



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. $\frac{1}{4}$ AND THE S.1/2 OF THE N.W. $\frac{1}{4}$ AND THE W. $\frac{1}{2}$ OF THE E. $\frac{1}{2}$ 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. $\frac{1}{4}$ AND THE S.1/2 OF THE N.W. $\frac{1}{4}$ AND THE W. $\frac{1}{2}$ OF THE E. $\frac{1}{2}$ 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. $\frac{1}{4}$ AND THE S.1/2 OF THE N.W. $\frac{1}{4}$ AND THE W. $\frac{1}{2}$ OF THE E. $\frac{1}{2}$ 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. $\frac{1}{4}$ AND THE S.1/2 OF THE N.W. $\frac{1}{4}$ AND THE W. $\frac{1}{2}$ OF THE E. $\frac{1}{2}$ 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. $\frac{1}{4}$ AND THE S.1/2 OF THE N.W. $\frac{1}{4}$ AND THE W. $\frac{1}{2}$ OF THE E. $\frac{1}{2}$ 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. $\frac{1}{4}$ AND THE S.1/2 OF THE N.W. $\frac{1}{4}$ AND THE W. $\frac{1}{2}$ OF THE E. $\frac{1}{2}$ 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. $\frac{1}{4}$ AND THE S.1/2 OF THE N.W. $\frac{1}{4}$ 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:

MOVED BY _____ TO ADOPT.

/s/Glenna K. Frank

SECONDED BY _____.

Glenna K. Frank

Assistant City Attorney

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

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

MOTION CARRIED

APPROVED

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.

City Clerk

Date April 4, 2022
Agenda Item 37
Roll Call # _____

March 15, 2022

Communication from the City Plan and Zoning Commission advising that at their March 3, 2022 meeting, the following action was taken regarding a city initiated request to rezone property generally located to the north of Vandalia Road between Southeast 30th Street to the west and the City's corporate limits to the east from "EX" Mixed Use District to "I2" Industrial District.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 13-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Leah Rudolphi	X			
Dory Briles	X			
Abby Chungath	X			
Kayla Berkson	X			
Chris Draper	X			
Jann Freed	X			
Todd Garner	X			
Johnny Alcivar	X			
Lisa Howard				X
Carolyn Jenison	X			
William Page	X			
Andrew Lorentzen	X			
Emily Webb	X			

APPROVAL of 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" for all (18) parcels.

Part C) Staff recommends that the following (13) properties be rezoned from "EX" Mixed Use District to "I2" Industrial District:

- GP 7823-07-377-001 (3300 Vandalia Rd) Sam's Riverside Inc

- GP 7823-07-327-001 (No Address) Sam's Riverside Inc
- GP 7823-07-452-021 (3546 Vandalia Rd) Vandalia Auto Wreck Inc (Galinsky)
- GP 7823-07-476-009 (1823 SE 36th St) Vandalia Auto Wreck Inc (Galinsky)
- GP 7823-07-476-019 (3602 Vandalia Rd) Vandalia Auto Wreck Inc (Galinsky)
- GP 7823-07-476-020 (3608 Vandalia Rd) Gary L Galinsky
- GP 7823-07-477-019 (3704 Vandalia Rd) Sam's Riverside Inc
- GP 7823-08-351-004 (3900 Vandalia Rd) Sam's Riverside Auto Parts Inc
- GP 7823-08-351-006 (4000 Vandalia Rd) Galinsky Family Real Estate LLC
- GP 7823-08-376-003 (No Address) Galinsky Family Real Estate LLC
- GP 7823-08-376-004 (4100 Vandalia Rd) Galinsky Family Real Estate LLC
- GP 7823-08-377-002 (No Address) Alviv Properties LLC
- GP 7823-08-377-003 (4250 Vandalia Rd) Alviv Properties LLC

Staff recommends that the following (5) parcels (collectively "Property"), which are in proximity to the future Southeast Connector roadway, be rezoned from "EX" Mixed Use District to "I2" Industrial District, subject to the conditions listed below:

- GP 7823-08-351-001 (1419 SE 38th St) Sam's Riverside Auto Parts Inc
 - GP 7823-08-376-001 (1502 SE 42nd St) Sam's Riverside Auto Parts Inc
 - GP 7823-08-376-002 (1502 SE 42nd St) Sam's Riverside Auto Parts Inc
 - GP 7823-08-377-001 (1511 SE 42ND St) Alviv Properties LLC
 - GP 7823-07-176-001 (800 SE 32nd St) Alviv Properties LLC
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.

