

Date December 7, 2020

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

WHEREAS, on November 23, 2020, by Roll Call No. 20-1875, the City Council received a communication from the City Plan and Zoning Commission advising 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 west 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 to Limited DXR 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, on November 23, 2020, by Roll Call No. 20-1875, the City Council further received communication from the City Plan and Zoning Commission advising that said 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, on November 23, 2020, by Roll Call No. 20-1875, it was duly resolved by the City Council that the request to rezone the Property be set down for hearing on December 7, 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, additional time is needed to confirm and review legal descriptions related to the viewshed corridor and update said descriptions on file for public availability, and a continuation of the hearing is recommended.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the public hearing on rezoning of the Property to Limited DXR Downtown District is hereby opened and continued to 5:00 p.m. on December 21, 2020, to be held by electronic means in accordance with the

★ Roll Call Number

Agenda Item Number

20-2057

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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.

MOVED BY Gatto TO ADOPT.

FORM APPROVED:

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

(ZON2020-00085)
(West 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. Franklin Cownie Mayor

P. Kay Cmelik City Clerk