

Date January 8, 2024

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RESOLUTION SETTING HEARING ON REQUEST FROM MIDAMERICAN ENERGY COMPANY (OWNER), REPRESENTED BY TERRY L. SMITH (OFFICER), AND THE DISTRICT DEVELOPER, LLC (OWNER), REPRESENTED BY TIM RYPMA (OFFICER) FOR THE FOLLOWING REGARDING MULTIPLE PARCELS LOCATED IN THE VICINTY OF 200 SOTUHEAST 2ND STREET, TO AMEND PLANDSM CREATING OUR TOMORROW PLAN TO REVISE THE FUTURE LAND USE CLASSIFICATION FROM DOWNTOWN MIXED USE TO USE TO PUBLIC/SEMI-PUBLIC, AND TO REZONE THE PROPERTY FROM LIMITED "DXR" AND LIMITED "DX1" DOWNTOWN DISTRICTS TO LIMITED "P2" PUBLIC, CIVIC, AND INSTITUTIONAL DISTRICT TO ALLOW THE DEVELOPMENT OF THE SPACE FOR A PARK AND AN ACCESSORY SURFACE PARKING AREA

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on December 21, 2023, its members voted 10-0 in support of a motion to recommend APPROVAL of a request from MidAmerican Energy Company (Owner), represented by Terry L. Smith (Officer), and The District Developer, LLC (Owner), represented by Tim Rypma (Officer), for the proposed rezoning from Limited "DXR" and Limited "DX1" Downtown Districts to Limited "P2" Public, Civic, and Institutional District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Downtown Mixed Use; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on December 21, 2023, its members voted 10-0 in support of a motion to recommend APPROVAL of a request from MidAmerican Energy Company (Owner), represented by Terry L. Smith (Officer), and The District Developer, LLC (Owner), represented by Tim Rypma (Officer), to amend the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Downtown Mixed Use to Use to Public/Semi-Public; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held December 21, 2023, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from MidAmerican Energy Company (Owner), represented by Terry L. Smith (Officer), and The District Developer, LLC (Owner), represented by Tim Rypma (Officer), to rezone the Property from Limited "DXR" and Limited "DX1" Downtown Districts to Limited "P2" Public, Civic, and Institutional District, to allow the development of the space for a park and an accessory surface parking area, subject to the following conditions:

1. The maximum height of all building(s) constructed or developed on the property that are located outside the viewshed corridor shown on the Large Scale Development Plan, which corridor is identified by the viewshed analysis, 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.; and



Date January 8, 2024

WHEREAS, the Property is legally described as follows:

LOTS 1, 4A AND 4B, THE MARKET DISTRICT FINAL PLAT, AN OFFICIAL PLAT, CITY OF DES MOINES, POLK COUNTY, IOWA.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

- 1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
- 2. That the meeting of the City Council at which the proposed amendments to PlanDSM Creating Our Tomorrow comprehensive Plan and proposed rezoning are to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposals, shall be held at City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on January 22, 2024, at which time the City Council will hear both those who oppose and those who favor the proposals.
- 3. That the City Clerk is hereby authorized and directed to cause notice of said proposals in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED BY

TO ADOPT. SECOND BY

FORM APPROVED:

<u>/s/ Chas M. Cahill</u> Chas M. Cahill Assistant City Attorney

(ZONG-2023-000069)(COMP-2023-000042)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
VOSS				
COLEMAN				
WESTERGAARD				
MANDELBAUM				
GATTO				
TOTAL				
MOTION CARRIED	•	APPROVED		

CERTIFICATE

I, LAURA BAUMGARTNER, 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.



December 22, 2023

Communication from the City Plan and Zoning Commission advising that at their December 21, 2023 meeting, the following action was taken regarding a request from MidAmerican Co (owner), represented by Terry L. Smith (officer), and The District Developer, LLC (owner), represented by Tim Rypma (officer), for the following regarding multiple parcels located in the vicinity of 200 Southeast 2nd Street:

- A) Determination as to whether the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.
- B) Amend the PlanDSM Creating Our Tomorrow Comprehensive Plan to revise the future land use classification of the property from Downtown Mixed Use to Public/Semi-Public.
- C) Amend Large-Scale Development Plan for the Market District area to revise the area designated for a park and associated amenities.
- D) Rezone property from Limited "DXR" and Limited "DX1" Downtown Districts to "P2" Public, Civic, and Institutional Districts, to allow the development of the space for a park and an accessory surface parking area.

COMMISSION RECOMMENDATION:

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After public hearing, the members voted 10-0 as follows.

APPROVAL of Part A) The requested "P2" District be found not in conformance with the existing PlanDSM future land use designation of Downtown Mixed Use.

Part B) Approval of the request to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Downtown Mixed Use to Use to Public/Semi-Public.

Part C) Approval of the request to amend the Large-Scale Development Plan for the Market District area to revise the area designated for a park and associated amenities subject to compliance with all administrative review comments.

Part D) Approval of the request to rezone the property from Limited "DXR" and Limited "DX1" Downtown Districts to "P2" Public, Civic, and Institutional District subject to the condition:

(1) The maximum height of all building(s) constructed or developed on the property that are located outside the viewshed corridor shown on the Large Scale Development Plan, which corridor is identified by the viewshed analysis, 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.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested "P2" District be found not in conformance with the existing PlanDSM future land use designation of Downtown Mixed Use.

Part B) Staff recommends approval of the request to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Downtown Mixed Use to Use to Public/Semi-Public.

Part C) Staff recommends approval of the request to amend the Large-Scale Development Plan for the Market District area to revise the area designated for a park and associated amenities subject to compliance with all administrative review comments.

Part D) Staff recommends approval of the request to rezone the property from Limited "DXR" and Limited "DX1" Downtown Districts to "P2" Public, Civic, and Institutional District subject to the condition:

(1) The maximum height of all building(s) constructed or developed on the property that are located outside the viewshed corridor shown on the Large Scale Development Plan, which corridor is identified by the viewshed analysis, 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.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is proposing the development of this space for a large regional park and an associated, accessory surface parking area. This project is part of the larger Market District Conceptual Plan. The park would be developed by a private entity (Mid-American Energy) and would be jointly managed by both the City of Des Moines and Polk County. Park amenities including an open air shelter, restroom and ground maintenance buildings are part of the proposal. An amendment to an existing Large Scale Development Plan has been submitted to reflect the updated concept for this development which would need to be revised to depict a surface parking lot where retail and office building(s) had been proposed.

Any future construction or redevelopment of the subject properties must comply with all applicable site plan and design regulations contained in the Planning and Design Ordinance (Chapter 135 of City Code).

- 2. Size of Site: 9.47 acres (412,702 square feet).
- 3. Existing Zoning (site): Limited "DXR" and Limited "DX1" Downtown Districts.
- 4. Existing Land Use (site): The site is currently an undeveloped vacant lot.
- 5. Adjacent Land Use and Zoning:

North – "DX2"; Uses are a Municipal surface parking lot.

- South "ROW", "DX2"; Uses are MLK Jr Parkway right-of-way, City of Des Moines property, and one family residential.
- East "Limited DX1"; Uses are City of Des Moines property.

West – "P2", "ROW", "DX2", "F"; Uses are City of Des Moines property and buildings.

- 6. General Neighborhood/Area Land Uses: The subject property is located to the north of MLK Jr Parkway and to the east of the Des Moines River. The John Pat Dorian regional multiuse trail runs along the western boundary of the property. The surrounding area is part of the Market District, which is located to the south of East Village and currently includes mostly vacant parcels.
- 7. Applicable Recognized Neighborhood(s): The subject property is located in the Historic East Village Neighborhood Association and within 250 feet of the Downtown Des Moines Neighborhood Association. All neighborhood associations were notified of the December 21, 2023, public hearing by emailing of the Preliminary Agenda on December 1, 2023, and the Final Agenda on December 15, 2023. Additionally, separate notifications of the hearing for this specific item were mailed on December 1, 2023 (20 days prior to the public hearing) and December 11, 2023 (10 days prior to the public hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

All notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Services Department on the date of the mailing. The Historic East Village Neighborhood mailings were sent to Luke Dickens, PO Box 93904, Des Moines, IA 50393. The Downtown Des Moines Neighborhood mailings were sent to Brandon Brown, 120 Southwest 6th Street, Unit 101, Des Moines, IA 50309.

The applicant will provide a summary of the neighborhood meeting at the public hearing.

- 8. Relevant Zoning History: On December 21,2020, the City Council by Roll Call No. 20-2152 rezoned the western portion of the subject area from "DX2" Downtown District to Limited "DXR" Downtown District, and by Roll Call No. 20-2155 rezoned the eastern portion of the subject area from "DX2" Downtown District and/or "P2" Public, Civic and Institutional District to Limited "DX1" Downtown District. The rezonings were subject to the condition that "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".
- 9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation: Downtown Mixed Use.
- **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. PlanDSM: Creating Our Tomorrow: The applicant is requesting that the future land use designation of the property be amended from Downtown Mixed Use to Public/Semi-Public. Plan DSM describes these designations as follows:

<u>Downtown Mixed Use:</u> 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.

