



Roll Call Number

Agenda Item Number

55 C (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 east of Southeast 2nd Street in the area of the Historical East Village of east downtown Des Moines known as the Market District from DX2 Downtown District and/or P2 Public, Civic and Institutional District to Limited DX1 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)

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

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.

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 east of Southeast 2nd Street in the area of the Historical East Village of east downtown Des Moines known as the Market District from DX2 Downtown District and/or P2 Public, Civic and Institutional District to Limited DX1 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 east of Southeast 2nd Street in the area of the Historical East Village of east downtown Des Moines known as the Market District from DX2 Downtown District and/or P2 Public, Civic and Institutional District to Limited DX1 Downtown District classification:

BLOCKS 5, 6, K, L, AND M, AND A PART OF BLOCKS 7(or Q) AND N, AND PART OF VACATED STREET RIGHT OF WAYS ADJOINING SAID BLOCKS, ALL IN SCOTT AND DEAN'S ADDITION, AN OFFICIAL PLAT,

AND BLOCKS 30 AND 31, AND A PART OF BLOCKS 17 AND 44, AND THE NORTH HALF OF MARKET SQUARE, AND PART OF VACATED STREET RIGHT OF WAYS ADJOINING SAID BLOCKS, ALL IN TOWN OF DE MOINE, 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 2ND STREET AND THE NORTH RIGHT OF WAY LINE OF EAST MARTIN LUTHER KING JR PARKWAY; THENCE NORTH ALONG SAID WEST RIGHT OF WAY TO A LINE ON SAID WEST RIGHT OF WAY LINE THAT IS 26 FEET SOUTH OF AND PARALLEL WITH THE SOUTH RIGHT OF WAY LINE OF VACATED EAST VINE STREET; THENCE EAST ALONG SAID LINE THAT IS 26 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 2ND STREET; THENCE NORTH ALONG SAID EAST RIGHT OF WAY LINE TO SAID SOUTH RIGHT OF WAY LINE OF EAST VINE STREET; THENCE EAST ALONG SAID SOUTH RIGHT OF WAY LINE TO THE EAST RIGHT OF WAY LINE OF SOUTHEAST 3RD STREET; THENCE SOUTH ALONG SAID EAST RIGHT OF WAY LINE OF SOUTHEAST 3RD STREET TO THE SOUTHWEST CORNER OF BLOCK 4 IN SAID TOWN OF DE MOINE; THENCE CONTINUING SOUTH ALONG THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID BLOCK 4, A DISTANCE OF 16 FEET; THENCE EAST ALONG A LINE THAT IS 16 FEET SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID BLOCK 4 TO THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID BLOCK 4; THENCE NORTH ALONG SAID SOUTHERLY EXTENSION OF THE EAST LINE OF SAID BLOCK 4 AND ALONG SAID EAST LINE OF SAID BLOCK 4 TO WESTERLY EXTENSION OF THE NORTH LINE OF LOT 3 IN SAID BLOCK 17; THENCE EAST ALONG SAID WESTERLY EXTENSION AND ALONG SAID NORTH LINE OF SAID LOT 3 AND ALONG THE EASTERLY EXTENSION OF SAID NORTH LINE OF SAID LOT 3 TO THE NORTHWEST CORNER OF LOT 8 IN SAID BLOCK 17; THENCE CONTINUING EAST ALONG THE NORTH LINE OF SAID LOT 8 TO THE WEST LINE OF THE EAST 129 FEET OF LOTS 9 AND 10 IN SAID BLOCK 17; THENCE NORTH ALONG SAID WEST LINE OF THE EAST 129 FEET OF SAID LOTS 9 AND 10 TO SAID SOUTH RIGHT OF WAY LINE OF EAST VINE STREET; THENCE EAST ALONG SAID SOUTH RIGHT OF WAY LINE OF EAST VINE STREET TO THE WEST RIGHT OF WAY LINE OF SOUTHEAST 6TH STREET; THENCE SOUTH ALONG SAID WEST RIGHT OF WAY LINE OF SOUTHEAST 6TH STREET TO THE SOUTH RIGHT OF WAY LINE OF EAST MARKET STREET; THENCE WEST ALONG SAID SOUTH RIGHT OF WAY LINE OF EAST MARKET STREET TO THE EAST RIGHT OF WAY LINE OF SOUTHEAST 5TH STREET; THENCE SOUTH ALONG SAID EAST RIGHT OF WAY LINE OF SOUTHEAST 5TH STREET TO SAID NORTH RIGHT OF WAY LINE OF EAST MARTIN LUTHER KING JR PARKWAY; THENCE WEST

ALONG SAID NORTH RIGHT OF WAY LINE OF MARTIN LUTHER KING JR PARKWAY TO THE POINT OF BEGINNING

AND

VIEWSHED CORRIDOR (HEIGHT LIMITATIONS):

DESCRIPTION J:

A part of Blocks 3, 4, 5, 7, 8, and 10, that part of East Elm Street, East Market Street, East Vine Street, Southeast 2nd Street, SE Third Street, SE 4th Street, and SE 5th Street, all in The Market District, an Official Plat now included in and forming a part of the City of Des Moines, and a part of Lot 8, Block 4, Scott and Dean's Addition, an Official Plat now included in and forming a part of the City of Des Moines, and a part of Lots 1 and 2, Block 17, Town of De Moine, an Official Plat now included in and forming a part of the City of Des Moines, also known as a part of Lots 1-8 and part of vacated alleys, Block 5, Lots 1, 7, and 8 and part of vacated alleys, Block L, Lots 1-3 and 7-10 and part of vacated alleys, Block M, Scott and Dean's Addition, an Official Plat now included in and forming a part of the City of Des Moines, and a part of Lots 1-10 and part of vacated alleys, Block 17, Lots 1 and 2, Block 30, and a part of the North Half of Market Square, Town of De Moine, 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 Block 1, The Market District, said point designated as Point A; thence North 15 degrees 05 minutes 34 seconds West, along the east line of said Block 1, also being the west line of said Block 4, a distance of 195.45 feet to a point designated as Point B; thence North 37 degrees 56 minutes 05 seconds East, 1299.80 feet, said point designated as Point D; thence North 74 degrees 40 minutes 51 seconds East, a distance of 454.68 feet to a point on the west line of SE 6th Street, said point designated as Point E; thence South 15 degrees 03 minutes 59 seconds East on said west line, a distance of 6.22 feet to a point designated as Point F; thence South 41 degrees 07 minutes 29 seconds West, 1771.96 feet to a point on the south line of Lot 2, of said Block 4, said point designated as Point G; thence North 64 degrees 54 minutes 07 seconds West, along said south line, a distance of 15.95 feet to a point designated as Point H; thence North 89 degrees 49 minutes 59 seconds West, along a south line of said Lot 2, a distance of 8.46 feet to the Point of Beginning.

Area contains 346,552 square feet.

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 D - 895.93' (feet)

Point E - 909.27' (feet)

Point F - 909.26' (feet)

Point G - 856.15' (feet)

Point H - 856.01' (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