(ZONG-2021-000044)

Written Responses

3 in Favor

1 in opposition

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” for all (18) parcels.

Part C) Staff recommends that the following (13) properties be rezoned from “EX” Mixed Use District to “I2” Industrial District:

- GP 7823-07-377-001 (3300 Vandalia Rd) Sam’s Riverside Inc
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- GP 7823-07-476-020 (3608 Vandalia Rd) Gary L Galinsky
- GP 7823-07-477-019 (3704 Vandalia Rd) Sam’s Riverside Inc
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- GP 7823-08-351-006 (4000 Vandalia Rd) Galinsky Family Real Estate LLC
- GP 7823-08-376-003 (No Address) Galinsky Family Real Estate LLC
- GP 7823-08-376-004 (4100 Vandalia Rd) Galinsky Family Real Estate LLC
- GP 7823-08-377-002 (No Address) Alviv Properties LLC
- GP 7823-08-377-003 (4250 Vandalia Rd) Alviv Properties LLC

Staff recommends that the following (5) parcels (collectively “Property”), which are in proximity to the future Southeast Connector roadway, be rezoned from “EX” Mixed Use District to “I2” Industrial District, subject to the conditions listed below:

- GP 7823-08-351-001 (1419 SE 38th St) Sam’s Riverside Auto Parts Inc
 - GP 7823-08-376-001 (1502 SE 42nd St) Sam’s Riverside Auto Parts Inc
 - GP 7823-08-376-002 (1502 SE 42nd St) Sam’s Riverside Auto Parts Inc
 - GP 7823-08-377-001 (1511 SE 42ND St) Alviv Properties LLC
 - GP 7823-07-176-001 (800 SE 32nd St) Alviv Properties LLC
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.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The eighteen (18) parcels included in the proposed rezoning have 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 1, Subsection 8 of this report.

Prior to adoption of the current zoning map in 2019, these properties were zoned industrially. 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 approved route of the future Southeast Connector roadway passes through the area in which these eighteen (18) parcels are located. In fact, portions of parcels within the rezoning area are likely to be acquired in the future for right-of-way for the roadway.

As noted in Section II of this staff report, Staff recommends that five (5) parcels in close proximity to 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. A map of these parcels has been included at the end of this staff report.

2. **Size of Site:** Approximately 140 acres.
3. **Existing Zoning (site):** “EX” Mixed Use District.
4. **Existing Land Use (site):** The properties within the proposed rezoning area contain a mix of junk and salvage yard uses, auto repair uses, landscape business, and storage, as well as undeveloped land.
5. **Adjacent Land Use and Zoning:**
 - North** – “EX”, “F”, “P1”; Uses include light industrial businesses, undeveloped land, and floodplain.
 - South** – “EX”, “I2”, “PUD”; Uses include manufacturing, warehousing, and undeveloped land.
 - 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 properties are 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 neighborhoods were notified of the public hearing by mailing of the Preliminary Agenda for the December 16, 2021 public hearing on November 29, 2021, by mailing of the Preliminary Agenda for the January 20, 2022 public hearing on January 3, 2022, and by mailing of the Preliminary agenda for the March 3, 2022 public hearing on February 11, 2022. Additionally, separate notifications of the hearing for this specific item were mailed on November 24, 2021 (20 days prior to the December 16, 2021 hearing) and on December 6, 2021 (10 days prior to the December 16, 2021 hearing) to the primary titleholder on file with the County Assessor for each property within 250 feet of the rezoning area. A Final Agenda was mailed to all recognized neighborhoods on February 25, 2022.

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

A summary of the neighborhood outreach meeting held on November 30, 2021 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 majority of the parcels within the subject rezoning area remained zoned "M-2" Heavy Industrial District while 5 of the smaller parcels generally between Southeast 36th Street and Southeast 38th Street were rezoned to "M-1" Light 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 parcels 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 is underway with a budget of approximately \$50M to implement this remaining section. It is anticipated that portions of parcels within the rezoning area may be acquired by the City in the coming years for right-of-way for the future roadway.

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 five (5) parcels in closest proximity to 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 these five (5) parcels 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 these five (5) parcels 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 eight 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

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

COMMISSION ACTION:

Carolyn Jenson made a motion for:

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” for all (18) parcels.

