

Date April 20, 2020

**RESOLUTION HOLDING HEARING ON CITY INITIATED REQUEST TO REZONE  
PROPERTY LOCATED AT 1420 MULBERRY STREET**

**WHEREAS**, on March 23, 2020, by Roll Call No. \_\_\_\_\_, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on March 5, 2020, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a City-initiated request to rezone property owned by Central Iowa Shelter and Services (owner) at 1420 Mulberry Street (“Property”) from “P2” Public, Civic, and Institutional District to “DX2” Downtown District, to allow the expansion of the existing temporary shelter use for additional multiple housing living units and area for service provision; and

**WHEREAS**, on March 23, 2020, by Roll Call No. 20-0585, it was duly resolved by the City Council that request to rezone the Property, be set down for hearing on April 20, 2020 at 5:00 P.M., in the Second (2<sup>nd</sup>) Floor MSC Board Room, Richard A. Clark Municipal Services Center, 1551 East M.L. King, Jr. Parkway, Des Moines, Iowa; 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 Zoning Ordinance; and

**WHEREAS**, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property locally known as 1420 Mulberry Street, legally described as follows:

A PARCEL OF LAND SITUATED IN PART OF LOT 5 OF THE ORIGINAL PLAT OF THE NORTHEAST ¼ OF SECTION 8, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> PRINCIPAL MERIDIAN AND PART OF LOTS 2 AND 13 OF THE ORIGINAL PLAT OF THE NORTHWEST ¼ OF SECTION 9, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> PRINCIPAL MERIDIAN, AND PART OF LOT 5 OF KEENE & POINDEXTER’S ORIGINAL PLAT, AND PART OF VACATED LOTS 5, 6 AND 7 OF BLOCK 33 OF KEENE & POINDEXTER’S ADDITION, AND PART OF THE VACATED ALLEY LYING BETWEEN LOTS 5, 6 AND 7 OF BLOCK 33 OF KEENE & POINDEXTER’S ADDITION, AND PART OF VACATED CHERRY STREET LYING SOUTH OF LOTS 6 AND 7 OF BLOCK 33 OF KEENE AND POINDEXTER’S ADDITION, AND PART OF VACATED LOTS 5 AND 6 OF BLOCK 32 OF KEENE & POINDEXTER’S ADDITION, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, COUNTY OF POLK, STATED OF IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1 OF BLOCK 33 OF KEENE & POINDEXTER’S ADDITION; THENCE SOUTH 74°10’15” WEST, ASSUMED BEARING FOR THE PURPOSE OF THE DESCRIPTION, ON THE NORTHWESTERLY LINE OF SAID LOT 1 AND THE SOUTHWESTERLY PROLONGATION OF SAID NORTHWESTERLY LINE (ALSO BEING THE PRESENT SOUTHEASTERLY RIGHT-OF-WAY LINE OF MULBERRY STREET), 300.00 FEET TO THE POINT OF BEGINNING;



**Roll Call Number**

**Agenda Item Number**

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**Date** April 20, 2020

THENCE SOUTH 15°13'48" EAST, 347.00 FEET; THENCE SOUTH 74°10'15" WEST, 105.00 FEET; THENCE NORTH 76°23'32" WEST, 336.47 FEET; THENCE NORTH 15°13'48" WEST, 181.50 FEET TO THE SOUTHWESTERLY PROLONGATION OF SAID NORTHWESTERLY LINE OF SAID LOT 1 (ALSO BEING THE PRESENT SOUTHEASTERLY RIGHT-OF-WAY LINE OF MULBERRY STREET); THENCE NORTH 74°10'15" EAST ON THE SOUTHWESTERLY PROLONGATION OF SAID NORTHWESTERLY LINE OF SAID LOT 1 (ALSO BEING THE PRESENT SOUTHEASTERLY RIGHT-OF-WAY LINE OF MULBERRY STREET), 400.00 FEET TO THE POINT OF BEGINNING.

**WHEREAS**, in accordance with said notice, those interested in said proposed amendment to the 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

**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 from "P2" Public, Civic, and Institutional District, to "DX2" Downtown District, are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, to "DX2" Downtown 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 the Property as set forth herein.

MOVED BY \_\_\_\_\_ TO ADOPT.

