



Roll Call Number

19-0747

Agenda Item Number

43

Date May 6, 2019

RESOLUTION HOLDING HEARING ON REQUEST FROM DES MOINES HERITAGE TRUST TO REZONE PROPERTY LOCATED AT 120 EAST 5<sup>TH</sup> STREET

WHEREAS, on April 22, 2019, by Roll Call No. 19-0633, the City Council received a recommendation from the City Plan and Zoning Commission advising that at a public hearing held on April 4, 2019, its members voted 11-1 in support of a motion to recommend APPROVAL of a request from Des Moines Heritage Trust (owner), represented by Timothy Waddell (officer), to rezone property in located at 120 East 5th Street ("Property") from "M-1" Light Industrial District to Limited "C-3B" Central Business Mixed Use District, to allow renovation of the existing former railroad depot and warehouse building for a museum and redevelopment of the Property for an event space building, subject to the following conditions:

- 1. The following uses shall be prohibited:
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; and

WHEREAS, on April 22, 2019, by Roll Call No. 19-0633, it was duly resolved by the City Council that the application of Des Moines Heritage Trust to rezone the Property, as legally described below, be set down for hearing on May 6, 2019 at 5:00 p.m. in the Council Chambers at City Hall; 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

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 120 East 5<sup>th</sup> Street, legally described as:

PARCEL 2017-207 OF THE PLAT OF SURVEY FILED IN THE OFFICE OF THE RECORDER, POLK COUNTY, IOWA, IN BOOK 16761, PAGE 652, ALL IN LOTS 7,8,15, AND 16 AND THE ADJOINING VACATED NORTH/SOUTH ALLEY, ALL IN BLOCK 16, TOWN OF DE MOINE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 7; THENCE SOUTH 15°04'38" EAST, 89.62 FEET; THENCE



Roll Call Number

19-0747

Agenda Item Number

43

Date May 6, 2019

SOUTH 75°01'22" WEST, 158.62 FEET; THENCE NORTH 15°23'48" WEST, 10.03 FEET; THENCE SOUTH 74°57'09" WEST, 50.20 FEET; THENCE NORTH 14°56'35" WEST, 79.30 FEET; THENCE NORTH 74°55'34" EAST, 208.69 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.42 ACRES MORE OR LESS AND SUBJECT TO EASEMENTS, AGREEMENTS, AND LICENSES OF RECORD

from "M-1" Light Industrial District to Limited "C-3B" Central Business Mixed Use District, to allow renovation of the existing former railroad depot and warehouse building for a museum and redevelopment of the Property for an event space building, subject to the conditions stated above as agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by the owner(s) of the Property, which is binding upon the owner(s) and their 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 PlanDSM: Creating Our Tomorrow Land Use 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
Glenna K. Frank, Assistant City Attorney

(ZON2019-00041)

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

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.

J. M. Frankin Cownie Mayor

Diane Rauh City Clerk