrial District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to the above-stated conditions and final passage of an ordinance rezoning said Limited Parcels as set forth herein.

FORM APPROVED:

/s/Glenna K. Frank

Glenna K. Frank

Assistant City Attorney

MOVED BY Gatto TO ADOPT.

SECOND BY Boesen.

(ZONG-2021-000043; ZONG-2021-000044)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
SHEUMAKER	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

J.M. Frankhu Cownie Mayor

CERTIFICATE

I, P. KAY CMELIK, 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.

P. Kay Cmelik

City Clerk