<u>Public/Semi-Public:</u> Areas that are mostly open to public use or public access. May include government facilities, schools, hospitals, libraries and community facilities.

The subject parcel is currently zoned Limited "DXR" Downtown District and Limited "DX1" Downtown District. The Zoning Ordinance describes DXR district as, "intended for the mainly residential neighborhoods of the downtown, surrounding the downtown, and across the rivers from downtown." The Zoning Ordinance describes DX1 district as, "intended for the highest intensity of activity in the downtown, where mixed-use buildings include offices, ground-floor storefronts with shopping, services, and restaurants, and residential and lodging."

The applicant is proposing to rezone the property from Limited "DXR" and Limited "DX1" Downtown Districts to "P2" Public, Civic, and Institutional Districts. The Zoning Ordinance describes "P2" district as, "intended for civic and institutional facilities, such as religious assembly places, cultural or arts centers, community centers, schools, infrastructure, recreational facilities, and other institutional facilities. Infrastructure includes public or private infrastructure, including rail corridors and utility corridors or sites."

Staff believes the proposed amendment to the comprehensive plan is appropriate. The subject property is located along the Des Moines River and a regional multiuse trail and in an area with existing and proposed mixed uses, which will be complimentary to a public amenity, such as the proposed regional park and associated uses including the parking lot. The larger downtown area is currently lacking in formal parks and open space areas and the proposed use will fill an important gap in the level of service for access to parks and recreational areas.

The proposed "P2" District allows the requested uses, while allowing greater flexibility with future buildings that support the proposed recreational uses.

2. Large Scale Development Plan: The subject site is part of an existing Large Scale Development Plan. The zoning condition associated with this site is articulated through this development plan. The applicant is proposing to rezone this area due to proposed changes to the park boundary and the addition of a parking lot where office and retail buildings were previously proposed. The retail and office buildings have been moved to an adjacent lot to the immediate east where residential uses had previously been proposed. The street network and block sizes remain unchanged. An amendment to the Large Scale Development Plan has been submitted which reflects these changes.

The proposed amendment to the Large Scale Development Plan is appropriate as it reflects the proposed changes to uses within the site accurately. While the uses associated with the park area have changed, the maximum building heights outside the viewshed corridor have been maintained.

- **3. Multimodal Connections:** The subject site is adjacent to the John Pat Dorian multiuse trail. This project provides the opportunity to connect this regional park along the multiuse trail to other parts of downtown and the East Village for bicyclists, pedestrians, and other non-motorized users.
- **4. Planning and Design Ordinance:** Any development must comply with all applicable site plan and design regulations of the Planning and Design Ordinance. Should the rezoning be approved, the applicant would be required to prepare a Site Plan and building elevations for review before the property can be developed for the proposed use.

SUMMARY OF DISCUSSION

<u>Jonathan Ramsey</u>, Representing BNIM, 317 6th Avenue #100, provided an overview presentation explaining the project.

CHAIRPERSON OPENED THE PUBLIC HEARING

No one requested to speak.

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

Emily Webb made a motion for:

Part A) The requested "P2" District be found not in conformance with the existing PlanDSM future land use designation of Downtown Mixed Use.

Part B) Approval of the request to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Downtown Mixed Use to Use to Public/Semi-Public.

Part C) Approval of the request to amend the Large-Scale Development Plan for the Market District area to revise the area designated for a park and associated amenities subject to compliance with all administrative review comments.

Part D) Approval of the request to rezone the property from Limited "DXR" and Limited "DX1" Downtown Districts to "P2" Public, Civic, and Institutional District subject to the condition:

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THE VOTE: 10-0

Respectfully submitted,

Jula Com

Jason Van Essen, AICP Planning & Urban Design Administrator

JMV:tjh

MidAmerican Co., vicinity of 200 Southeast 2nd Street

ZONG-2023-000069



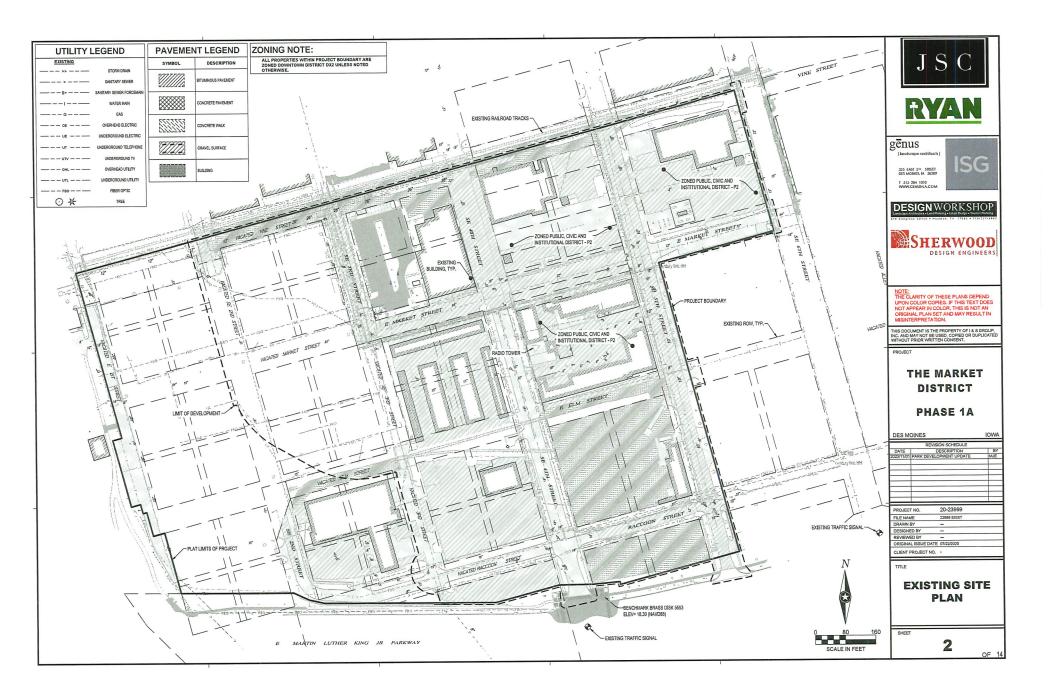
1 inch = 213 feet

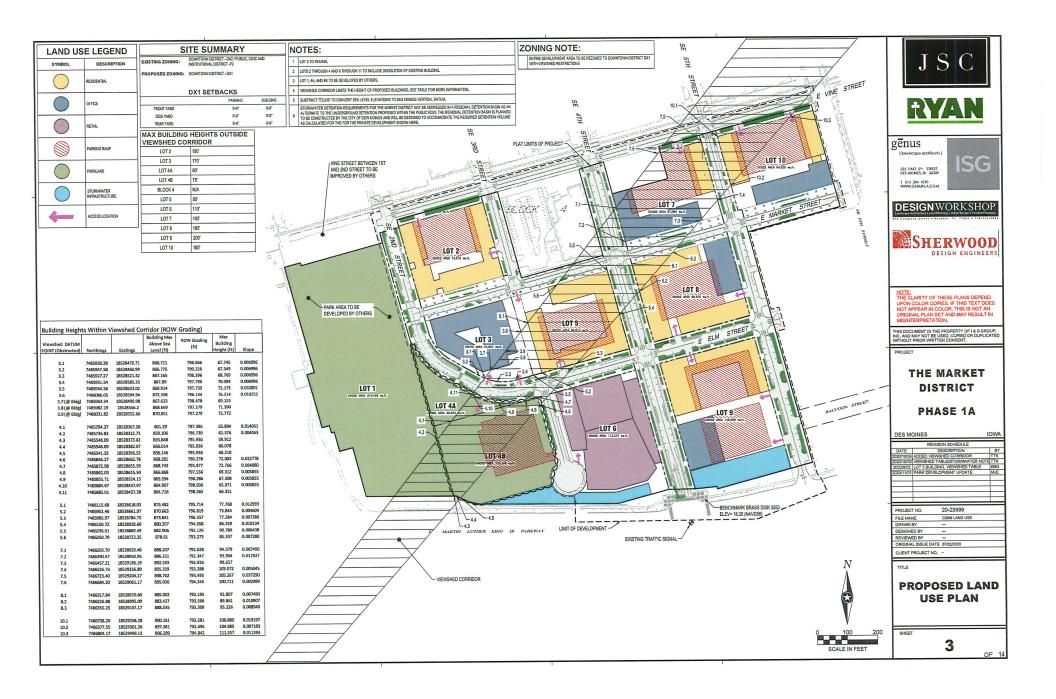


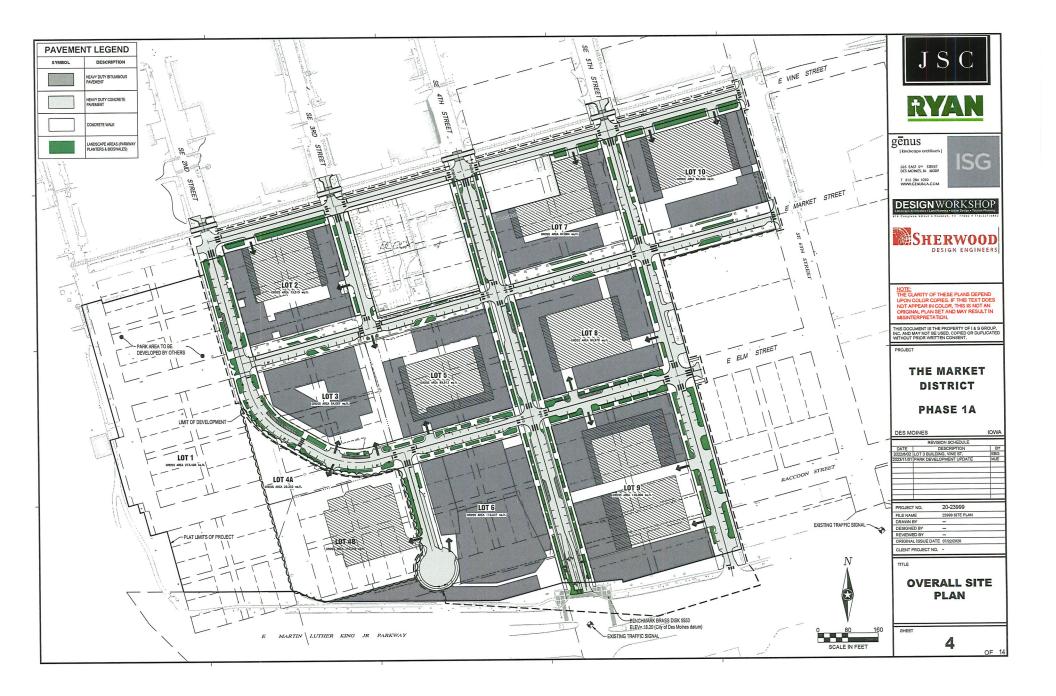


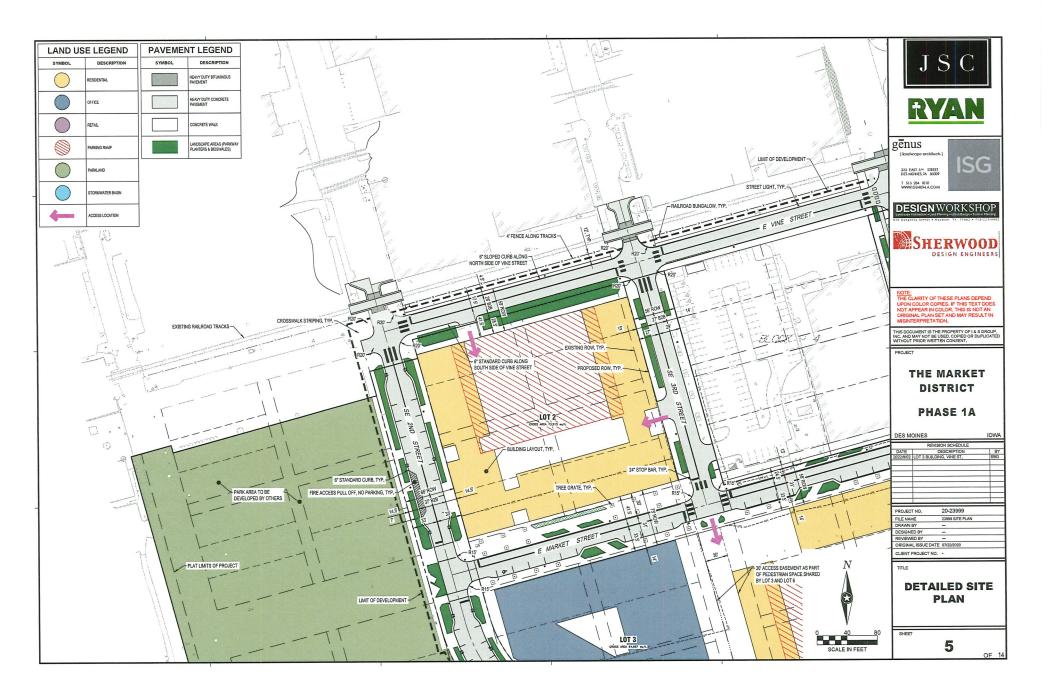


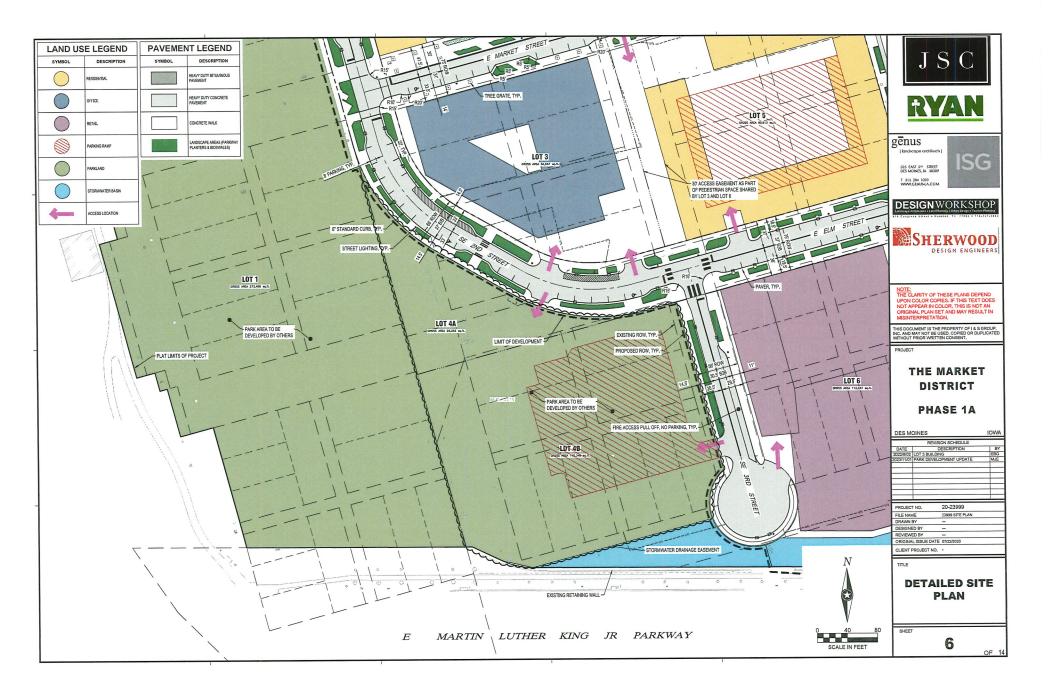
JS THE MARKET DISTRICT † YAN LARGE SCALE DEVELOPMENT PLAN **ISG PROJECT # 20-23999 DES MOINES, IOWA** genus ISG LEGEND 325 EAST 51H STREET EXISTING T 515 284 1010 WWW.GENUS-LA.COM SECTION LINE QUARTER SECTION LINE SHEET INDEX RIGHT OF WAY LINE **DESIGN**WORKSHOP TITLE SHEET EXISTING SITE PLAN PROPERTY / LOTLINE ELOCUSTST EASEMENT LINE PROPOSED LAND USE PLAN E WALNUT ST OVERALL SITE PLAN DETAILED SITE PLAN ACCESS CONTROL RAILROAD TRACK DETAILED SITE PLAN Sherwood E COURT AVE DETAILED SITE PLAN DETAILED SITE PLAN WATER EDGE DESIGN ENGINEERS WET-WETLAND BOUNDAR UTILITY PLAN - SANITARY SEWER & WATERMAIN di. 