



Date February 22, 2021

RESOLUTION HOLDING HEARING ON REQUEST FROM THE CITY OF DES MOINES (OWNER) TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED AT 1501 HARRIET STREET

WHEREAS, on February 8, 2021, by Roll Call No. 21-0190, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on January 21, 2021, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from the City of Des Moines (Owner), represented by Pamela Cooksey (Assistant City Manager), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 1501 Harriet Street (“Property”) from Industrial to Park and Open Space to allow rezoning to ‘P2’ Public, Civic, and Institutional District, to allow the property to be developed with public recreation area use and to rezone the Property from ‘I1’ Industrial District to ‘P2’ Public, Civic, and Institutional District for the above-stated purpose; and

WHEREAS, on February 8, 2021, by Roll Call No. 21-0190, it was duly resolved by the City Council that the request to amend PlanDSM and rezone the Property be set down for hearing on February 22, 2021 at 5:00 P.M., by electronic means in accordance with the Governor’s and Mayor’s Proclamations and to encourage and maintain social distancing to curb the spread of COVID19 in the community, without public access to the meeting location; 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 rezoning; and

WHEREAS, in accordance with said notice, those interested in said proposed 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

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 1501 Harriet Street, legally described as:

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER (NW 1/4) OF SECTION 11, TOWNSHIP 78, RANGE 24 WEST OF THE 5TH P.M., POLK COUNTY, IOWA, AND IN PART OR ALL OF LOTS 76, 77, 78, 79, 80 AND 81, T.M. WALKER'S ADDITION, NOW IN THE CITY OF DES MOINES, IOWA MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 17.86 FEET WEST OF THE NORTHWEST CORNER OF LOT 77, TM WALKER'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES; THENCE ALONG THE SOUTH LINE OF HARRIET STREET RIGHT OF WAY, SOUTH 89° 43' 27" EAST FOR A DISTANCE OF 158.58 FEET; THENCE ALONG A 145.20 FOOT NON-TANGENTIAL CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 44° 28' 22", HAVING A RADIUS OF 187.06 FEET, AND WHOSE LONG CHORD BEARS SOUTH 30° 36' 25" EAST FOR A DISTANCE OF 141.58 FEET; THENCE SOUTH 08° 25' 27" EAST FOR A DISTANCE OF 221.23 FEET; THENCE ALONG A 117.95 FOOT CURVE TURNING TO THE LEFT THROUGH AN ANGLE OF 80° 06' 10", HAVING A RADIUS OF 84.37 FEET, AND WHOSE LONG CHORD BEARS SOUTH 48° 28' 32" EAST FOR A DISTANCE OF 108.58 FEET TO A POINT OF INTERSECTION WITH A NON-



Roll Call Number

Agenda Item Number

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Date February 22, 2021

TANGENTIAL LINE; THENCE SOUTH 00° 05' 09" WEST FOR A DISTANCE OF 48.33 FEET; THENCE NORTH 89° 54' 51" WEST FOR A DISTANCE OF 291.80 FEET; THENCE NORTH 00° 09' 18" EAST FOR A DISTANCE OF 215.47 FEET; THENCE NORTH 22° 47' 00" WEST FOR A DISTANCE OF 137.06 FEET; THENCE NORTH 00° 00' 00" EAST A DISTANCE OF 119.51 FEET TO THE POINT OF BEGINNING.

TRACT CONTAINS 2.33 ACRES AND IS SUBJECT TO ALL EASEMENTS OF RECORD.

to 'P2' Public, Civic, and Institutional District.

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 amendment to the PlanDSM future land use designation or rezoning of the property to 'P2' Public, Civic, and Institutional District, are hereby overruled, and the hearing is closed.
2. The proposed amendment to the PlanDSM: Creating Our Tomorrow Plan for the Property locally known as 1501 Harriet Street to Park and Open Space is hereby approved.
3. The proposed rezoning of the Property, as legally described above, to 'P2' Public, Civic, and Institutional 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

(21-2020-4.31)

Assistant City Attorney

(ZON2020-00163)

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

MOTION CARRIED

APPROVED

Mayor

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.

