

**CITY COUNCIL  
COMMUNICATION:**

**03-516**

**AGENDA:**

OCTOBER 20, 2003

**SUBJECT:**

SET DATE OF  
HEARING FOR  
VARIOUS ACTIONS  
REGARDING  
DES MOINES  
RIVERFRONT  
MASTER PLAN,  
DOWNTOWN  
RIVERFRONT ZONING  
TEXT AND COMP  
PLAN AMENDMENTS  
AND REZONING OF  
PROPERTY

**TYPE:**

**RESOLUTION**  
ORDINANCE  
RECEIVE/FILE

**SUBMITTED BY:**

LARRY HULSE  
COMMUNITY  
DEVELOPMENT  
DIRECTOR

**ITEM \_\_\_\_\_**

**OFFICE OF THE CITY MANAGER  
CITY OF DES MOINES, IOWA**

**SYNOPSIS —**

On August 25, 2003, the City Council was asked to take several actions that would allow the Principal Riverwalk project to move forward with the next phase of design development. One of these actions was the referral to the boards and commissions for consideration and recommendation to City Council the inclusion of "Rediscovering the River: Des Moines Riverfront Master Plan" as a reference to the City's comprehensive plan, and proposed amendments to the City's comprehensive plan and zoning ordinance in support of the master plan, and authorizing the City Manager to continue working with The Principal to develop a Riverfront Authority.

**FISCAL IMPACT —**

Phase I Principal Riverwalk is estimated at \$26.4 million.

**RECOMMENDATION —**

1. **Set date of hearing for the following:**
  - a. **Inclusion of the proposed Des Moines Riverfront Master Plan and its text: "Rediscovering the Rivers: The Des Moines Riverfront Master Plan" as a reference in the Des Moines 2020 Community Character Plan. As a reference document, the Riverfront Master Plan would not be a formal part of the City's Community Character Plan but would be kept on file and provide a contextual basis for reviewing plans and improvements for the riverfront. (See text and plan attached to the roll call.)**
  - b. **Text amendment creating a new Downtown Riverfront District Zoning Code. (See text and map attached to the roll call.)**
  - c. **Adoption of amendments to the Des Moines 2020 Community Character Plan for the downtown area to create consistency with anticipated land uses as put forth in the Des Moines Riverfront Master Plan.**
  - d. **Rezoning of property to Downtown Riverfront District (see map attached to the roll call).**

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**2. Direct staff and the Plan and Zoning Commission to return to the City Council after 90 days within which they further consider the amendments made to items a, b, c, and d by the Plan and Zoning Commission.**

**The City Manager is also working with The Principal on the development of a Riverfront Authority, and plans to return to City Council with a specific recommendation.**

**BACKGROUND —**

The Park and Recreation Board at their meeting of October 14, 2003, recommended approval of:

1a. The proposed inclusion of the plan as a reference to the City's comprehensive plan;

1c. The proposed comprehensive plan amendments; and

They also recommended the City Manager continue to work with The Principal on the development of a Riverfront Authority.

The Plan and Zoning Commission at their meeting of October 2, 2003, approved the following four recommendations with additional concerns as reflected in their different motions:

1a. The proposed inclusion of the plan as a reference to the City's comprehensive plan;

1b. The proposed zoning code text amendment creating the new Downtown Riverfront Zoning District;

1c. The proposed comprehensive plan amendments; and

1d. The proposed rezoning of property to the Downtown Riverfront District.

Letters from each board or commission are included in the Council agenda. We appreciate the input of the boards and commissions.

In general, the Plan and Zoning Commission recommended the actions necessary to rezone the riverfront with a few exceptions that will be studied within the next 90 days for recommendation to the City Council.

The following provides a summary of the Plan and Zoning Commission's amendments to the four proposed actions, and City staff's position and general background information. Staff recommends that the Plan and Zoning Commission finalize their planning recommendations within the 90-day period set to do so.