FORM APPROVED:

Judy K. Parks-Kruse  
Judy K. Parks-Kruse, Assistant City Attorney

(ZON2020-00022)

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

**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.

MOTION CARRIED APPROVED

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



Date April 20, 2020  
 Agenda Item 43  
 Roll Call # \_\_\_\_\_

March 17, 2020

Honorable Mayor and City Council  
 City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their March 5, 2020 meeting, the following action was taken regarding a City initiated request to rezone property located at 1420 Mulberry Street from "P2" Public, Civic, and Institutional District to "DX2" Downtown District, to allow for expansion of the existing temporary shelter use for additional multiple household living units and area for service provision.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 11-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
Abby Chungath	X			
Jacqueline Easley				X
Jann Freed	X			
John "Jack" Hilmes	X			
Lisa Howard	X			
Carolyn Jenison	X			
Greg Jones	X			
William Page	X			
Rocky Sposato	X			
Steve Wallace				X
Greg Wattier				X
Emily Webb	X			

**APPROVAL** of Part A) the proposed rezoning to "DX2" District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of "Downtown Mixed Use" and Part B) the subject property be rezoned from "P2" Public District to "DX2" Downtown District.

(ZON2020-00022)

## Written Responses

1 in Favor

0 in Opposition

## **STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Part A) Staff recommends that the proposed rezoning to "DX2" District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of "Downtown Mixed Use".

Part B) Staff recommends the subject property be rezoned from "P2" Public District to "DX2" Downtown District.

## **STAFF REPORT TO THE PLANNING COMMISSION**

### **I. GENERAL INFORMATION**

- 1. Purpose of Request:** The applicant intends to construct additional multiple household living units on the subject property.
- 2. Size of Site:** 2.63 acres (114,563 square feet).
- 3. Existing Zoning (site):** "P2" Public District.
- 4. Existing Land Use (site):** The site contains a three-story temporary shelter and service building with 44,490 square feet of gross floor area.
- 5. Adjacent Land Use and Zoning:**
  - North** – "DX2"; Uses are Des Moines Area Religious Council and parking.
  - South** – "DX2"; Uses are open space and West Martin Luther King, Jr. Parkway right-of-way.
  - East** – "P2"; Use is Des Moines Fire station.
  - West** – "DX2"; Use is open space.
- 6. General Neighborhood/Area Land Uses:** The subject property is located on the Mulberry Street in the western area of the Downtown Des Moines which contains a mix of retail, office, commercial, institutional, and multiple-household residential uses.
- 7. Applicable Recognized Neighborhood(s):** The subject property is located in the Downtown Des Moines Neighborhood. The neighborhood association was notified of the public hearing by mailing of the Preliminary Agenda on February 14, 2020 and by mailing of the Final Agenda on February 28, 2020. Additionally, separate notifications of the hearing for this specific item were mailed on February 14, 2020 (20 days prior to public hearing) and February 24, 2020 (10 days prior to initial public hearing) to the Neighborhood Associations and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division on the date of the mailing. The Downtown Des Moines Neighborhood Association notices were mailed to Peter Erickson, 214 Watson Powell Jr. Way, Des Moines, IA 50309.

**8. Relevant Zoning History:** N/A.

**9. PlanDSM Land Use Plan Designation:** Downtown Mixed Use.

**10. Applicable Regulations:** Taking into the consideration of 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:** The subject property is designated as “Downtown Mixed Use” on the Future Land Use Map. PlanDSM describes these designations as follows:

*Downtown Mixed Use: Allows mixed-use, high density residential uses, and compact combinations of pedestrian-oriented retail, office, residential, and parking in downtown. Should include active uses (e.g. retail) on ground floor, particularly at key intersections.*

**2. Zoning Ordinance:** The request is proposing to rezone the property from “P2” District to the “DX2” District. The Zoning Ordinance states that:

*DX2: Intended for mid-level intensity of activity in downtown, where storefronts, offices, and residences are mixed.*

Building types allowed in “DX2” include Downtown Storefront, Downtown General, Civic Building and Principal Use Parking Structure.

The area around the subject property is generally zoned “DX2”. Staff believes that the proposed use is appropriate for the character of the area.

**3. Planning and Design Ordinance:** Any change in use of the property requires a site plan and for the property to be brought into conformance with all applicable standards of the Planning and Design Ordinance.

