



Roll Call Number

20-0670

Agenda Item Number

43

Date April 20, 2020

**RESOLUTION HOLDING HEARING ON CITY INITIATED REQUEST TO REZONE
PROPERTY LOCATED AT 1420 MULBERRY STREET**

WHEREAS, on March 23, 2020, by Roll Call No. 20-0520, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on March 5, 2020, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a City-initiated request to rezone property owned by Central Iowa Shelter and Services (owner) at 1420 Mulberry Street ("Property") from "P2" Public, Civic, and Institutional District to "DX2" Downtown District, to allow the expansion of the existing temporary shelter use for additional multiple housing living units and area for service provision; and

WHEREAS, on March 23, 2020, by Roll Call No. 20-0585, it was duly resolved by the City Council that request to rezone the Property, be set down for hearing on April 20, 2020 at 5:00 P.M., in the Second (2nd) Floor MSC Board Room, Richard A. Clark Municipal Services Center, 1551 East M.L. King, Jr. Parkway, Des Moines, Iowa; 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 Zoning Ordinance; 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 1420 Mulberry Street, legally described as follows:

A PARCEL OF LAND SITUATED IN PART OF LOT 5 OF THE ORIGINAL PLAT OF THE NORTHEAST ¼ OF SECTION 8, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH PRINCIPAL MERIDIAN AND PART OF LOTS 2 AND 13 OF THE ORIGINAL PLAT OF THE NORTHWEST ¼ OF SECTION 9, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH PRINCIPAL MERIDIAN, AND PART OF LOT 5 OF KEENE & POINDEXTER'S ORIGINAL PLAT, AND PART OF VACATED LOTS 5, 6 AND 7 OF BLOCK 33 OF KEENE & POINDEXTER'S ADDITION, AND PART OF THE VACATED ALLEY LYING BETWEEN LOTS 5, 6 AND 7 OF BLOCK 33 OF KEENE & POINDEXTER'S ADDITION, AND PART OF VACATED CHERRY STREET LYING SOUTH OF LOTS 6 AND 7 OF BLOCK 33 OF KEENE AND POINDEXTER'S ADDITION, AND PART OF VACATED LOTS 5 AND 6 OF BLOCK 32 OF KEENE & POINDEXTER'S ADDITION, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, COUNTY OF POLK, STATED OF IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1 OF BLOCK 33 OF KEENE & POINDEXTER'S ADDITION; THENCE SOUTH 74°10'15" WEST, ASSUMED BEARING FOR THE PURPOSE OF THE DESCRIPTION, ON THE NORTHWESTERLY LINE OF SAID LOT 1 AND THE SOUTHWESTERLY PROLONGATION OF SAID NORTHWESTERLY LINE (ALSO BEING THE PRESENT SOUTHEASTERLY RIGHT-OF-WAY LINE OF MULBERRY STREET), 300.00 FEET TO THE POINT OF BEGINNING;



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THENCE SOUTH 15°13'48" EAST, 347.00 FEET; THENCE SOUTH 74°10'15" WEST, 105.00 FEET; THENCE NORTH 76°23'32" WEST, 336.47 FEET; THENCE NORTH 15°13'48" WEST, 181.50 FEET TO THE SOUTHWESTERLY PROLONGATION OF SAID NORTHWESTERLY LINE OF SAID LOT 1 (ALSO BEING THE PRESENT SOUTHEASTERLY RIGHT-OF-WAY LINE OF MULBERRY STREET); THENCE NORTH 74°10'15" EAST ON THE SOUTHWESTERLY PROLONGATION OF SAID NORTHWESTERLY LINE OF SAID LOT 1 (ALSO BEING THE PRESENT SOUTHEASTERLY RIGHT-OF-WAY LINE OF MULBERRY STREET), 400.00 FEET TO THE POINT OF BEGINNING.

WHEREAS, in accordance with said notice, those interested in said proposed amendment to the 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

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 from "P2" Public, Civic, and Institutional District, to "DX2" Downtown District, are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, to "DX2" Downtown District, 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 Mandelbaum TO ADOPT.

FORM APPROVED:

Judy K. Parks-Kruse
Judy K. Parks-Kruse, Assistant City Attorney

(ZON2020-00022)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL (7 YEAS).

CERTIFICATE

I, P. Kay Cmelik, 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.

MOTION CARRIED APPROVED
J. M. Franklin Cownie

[Signature of P. Kay Cmelik]

City Clerk