Part C) The following (13) properties be rezoned from “EX” Mixed Use District to “I2” Industrial District:

- GP 7823-07-377-001 (3300 Vandalia Rd) Sam’s Riverside Inc
- GP 7823-07-327-001 (No Address) Sam’s Riverside Inc
- GP 7823-07-452-021 (3546 Vandalia Rd) Vandalia Auto Wreck Inc (Galinsky)
- GP 7823-07-476-009 (1823 SE 36th St) Vandalia Auto Wreck Inc (Galinsky)
- GP 7823-07-476-019 (3602 Vandalia Rd) Vandalia Auto Wreck Inc (Galinsky)
- GP 7823-07-476-020 (3608 Vandalia Rd) Gary L Galinsky
- GP 7823-07-477-019 (3704 Vandalia Rd) Sam’s Riverside Inc

- GP 7823-08-351-004 (3900 Vandalia Rd) Sam's Riverside Auto Parts Inc
- GP 7823-08-351-006 (4000 Vandalia Rd) Galinsky Family Real Estate LLC
- GP 7823-08-376-003 (No Address) Galinsky Family Real Estate LLC
- GP 7823-08-376-004 (4100 Vandalia Rd) Galinsky Family Real Estate LLC
- GP 7823-08-377-002 (No Address) Alviv Properties LLC
- GP 7823-08-377-003 (4250 Vandalia Rd) Alviv Properties LLC

The following (5) parcels (collectively "Property"), which are in proximity to the future Southeast Connector roadway, be rezoned from "EX" Mixed Use District to "I2" Industrial District, subject to the conditions listed below:

- GP 7823-08-351-001 (1419 SE 38th St) Sam's Riverside Auto Parts Inc
 - GP 7823-08-376-001 (1502 SE 42nd St) Sam's Riverside Auto Parts Inc
 - GP 7823-08-376-002 (1502 SE 42nd St) Sam's Riverside Auto Parts Inc
 - GP 7823-08-377-001 (1511 SE 42ND St) Alviv Properties LLC
 - GP 7823-07-176-001 (800 SE 32nd St) Alviv Properties LLC
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.