## **SUMMARY OF DISCUSSION**

Jann Freed asked if any member of the audience or the Commission desired to speak regarding the item. None were present or requested to speak.

**COMMISSION ACTION:**

John "Jack" Hilmes made a motion for approval of Part A) the proposed rezoning to "DX2" District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of "Downtown Mixed Use" and Part B) the subject property be rezoned from "P2" Public District to "DX2" Downtown District.

Motion passed: 11-0

Respectfully submitted,



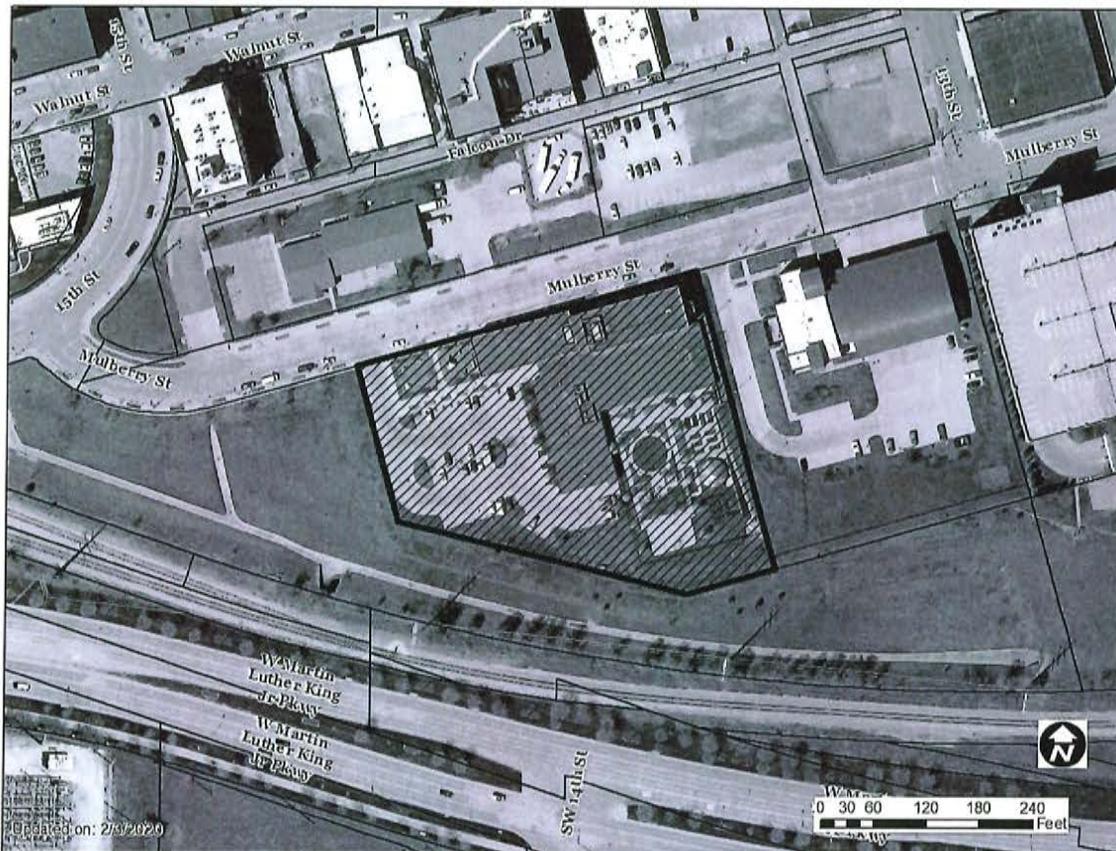
Michael Ludwig, AICP  
Planning Administrator