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**1a. Inclusion of the proposed Des Moines Riverfront Master Plan and its text: "Rediscovering the Rivers: The Des Moines Riverfront Master Plan" as a reference in the Des Moines 2020 Community Character Plan. (See text and plan attached to the roll call.)**

The Plan and Zoning Commission asked to extend the existing study boundaries of the Master Plan area to include an additional block west of the river and to Birdland Marina, including a reference to the relationship of Birdland Marina and the additional blocks to the Riverfront Master Plan (returning in 90 days with a recommendation).

The Plan and Zoning Commission also asked staff to review the proposed housing and specialty commercial land uses for the northeast redevelopment area referred to in the plan as the "Green Village," (page 19 Executive Summary) asking: Should they be retained in the plan, or are office uses more suitable for the area (returning in 90 days with a recommendation).

The Plan and Zoning Commission also requested that text be added to page 21 of the Executive Summary to further articulate the City's position regarding the issue of operations and maintenance as spelled out in previous Council communications, and to ensure that the Martin Luther King, Jr. (MLK) bridge and parkway were graphically illustrated as part of the plan.

Staff Position: Staff agrees with the Plan and Zoning Commission's recommended review and further consideration of these issues for 90 days, and to then forward a recommendation to the City Council. This 90-day review includes considering expanding the boundaries to the west and north, including a narrative on the relationship of the Master Plan to Birdland Marina, an improved graphic depiction of the MLK Parkway, adding text on operations and maintenance to the Executive Summary, and considering the appropriate land uses for the "Green Village." Staff believes that the "Green Village" concept recommending housing and specialty commercial reflects the *long-term* vision for the riverfront and so should remain as a plan concept.

**1b. Adoption of a zoning code text amendment creating a new Downtown Riverfront Zoning District with amendments.**

The Plan and Zoning Commission recommended that the proposed *Street Frontage and Setback* standards under Section 134-1040 in the Downtown Riverfront District Regulations (see page 3 attached to the roll call) become guidelines rather than standards under the Bulk Requirements.

Staff Position: Staff feels that this amendment will not negatively

impact the quality of development that is realized on the riverfront. Staff intends to continue to refine the guidelines and standards as the Riverfront project continues to evolve.

**1c. Adoption of amendments to the Des Moines 2020 Community Character Plan for the downtown area. (See *Areas of Proposed Land Use Change* map attached to the roll call.)**

The Plan and Zoning Commission acted to defer Area 5 (the northeast, "Green Village" area) from its proposed land use reclassification from "traditional industrial" to "support commercial" for 90 days until staff returns with a recommendation for it (on what its particular land use classification should become) and to exclude a section of Area 6 from the proposed land use reclassification of "support commercial." This would leave Area 5 with an interim designation of "Traditional Industrial" and the excluded portion of Area 6 in its current "Traditional Industrial" land use classification. The Plan and Zoning Commission is concerned that the new proposed Riverfront District zoning will cause the existing warehousing in these areas to become legal non-conforming uses rather than permitted uses.

Staff Position: Staff does not see that warehousing is consistent with the vision for the riverfront as described in the Des Moines Riverfront Master Plan. However, staff recognizes the Plan and Zoning Commission concerns and would like the opportunity to work with the Plan and Zoning Commission to evaluate alternative solutions. Therefore, staff concurs with the 90-day review to further refine these issues which will address the two areas not included in the Plan amendments at this time.

**1d. Rezoning of property to Downtown Riverfront District (see text and map attached to the roll call).**

The Plan and Zoning Commission recommended three modifications to the proposed zoning district boundaries (see dashed line areas in *Proposed boundary of Downtown Riverfront District* map) with their concern about the effect of the rezoning on some existing businesses such as the Aluminum Distributors in the northeast area, Baker Electric, south of the Raccoon River, and a tire repair shop in the southeast area. These businesses expressed their objection to becoming legal non-conforming uses as a result of the rezoning.

Staff Position: The heart of the Plan and Zoning Commission's recommended 90-day review period is the issue of businesses becoming legal non-conforming uses as a result of the proposed rezoning. Staff recognizes the concerns of the Plan and Zoning Commission and of the property owners and intends to work with the Plan and Zoning Commission during the next 90 days to evaluate alternative solutions.

