



**Roll Call Number**

**Agenda Item Number**

55 B (a)

Date December 21, 2020

An Ordinance entitled, "AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-1.10 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located west of Southeast 2<sup>nd</sup> Street in the area of the Historical East Village of east downtown Des Moines known as the Market District from DX2 Downtown District to Limited DXR Downtown District classification",

presented.

Moved by \_\_\_\_\_ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)

/s/ Glenna K. Frank  
Glenna K. Frank  
Assistant City Attorney

(ZON2020-0085)  
(West of SE 2<sup>nd</sup> St.)

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

MOTION CARRIED APPROVED

**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.

\_\_\_\_\_  
Mayor

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

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Prepared by: Glenna K. Frank, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, IA 50309  
Phone: 515/283-4530  
Return Address: City Clerk - City Hall, 400 Robert D. Ray Drive, Des Moines, IA 50309  
Title of Document: City of Des Moines, Ordinance No. \_\_\_\_\_  
Grantor/Grantee: City of Des Moines, Iowa  
Legal Description: See page 1, 2-3 below.

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-1.10 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located west of Southeast 2<sup>nd</sup> Street in the area of the Historical East Village of east downtown Des Moines known as the Market District from DX2 Downtown District to Limited DXR Downtown District classification.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-1.10 of the Municipal Code of the City of Des Moines, Iowa, 2000, be and the same is hereby amended by rezoning and changing the district classification of certain property located west of Southeast 2<sup>nd</sup> Street in the area of the Historical East Village of east downtown Des Moines known as the Market District from DX2 Downtown District to Limited DXR Downtown District classification:

BLOCKS B AND C AND A PART OF BLOCK A, AND PART OF VACATED STREET RIGHT OF WAYS ADJOINING SAID BLOCKS, ALL IN SCOTT AND DEAN'S ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN

AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF VACATED SOUTHEAST 2<sup>ND</sup> STREET AND THE NORTH RIGHT OF WAY LINE OF EAST MARTIN LUTHER KING JR PARKWAY; THENCE WEST ALONG SAID NORTH RIGHT OF WAY LINE OF EAST MARTIN LUTHER KING JR PARKWAY TO THE EAST RIGHT OF WAY LINE OF VACATED SOUTHEAST 1<sup>ST</sup> STREET; THENCE NORTH ALONG SAID EAST RIGHT OF WAY TO THE SOUTH RIGHT OF WAY OF VACATED EAST ELM STREET; THENCE WEST ALONG SAID SOUTH RIGHT OF WAY LINE TO A LINE THAT IS 35 FEET EAST OF AND PARALLEL WITH THE SOUTHERLY EXTENSION OF THE EAST LINE OF BLOCK S IN SAID SCOTT AND DEAN'S ADDITION; THENCE NORTH ALONG SAID PARALLEL LINE TO THE NORTH RIGHT OF WAY LINE OF EAST ELM STREET; THENCE WEST ALONG SAID NORTH RIGHT OF WAY LINE OF EAST ELM STREET TO A LINE THAT IS 25 FEET EAST OF AND PARALLEL WITH SAID EAST LINE OF SAID BLOCK S; THENCE NORTH ALONG SAID LINE BEING 25 FEET EAST OF AND PARALLEL WITH SAID EAST LINE OF SAID BLOCK S, A DISTANCE OF 25 FEET; THENCE WEST ALONG A LINE THAT IS PARALLEL WITH SAID NORTH RIGHT OF WAY LINE OF EAST ELM STREET TO SAID EAST LINE OF SAID BLOCK S; THENCE NORTH ALONG SAID EAST LINE TO A LINE THAT IS 416 FEET SOUTH OF AND PARALLEL WITH THE SOUTH RIGHT OF WAY LINE OF VACATED EAST VINE STREET; THENCE EAST ALONG SAID LINE THAT IS 416 FEET SOUTH OF AND PARALLEL WITH THE SOUTH RIGHT OF WAY LINE OF VACATED EAST VINE STREET, A DISTANCE OF 25 FEET; THENCE NORTH ALONG A LINE THAT IS PARALLEL WITH THE WEST RIGHT OF WAY LINE OF VACATED SOUTHEAST 1<sup>ST</sup> STREET TO A LINE THAT IS 50 FEET SOUTH OF AND PARALLEL WITH SAID SOUTH RIGHT OF WAY LINE OF VACATED EAST VINE STREET; THENCE EAST ALONG SAID LINE THAT IS 50 FEET SOUTH OF AND PARALLEL WITH SAID SOUTH RIGHT OF WAY LINE OF VACATED EAST VINE STREET TO THE EAST RIGHT OF WAY LINE OF VACATED SOUTHEAST 1<sup>ST</sup> STREET; THENCE SOUTH ALONG SAID EAST RIGHT OF WAY LINE OF VACATED SOUTHEAST 1<sup>ST</sup> STREET TO THE SOUTH LINE OF THE NORTH 60 FEET OF SAID BLOCK C; THENCE EAST ALONG SAID SOUTH LINE TO SAID WEST RIGHT OF WAY LINE OF VACATED 2<sup>ND</sup> STREET; THENCE SOUTH ALONG SAID WEST RIGHT OF WAY LINE OF VACATED 2<sup>ND</sup> STREET TO THE POINT OF BEGINNING.

AND

VIEWSHED CORRIDOR (HEIGHT LIMITATIONS):

A part of Block 1, The Market District, an Official Plat now included in and forming a part of the City of Des Moines, also known as a part of Lots 8-12 and part of

vacated alleys, Block A, Scott and Dean's Addition, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa is described as follows:

Beginning at the southeast corner of said Block 1, said point designated as Point A; thence North 15 degrees 05 minutes 34 seconds West, along the east line of said Block 1, a distance of 195.45 feet to a point designated as Point B; thence South 37 degrees 56 minutes 05 seconds West, 238.53 feet to a point on the south line of said Block 1, said point designated as Point C; thence South 89 degrees 49 minutes 59 seconds East, along said south line, a distance of 197.53 feet to the Point of Beginning.

The above described area is constrained vertically below a flat plane with NAVD88 datum elevations as follows:

Point A - 855.85' (feet)

Point B - 859.11' (feet)

Point C - 851.97' (feet)

Area contains 18,623 square feet.

Section 2. That this ordinance and the zoning granted by the terms hereof are subject to the following imposed additional conditions which have been agreed to and accepted by passage of this ordinance by the City upon its property, and by execution of an Acceptance of Rezoning Ordinance by the proposed successor in interest to the property, and are binding upon the owners and their successors, heirs, and assigns as follows:

- (1) The maximum height of all building(s) constructed or developed on the Property that are located outside the viewshed corridor, which corridor is identified by the viewshed analysis presented to the Plan and Zoning Commission and legally described below, shall be limited to the height shown on the Large-Scale Development Plan unless relief thereto is granted pursuant to Chapter 135 of the Des Moines Municipal Code.

Section 3. The City of Des Moines, as current owner of the Property or portions thereof, hereby agrees to and accepts the above-stated rezoning conditions on the Property.

Section 4. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Section 5. That the City Clerk is hereby authorized and directed to cause certified copies of the Acceptance of Rezoning Ordinance, this ordinance, vicinity map and proof of publication

of this ordinance to be properly filed in the office of the County Recorder of the county in which the subject property is located.

FORM APPROVED:

*/s/ Glenna K. Frank* \_\_\_\_\_  
Glenna K. Frank  
Assistant City Attorney