

20-2150

55 B

Date December 21, 2020

RESOLUTION HOLDING 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, 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 rezoning; and

WHEREAS, on December 7, 2020, by Roll Call No. 20-2057, the City Council opened and continued the hearing on said proposed rezoning to the City Council meeting on December 21, 2020 at 5:00 P.M., by electronic means; and

WHEREAS, in accordance with said notice and resolution continuing hearing, 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, including the viewshed corridor with corresponding maximum building height limitations incorporated into the proposed rezoning as shown in the legal description below, legally described as follows:

Date December 21, 2020

BLOCKS B AND C AND A PART OF BLOCK A, AND PART OF VACATED STREET RIGHT OF WAYS ADJOINING SAID BLOCKS, ALL IN SCOTT AND DEAN'S ADDITION, 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 WEST ALONG SAID NORTH RIGHT OF WAY LINE OF EAST MARTIN LUTHER KING JR PARKWAY TO THE EAST RIGHT OF WAY LINE OF VACATED SOUTHEAST 1ST STREET; THENCE NORTH ALONG SAID EAST RIGHT OF WAY TO THE SOUTH RIGHT OF WAY OF VACATED EAST ELM STREET; THENCE WEST ALONG SAID SOUTH RIGHT OF WAY LINE TO A LINE THAT IS 35 FEET EAST OF AND PARALLEL WITH THE SOUTHERLY EXTENSION OF THE EAST LINE OF BLOCK S IN SAID SCOTT AND DEAN'S ADDITION; THENCE NORTH ALONG SAID PARALLEL LINE TO THE NORTH RIGHT OF WAY LINE OF EAST ELM STREET; THENCE WEST ALONG SAID NORTH RIGHT OF WAY LINE OF EAST ELM STREET TO A LINE THAT IS 25 FEET EAST OF AND PARALLEL WITH SAID EAST LINE OF SAID BLOCK S; THENCE NORTH ALONG SAID LINE BEING 25 FEET EAST OF AND PARALLEL WITH SAID EAST LINE OF SAID BLOCK S, A DISTANCE OF 25 FEET; THENCE WEST ALONG A LINE THAT IS PARALLEL WITH SAID NORTH RIGHT OF WAY LINE OF EAST ELM STREET TO SAID EAST LINE OF SAID BLOCK S; THENCE NORTH ALONG SAID EAST LINE TO A LINE THAT IS 416 FEET SOUTH OF AND PARALLEL WITH THE SOUTH RIGHT OF WAY LINE OF VACATED EAST VINE STREET; THENCE EAST ALONG SAID LINE THAT IS 416 FEET SOUTH OF AND PARALLEL WITH THE SOUTH RIGHT OF WAY LINE OF VACATED EAST VINE STREET, A DISTANCE OF 25 FEET; THENCE NORTH ALONG A LINE THAT IS PARALLEL WITH THE WEST RIGHT OF WAY LINE OF VACATED SOUTHEAST 1ST STREET TO A LINE THAT IS 50 FEET SOUTH OF AND PARALLEL WITH SAID SOUTH RIGHT OF WAY LINE OF VACATED EAST VINE STREET; THENCE EAST ALONG SAID LINE THAT IS 50 FEET 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 1ST STREET; THENCE SOUTH ALONG SAID EAST RIGHT OF WAY LINE OF VACATED SOUTHEAST 1ST STREET TO THE SOUTH LINE OF THE NORTH 60 FEET OF SAID BLOCK C; THENCE EAST ALONG SAID SOUTH LINE TO SAID WEST RIGHT OF WAY LINE OF VACATED 2ND STREET; THENCE SOUTH ALONG SAID WEST RIGHT OF WAY LINE OF VACATED 2ND STREET TO THE POINT OF BEGINNING.

AND

VIEWSHED CORRIDOR (HEIGHT LIMITATIONS):

A part of Block 1, The Market District, an Official Plat now included in and forming a part of the City of Des Moines, also known as a part of Lots 8-12 and part of vacated alleys, Block A, Scott and Dean's Addition, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa is described as follows:

Beginning at the southeast corner of said Block 1, said point designated as Point A; thence North 15 degrees 05 minutes 34 seconds West, along the east line of said Block 1, a distance of 195.45 feet to a point designated as Point B; thence South 37 degrees 56 minutes 05 seconds West, 238.53 feet to a point on the south line of said Block 1, said point designated as Point C; thence South 89 degrees 49 minutes 59 seconds East, along said south line, a distance of 197.53 feet to the Point of Beginning.

The above described area is constrained vertically below a flat plane with NAVD88 datum elevations as follows:

Point A - 855.85' (feet)

Point B - 859.11' (feet)

Point C - 851.97' (feet)

★ **Roll Call Number**

20-2150

Agenda Item Number

55 B

Date December 21, 2020

Area contains 18,623 square feet.

from DX2 Downtown District to Limited DXR Downtown District, to allow for a master-planned, mixed use urban redevelopment of the Market District area and incorporated viewshed protection corridor to respect State Capitol Building dominance requirements.

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 DXR Downtown District, are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, to Limited DXR Downtown District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to the condition stated above and to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Gatto TO ADOPT.

(Council Communication No. 20-568

FORM APPROVED:

/s/ Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZON2020-00085)

(West of SE 2nd St.)

*Mayor Cownie abstains from voting based on an appearance of a conflict of interest.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
* COWNIE				
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			

MOTION CARRIED

APPROVED

J. M. Frank 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