City Clerk



Date February 22, 2021

Agenda Item 42

Roll Call # _____

February 2, 2021

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their January 21, 2021 meeting, the following action was taken regarding a request from City of Des Moines (owner) represented by Pamela Cooksey (Assistant City Manager) to rezone property located at 1501 Harriet Street from "I1" Industrial District to "P2" Public, Civic, & Institutional District, to allow the property to be developed with public recreation area use.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 14-0 as follows:

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
Francis Boggus	X			
Dory Briles	X			
Abby Chungath	X			
Kayla Berkson	X			
Jann Freed	X			
Johnny Alcivar	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 "P2" Public, Civic, & Institutional District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Industrial, Part B) **APPROVAL** of amendment to the PlanDSM Creating Our Tomorrow Plan future land use classification from Industrial to Park/Open Space and Part C) **APPROVAL** of rezoning the subject property from "I1" Industrial District

to "P2" Public, Civic, & Institutional District, to allow the property to be developed with public recreation area (ZON2020-00163)

Written Responses

0 in Favor
0 in opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed rezoning to "P2" Public, Civic, & Institutional District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Industrial.

Part B) Staff recommends approval of amendment to the PlanDSM Creating Our Tomorrow Plan future land use classification from Industrial to Park/Open Space.

Part C) Staff recommends approval of rezoning the subject property from "I1" Industrial District to "P2" Public, Civic, & Institutional District, to allow the property to be developed with public recreation area use.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

- 1. Purpose of Request:** The project will include construction of public whitewater facilities along the north side of the Des Moines River and within the Des Moines River as a component of the Central Iowa Water Trails project.

The proposed project incorporates portions of adjoining property that are zoned "F" Flood District. Areas zoned "F" Flood District would allow the proposed project and do not require rezoning; however, a Conditional Use Approval is required and is currently on the agenda for the Wednesday, January 27, 2021 Board of Adjustment meeting.

- 2. Size of Site:** 101,494.8 square feet (2.33 acres).
- 3. Existing Zoning (site):** "I1" Industrial District.
- 4. Existing Land Use (site):** The irregularly-shaped property consists of vacant and undeveloped land.
- 5. Adjacent Land Use and Zoning:**

North – "I1"; Use is undeveloped land.

South – "I1" & "F"; Use is the Des Moines River.

East – "I1"; Use is an undeveloped land.

West – "I1"; Use is vacant land to be developed for Des Moines Animal Control Facility.

6. **General Neighborhood/Area Land Uses:** The subject property is located on the southeast corner of the Harriet Street and Southeast 15th Street intersection. It is located along the north side of the Des Moines River in an area that is largely undeveloped.
7. **Applicable Recognized Neighborhood(s):** The subject property is not located within any recognized Neighborhood but is within 250 feet of the Historic East Village and McKinley/Columbus Park Neighborhoods. The neighborhood associations were notified of the hearing by mailing of the Preliminary Agenda on January 7, 2021 and by mailing of the Final Agenda on January 15, 2021. Additionally, separate notifications of the hearing for this specific item were mailed December 30, 2020 (20 days prior to the hearing) and January 11, 2021 (10 days prior to the hearing) to the Historic East Village Neighborhood Association, the McKinley Columbus Park Neighborhood 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 Historic East Village Neighborhood Association mailings were sent to Taylor Frame, PO Box 93904, Des Moines, IA 50393. The McKinley/Columbus Park Neighborhood Association mailings were sent to Jim Post, 224 Southeast Livingston Avenue, Des Moines, IA 50315.

Due to the COVID-19 pandemic, the applicant was unable to hold a neighborhood meeting. The applicant mailed a letter to surrounding property owners on December 14, 2020. The applicant will provide a summary of any communications with neighboring property owners prior to the public hearing.

8. **Relevant Zoning History:** None.

9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Industrial.

10. **Applicable Regulations:** Taking into consideration 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. **Planning and Design Ordinance:** Any development or outdoor storage area must comply with all applicable Site Plan and Design regulations contained in Chapter 135 Planning and Design Ordinance.

Any construction shall comply with all applicable State and Federal regulations, including but not limited to those of FEMA, Army Corps of Engineers, and/or DNR.

2. **PlanDSM: Creating Our Tomorrow:** The proposed “P2” Public, Civic, & Institutional District is not compatible with the existing Industrial future land use designation. PlanDSM describes this designation as: “Accommodates industrial development and limited supporting commercial uses. Development in this classification could have a large impact on adjoining properties and the environment which would need to be mitigated.”

The proposed “P2” Public, Civic, & Institutional District is compatible with the proposed Park/Open Space future land use designation. PlanDSM describes this designation as: “Land or water areas generally free from development. Primarily used for park and recreation purposes but may also indicate private or public open spaces reserved for natural resource conservation.”

SUMMARY OF DISCUSSION

Jann Freed asked if any member of the public or the commission desired to speak on the item. No one requested to speak.

