



Roll Call Number

Agenda Item Number

45

Date January 10, 2022

RESOLUTION HOLDING HEARING ON REQUEST FROM EMPLOYERS MUTUAL CASUALTY COMPANY TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED AT 701 WALNUT STREET

WHEREAS, on December 20, 2021, by Roll Call No. 21- 1913, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on October 21, 2021, its members voted 9-0 in support of a motion to recommend **APPROVAL** of a request from Employers Mutual Casualty Company (owner), represented by Cindy McCauley (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 701 Walnut Street (“Property”) from Downtown Mixed Use to Park/Open Space to allow rezoning to ‘P2’ Public, Civic and Institutional District, to allow development of a Public Recreation Area use; and

WHEREAS, on December 20, 2021, by Roll Call No. 21-1913, the City Council received a communication from the City Plan and Zoning Commission further advising that at a public hearing held on October 21, 2021, its members voted 9-0 in support of a motion to recommend **APPROVAL** of a request from Employers Mutual Casualty Company (owner), represented by Cindy McCauley (officer), to rezone Property from ‘DX1’ Downtown District to ‘P2’ Public, Civic and Institutional District,

WHEREAS, the City and the Owner have reached and agreed to terms of a lease for the Property and said lease has been approved by the City Council, such that rezoning Property is timely; and

WHEREAS, on December 20, 2021, by Roll Call No. 21-1913, it was duly resolved by the City Council that the request to amend the land use designation and to rezone the Property be set down for hearing on January 10, 2022, at 5:00 p.m., at the City Council Chambers; 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 land use amendment and rezoning; 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 701 Walnut Street, legally described as:

THAT PART OF LOTS 5 AND 6 IN BLOCK 1, FORT DES MOINES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA BEING MORE PARTICULARLY DESCRIBED AS PARCEL 2016-117 ON THE PLAT OF SURVEY FILED MAY 17, 2016 IN BOOK 16005, PAGE 315 IN THE POLK COUNTY RECORDER’S OFFICE.

from ‘DX1’ Downtown District to ‘P2’ Public, Civic and Institutional District; and

WHEREAS, in accordance with said notice, those interested in said proposed land use amendment and rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council.

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 land use amendment and the proposed rezoning of the Property to ‘P2’ Public,



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1. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the proposed land use amendment and the proposed rezoning of the Property to 'P2' Public, Civic and Institutional District are hereby overruled, and the hearing is closed.
2. The proposed amendment to PlanDSM: Creating Our Tomorrow comprehensive plan, to amend the future land use classification for the Property from Downtown Mixed Use to Park/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 the above-stated conditions and final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY _____ TO ADOPT.

APPROVED AS TO FORM:



 Judy K. Parks-Kruse
 Assistant City Attorney

(ZONG2021-000030; ZONG2021-000031)

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|----------|------|--------|
| COWNIE | | | | |
| BOESEN | | | | |
| GATTO | | | | |
| SHEUMAKER | | | | |
| 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