



**Roll Call Number**

20-1516

**Agenda Item Number**

80

**Date** September 14, 2020

**RESOLUTION HOLDING HEARING ON CITY-INITIATED REQUEST TO AMEND  
PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY  
LOCATED IN THE VICINITY OF 4101 AND 4104 AMHERST STREET, 4102 NORTH UNION  
STREET, AND ADJOINING LOTS AND ALLEY RIGHT-OF-WAY**

**WHEREAS**, on August 17, 2020, by Roll Call No. 20-1323, the City Council received a communication from the City Plan and Zoning Commission has advised that at a public hearing held on August 6, 2020, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a City-initiated request to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 4101 Amherst Street, 4104 Amherst Street, 4102 North Union Street, Polk County Assessor Parcel No. 070/02624-001-000, and the vacated alleys immediately adjoining 4101 Amherst Street and 4104 Amherst Street, from Low Density Residential to Public/Semi-Public; and

**WHEREAS**, pursuant to said communication, the City Plan and Zoning Commission has further advised that at a public hearing held on August 6, 2020, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a City-initiated request to rezone real property locally known as 4104 Amherst Street, 4102 North Union Street, Polk County Assessor Parcel No. 070/02624-001-000, and the vacated alleys immediately adjoining 4101 Amherst Street and 4104 Amherst Street (“Rezoning Property”) from N3a Neighborhood District to P2 Public, Civic and Institutional District to allow existing surface parking to be reconstructed with underground stormwater detention as part of the City’s regional Hamilton Drain project; and

**WHEREAS**, on August 17, 2020, by Roll Call No. 20-1323, it was duly resolved by the City Council that the request to amend the land use designation as stated above and to rezone the Rezoning Property be set down for hearing on September 14, 2020 at 5:00 P.M., by electronic means in accordance with the Governor’s and Mayor’s Proclamations and to encourage and maintain social distancing to curb the spread of COVID19 in the community, without public access to the meeting location; 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 land use amendment and rezoning; and

**WHEREAS**, in accordance with said notice, those interested in said proposed land use amendment and 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 Rezoning Property locally known as 4104 Amherst Street, 4102 North Union Street, Polk County Assessor Parcel No. 070/02624-001-000, and the vacated alleys immediately adjoining 4101 Amherst Street and 4104 Amherst Street, legally described as:

LOT 12 IN BLOCK 1 OF THE OFFICIAL PLAT OF THE NORTHEAST QUARTER OF THE  
SOUTHWEST QUARTER (EXCEPT THE EAST 830.4 FEET OF THE SOUTH HALF (1/2) THEREOF)  
OF SECTION 23, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M.,

AND

ALL OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING EAST OF AND  
ADJOINING LOTS 13 AND 14 IN SAID BLOCK 1,

AND



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LOTS 10, 11 AND 12 IN BLOCK 2 OF SAID OFFICIAL PLAT OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (EXCEPT THE EAST 830.4 FEET OF THE SOUTH HALF (1/2) THEREOF) OF SECTION 23, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M.,  
AND

ALL OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOTS 10, 11 AND 12 IN SAID BLOCK 2,  
AND

LOTS 18 AND 19 OF MADISON GARDENS, AN OFFICIAL PLAT,  
ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

from N3a Neighborhood District to P2 Public, Civic and Institutional District to allow existing surface parking to be reconstructed with underground stormwater detention as part of the City's regional Hamilton Drain project.

**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 amendment to the PlanDSM future land use designation or rezoning of the Rezoning Property to P2 Public, Civic and Institutional District are hereby overruled, and the hearing is closed.
2. The proposed amendment to the PlanDSM: Creating Our Tomorrow Plan for the Property locally known as 4101 Amherst Street, 4104 Amherst Street, 4102 North Union Street, Polk County Assessor Parcel No. 070/02624-001-000, and the vacated alleys immediately adjoining 4101 Amherst Street and 4104 Amherst Street to Public/Semi-Public is hereby approved.
3. The proposed rezoning of the Rezoning Property, as locally and legally described above, to P2 Public, Civic and Institutional 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 Westergaard TO ADOPT.

**FORM APPROVED:**

/s/Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(21-2020-4.14)

(ZON2020-00083)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

J. M. Franklin Cownie  
Mayor

**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.

P. Kay Cmelik

City Clerk