血血血血 WETLAND / MARSH UTILITY PLAN - STORM SEWER TYPICAL STREET SECTIONS FENCE LINE TYPICAL STREET SECTIONS --< CULVERT 13 TYPICAL STREET SECTIONS STORM SEWER TYPICAL STREET SECTIONS NOTE: THE CLARITY OF THESE PLANS DEPEND SANITARY SEWER UPON COLOR COPIES. IF THIS TEXT DOES NOT APPEAR IN COLOR, THIS IS NOT AN SANITARY SEWER FORCEMAIN WATER TTO DO NOT THE OWNER. 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ELEVATION=18.30 HYDRANT SPECIFICATIONS REFERENCE ADDRESS / LOCATION: CITY OF DES MOINES BRASS TABLET VALVE ALL CONSTRUCTION SHALL COMPLY WITH THE CITY OF DES MOINES REQUIREMENTS AND WITH THE 2018 EDITION OF THE STATEWIDE URBAN DESIGN AND SPECIFICATIONS (SUDAS) FOF PUBLIC IMPROVEMENTS, UNLESS DIRECTED OTHERMISE. ISG JSC PROPERTIES NW CORNER TRAFFIC SIGNAL BASE AT TITLE SHEET STREET LIGHT S3 T78N R24W & NE QUAD OF E MLK JR PKWY AND SE 4TH ST 350 E LOCUST STREET, SUITE 500 S10 T78N R24W DES MOINES, IA 50309 DES MOINES OFFICE PH: (515) 245-9501 508 EAST LOCUST STREET PROJECT DATUM HORIZONTAL COORDINATES HAVE BEEN REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD83(CONUS)), ON THE IOW RCS 20NE 8 (AMES-DES MOINES) COORDINATE SYSTEM, IN U.S. SURVEY FEET. POLK COUNTY DES MOINES, IA 50309 PHONE: 515 243 9143 DES MOINES, IOWA TOPOGRAPHIC SURVEY SHEET ELEVATIONS HAVE BEEN REFERENCED TO THE DES MOINES VERTICAL DATUM. 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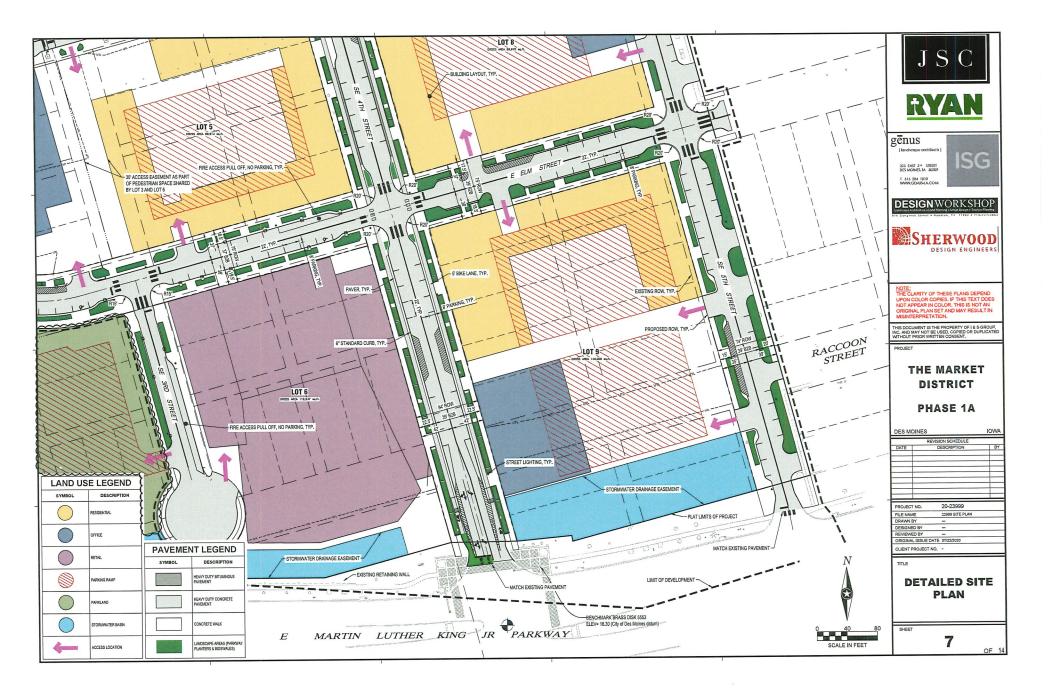