MGL:tjh

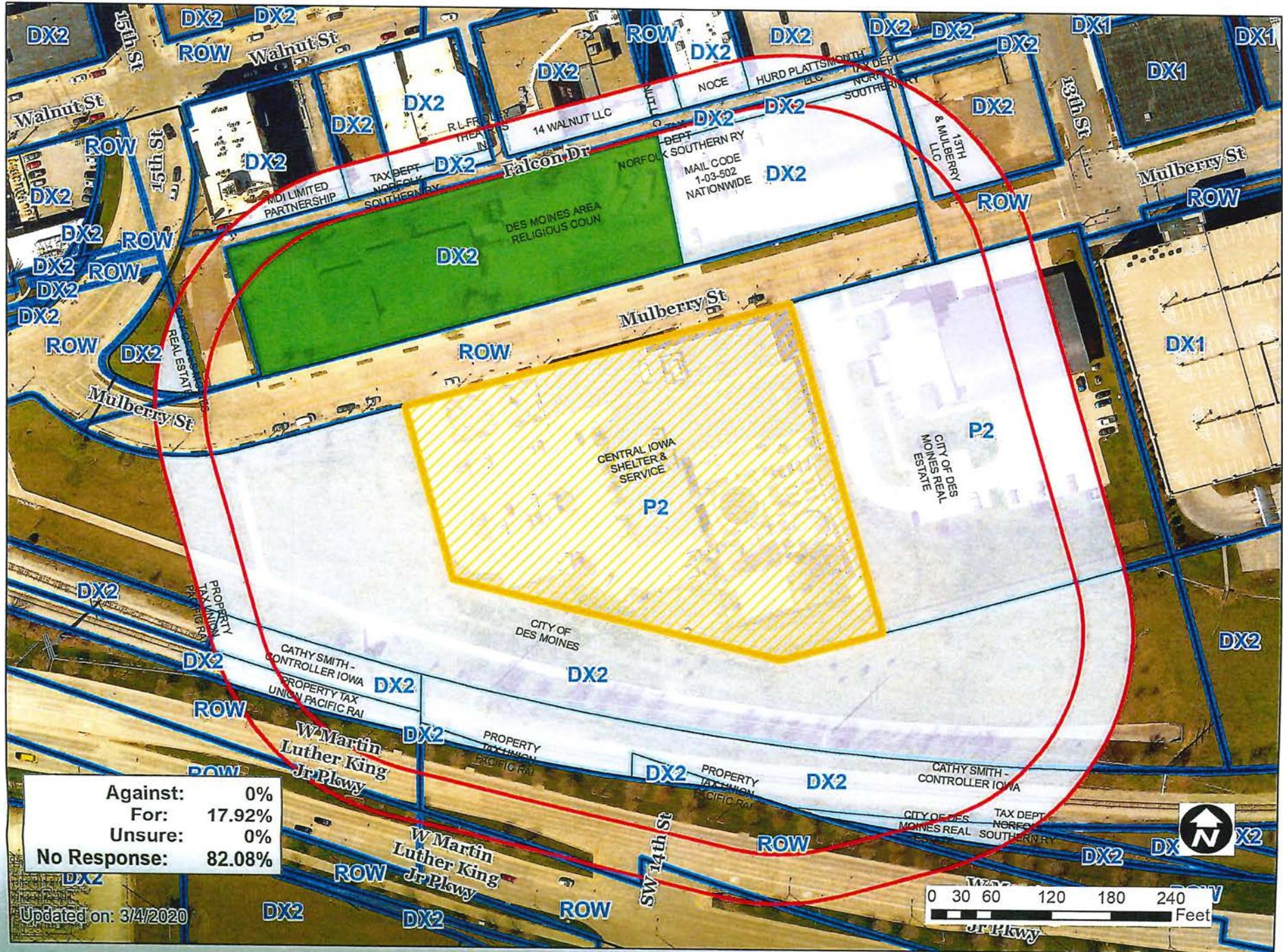
City initiated request for property located at 1420 Mulberry Street. The subject property is owned by Central Iowa Shelter and Services.				File #	
				ZON2020-00022	
Description of Action	Rezone property from "P2" Public, Civic, and Institutional District to "DX2" Downtown District, to allow for expansion of the existing temporary shelter use for additional multiple household living units and area for service provision.				
PlanDSM Future Land Use	Current: Downtown Mixed Use. Proposed: N/A.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"P2" Public, Civic, and Institutional District.				
Proposed Zoning District	"DX2" Downtown District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Outside Area (200 feet)	1	0			
Within Subject Property					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

City initiated, 1420 Mulberry Street

ZON2020-00022



1 inch = 128 feet



1 inch = 128 feet

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Item: ZON2020-00022 Date: 2/27/2020

I (am) (am not) in favor of the request:

(Circle One)

Print Name: Matt Unger

RECEIVED  
COMMUNITY DEVELOPMENT

Signature: Matt Unger

MAR 03 2020

Address: 1435 Mulberry St.

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_