

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	December 6, 2010
	Agenda Item No.	EX1
	Roll Call No.	<u>10-2030</u>
	Communication No.	<u>10-739</u>
	Submitted by:	Phil Delafield Community Development Director

AGENDA HEADING:

Resolution establishing a temporary moratorium on development within the Two Rivers District that does not conform with the planned zoning for the district.

SYNOPSIS:

The 2 Rivers District consists of the area generally bounded by the Raccoon River and Des Moines Rivers to the north, SE 1st Street to the east, Indianola Avenue and Indianola Road to the south, and SW 7th Street to the west. The map attached to the roll call as Exhibit "B" identifies the portions of the 2 Rivers District which have zoning designations that are inconsistent with and incompatible with the implementation of the 2 Rivers District Plan. The Community Development Department and Plan and Zoning Commission are hereby directed to diligently proceed with consideration of the amendments to the Des Moines 2020 Community Character Plan to incorporate the 2 Rivers Plan, and with the rezoning necessary to implement the zoning designation changes identified in Exhibit "B". This moratorium shall take effect immediately upon the adoption of this resolution and shall expire on April 12, 2011 (after a term of 127 days), unless terminated or extended by further action of the City Council. Staff recommends approval of the resolution.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

The extension of Indianola Avenue along the south side of the 2 Rivers District from the SE 1st Street intersection across the Raccoon River to SW 3rd Street substantially altered traffic patterns in the area and opened up underutilized sites within the District for redevelopment. The 2 Rivers District is suitable for redevelopment given its proximity to the Downtown, Martin Luther King Jr. Parkway, Meredith Trail, Principal Riverwalk, and other redevelopment activities that are taking place to the north.

On January 5, 2009, the City Council received and filed the recommendations of the Park and Recreation Board, Urban Design Review Board, and Plan and Zoning Commission, and directed the Community Development Director to initiate appropriate amendments to the land use plan and rezoning (amendments to the zoning designations) to support and reflect the intent of the 2 Rivers District Plan attached to the roll call as Exhibit "A".

Implementation of the amendments to the land use plan and rezoning was temporarily delayed by other intervening concerns and activities. Development has now been proposed within the 2 Rivers District that is incompatible with, and may frustrate the implementation of the 2 Rivers District Plan.

Therefore, a temporary moratorium on the approval of site plans and permits for the construction or

development of new uses and structures within the 2 Rivers District that are incompatible with the 2 Rivers District Plan is necessary and appropriate to prevent new development from occurring within the 2 Rivers District that is incompatible with the existing and planned uses of land within the District.

Any party may by written application to the City Clerk request relief from the effect of this moratorium where necessary to avoid unnecessary hardship. The application shall identify the basis for the applicant's contention that the moratorium is causing unnecessary hardship. The application shall be presented for consideration by the City Council at the first regularly scheduled Council meeting more than ten days following the date such application is filed with the City Clerk. If the City Council determines that the application of this moratorium is causing the applicant unnecessary hardship, the City Council shall allow such relief from this moratorium as is necessary to remedy such unnecessary hardship.

PREVIOUS COUNCIL ACTION(S):

Date: January 5, 2009

Roll Call Number: 09-029

Action: Receipt of recommendations from various City Boards and Commissions, regarding the 2 Rivers District Plan, generally bounded by the Raccoon River and Des Moines River to the north, SE 1st to the east, Indianola Avenue and Indianola Road to the south, and SW 7th Street to the west. (Council Communication No. 09-007) Moved by Meyer to receive and file recommendations and direct the Community Development Director to initiate appropriate land use amendments and zoning designations to support and reflect the intent of the 2 Rivers District Plan. Motion Carried 7-0.

Date: April 21, 2008

Roll Call Number: 08-674

Action: Regarding the proposed land use and redevelopment plan entitled "2 River District Plan", prepared by Brian Clark and Associates for the area generally bound by the Raccoon River and Des Moines River to the north, SE 1st Street to the east, Indianola Avenue and Indianola Road to the south and SW 7th Street to the west. (Council Communication No. 08-225) Moved by Meyer to receive and file, and to refer the 2 Rivers District Plan to the Plan and Zoning Commission and the Park and Recreation Board for recommendations on implementation of the plan. Motion Carried 7-0.

Date: December 5, 2005

Roll Call Number: 05-2877

Action: Agreement for Professional Services with Brian Clark and Associates for Indianola Avenue Connector Area Study, \$30,000. (Council Communication No. 05-691) Moved by Hensley to adopt. Motion Carried 6-1.

BOARD/COMMISSION ACTION(S):

Board: Plan and Zoning Commission

Date: December 4, 2008

Resolution Number: N/A.

Action: The Plan and Zoning Commission expressed their support for the concepts identified in the plan and approved a motion recommending that the Des Moines 2020 Community Character Land Use Plan and the zoning in the area be altered to reflect the vision of the 2 Rivers District Plan.

Board: Urban Design Review Board

Date: November 18, 2008

Resolution Number: N/A.

Action: Urban Design Review Board approved a motion in support of the Plan.

Board: Park and Recreation Board

Date: August 26, 2008

Resolution Number: N/A.

Action: Park and Recreation Board approved a motion in support of the Plan.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Public hearing and considerations of an ordinance necessary to implement the zoning designation changes identified in Exhibit "B".

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