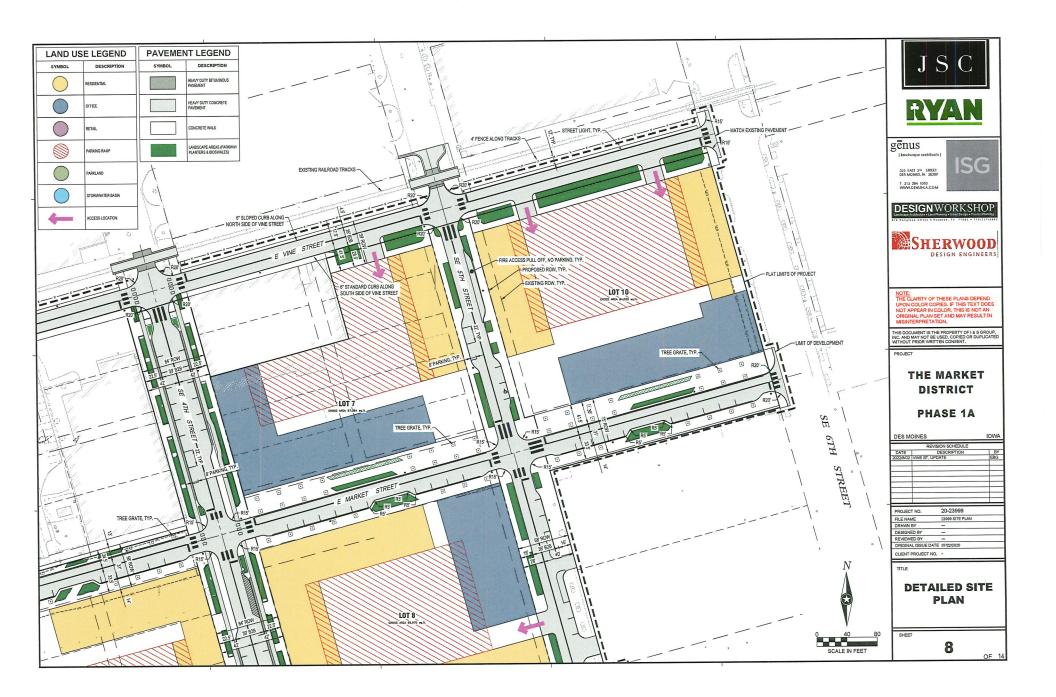






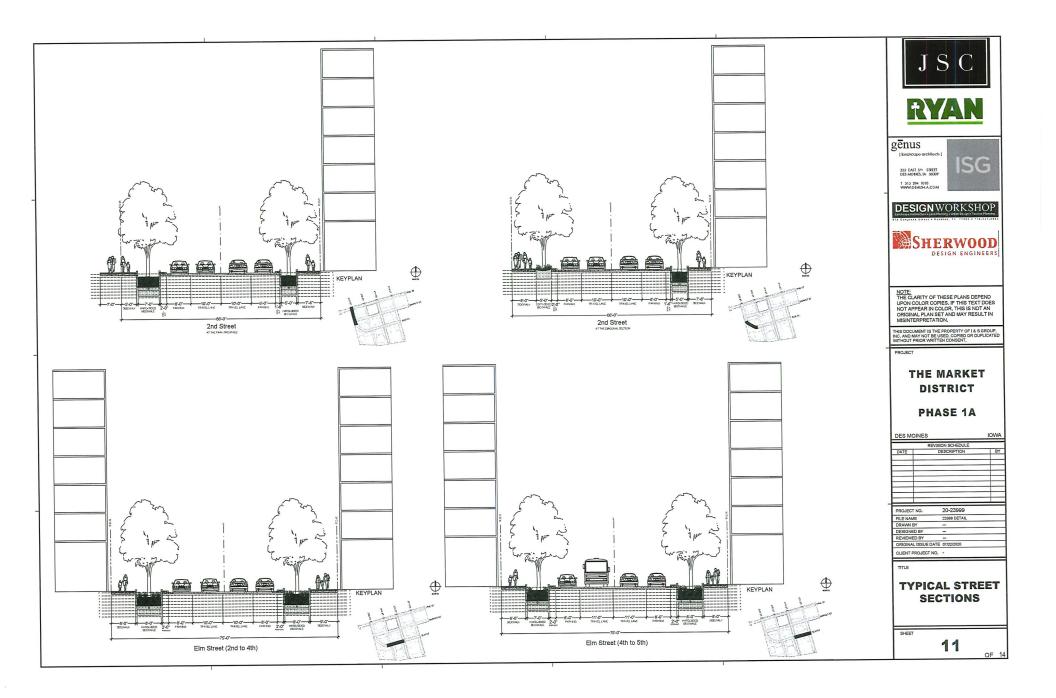


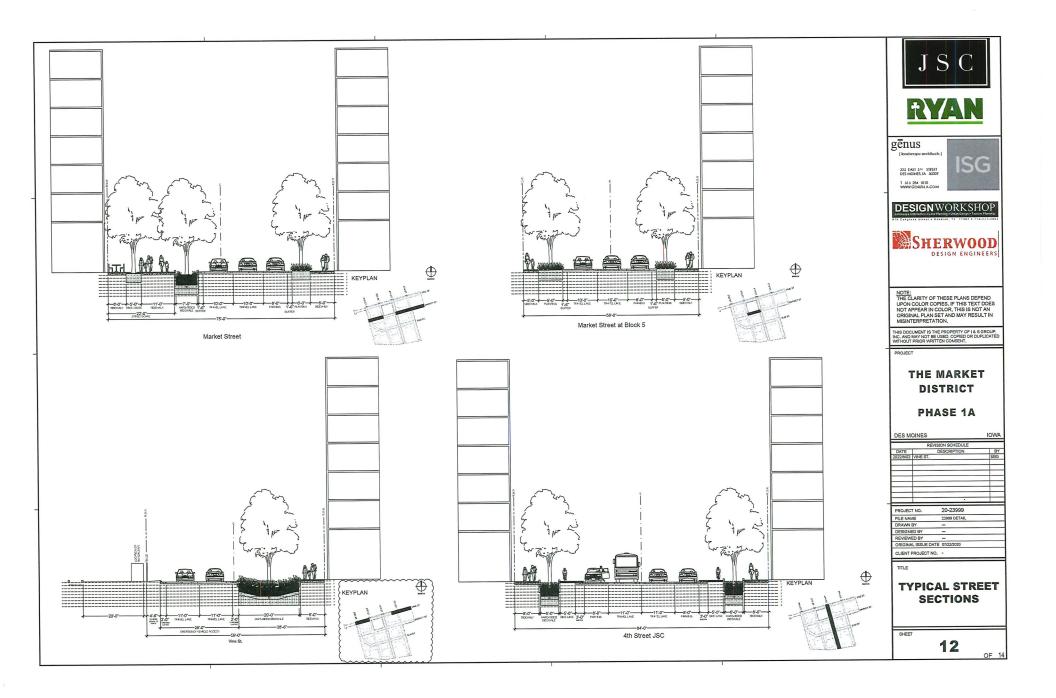


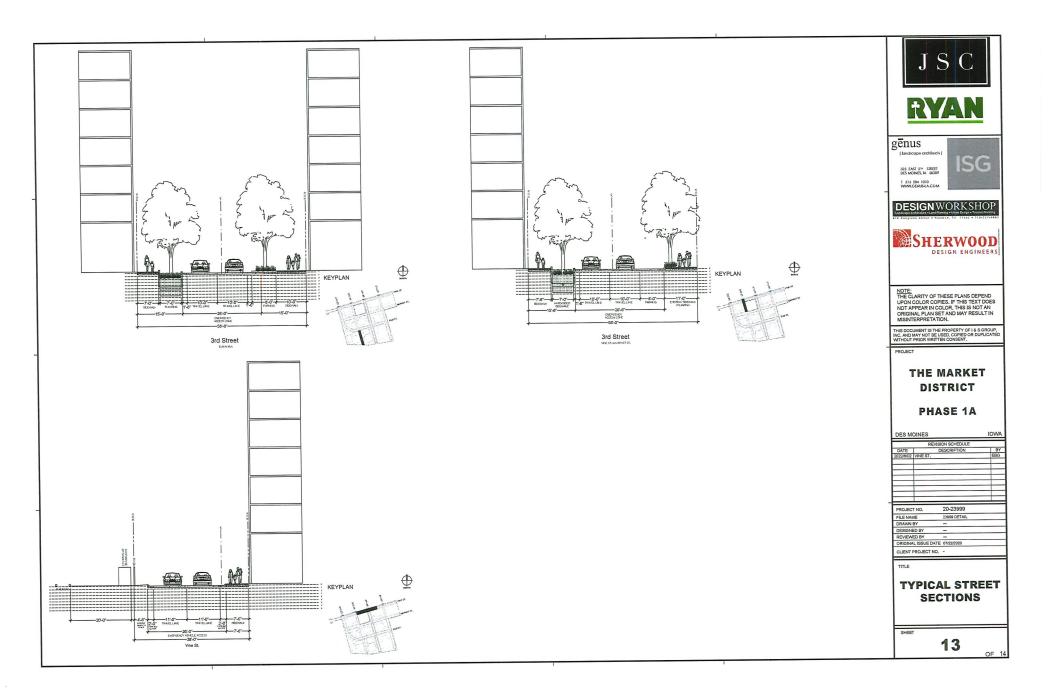


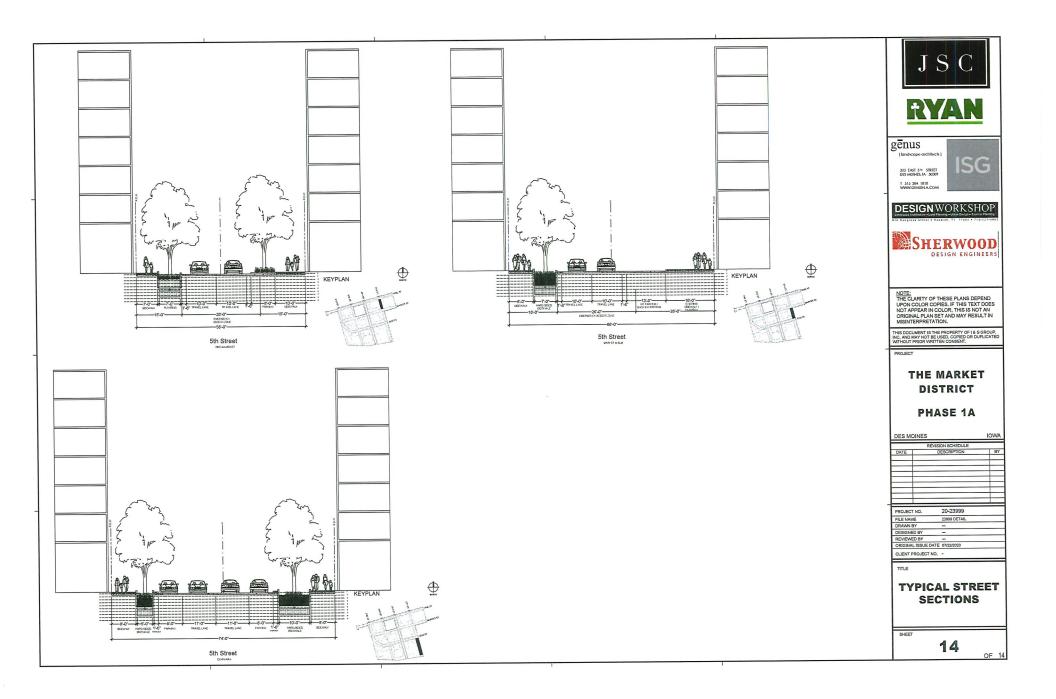


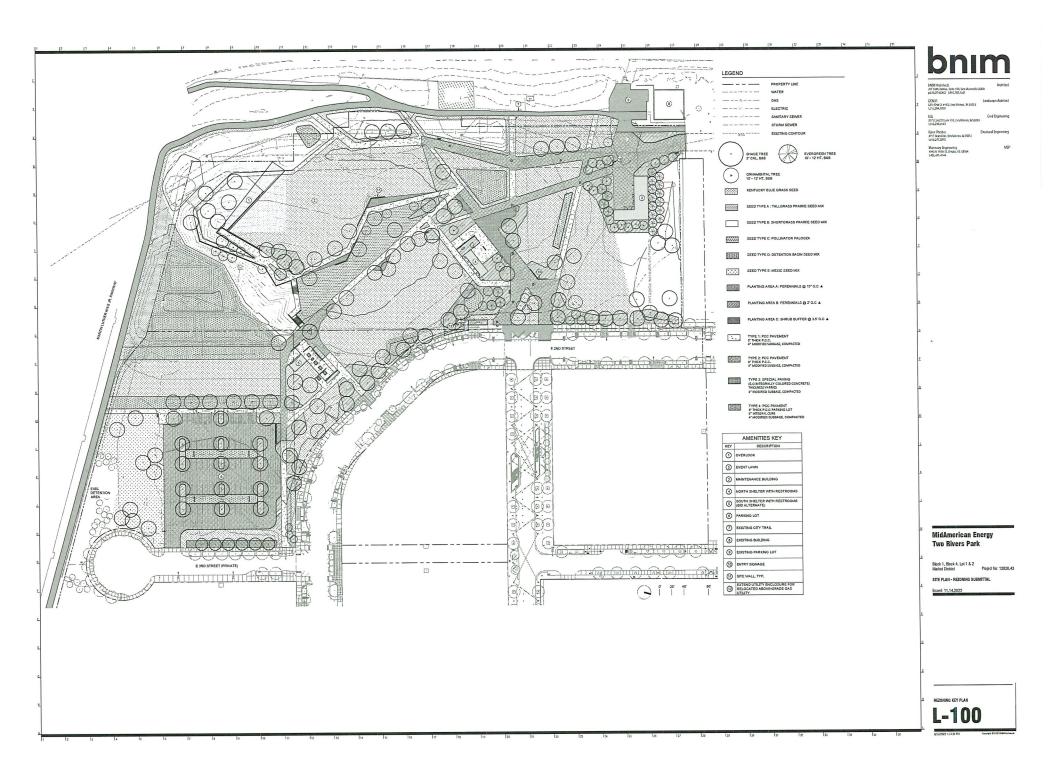












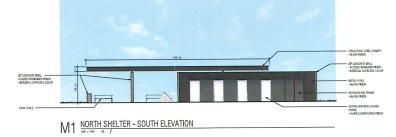