Motion passed: 13-0

Respectfully submitted,



Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh

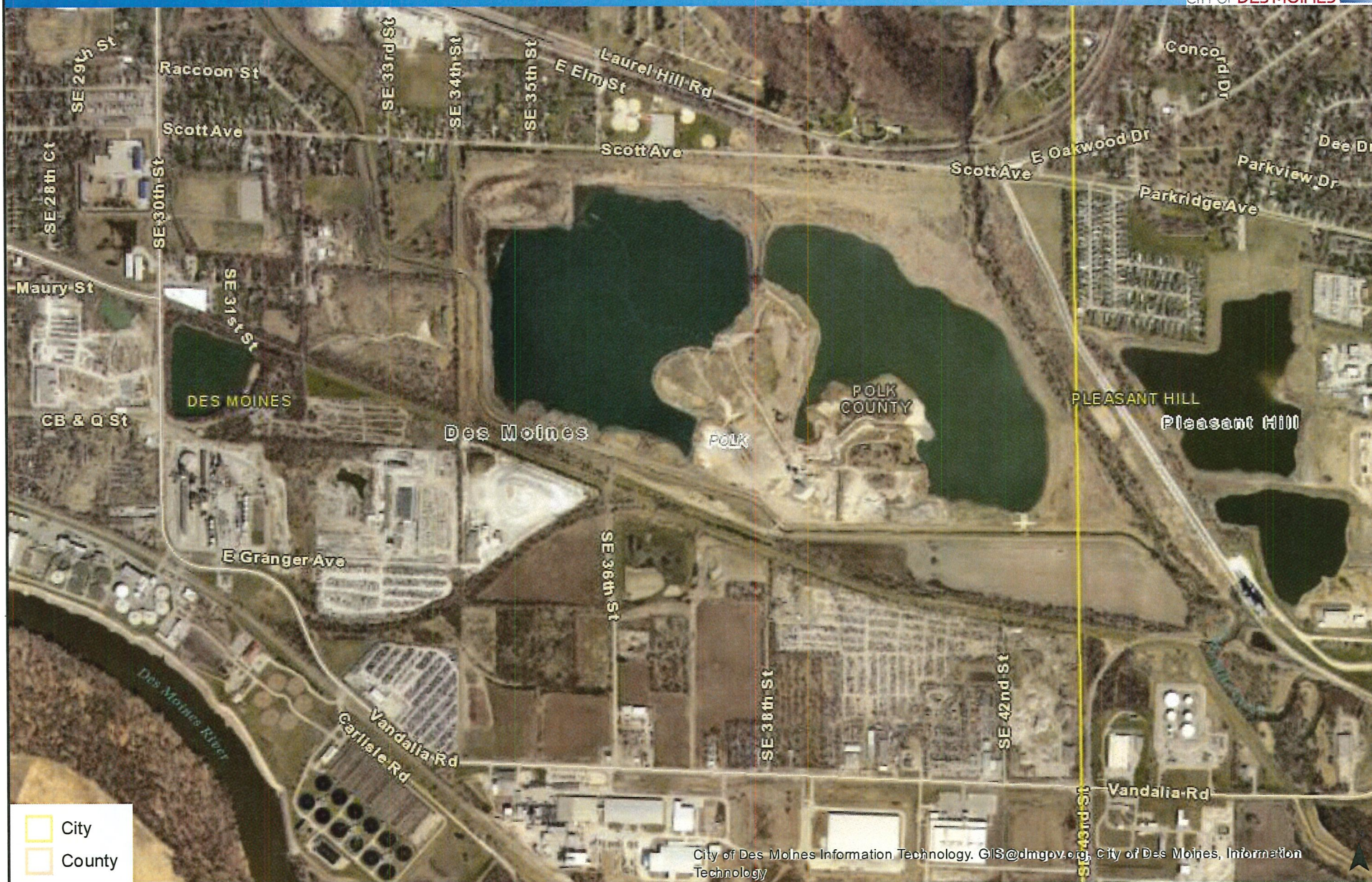


Updated on: 11/10/2021

