

11-0360

56B

Date February 28, 2011

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 3, 2011, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a City Council initiated request to rezone properties with multiple ownerships in furtherance of the 2 Rivers District Land Use and Redevelopment Plan for an area of the City generally bounded by the Raccoon River on the north, Southeast 1st Street on the east, Indianola Road on the south and Southwest 7th Street on the west as follows: (See Attachment 2)

- (1) M-1 Light Industrial District to D-R Downtown Riverfront District and NPC Neighborhood Pedestrian Commercial District.
- (2) M-3 Limited Industrial District to D-R Downtown Riverfront District and R-3 Multiple Family Residential.
- (3) C-2 General Retail and Highway Oriented Commercial District to D-R Downtown Riverfront District and NPC Neighborhood Pedestrian Commercial District.
- (4) C-0 Commercial Residential District to NPC Neighborhood Pedestrian Commercial District.
- (5) R-4 Multiple Family Residential District to D-R Downtown Riverfront District and NPC Neighborhood Pedestrian Commercial District.
- (6) R-3 Multiple Family Residential District to NPC Neighborhood Pedestrian Commercial District.

The subject properties are more specifically described as follows:

R-3, R-4, C-0, C-2, M-1 to NPC

Beginning at the intersection of the centerlines of Southwest 2nd Street and Dunham Avenue; thence northerly along the centerline of Southwest 2nd Street to the southerly line of vacated Southwest 2nd Street as described by City of Des Moines ordinance number 13,174; thence easterly along said southerly line to its intersection with the westerly line of Lot 1 of Block 7 of Van's Addition to South Des Moines, an official plat; thence northerly along the westerly line of said Lot 1 to the northwesterly corner of said Lot 1; thence easterly along the northerly line of said Lot 1 to its intersection with the northerly line of the vacated Chicago and Great Western Railroad right-of-way, said right-of-way line also being the southeasterly line of GeoParcel 7824-09-428-026; thence northeasterly along said right-of-way line to its intersection with the centerline of Granger Avenue and its westerly extension; thence easterly along the centerline of Granger Avenue and its westerly extension to its intersection with the centerline of South Union Street; thence northerly along the centerline of South Union Street to its intersection with the westerly extension of the northerly line of Lot 2 of Block 16 of said Van's Addition; thence easterly along the northerly line of said Lot 2 and its westerly and easterly extensions to its intersection with the centerline of the north-south alley lying east of and adjoining Lot 2 of said Block 16 and, also, lying east of and adjoining Lots 1 and 2 of Block 16 of South Fort Des Moines, an official plat; thence northerly along the centerline of said alley and its northerly extension to its intersection with the centerline of Jackson Avenue; thence

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westerly along the centerline of Jackson Avenue to its intersection with the centerline of South Union Street; thence northerly along the centerline of South Union Street to its intersection with the centerline of East Livingston Avenue; thence easterly along the centerline of East Livingston Avenue to its intersection with the centerline of Southeast 1st Street; thence northerly along the centerline of Southeast 1st Street to its intersection with the westerly extension of the centerline of the east-west alley lying northerly of and adjoining Lots 1, 2, 3 and 4 of Block 1 of the Second Plat of Clifton Heights, an official plat; thence easterly along said alley centerline and its westerly extension to its intersection with the northerly extension of the easterly line of said Lot 4: thence southerly along said easterly line and its northerly and southerly extensions to its intersection with the centerline of East Livingston Avenue; thence westerly along the centerline of East Livingston Avenue to its intersection with the northerly extension of the centerline of the north-south alley lying east of and adjoining Lots 1 through 6 , inclusive, of Block 2 of said Second Plat of Clifton Heights; thence southerly along said alley centerline and its northerly and southerly extensions to its intersection with the centerline of East Jackson Avenue; thence westerly along the centerline of East Jackson Avenue to its intersection with the centerline of Southeast 1st Street; thence southerly along the centerline of Southeast 1st Street to its intersection with the centerline of East Indianola Avenue; thence northerly along the centerline of East Indianola Avenue and its continuation as Indianola Avenue to its intersection with the centerline of Dunham Avenue; thence westerly along the centerline of Dunham Avenue to the point of beginning.