A1 NORTH SHELTER - PERSPECTIVE



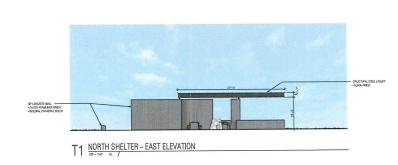


M22 NORTH SHELTER - WEST ELEVATION









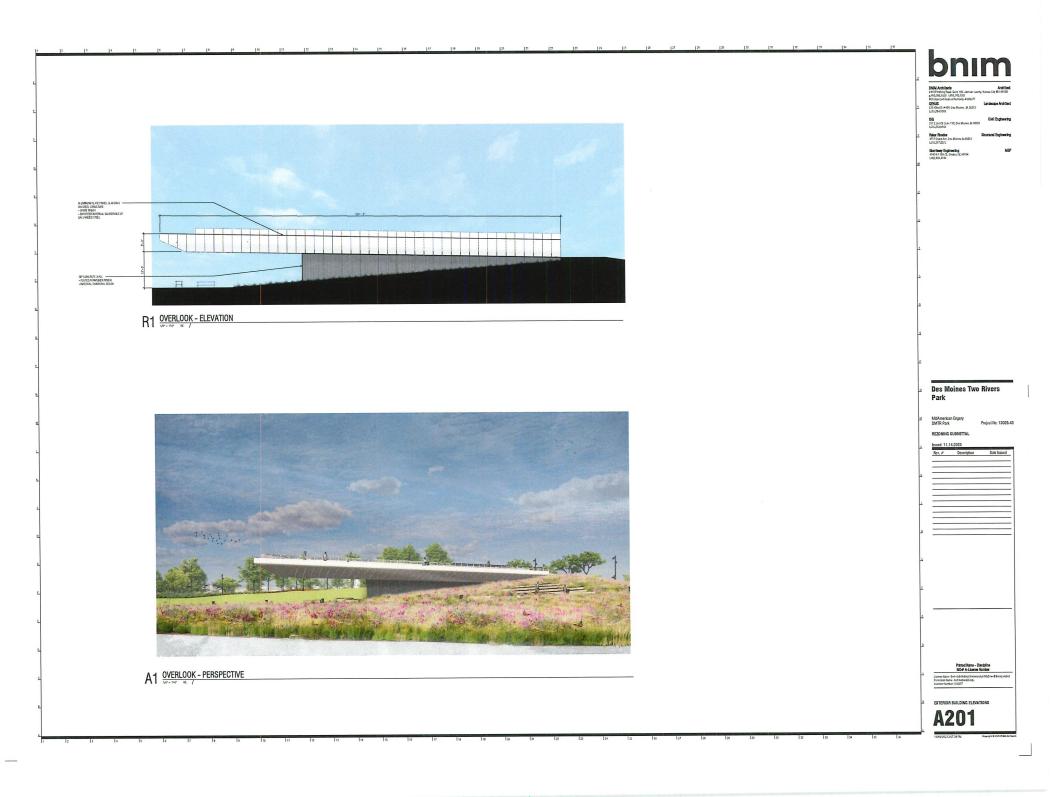


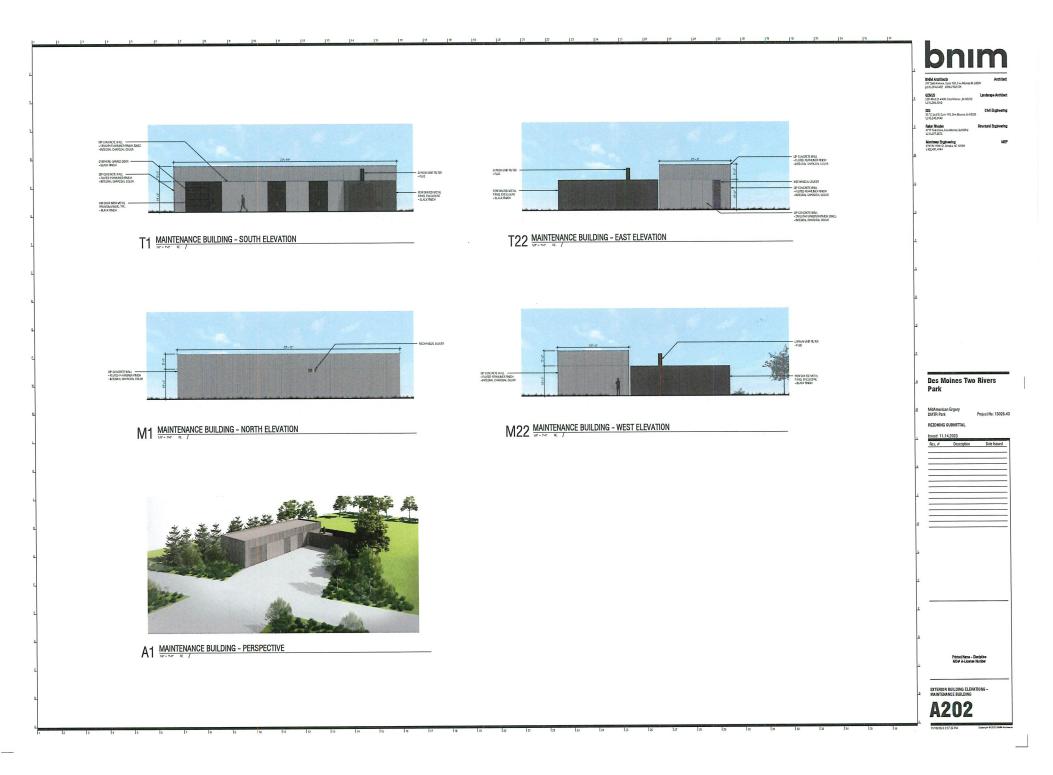
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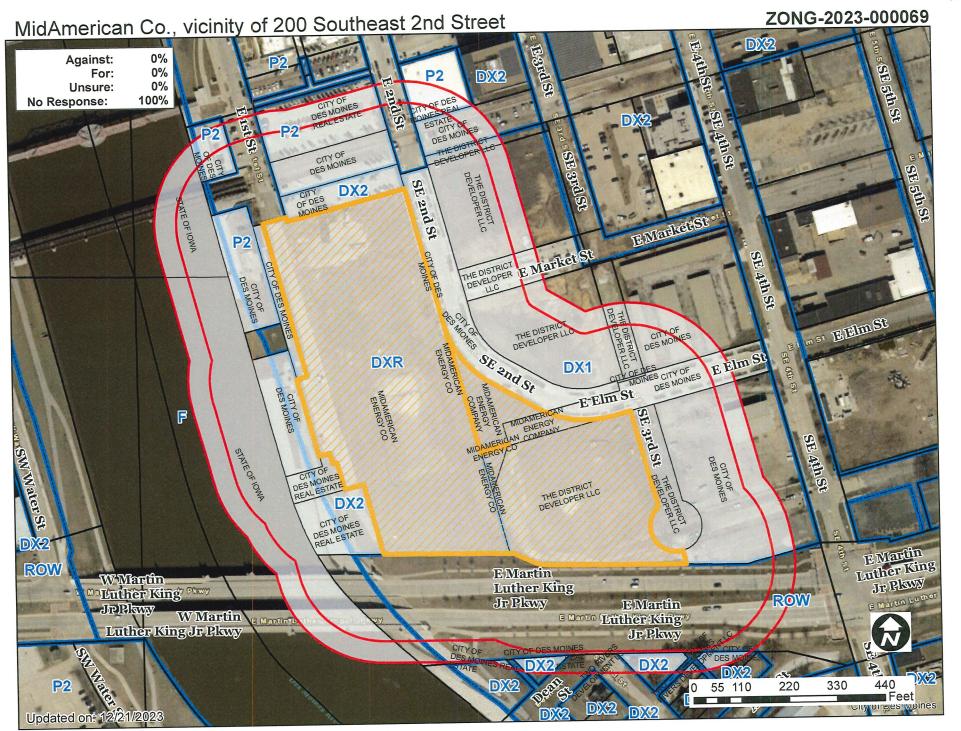
EXTERIOR BUILDING ELEVATIONS - SHELTER