1 inch = 877 feet



Aerial



Description

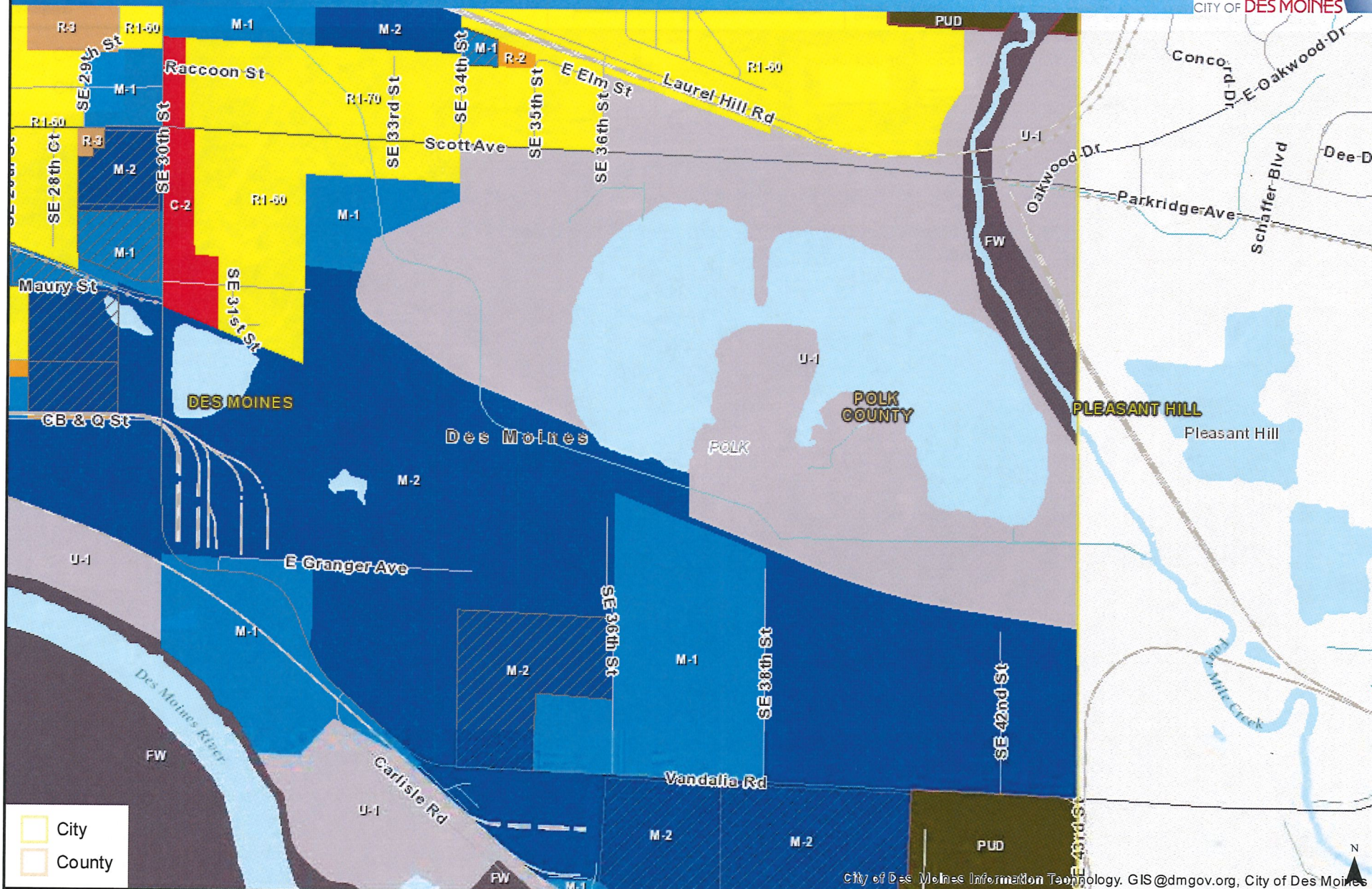
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Author: Author

