

★ Roll Call Number

10-1409

Agenda Item Number

43-I

Date August 23, 2010

WHEREAS, on July 26, 2010 by Roll Call No. 10-1215 the City Council of the City of Des Moines duly resolved that the City Council-initiated request to rezone property located within the area recognized as the Historic East Village, which is generally bounded by Des Moines Street on the North, East 7th Street on the East, properties fronting the south side of East Court Avenue on the South, and Robert D. Ray Drive and East 2nd Street on the West, from C-3 Central Business District Commercial District and M-1 Light Industrial District to C-3B Central Business District Mixed Use classification in accordance with the attached map be set down for hearing on August 23, 2010 at 5:00 p.m. in Council Chambers at City Hall; and

WHEREAS, due notice of the hearing was published in the Des Moines Register on August 12, 2010, setting forth the time and place for the hearing on the proposed amendment to the Zoning Ordinance; and

WHEREAS, pursuant to the notice those interested in the proposed hearing, 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 following described property:

(Except 201 East Walnut Street)
-EX ST- W 44F LTS 1 & 2 BLK H SCOTT & DEANS ADD

(Except 205 East Walnut Street)
EX ST E 1/3 W 1/2 LOTS 1 & 2 BLK H SCOTT & DEANS ADD

(Except 211 East Walnut Street)
-EX ST- E 1/2 LTS 1 & 2 BLK H SCOTT & DEANS ADD

(Except 215 East Walnut Street)
-EX ST- W66F LTS 13 & 14 BLK H SCOTT & DEANS ADD

(Except 201 East Locust Street)
VAC E WALNUT ST BEG SW COR LT 1 THN E TO SE COR LT 8 S 25.2F W TO POB & VAC E/W ALLEY LYG S & ADJ LT 3 & W 44F VAC E/W ALLEY LYG S & ADJ LT 6 & ALL VAC INTERV N/S ALLEY & LOTS 1 THRU 6 & W 44F LTS 7 & 8 & -EX N 23.1F- E 88F LOT 8 BLK G SCOTT & DEANS ADD

(Except 306 East 3rd Street)
E 88F LT 7 & N 23.1F E 88F LT 8 BLK G SCOTT & DEANS ADD