From: R-4, M-1, M-3 to DR

Beginning at the intersection of the centerlines of Southwest 2nd Street and Dunham Avenue; thence southerly along the centerline of Southwest 2nd Street to its intersection with the centerline of Edison Avenue; thence easterly along the centerline of Edison Avenue to its intersection with the northerly extension of the centerline of the north-south alley lying easterly of and adjoining Lots 1 and 2 of Block 5 of Van's Addition to South Des Moines, an official plat; thence southerly along said alley centerline and its northerly and southerly extensions to its intersection with the centerline of Columbus Avenue; thence westerly along the centerline of Columbus Avenue to its intersection with the centerline of Southwest 2nd Street; thence southerly along the centerline of Southwest 2nd Street and its southerly extension to its intersection with the centerline of Indianola Road; thence westerly along the centerline of Indianola Road to its intersection with the centerline of Southwest 7th Street; thence northerly along the centerline of Southwest 7th Street to its intersection with the southerly line of the FW floodway district along the Raccoon River; thence easterly along the said southerly line of the FW floodway district along the Raccoon River and its continuation as the southerly line of the FW floodway district along the Des Moines River to its intersection with the northerly extension of the centerline of Southeast 4th Street; thence southerly along the centerline of Southeast 4th Street and its northerly extension to its intersection with the easterly extension of the centerline of the east-west alley lying northerly of and adjoining Lots 13 through 2, inclusive, of Block 10 of the 2nd Plat of Clifton Heights, an official plat; thence westerly along said alley centerline and its easterly and westerly extensions to its intersection with the centerline of Southeast 3rd Street; thence northerly along the centerline of Southeast 3rd Street to its intersection with the easterly extension of the

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centerline of the east-west alley lying northerly of and adjoining Lots 22 through 1, inclusive, of Block 1 of said 2nd Plat of Clifton Heights; thence westerly along said alley centerline and its easterly and westerly extensions to its intersection with the centerline of Southeast 1st Street; thence southerly along the centerline of Southeast 1st Street to its intersection with the centerline of East Livingston Avenue; thence westerly along the centerline of East Livingston Avenue to its intersection with the centerline of South Union Street; thence southerly along the centerline of South Union Street to its intersection with the centerline of East Jackson Avenue; thence easterly along the centerline of East Jackson Avenue to its intersection with the northerly extension of the centerline of the north-south alley lying easterly of and adjoining Lots 1 and 2 of Block 16 of South Fort Des Moines, an official plat, and lying easterly of and adjoining Lot 1 of Block 16 of Van's Addition to South Des Moines, an official plat; thence southerly along the centerline of said alley and its northerly extension to its intersection with the easterly extension of the northerly line of Lot 2 of Block 16 of said Van's Addition; thence westerly along the northerly line of said Lot 2 and its easterly and westerly extensions to its intersection with the centerline of South Union Street; thence southerly along the centerline of South Union Street to its intersection with the centerline of Granger Avenue; thence westerly along the centerline of Granger Avenue and its westerly extension to its intersection with the northerly right-of-way line of the vacated Chicago and Great Western Railroad, said right-of-way line also being the southeasterly line of GeoParcel 7824-09-428-026; thence southwesterly along said northerly right-of-way line to its intersection with the northerly line of Lot 1 of Block 7 of Van's Addition to South Des Moines; thence westerly along the northerly line of said Lot 1 to the northwesterly corner of said Lot 1; thence southerly along the westerly line of said Lot 1 to its intersection with the southerly line of vacated Southwest 2nd Street as described by City of Des Moines ordinance number 13,174; thence westerly along said southerly line to its intersection with the centerline of Southwest 2nd Street; thence southerly along the centerline of Southwest 2nd Street to the point of beginning.

To R-3 from M-3

Beginning at the intersection of the centerlines of the rights-of-way of Southwest 2nd Street and Dunham Avenue; thence easterly along the centerline of Dunham Avenue to its intersection with the northerly extension of the centerline of the north-south alley lying east of and adjoining Lots 1, 2, 3 and 4 of Block 6 of Van's Addition to South Des Moines, an official plat; thence southerly along the centerline of said north-south alley to its intersection with the centerline of Edison Avenue; thence westerly along the centerline of Edison Avenue to its intersection with the centerline of Southwest 2nd Street; thence northerly along the centerline of Southwest 2nd Street to the point of beginning.

WHEREAS, on February 14, 2011 by Roll Call No. 11-0206, the City Council set the date for public hearing on the proposed rezoning for 5:00 p.m. on February 28, 2011 in Council Chambers at City Hall in order to hear both those who favor and those who oppose the proposal; and

WHEREAS, notice of the rezoning was published according to law in the Des Moines Register on February 17, 2011, setting forth the time and place for the hearing on the proposed amendments to the Zoning Ordinance; and

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WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the property as described herein.

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

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 are hereby overruled, the hearing is closed and the following rezoning is hereby APPROVED:

- (1) M-1 Light Industrial District to D-R Downtown Riverfront District and NPC Neighborhood Pedestrian Commercial District.
- (2) M-3 Limited Industrial District to D-R Downtown Riverfront District and R-3 Multiple Family Residential.
- (3) C-2 General Retail and Highway Oriented Commercial District to D-R Downtown Riverfront District and NPC Neighborhood Pedestrian Commercial District.
- (4) C-0 Commercial Residential District to NPC Neighborhood Pedestrian Commercial District.
- (5) R-4 Multiple Family Residential District to D-R Downtown Riverfront District and NPC Neighborhood Pedestrian Commercial District.
- (6) R-3 Multiple Family Residential District to NPC Neighborhood Pedestrian Commercial District.

(Council Communication No. 11- 103 Attached)

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

FORM APPROVED:

Michael F. Kelley
Michael F. Kelley, Assistant City Attorney

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

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