

Date May 8, 2017

**RESOLUTION HOLDING HEARING ON REQUEST FROM
TWG DEVELOPMENT, LLC TO REZONE PROPERTY LOCATED IN THE
VICINITY OF 201 SOUTHEAST 6TH STREET**

WHEREAS, on April 17, 2017, by Roll Call No. 17-0673, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on April 6, 2017, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from TWG Development, LLC (owner), represented by Tony Knoble (officer), to rezone property located in the vicinity of 201 Southeast 6th Street ("Property") from "M-2" Heavy Industrial District to Limited "C-3B" Central Business Mixed-Use District, to allow redevelopment with a four-story mixed use project containing an estimated 211 dwelling units, estimated 2,200 square feet of ground floor commercial space, and estimated 205 parking spaces in an underground garage, subject to the following conditions:

1. The following uses shall be prohibited on the Property:
 - a. Assembly and packaging of small components from previously prepared materials within a fully enclosed building.
 - b. Auction businesses.
 - c. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
 - d. Lumberyards, retail and wholesale.
 - e. Machine shops.
 - f. Freestanding package goods stores for the sale of alcoholic beverages.
 - g. Pawnshops.
 - h. Printing, publishing houses and lithographing shops.
 - i. Plumbing and heating shops.
 - j. Miniwarehouse uses.
 - k. Freestanding taverns and night clubs.
 - l. Warehousing.
2. Any development on the Property shall be subject to the undergrounding of all overhead utilities to the maximum extent possible.
3. Any development on the Property shall re-establish East Elm Street right-of-way and improve it with a public street constructed with an urban cross section.
4. Any development on the Property shall improve Southeast 7th Street with an urban cross section.
5. Any development on the Property shall re-establish Market Street right-of-way and improve it with either a public pedestrian plaza or a public street constructed with an urban cross section.
6. Any development or site modifications on the Property shall be in accordance with a Site Plan that satisfies any applicable design guidelines, such as those for the "C-3B" District, the "D-O" Downtown Overlay District, and/or Multiple-Family Residential; 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 amendment to the Zoning Ordinance; and



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WHEREAS, in accordance with said notice, those interested in said proposed rezoning, 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 Property locally known as 201 Southeast 6th Street, legally described as:

TRACT #1 (DEED BOOK 6108 PAGE 953)

THAT PART OF LOT SEVEN (7) DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 7; THENCE NORTH 47.2 FEET; THENCE IN A WESTERLY DIRECTION TO A POINT ON THE WEST LINE OF SAID LOT 7, 21.47 FEET NORTH OF THE SOUTHWEST CORNER OF SAID LOT 7; THENCE SOUTHERLY TO THE SOUTHWEST CORNER OF SAID LOT 7; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID LOT 7 TO THE POINT OF BEGINNING; ALL OF LOT SIX (6); AND THAT PART OF THE VACATED ALLEY AT A POINT ON THE VACATED ALLEY LYING BETWEEN LOTS 4, 5 6 AND 7, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF LOT 7, 21.47 FEET NORTH OF THE SOUTHWEST CORNER OF LOT 7, THENCE SOUTHERLY TO THE SOUTHWEST CORNER OF LOT 6; THENCE WESTERLY, AT RIGHT ANGLES, A DISTANCE OF 8 FEET; THENCE IN A NORTHERLY DIRECTION, PARALLEL TO THE WEST LINE OF LOTS 6 AND 7, A DISTANCE OF 69.1 FEET; THENCE EASTERLY TO THE POINT OF BEGINNING, ALL IN BLOCK EIGHTEEN (18); AND THAT PART OF VACATED MARKET STREET DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 6 IN BLOCK 18; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID LOT 6 AND THE WESTERLY EXTENSION THEREOF, A DISTANCE OF 158 FEET; THENCE SOUTHERLY, AT RIGHT ANGLES, 14 FEET; THENCE EASTERLY, AT RIGHT ANGLES, 158 FEET, TO THE WEST LINE OF SE 7TH STREET; THENCE NORTHERLY, ALONG THE WEST LINE FO SE 7TH STREET, 14 FEET, TO THE POINT OF BEGINNING; ALL IN TOWN OF DE MOINE, NOW INCLUDED IN AND FORMING APART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

AND

TRACT #2 (DEED BOOK 5729 PAGE 737)

THE SOUTH 66.0 FEET OF VACATED EAST MARKET STREET, LYING NORTH AND ADJOINING LOT 10, BLOCK 29, TOWN OF DE MOINE, AN OFFICIAL PLAT, AND THE SOUTH 66 FEET OF VACATED EAST MARKET STREET LYING NORTH OF AND ADJOINING THE VACATED NORTH/SOUTH ALLEY IN SAID BLOCK 29, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA (VACATED BY ORDINANCE NO. 8824, PASSED ON AUGUST 5, 1974)

AND

TRACT #3 (DEED BOOK 6710 PAGE 895)

LOTS ONE (1), TWO (2), THREE (3), FOUR (4), FIVE (5), SIX (6), SEVEN (7), EIGHT (8), NINE (9), TEN (10) IN BLOCK TWENTY-NINE (29), NORTH AND SOUTH ALLEY BETWEEN SOUTHEAST 6TH STREET AND SOUTHEAST 7TH STREET EXTENDING FROM NORTH LINE OF ELM STREET TO SOUTH LINE OF EAST MARKET STREET IN BLOCK 29, TOWN OF DE MOINE, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA (ALLEY



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VACATED BY ORDINANCE 5175 PASSED OCTOBER 3, 1949), ALL IN TOWN OF DE MOINE, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA.

AND

TRACT #4 (DEED BOOK 5562 PAGE 33) THAT VACATED PART OF ELM STREET RIGHT-OF-WAY LYING SOUTHERLY OF AND ADJOINING BLOCK 29, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA (VACATED BY ORDINANCE NO. 10,766, PASSED MARCH 17, 1986).

from "M-2" Heavy Industrial District to Limited "C-3B" Central Business Mixed-Use District to allow redevelopment with a four-story mixed use project containing an estimated 211 dwelling units, estimated 2,200 square feet of ground floor commercial space, and estimated 205 parking spaces in an underground garage, subject to the conditions stated above as agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by the owner of the Property, which is binding upon the owner and its successors, heirs and assigns.

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 rezoning of the Property to Limited "C-3B" Central Business Mixed-Use District with conditions as set forth above, are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property to Limited "C-3B" Central Business Mixed-Use District with conditions as set forth above, is hereby found to be in conformance with the existing PlanDSM: Creating Our Tomorrow plan and is approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Gatto TO ADOPT.

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

(ZON2017-00032)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and TOTAL.

MOTION CARRIED

APPROVED

T. M. Franklin Cownie, 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