Date: 12/16/2021
Time: 4:25:31 PM

Retired Zoning

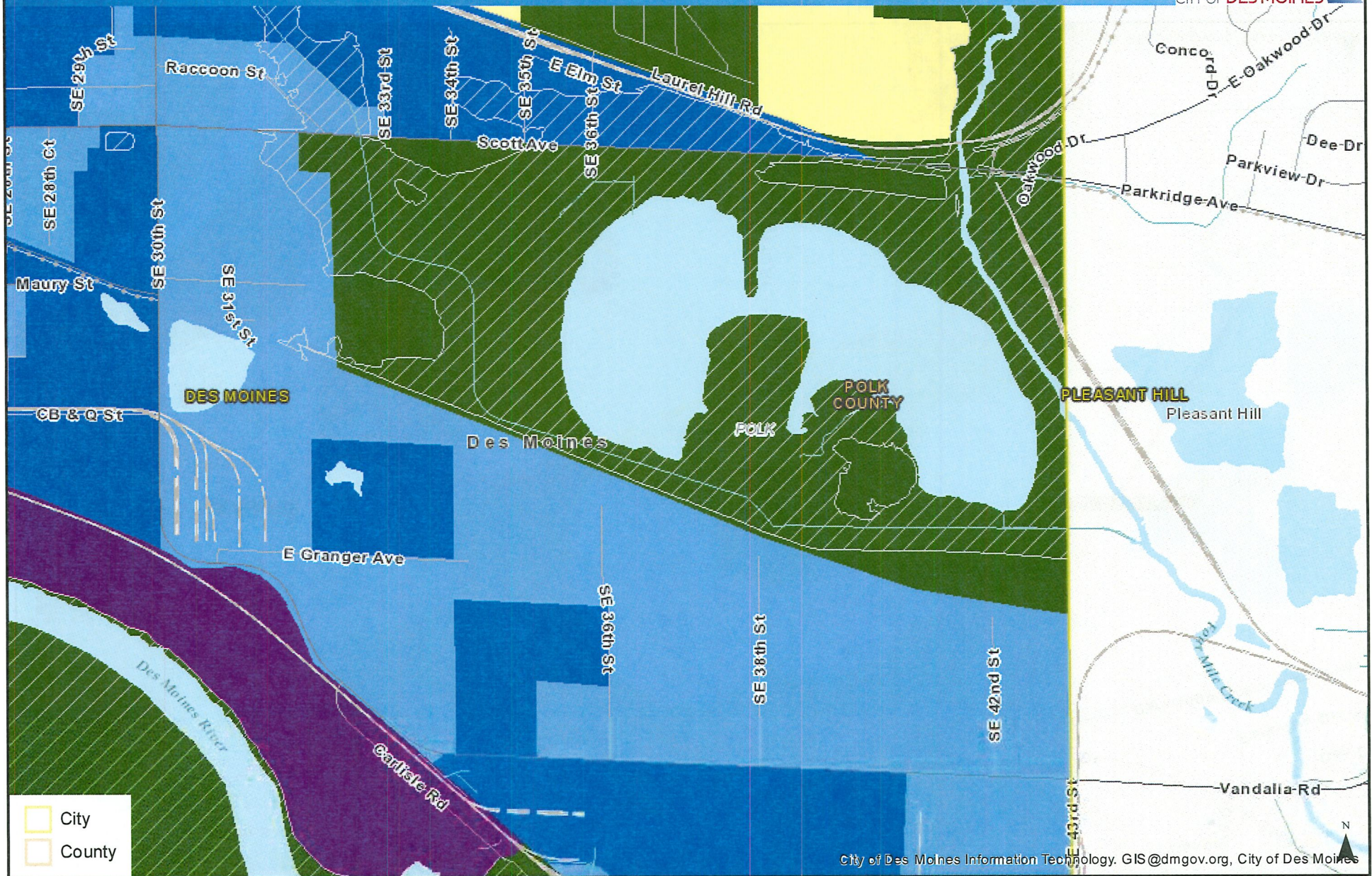


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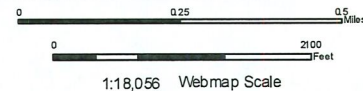
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PlanDSM