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1 inch = 213 feet

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TWO RIVERS PARK

Planning & Zoning - Rezoning | 12.21.23

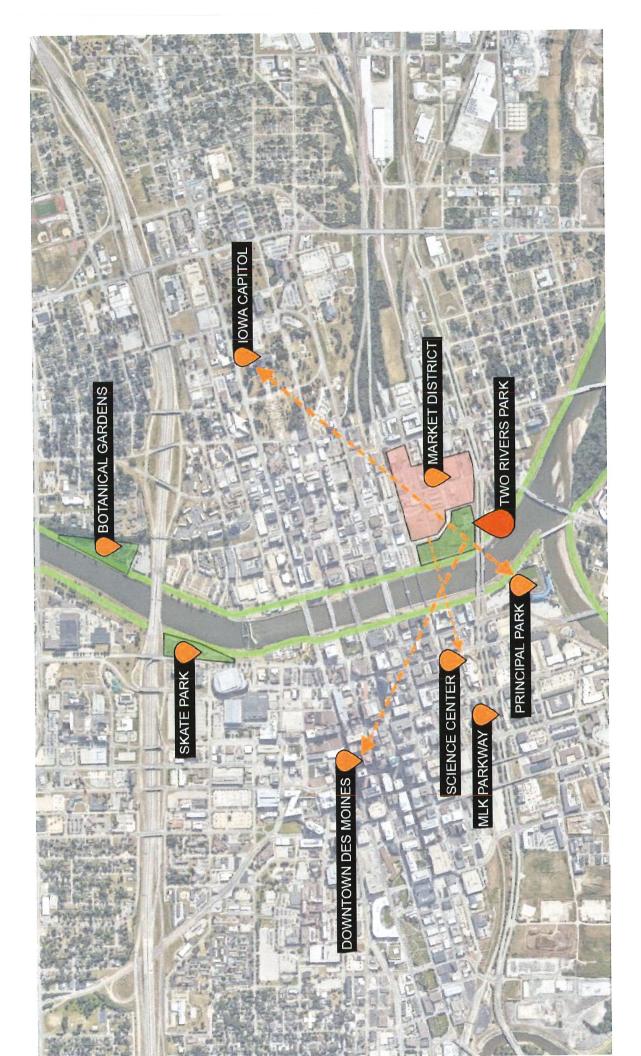




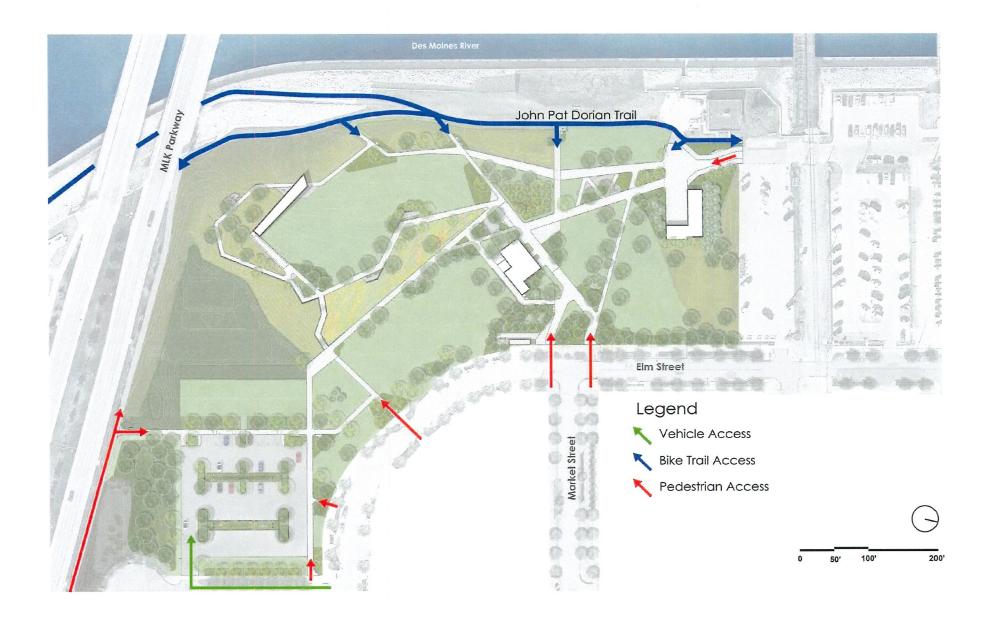
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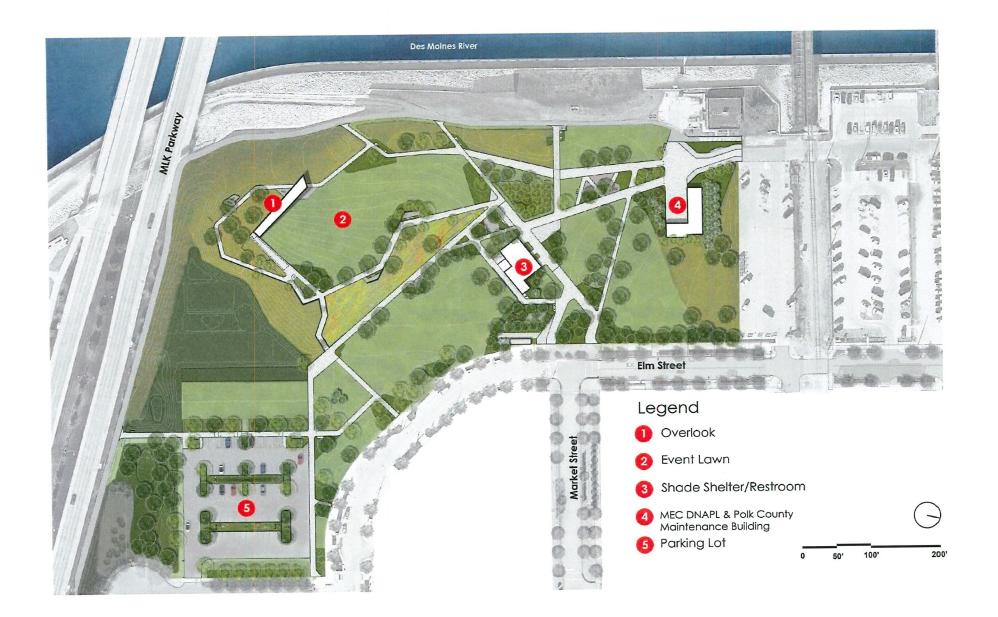


