



Roll Call Number

21-1683

Agenda Item Number

46

Date November 1, 2021

RESOLUTION HOLDING HEARING ON REQUEST FROM GREATER DES MOINES BOTANICAL GARDEN TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED IN THE VICINITY OF 909 ROBERT D. RAY DRIVE

WHEREAS, on October 18, 2021, by Roll Call No. 21-1555, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on October 7, 2021, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Greater Des Moines Botanical Garden (lessee) to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property located in the vicinity of 909 Robert D. Ray Drive (“Property”) from Park/Open Space to Public/Semi-Public, to allow rezoning and expansion of the Greater Des Moines Botanical Garden, including development of formal display gardens, an amphitheater, and construction of a café building on the Property; and

WHEREAS, on October 18, 2021, by Roll Call No. 21-1555, the City Council received a communication from the City Plan and Zoning Commission further advising that at a public hearing held on October 7, 2021, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Greater Des Moines Botanical Garden (lessee) to rezone the Property from P1 Public, Civic, and Institutional District to P2 Public, Civic, and Institutional District for the above-stated purposes; and

WHEREAS, on October 18, 2021, by Roll Call No. 21-1555, it was duly resolved by the City Council that the request to amend the land use designation and to rezone the Property be set down for hearing on November 1, 2021, at 5:00 p.m., at the City Council Chambers; 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, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property in the vicinity of 909 Robert D. Ray Drive, legally described as:

BEGINNING AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF EAST UNIVERSITY AVENUE AND THE WEST RIGHT-OF-WAY LINE OF EAST 6TH STREET, BOTH RIGHTS-OF-WAY AS PRESENTLY ESTABLISHED; THENCE SOUTH ON THE SAID WEST RIGHT-OF-WAY LINE TO THE INTERSECTON WITH THE NORTH LINE OF LOT 5 OF RIVER HILLS PLAT FOUR, AN OFFICIAL PLAT; THENCE WEST ON THE SAID NORTH LINE TO THE NORTHWEST CORNER OF SAID LOT 5, ALSO BEING ON THE EAST LINE OF LOT 6 OF SAID RIVER HILLS PLAT FOUR; THENCE SOUTHERLY ON THE EAST LINE OF SAID LOT 6 TO A POINT WHICH IS 72.54 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT 6, ALSO BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 1-235 AS SHOWN IN BOOK 9703 PAGE 595 OF THE CONVEYANCE QUIT CLAIM DEED IN THE POLK COUNTY RECORDERS OFFICE; THENCE SOUTHWESTERLY 91.06 FEET ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID 1-235; THENCE WESTERLY ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID 1-235 TO THE WESTERLY CURB LINE OF VACATED ROBERT D. RAY DRIVE, AS PRESENTLY ESTABLISHED; THENCE NORTHEASTERLY ALONG THE WESTERLY CURB LINE OF SAID VACATED ROBERT D. RAY DRIVE A DISTANCE OF 175 FEET; THENCE WESTERLY, PERPENDICULAR TO SAID WESTERLY CURB LINE, TO THE EASTERLY BANK OF THE DES MOINES RIVER; THENCE NORTHEASTERLY ALONG SAID EASTERLY BANK TO THE SOUTH RIGHT-OF-WAY LINE OF SAID EAST UNIVERSITY AVENUE; THENCE EAST ON THE SOUTH RIGHT-OF-WAY LINE OF



Roll Call Number

21-11683

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Date November 1, 2021

SAID EAST UNIVERSITY AVENUE TO THE POINT OF BEGINNING, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

from P1 Public, Civic, and Institutional District to P2 Public, Civic, and Institutional District, to allow the expansion of the Greater Des Moines Botanical Garden, including development of formal display gardens, an amphitheater, and construction of a café building on the Property; 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.

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 land use amendment and the proposed rezoning of the Property to P2 Public, Civic, and Institutional District are hereby overruled, and the hearing is closed.
2. The proposed amendment to PlanDSM: Creating Our Tomorrow comprehensive plan, to amend the future land use classification for the Property from Park/Open Space to Public/Semi-Public, is hereby approved.
3. The proposed rezoning of the Property, as 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 the above-stated conditions and final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Gatto TO ADOPT.

FORM APPROVED:

/s/ Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZONG2021-000025)

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.

Linda Westergaard Mayor

MAYOR PRO TEM

P. Kay Cmelik City Clerk