City of Des Moines Information Technology. GIS@dmgov.org, City of Des Moines

Description



Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere
Projection: Mercator
Auxiliary Sphere Datum: WGS 1984
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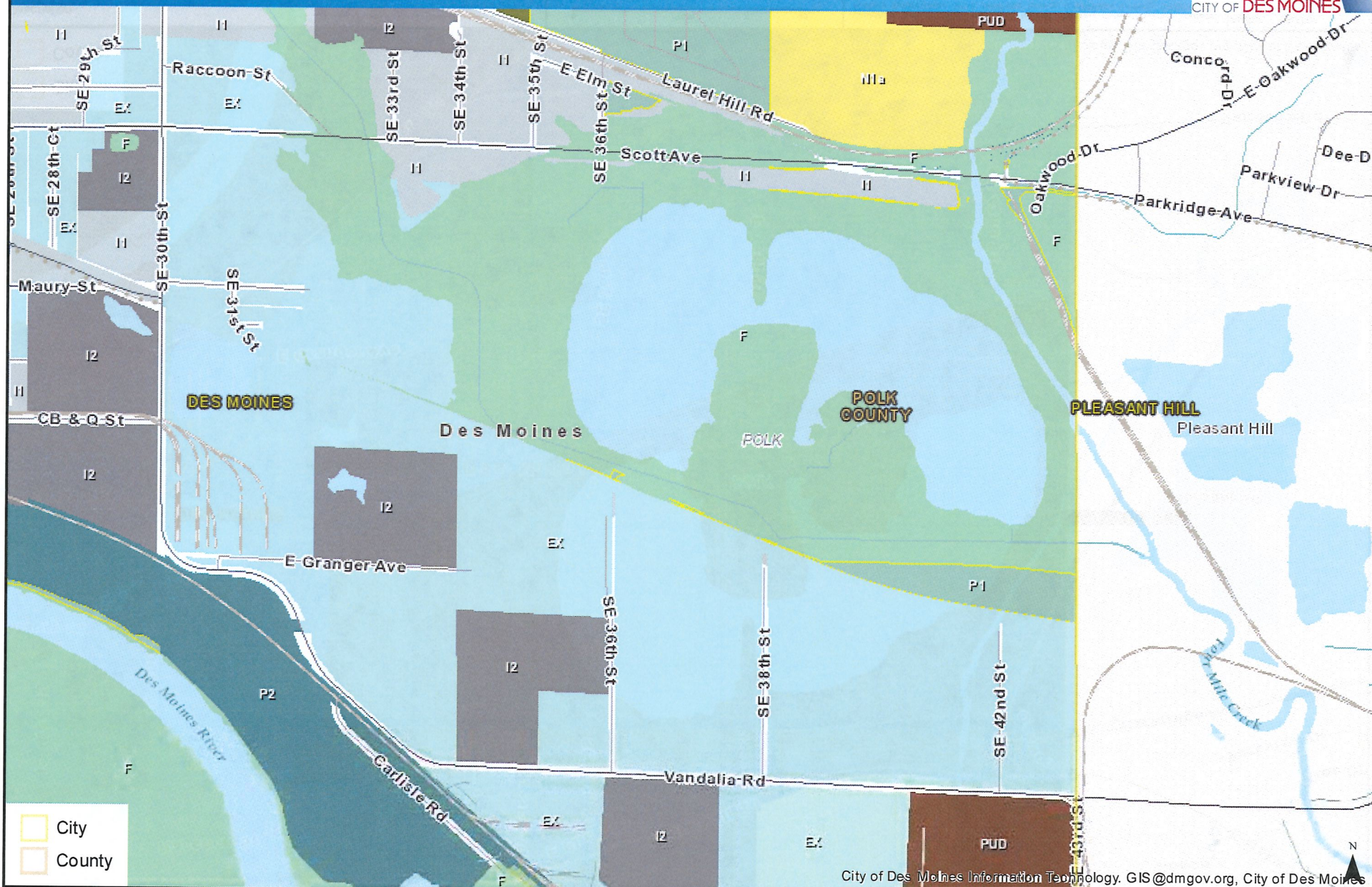
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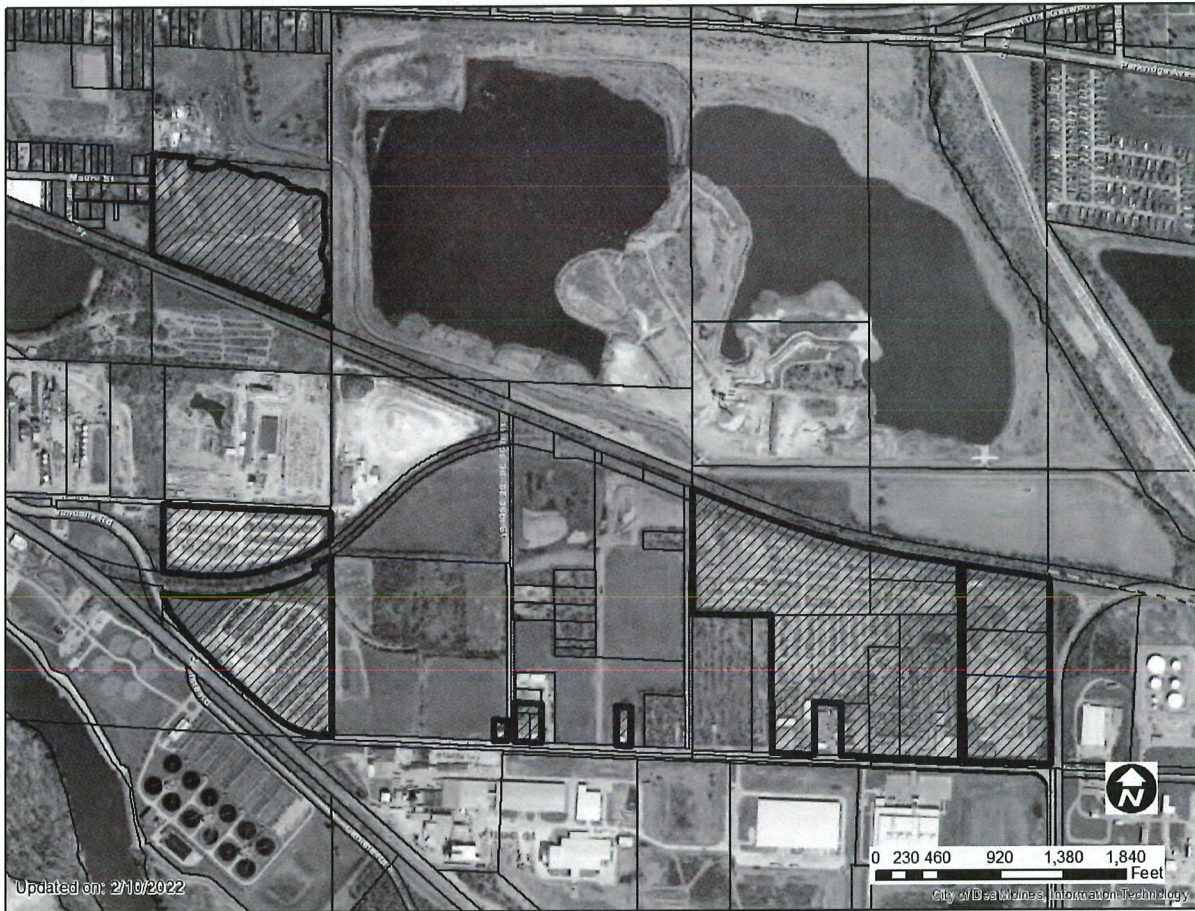
Current Zoning