COMMISSION ACTION:

Dory Briles made a motion for approval of Part A) the proposed rezoning to “P2” Public, Civic, & Institutional District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Industrial, Part B) **APPROVAL** of amendment to the PlanDSM Creating Our Tomorrow Plan future land use classification from Industrial to Park/Open Space and Part C) **APPROVAL** of rezoning the subject property from “I1” Industrial District to “P2” Public, Civic, & Institutional District, to allow the property to be developed with public recreation area use.

Motion passed: 14-0

Respectfully submitted,



Michael Ludwig, AICP
Deputy Director of Development Services

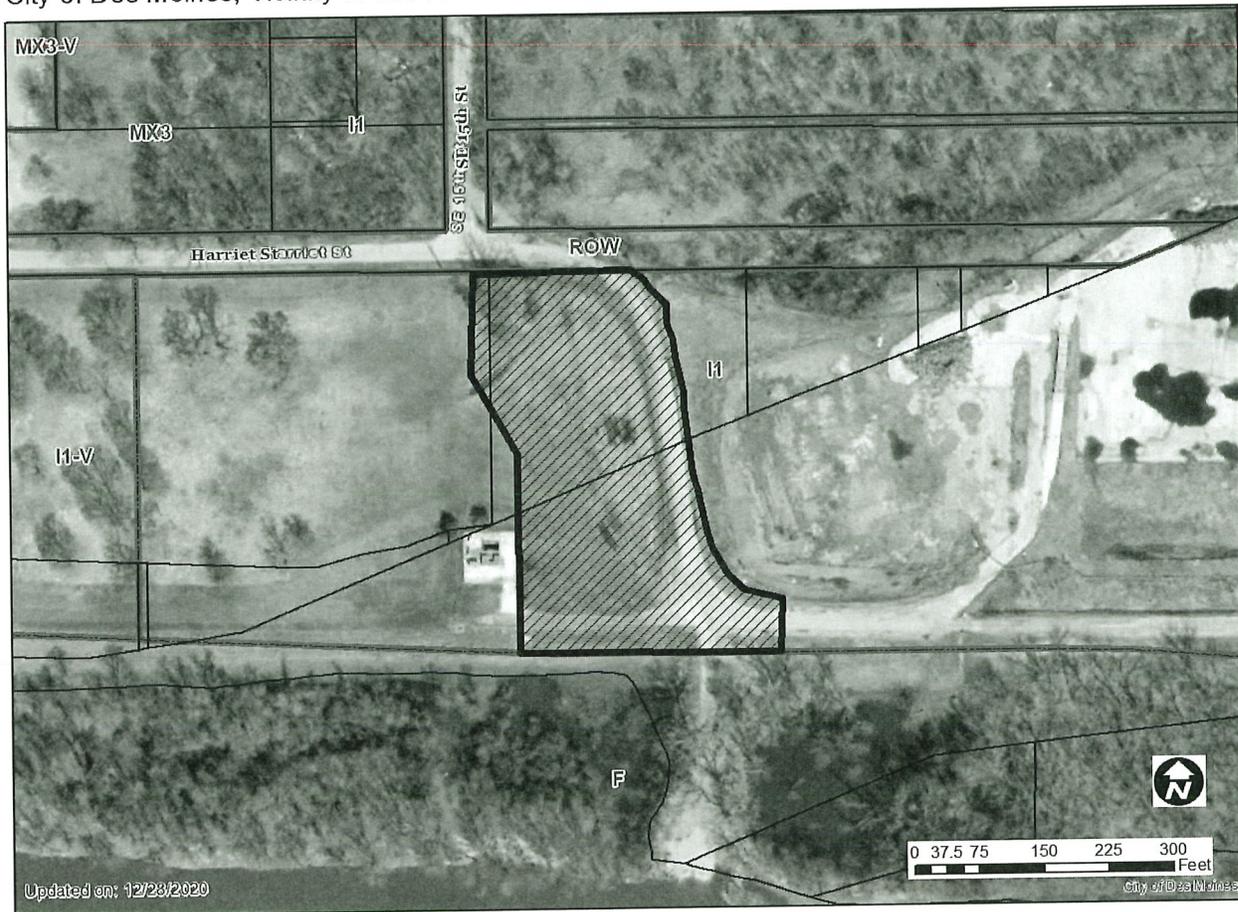
MGL:tjh

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City of Des Moines (owner) represented by Pamela Cooksey (Assistant City Manager) for the property in the vicinity of 1501 Harriet Street.				File #	
				21-2020-4.31	
Description of Action	Amendment to the PlanDSM Creating Our Tomorrow Plan future land use classification from Industrial to Park/Open Space.				
PlanDSM Future Land Use	Current: Industrial. Proposed: Park/Open Space.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"I1" Industrial District.				
Proposed Zoning District	"P2" Public, Civil and Institutional District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Outside Area (200 feet)	0	0			
Within Subject Property					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

