

★ Roll Call Number

25-0529

Agenda Item Number

46

Date April 7, 2025

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM HELENA INDUSTRIES LLC (OWNER), REPRESENTED BY TONY DIBENEDITTO (OFFICER), FOR A PARCEL LOCATED IN THE VICINITY OF 3523 VANDALIA ROAD, TO REZONE THE PROPERTY FROM "EX" MIXED USE DISTRICT TO "I2" INDUSTRIAL DISTRICT, TO ALLOW FABRICATION AND PRODUCTION USE WITH ACCESSORY OUTDOOR STORAGE OF TRUCKS AND TRAILERS

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on March 6, 2025, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Helena Industries LLC (Owner), represented by Tony DiBeneditto (Officer), for a parcel located in the vicinity of 3523 Vandalia Road, to rezone the property from "EX" Mixed Use District to "I2" Industrial District, to allow Fabrication and Production use with accessory outdoor storage of trucks and trailers and determined the requested rezoning is in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan; and

WHEREAS, the Property is legally described as follows:

ALL THAT PART OF LOTS ONE (1) AND TWO (2) IN PLAT "A" OF THE HENDERSON ESTATE, IN SECTION EIGHTEEN (18), TOWNSHIP SEVENTY-EIGHT (78) NORTH, RANGE TWENTY-THREE (23) WEST OF THE 5TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 18; THENCE WEST 110.900 FEET ALONG THE NORTH LINE OF SAID SECTION 18; THENCE SOUTH 33 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF IOWA STATE HIGHWAY 46 (VANDALIA ROAD) TO THE POINT OF BEGINNING; THENCE EAST 1371.78 FEET, 33 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID SECTION 18; THENCE SOUTH 880.00 FEET NORMAL TO THE NORTH LINE OF SAID SECTION 18; THENCE WEST 442.20 FEET, PARALLEL TO AND 913.00 FEET SOUTH OF THE NORTH LINE OF SAID SECTION 18 TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF THE CHICAGO, BURLINGTON & QUINCY RAILROAD; THENCE NORTHWESTERLY 1301.63 FEET ALONG SAID NORTHEASTERLY RIGHT-OF-WAY OF THE CHICAGO, BURLINGTON & QUINCY RAILROAD; THENCE NORTHEASTERLY 109.40 FEET TO THE POINT OF BEGINNING, CONTAINING 19.94 ACRES, MORE OR LESS, SUBJECT TO EASEMENTS AND RESTRICTIONS, IF ANY, OF RECORD. ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

PARCEL 2017-99:

A PARCEL OF LAND BEING A PART OF AND LYING ENTIRELY WITHIN LOT 5 AND LOT 6 OF HENDERSON ESTATE, AN OFFICIAL PLAT, FORMING AND A



Roll Call Number

25-0529

Agenda Item Number

46

Date April 7, 2025

BEING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST COFRNER OF SECTION 17, TOWNSHIP 78 NORTH, RANGE 23 WEST OF THE 5TH P.M.; THENCE ALONG THE NORTH LINE OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION 17, SOUTH 87°28'42" EAST, 279.54'; THENCE SOUTH 02°31'18" WEST, 50.00' TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF VANDALIA ROAD AS PRESENTLY ESTABLISHED, ALSO BEING THE POINT OF BEGINNING; THENCE ALONG SAID RIGHT OF WAY LINE, SOUTH 87°28'42" EAST, 952.17'; THENCE SOUTH 02°21'18" WEST, 705.57'; THENCE NORTH 87°28'42" WEST, 24.73'; THENCE SOUTH 00°08'19" EAST, 568.32'; THENCE NORTH 87°28'42" WEST, 893.15'; THENCE NORTH 00°17'55" WEST, 1274.82' TO THE POINT OF BEGINNING.

CONTAINING 26.81 ACRES (1,167,787.14 SQ.FT.), MORE OR LESS.

PARCEL 2017-100:

A PARCEL OF LAND BEING A PART OF AND LYING ENTIRELY WITHIN LOT 4 AND LOT 5 OF HENDERSON ESTATE, AN OFFICIAL PLAT, FORMING AND BEING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 18, TOWNSHIP 78 NORTH, RANGE 23 WEST OF THE 5TH P.M.; THENCE ALONG THE NORTH LINE OF THE NORTHEAST QUARTER (NE1/4) OF SAID SECTION 18, NORTH 87°29'01" WEST, 404.66'.

THENCE SOUTH 02°30'59" WEST, 50.00' TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF VANDALIA ROAD AS PRESENTLY ESTABLISHED, ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH 00°17'55" EAST, 1274.78;

THENCE SOUTH 87°28'42" EAST, 684.20; THENCE NORTH 00°17'55" WEST, 1274.82' TO A POINT ON SAID SOUTHERLY RIGHT OF WAY LINE OF VANDALIA ROAD AS PRESENTLY ESTABLISHED THENCE ALONG SAID RIGHT OF WAY LINE, NORTH 87°28'42" WEST, 277.12' TO A FOUND ½" IRON ROD BEING ON THE EAST LINE OF SAID NORTHEAST QUARTER (NE ¼); THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE, NORTH 87°28'01" WEST, 407.08' TO THE POINT OF BEGINNING.

CONTAINING 20.00 ACRES (871,165.61 SQ.FT.), MORE OR LESS.; and

WHEREAS, on March 26, 2025, by Roll Call No. 25-0434, 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 April 7, 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 proposed rezoning; and

★ Roll Call Number

25-0529

Agenda Item Number

46

Date April 7, 2025

WHEREAS, in accordance with said notice, those interested in said 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.

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 rezoning of the Property are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, from "EX" Mixed Use District to "I2" Industrial District, to allow Fabrication and Production use with accessory outdoor storage of trucks and trailers, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and 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-2025-000001)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include BOESEN, SIMONSON, VOSS, COLEMAN, WESTERGAARD, MANDELBAUM, GATTO, and TOTAL (YEAS: 7).

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.

Connie Boesen Mayor

Laura Baumgartner City Clerk