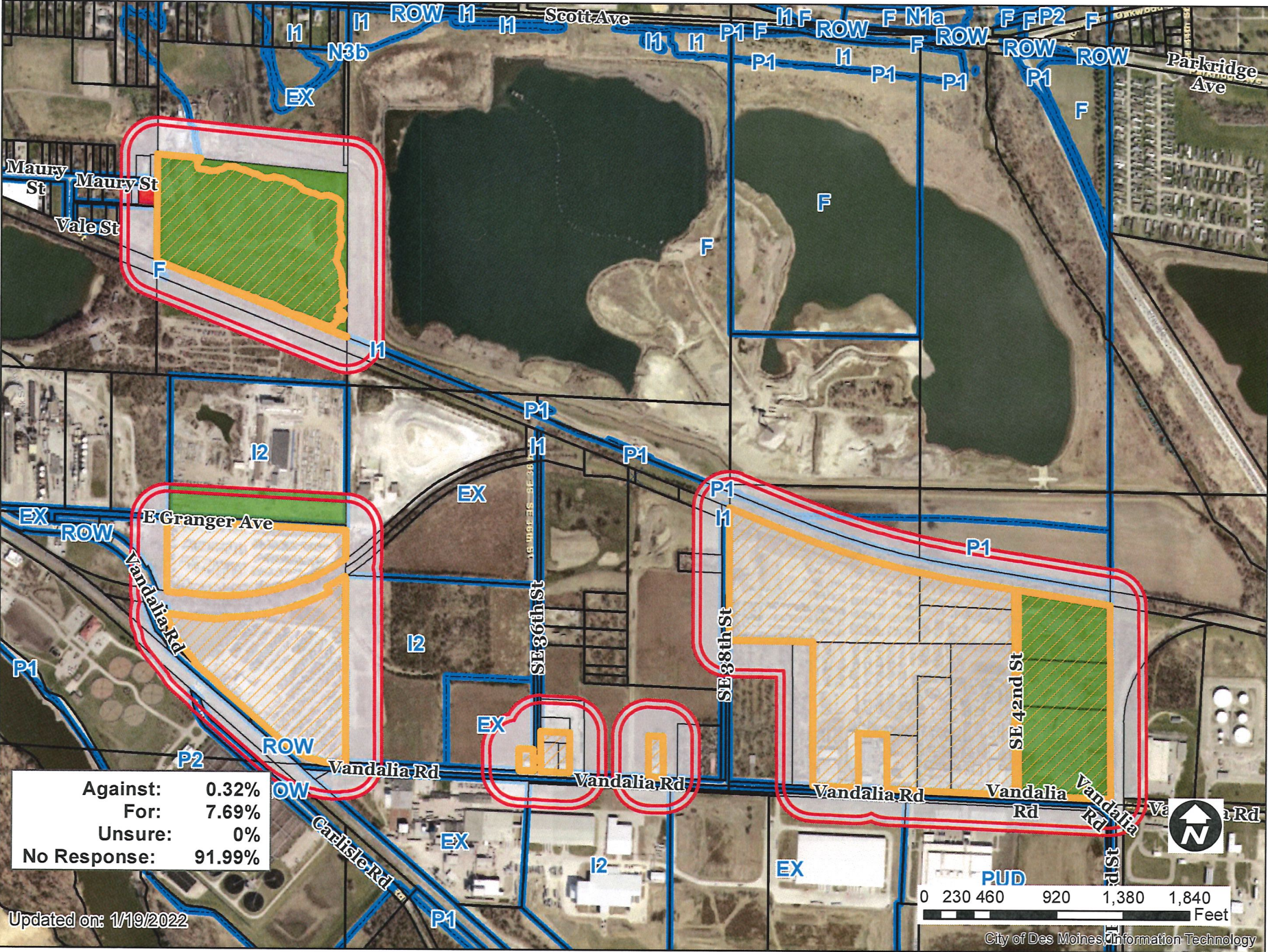


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Item: ZONG-2021-000044

Date: 12/9/21

Please mark one of the following

☐

I am in favor of the request

☒

I am not in favor of the request

Signature: Mrs. Davis

Name: Barbara

Address: 3139 Maury

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

DEC 14 2021

Reason for opposing or approving this request may be listed below:

Traffic - Gas Fumes - Dust - The City does not maintain our road
A little dirt & rock washes away after a few rainfalls. No one
wants to live surrounded by businesses. Traffic is resulting
in near misses of accidents daily. It decreases the value of
your home, harder to sell. If you want to rezone this
block - Then perhaps the City should just buy these houses
We have needed new cable & internet lines - still not
replaced after decades. We are a lost block

Item: ZONG-2021-000044

Date: _____

Please mark one of the following



I am in favor of the request



I am not in favor of the request

Signature: _____

Name: _____

Address: _____

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

DEC 14 2021

Reason for opposing or approving this request may be listed below:

Property was originally Heavy
Industrial, Zoned when purchased &
changed w/o being informed.

Item: ZONG-2021-000044

Date: 12-10-21

Please mark one of the following



I am in favor of the request



I am not in favor of the request

Signature: _____

Name: _____

Address: _____

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

DEC 14 2021

Reason for opposing or approving this request may be listed below:

