

★ Roll Call Number

10-2030

Agenda Item Number

EX. 1

Date December 6, 2010

RESOLUTION ESTABLISHING A TEMPORARY MORATORIUM
ON DEVELOPMENT WITHIN THE 2 RIVERS DISTRICT THAT DOES NOT
CONFORM WITH THE PLANNED ZONING FOR THE DISTRICT

WHEREAS, the 2 Rivers District consists of the area generally bounded by the Raccoon River and Des Moines Rivers to the north, SE 1st Street to the east, Indianola Avenue and Indianola Road to the south, and SW 7th Street to the west; and,

WHEREAS, the extension of Indianola Avenue along the south side of the 2 Rivers District from the SE 1st Street intersection across the Raccoon River to SW 3rd Street substantially altered traffic patterns in the area and opened up underutilized sites within the District for redevelopment; and,

WHEREAS, the 2 Rivers District is suitable for redevelopment given its proximity to the Downtown, Martin Luther King Jr. Parkway, Meredith Trail, Principal Riverwalk, and other redevelopment activities that are taking place to the north; and,

WHEREAS, on December 5, 2005, by Roll Call No. 05-2877, the City Council approved an agreement with Brian Clark and Associates for the preparation of a land use and redevelopment plan for the 2 Rivers District; and,

WHEREAS, Brian Clark and Associates worked with a steering committee, stakeholders, residents, and staff to develop the 2 Rivers District Plan that recommends appropriate future land uses, identifies underutilized sites, and provides a conceptual design for the District that integrates the trail system, Columbus Park, new multi-family units, the existing single-family residences to the east and a proposed Italian-American Cultural Center; and,

WHEREAS, Brian Clark and Associates presented an overview of the 2 Rivers District Plan at the June 11, 2007, Council Workshop, and on April 21, 2008, by Roll Call No. 08-674, the City Council referred the 2 Rivers District Plan to the appropriate City boards and commissions for review and recommendation on potential implementation activities; and,

WHEREAS, on August 26, 2008, and on November 18, 2008, the Park and Recreation Board and the Urban Design Review Board, respectively, approved motions in support of the Plan; and,

WHEREAS, on December 4, 2008, the Plan and Zoning Commission expressed their support for the concepts identified in the plan and approved a motion recommending that the Des Moines 2020 Community Character Land Use Plan and the zoning in the area be altered to reflect the vision of the 2 Rivers District Plan.

(continued)

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WHEREAS, on January 5, 2009, the City Council received and filed the recommendations of the Park and Recreation Board, Urban Design Review Board, and Plan and Zoning Commission, and directed the Community Development Director to initiate appropriate amendments to the land use plan and rezoning (amendments to the zoning designations) to support and reflect the intent of the 2 Rivers District Plan attached hereto as Exhibit "A"; and,

WHEREAS, implementation of the amendments to the land use plan and rezoning was temporarily delayed by other intervening concerns and activities; and,

WHEREAS, development has now been proposed within the 2 Rivers District that is incompatible with, and may frustrate the implementation of the 2 Rivers District Plan; and,

WHEREAS, a temporary moratorium on the approval of site plans and permits for the construction or development of new uses and structures within the 2 Rivers District that are incompatible with the 2 Rivers District Plan is necessary and appropriate to prevent new development from occurring within the 2 Rivers District that is incompatible with the existing and planned uses of land within the District; and,

WHEREAS, the map attached hereto as Exhibit "B" identifies the portions of the 2 Rivers District which have zoning designations that are inconsistent with and incompatible with the implementation of the 2 Rivers District Plan; NOW THEREFORE,

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

1. No uses shall be commenced, no structures shall be constructed, and no site plans or building permits shall be approved or issued for the commencement of any use or construction of any structure within those portions of the 2 Rivers District identified in Exhibit "B" to be rezoned to the "D-R" Downtown Riverfront District, the "NPC" Neighborhood Pedestrian Commercial District and the "R-3" Multiple-Family Residential District, unless such use or structure conforms with the zoning district regulations for the district for which such land is proposed to be rezoned as shown by Exhibit "B". The City Staff shall not issue any permit or site plan approval for any development which is prohibited by this section. This moratorium shall not apply to the completion and use of any structure which has been commenced under a valid permit and is diligently pursued to completion.
2. Any party may by written application to the City Clerk request relief from the effect of this moratorium where necessary to avoid unnecessary hardship. The application shall identify the basis for the applicant's contention that the moratorium is causing unnecessary hardship. The application shall be presented for consideration by the City Council at the first regularly

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scheduled Council meeting more than ten days following the date such application is filed with the City Clerk. If the City Council determines that the application of this moratorium is causing the applicant unnecessary hardship, the City Council shall allow such relief from this moratorium as is necessary to remedy such unnecessary hardship.

- 3. The Community Development Department and Plan and Zoning Commission are hereby directed to diligently proceed with consideration of the amendments to the Des Moines 2020 Community Character Plan to incorporate the 2 Rivers Plan, and with the rezoning necessary to implement the zoning designation changes identified in Exhibit "B". The Community Development Department and Plan and Zoning Commission shall endeavor to complete their report and recommendation for receipt by the City Council at its meeting on February 14, 2010.
- 4. This moratorium shall take effect immediately upon the adoption of this resolution and shall expire on April 12, 2011 (after a term of 127 days), unless terminated or extended by further action of the City Council. The City Council hereby expresses its intent to immediately terminate this moratorium if the City Council determines at any time that the rezoning identified in Exhibit "B" is not appropriate.

MOVED by Meyer to adopt.

Sponsored by Councilmember Meyer.

FORM APPROVED:

Roger K. Brown
Assistant City Attorney
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Exhibits:
"A" - 2 Rivers Land Plan
"B" - Amendments to Zoning Map

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

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.

T. M. Franklin Mayor

Diane Rauh City Clerk