★ Roll Call Number

10-1409

Agenda Item Number

431

August 23, 2010

Date

-2-

Beginning at the intersection of the Centerline of Des Moines Street and the Centerline of East Fourth Street, thence easterly along said Centerline of Des Moines Street to its intersection with the Centerline of Pennsylvania Avenue, thence south along said Centerline of Pennsylvania Avenue to its intersection with the Centerline of East Locust Street, thence easterly along said Centerline of East Locust Street and Vacated East Locust Street to its intersection with the north extension of the Centerline of the North/South alley Right-of-Way lying west of and adjacent to Lot 9, Block H, Griffiths Addition to East Des Moines, an Official Plat, thence southerly along said Centerline of the North/South alley Right-of-Way and continuing along the Centerline of the vacated North/South alley Right-of-Way lying west of and adjacent to Lot 9 and Lot 7, Block H, Griffiths Addition to East Des Moines and Lot 9 and Lot 7, Block G, Griffiths Addition to East Des Moines and its south extension to its intersection with the Centerline of East Court Avenue, thence westerly along said Centerline of East Court Avenue to its intersection with a point on said Centerline of East Court Avenue said point being 26.59 feet west of the northerly extension of the east lot line of Lot 2, Block 13, Town of De Moine, an Official Plat, thence south from said point on the Centerline of East Court Avenue along a line 26.59 west of and parallel to the northerly extension of said east line of Lot 2, Block 13, Town of De Moine to its intersection with the north lot line of said Lot 2, Block 13, Town of De Moine, thence southeasterly along a line 13 feet east of and parallel to the Centerline of the abandoned Des Moines Western Railroad Tracks running through Lots 2, 3, 4, 5, Block 13, Town of De Moine and the vacated East/West alley Right-of-Way lying south of and adjacent to said Lot 5, Block 13, Town of De Moine to its intersection with the Centerline of the vacated East/West alley Right-of-Way lying south of and adjacent to Lot 5, Block 13, Town of De Moine, thence westerly along said Centerline of the vacated East/West alley Right-of-Way lying south of and adjacent to Lots 1, 2, 3, 4, 5, Block 13, Town of De Moine, thence continuing westerly along the Centerline of the vacated East/West alley lying south of and adjacent to Lots 1 thru 6, Block 14, Town of De Moine, thence continuing westerly along the Centerline of the existing East/West alley Right-of-Way south of and adjacent to Lots 1 thru 6, Block 15, Town of De Moine, and Lots 1 thru 6, Block 16, Town of De Moine, thence continuing westerly along the Centerline of the vacated East/West alley Right-of-Way south of and adjacent to Lot 10, Lot 9 and Lot 8, Block 3, Scott & Deans Addition, an Official Plat to its intersection with the southerly extension of the west lot line of said Lot 8, Block 3, Scott & Deans Addition, thence continuing southerly along said extension of the west lot line of Lot 8, Block 3, Scott & Deans Addition to the northwest corner of Lot 11, Block 3, Scott & Deans Addition, thence south from the northwest corner of said Lot 11, Block 3, Scott & Deans Addition to the southeast corner of Lot 4, Block 3, Scott & Deans Addition, thence westerly from the southeast corner of Lot 4, Block 3, Scott & Deans Addition along the south Lot Line of Lot 4, Block 3, Scott & Deans Addition and its westerly extension to the Centerline of East Third Street, thence northerly along said Centerline of East Third Street to its intersection with the easterly extension of the

(continued)

★ Roll Call Number

10-1409

Agenda Item Number

43-I

Date August 23, 2010

Date

Centerline of the existing and vacated East/West alley Right-of-Way lying south of and adjacent to Lots 5 thru 10, Block 1, Scott & Deans Addition, thence westerly along the Centerline of the existing and vacated East/West alley Right-of-Way lying south of and adjacent to Lots 5 thru 10, Block 1, Scott & Deans Addition and its westerly extension to the Centerline of East Second Street, thence northerly along said Centerline of East Second Street to its intersection with the Centerline of East Locust Street, thence easterly along the Centerline of said East Locust Street to its intersection with the Centerline of East Second Street lying between East Locust Street and East Grand Avenue, thence northerly along the Centerline of said East Second Street lying between East Locust Street and East Grand Avenue to its intersection with the Centerline of East Grand Avenue, thence easterly along the Centerline of said East Grand Avenue to its intersection with the Centerline of East Fourth Street, thence northerly along the Centerline of said East Fourth Street to the Point of Beginning.

AND, beginning at the intersection of the northerly extension of the west lot line of Lot 11, Block 3, Scott & Deans Addition, an Official Plat and the Centerline of the East/West alley lying north of and adjacent to Lot 11, Block 3, Scott & Deans Addition, thence easterly along said Centerline of the East/West alley lying north of and adjacent to Lot 11, Block 3, Scott and Deans Addition and its easterly extension to its intersection with the Centerline of East Fourth Street, thence southerly along the said Centerline of East Fourth Street to its intersection with the easterly extension of the south lot line of Lot 11, Block 3, Scott & Deans Addition, thence westerly along the easterly extension of the south lot line of Lot 11, Block 3, Scott & Deans Addition, thence continuing westerly along the south lot line of Lot 11, Block 3, Scott & Deans Addition and its westerly extension to the southeast corner of Lot 4, Block 3, Scott & Deans Addition, thence north from the southeast corner of Lot 4, Block 3, Scott & Deans Addition to the northwest corner of Lot 11, Block 3, Scott & Deans Addition, thence northerly from the northwest corner of Lot 11, Block 3, Scott & Deans Addition to the Point of Beginning.

AND, beginning at the intersection of the Centerline of East Sixth Street and the westerly extension of the Centerline of the Vacated East/West alley Right-of-Way lying north of and adjacent to Lot 16, Block 14, Town of De Moine, an Official Plat, thence easterly along the westerly extension of the Centerline of the Vacated East/West alley Right-of-Way lying north of and adjacent to Lot 16, Block 14, Town of De Moine and continuing easterly along the Centerline of the Vacated East/West alley Right-of-Way located north of and adjacent to Lots 16 and Lot 7, Block 14, Town of De Moine and Lots 16 and Lot 7, Block 13, Town of De Moine to its intersection with a line 13 east of and parallel to the Centerline of the abandoned Des Moines Western Railroad Tracks, thence southeasterly to a point on said line 13 feet east of and parallel to the Centerline of the abandoned Des Moines Western Railroad Tracks, said point being 96.74 feet west of the east lot line of Lot 7, Block 13, Town of De Moine, thence south from said point on the

★ Roll Call Number

10-1409

Agenda Item Number

43-I

August 23, 2010

Date

-4-

line 13 feet east of and parallel to the Centerline of the abandoned Des Moines Western Railroad Tracks 61.37 feet to a point 86.96 feet west of the east lot line of Lot 8, Block 13, Town of De Moine on a line extending from a point on the east lot line of Lot 8, Block 13, Town of De Moine said point on said east lot line being 8.6 feet south of the northeast corner of Lot 8, Block 13, Town of De Moine to a point on the west lot line of Lot 7, Block 13, Town of De Moines said point on said west lot line being 45 feet south of the northwest corner of Lot 7, Block 13, Town of De Moine, thence northwesterly along said line extending from a point on the east lot line of Lot 8, Block 13, Town of De Moine said point on said east lot line being 8.6 feet south of the northeast corner of Lot 8, Block 13, Town of De Moine to a point on the west lot line of Lot 7, Block 13, Town of De Moines said point on said west lot line being 45 feet south of the northwest corner of Lot 7, Block 13, Town of De Moine to said point on the west lot line of Lot 7, Block 13, Town of De Moine said point being 45 feet south of the northwest corner of Lot 7, Block 13, Town of De Moine, thence west from said point 45 feet south of the northwest corner of Lot 7, Block 13, Town of De Moine to a point on the east lot line of Lot 16, Block 13, Town of De Moine said point being 45 feet south of the northeast corner of Lot 16, Block 13, Town of De Moine, thence north from said point on the east lot line of Lot 16, Block 13, Town of De Moine to a point 39 feet south of the northeast corner of Lot 16, Block 13, Town of De Moine, thence westerly from said point on the east lot line of Lot 16, Block 13, Town of De Moine along a line 39 feet south of and parallel to the north lot line of Lot 16, Block 13, Town of De Moine and Lots 7, and 16, Block 14, Town of De Moine and the westerly extension of said line to its intersection with the Centerline of East Sixth Street, thence north along said Centerline of East Sixth Street to the Point of Beginning, all now included in and forming a part of the City of Des Moines, Polk County, Iowa,

from C-3 Central Business District Commercial District and M-1 Light Industrial District to C-3B Central Business District Mixed Use classification in accordance with the attached map.

(continued)


★ Roll Call Number
10-1409
 Date August 23, 2010

Agenda Item Number
43-I

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the Property to C-3B Central Business Mixed Use classification are hereby overruled, the hearing is closed, and the proposed amendment to the rezoning ordinance is hereby approved.

Moved by Meyer to adopt and approve the rezoning, subject to final passage of the rezoning ordinance.

APPROVED AS TO FORM:


 Michael F. Kelley
 Assistant City Attorney

(Council Communication No. 10-524)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

T. M. Franklin Mayor

CERTIFICATE

I, DIANE RAUH, 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.

Diane Rauh City Clerk