



Roll Call Number

25-0461

Agenda Item Number

44

Date March 24, 2025

RESOLUTION HOLDING 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 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



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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.

WHEREAS, on March 10, 2025, by Roll Call No. 25-0355, it was duly resolved by the City Council that the request for approval of the proposed amendment and rezoning be set down for hearing on March 24, 2025, at 5:00 p.m., at the City 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 proposals; and

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

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 amendment and rezoning are hereby overruled, and the hearing is closed.
2. The proposed amendment to PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification for the Property from Business Park to Industrial is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from "EX" Mixed Use District to Limited "I2" Industrial District, to bring the existing "Junk and Salvage Yard" into conformance with



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zoning regulations, subject to the conditions set forth above, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Gatto TO ADOPT. SECOND BY Voss

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	7			

MOTION CARRIED

APPROVED

Connie Boesen

Mayor

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.

Laura Baumgartner

City Clerk