City of Des Moines, Vicinity of 1501 Harriet Street

21-2020-4.31



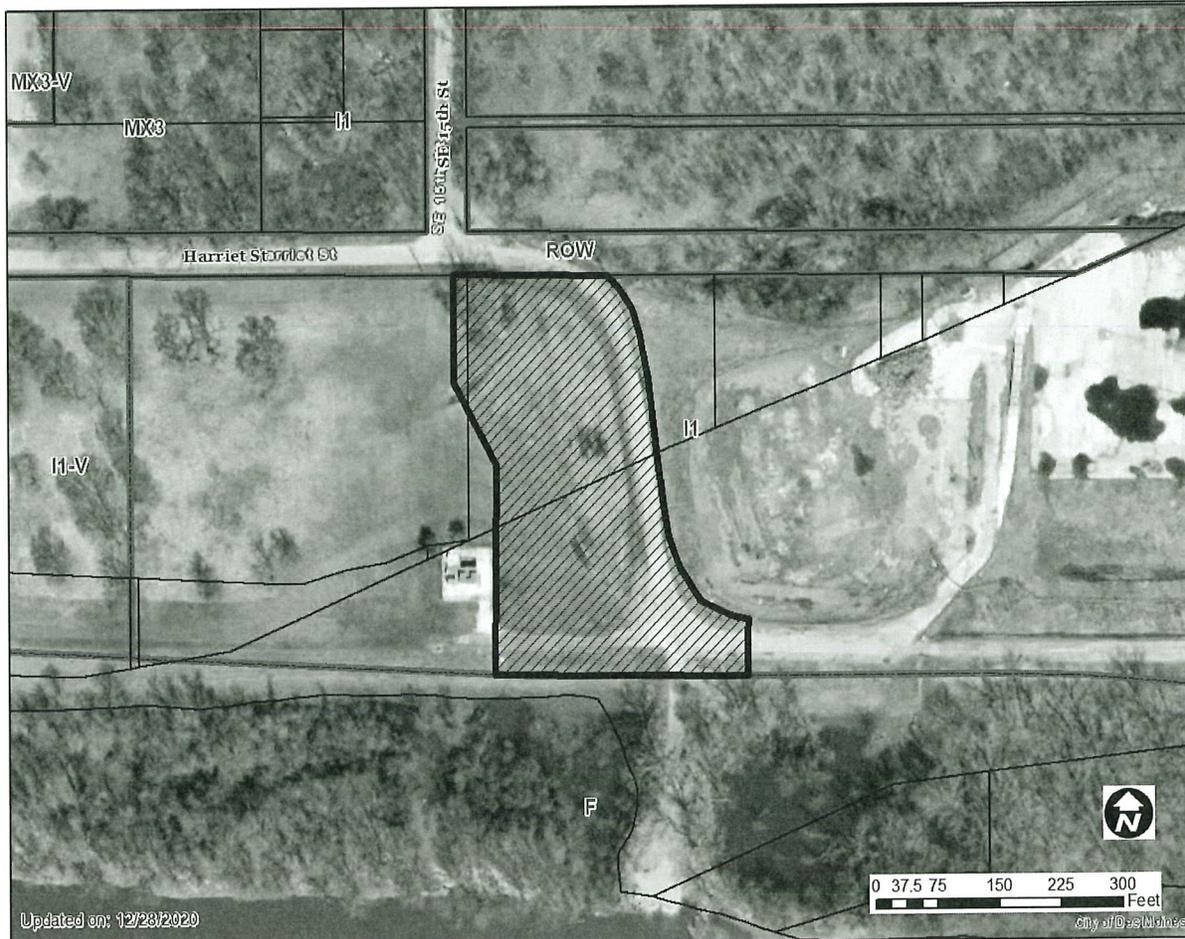
1 inch = 143 feet

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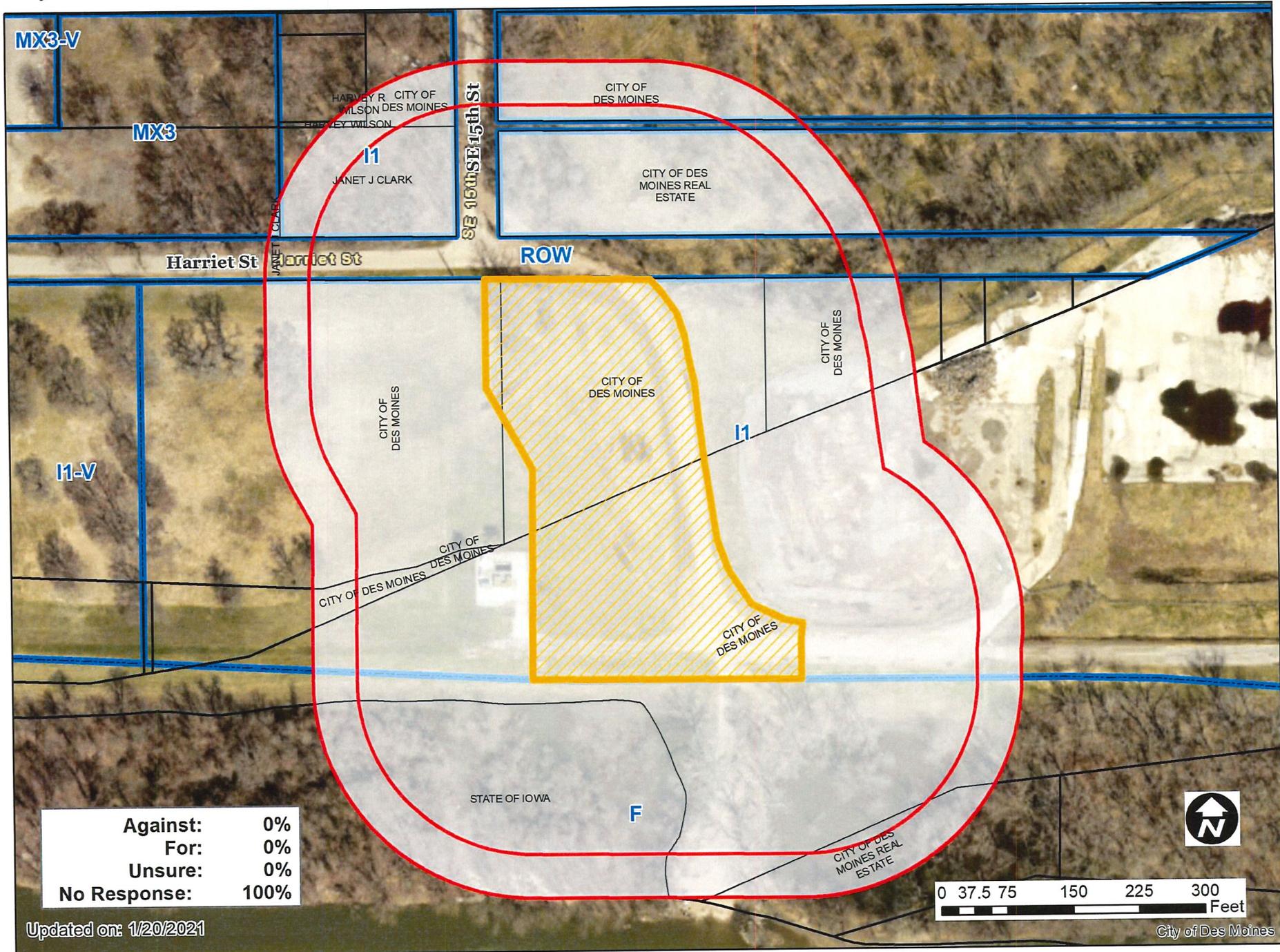
City of Des Moines (owner) represented by Pamela Cooksey (Assistant City Manager) for the property in the vicinity of 1501 Harriet Street.			File #	
			ZON2020-00163	
Description of Action	Rezone property from "I1" Industrial District to "P2" Public, Civic, & Institutional District, to allow the property to be developed with public recreation area use.			
PlanDSM Future Land Use	Current: Industrial. Proposed: Park/Open Space.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"I1" Industrial District.			
Proposed Zoning District	"P2" Public, Civil and Institutional District.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Outside Area (200 feet)	0	0		
Within Subject Property				
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes
	Denial			No

City of Des Moines, Vicinity of 1501 Harriet Street

ZON2020-00163

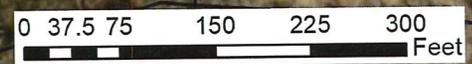


1 inch = 143 feet



Against:	0%
For:	0%
Unsure:	0%
No Response:	100%

Updated on: 1/20/2021



City of Des Moines

1 inch = 144 feet

Handwritten signature or initials.