



Roll Call Number

20-1876

Agenda Item Number

22E ✓

Date November 23, 2020

RESOLUTION SETTING HEARING ON CITY-INITIATED REQUEST TO REZONE PROPERTY LOCATED IN THE AREA EAST OF SOUTHEAST 2ND STREET IN THE MARKET DISTRICT

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on November 5, 2020, its members voted 14-0 in support of a motion to recommend APPROVAL of a City-initiated request to rezone real property located east of Southeast 2nd Street in the area of the Historic East Village of east downtown Des Moines known as the Market District ("Property") from DX2 Downtown District and/or P2 Public, Civic and Institutional District to Limited DX1 Downtown District, to allow for a master-planned, mixed use urban redevelopment of the area and incorporated viewshed protection corridor to respect State Capitol Building dominance requirements, subject to the following condition:

- 1. The maximum height of all building(s) constructed or developed on the Property that are located outside the viewshed corridor, which corridor is identified by the viewshed analysis presented to the Plan and Zoning Commission and legally described below, shall be limited to the height shown on the Large-Scale Development Plan unless relief thereto is granted pursuant to Chapter 135 of the Des Moines Municipal Code; and

WHEREAS, following said public hearing, the City Plan and Zoning Commission voted 14-0 in support of a motion to APPROVE the Large-Scale Development Plan for the Market District development area including the Property, submitted by The District Developer, LLC (developer/purchaser), represented by Paul Hayes, subject to addition of a table on Sheet 3 thereof indicating the maximum building heights outside the identified viewshed protection corridor for the corresponding block number, and the Commission further voted 14-0 in support of a motion to find the Large-Scale Development Plan in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan; and

WHEREAS, the Property, including the viewshed corridor with corresponding maximum building height limitations to be incorporated into the proposed rezoning which description is to be reviewed by City staff and included in the legal description of the Property at time of publication giving notice of Council public hearing, is legally described as follows:

BLOCKS 5, 6, K, L, AND M, AND A PART OF BLOCKS 7(or Q) AND N, AND PART OF VACATED STREET RIGHT OF WAYS ADJOINING SAID BLOCKS, ALL IN SCOTT AND DEAN'S ADDITION, AN OFFICIAL PLAT, AND BLOCKS 30 AND 31, AND A PART OF BLOCKS 17 AND 44, AND THE NORTH HALF OF MARKET SQUARE, AND PART OF VACATED STREET RIGHT OF WAYS ADJOINING SAID BLOCKS, ALL IN TOWN OF DE MOINE, AN OFFICIAL PLAT; ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF VACATED SOUTHEAST 2ND STREET AND THE NORTH RIGHT OF WAY LINE OF EAST MARTIN LUTHER KING JR PARKWAY; THENCE NORTH ALONG SAID WEST RIGHT OF WAY TO A LINE ON SAID WEST RIGHT OF WAY LINE THAT IS 26 FEET SOUTH OF AND PARALLEL WITH THE SOUTH RIGHT OF WAY LINE OF VACATED EAST VINE STREET; THENCE EAST ALONG SAID



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LINE THAT IS 26 SOUTH OF AND PARALLEL WITH SAID SOUTH RIGHT OF WAY LINE OF VACATED EAST VINE STREET TO THE EAST RIGHT OF WAY LINE OF VACATED SOUTHEAST 2<sup>ND</sup> STREET; THENCE NORTH ALONG SAID EAST RIGHT OF WAY LINE TO SAID SOUTH RIGHT OF WAY LINE OF EAST VINE STREET; THENCE EAST ALONG SAID SOUTH RIGHT OF WAY LINE TO THE EAST RIGHT OF WAY LINE OF SOUTHEAST 3<sup>RD</sup> STREET; THENCE SOUTH ALONG SAID EAST RIGHT OF WAY LINE OF SOUTHEAST 3<sup>RD</sup> STREET TO THE SOUTHWEST CORNER OF BLOCK 4 IN SAID TOWN OF DE MOINE; THENCE CONTINUING SOUTH ALONG THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID BLOCK 4, A DISTANCE OF 16 FEET; THENCE EAST ALONG A LINE THAT IS 16 FEET SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID BLOCK 4 TO THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID BLOCK 4; THENCE NORTH ALONG SAID SOUTHERLY EXTENSION OF THE EAST LINE OF SAID BLOCK 4 AND ALONG SAID EAST LINE OF SAID BLOCK 4 TO WESTERLY EXTENSION OF THE NORTH LINE OF LOT 3 IN SAID BLOCK 17; THENCE EAST ALONG SAID WESTERLY EXTENSION AND ALONG SAID NORTH LINE OF SAID LOT 3 AND ALONG THE EASTERLY EXTENSION OF SAID NORTH LINE OF SAID LOT 3 TO THE NORTHWEST CORNER OF LOT 8 IN SAID BLOCK 17; THENCE CONTINUING EAST ALONG THE NORTH LINE OF SAID LOT 8 TO THE WEST LINE OF THE EAST 129 FEET OF LOTS 9 AND 10 IN SAID BLOCK 17; THENCE NORTH ALONG SAID WEST LINE OF THE EAST 129 FEET OF SAID LOTS 9 AND 10 TO SAID SOUTH RIGHT OF WAY LINE OF EAST VINE STREET; THENCE EAST ALONG SAID SOUTH RIGHT OF WAY LINE OF EAST VINE STREET TO THE WEST RIGHT OF WAY LINE OF SOUTHEAST 6<sup>TH</sup> STREET; THENCE SOUTH ALONG SAID WEST RIGHT OF WAY LINE OF SOUTHEAST 6<sup>TH</sup> STREET TO THE SOUTH RIGHT OF WAY LINE OF EAST MARKET STREET; THENCE WEST ALONG SAID SOUTH RIGHT OF WAY LINE OF EAST MARKET STREET TO THE EAST RIGHT OF WAY LINE OF SOUTHEAST 5<sup>TH</sup> STREET; THENCE SOUTH ALONG SAID EAST RIGHT OF WAY LINE OF SOUTHEAST 5<sup>TH</sup> STREET TO SAID NORTH RIGHT OF WAY LINE OF EAST MARTIN LUTHER KING JR PARKWAY; THENCE WEST ALONG SAID NORTH RIGHT OF WAY LINE OF MARTIN LUTHER KING JR PARKWAY TO THE POINT OF BEGINNING; and

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Des Moines, Iowa, as follows:

1. That the attached communication from the Plan and Zoning Commission is hereby received and filed, including the approval by the Plan and Zoning Commission of the developer-initiated Large-Scale Development Plan for the Market District, including the Property, subject to the addition of a table on Sheet 3 indicating maximum building heights outside the identified viewshed protection corridor with the heights for the corresponding block number.
2. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held on December 7, 2020, at 5:00 p.m., by electronic means to encourage and maintain social distancing to curb the spread of COVID19 in the community, without public access to the meeting location, at which time the City Council will hear both those who oppose and those who favor the proposal.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

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The City Clerk is instructed to provide this notice including information about participation in the electronic meeting as indicated above.

MOVED BY Gatto TO ADOPT.

FORM APPROVED:

/s/ Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

(ZON2020-00085)
(East of SE 2nd St.)

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

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. Frankhu Cownie Mayor

P. Kay Cmelik City Clerk