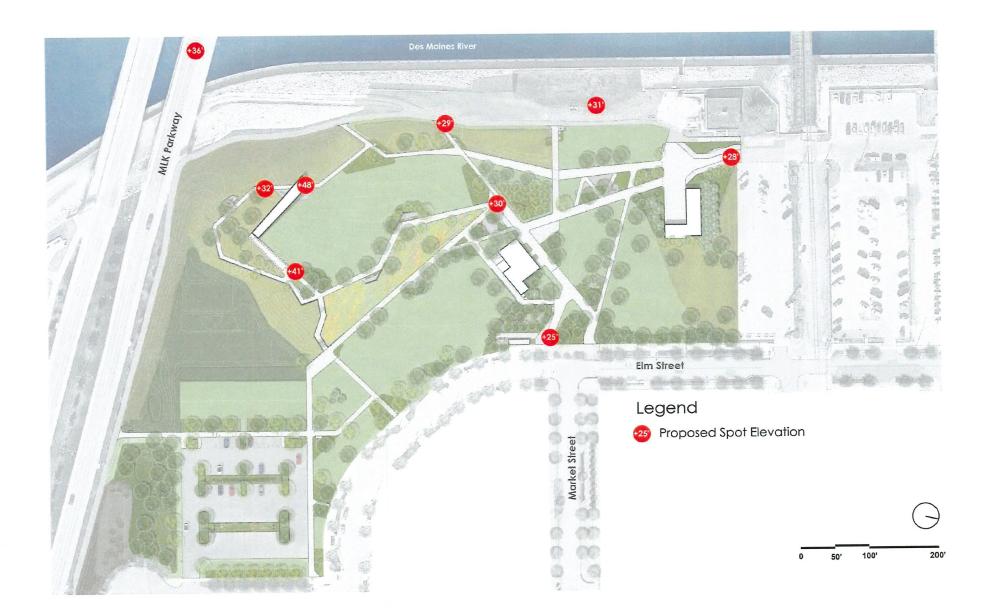


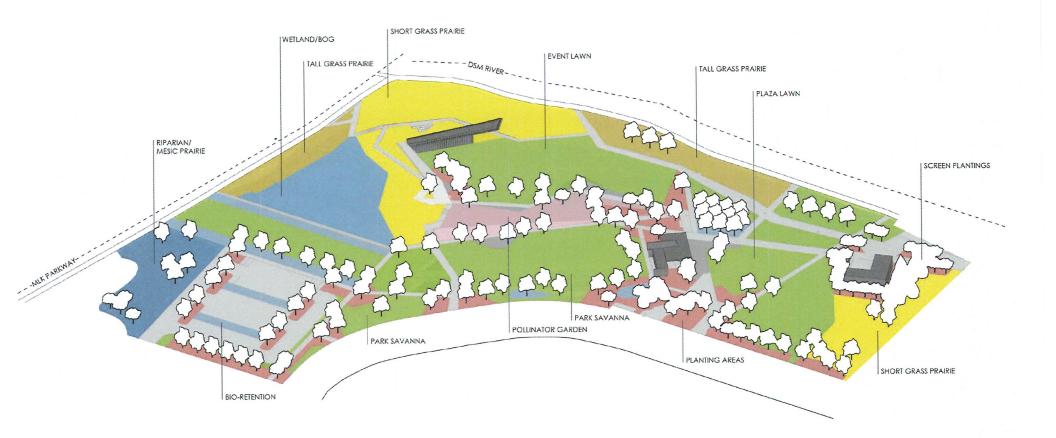




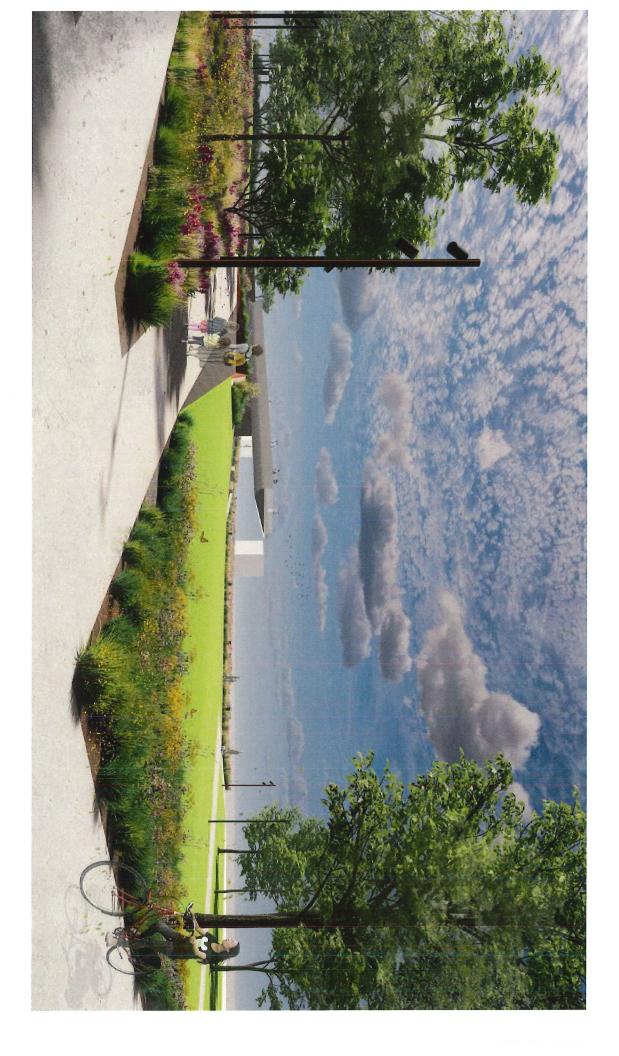


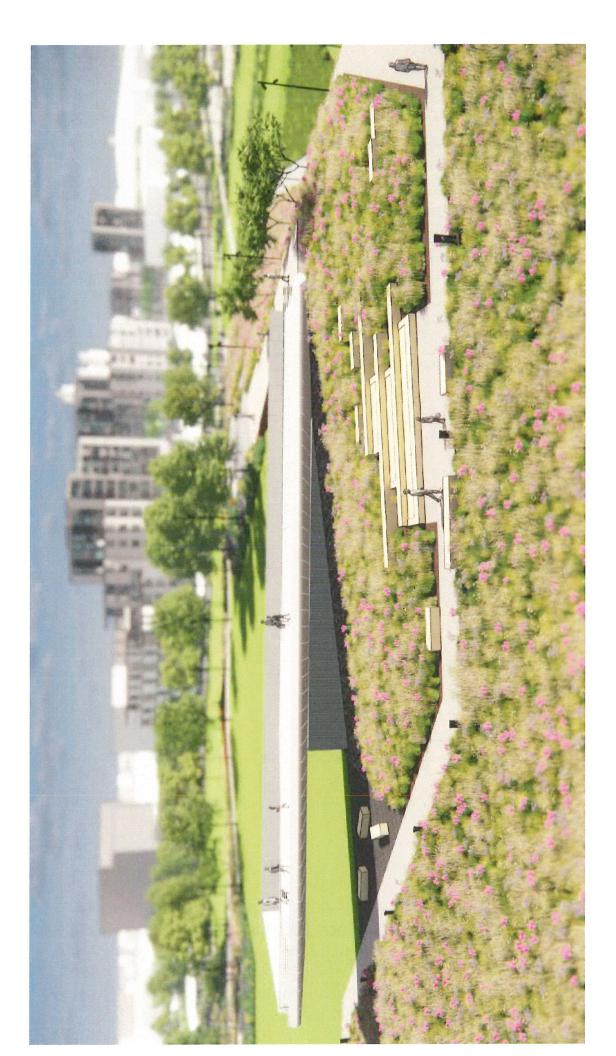


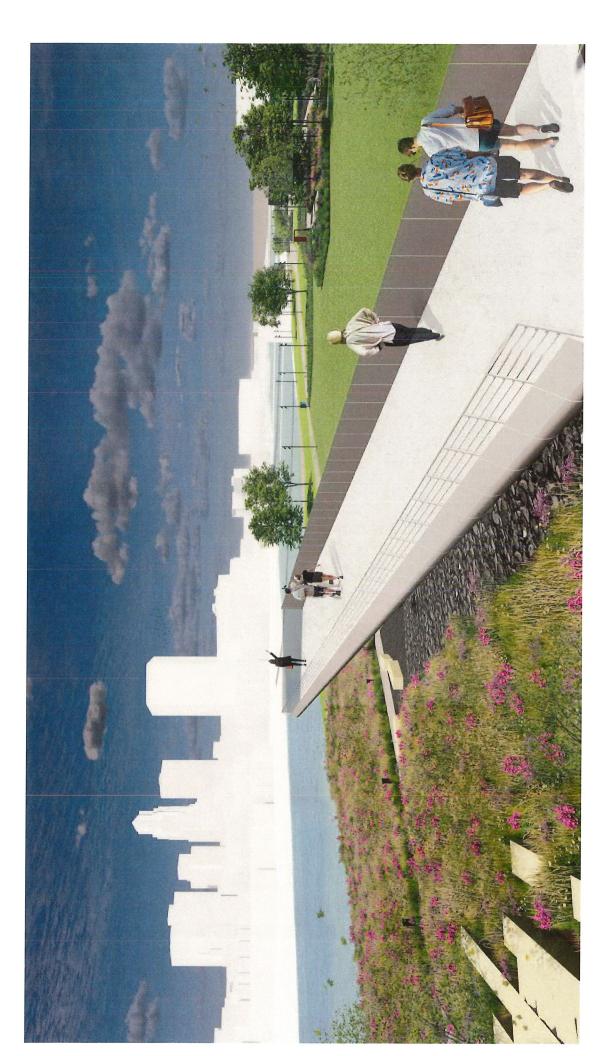






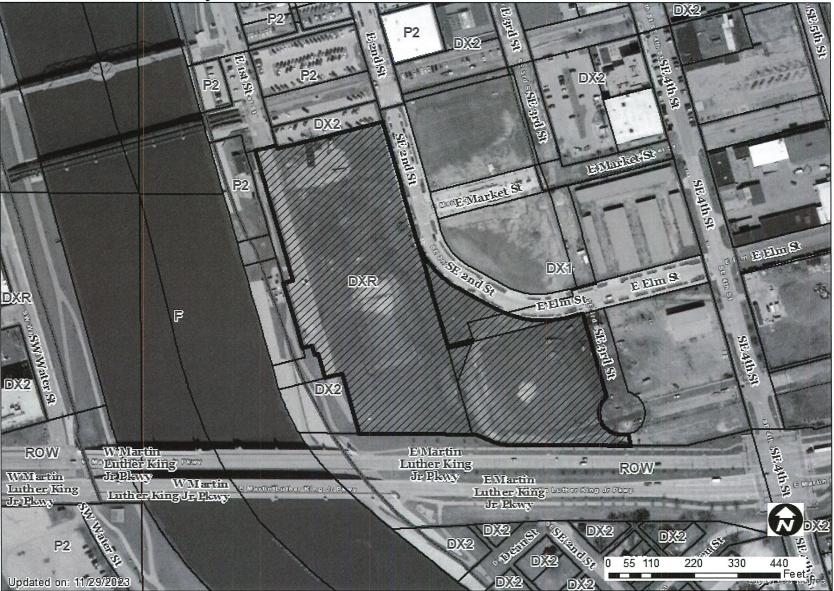






MidAmerican Co., vicinity of 200 Southeast 2nd Street

ZONG-2023-000069



1 inch = 213 feet