



Roll Call Number

25-0355

Agenda Item Number

23

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



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- 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.



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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

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.

Comie Buesen

Mayor

Laura Baumgartner

City Clerk