



Roll Call Number

Agenda Item Number

21. 1967

74

Date December 20, 2021

**RESOLUTION HOLDING HEARING ON CITY-INITIATED REQUEST
TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY
GENERALLY LOCATED ALONG EAST 21ST STREET AND TICHENOR STREET BETWEEN
GUTHRIE AVENUE TO THE NORTH AND INTERSTATE 235 (FREEWAY) TO THE SOUTH**

WHEREAS, on December 6, 2021, by Roll Call No. 21-1824, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on November 18, 2021, its members voted 11-0 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 generally located along East 21st Street and Tichenor Street between Guthrie Avenue to the north and Interstate 235 (freeway) to the south (“Property”) from Industrial to Low Density Residential, to allow rezoning; and

WHEREAS, on December 6, 2021, by Roll Call No. 21-1824, the City Council received a communication from the City Plan and Zoning Commission further advising that at a public hearing held on November 18, 2021, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a city-initiated request to rezone real property generally located along East 21st Street and Tichenor Street between Guthrie Avenue to the north and Interstate 235 (freeway) to the south from ‘I1’ Industrial District to ‘N3a’ Neighborhood District; and

WHEREAS, on December 6, 2021, by Roll Call No. 21-1824, 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 December 20, 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 generally located along East 21st Street and Tichenor Street between Guthrie Avenue to the north and Interstate 235 (freeway) to the south, legally described as:

A PARCEL OF LAND BEING LOTS 69 THROUGH 187 AND A PART OF LOTS A, B AND C, ALL IN DELEWARE PLACE, AN OFFICIAL PLAT, AND BEING LOTS 1 THROUGH 10 AND LOTS 22 THROUGH 32 OF BLOCK 27 IN EASTON PLACE, AN OFFICIAL PLAT, AND THE NORTH/SOUTH ALLEY ADJOINING SAID LOTS 1 THROUGH 11 OF SAID BLOCK 27, AND BEING LOTS 1 THROUGH 11, AND A PART OF THE VACATED NORTH/SOUTH ALLEY ADJOINING SAID LOTS 1 THROUGH 11 OF BLOCK 28, ALL IN SAID EASTON PLACE, AND A PART OF GUTHRIE AVENUE RIGHT OF WAY LYING NORTH OF SAID BLOCKS 27 AND 28, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 69; THENCE NORTH ALONG THE WEST LINES OF SAID LOTS 69 THROUGH 89 TO THE NORTHWEST CORNER OF SAID LOT 89; THENCE CONTINUING NORTH ALONG A STRAIGHT LINE TO THE SOUTHWEST CORNER OF SAID LOT 90; THENCE CONTINUING NORTH

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ALONG THE WEST LINES OF SAID LOTS 90 THROUGH 132 TO THE NORTHWEST CORNER OF SAID LOT 132, SAID NORTHWEST CORNER ALSO BEING ON THE SOUTH LINE OF SAID BLOCK 28; THENCE WEST ALONG THE SOUTH LINE OF SAID BLOCK 28 TO THE CENTERLINE OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY IN SAID BLOCK 28; THENCE NORTH ALONG SAID CENTERLINE AND ALONG THE NORTHERLY EXTENSION OF SAID CENTERLINE TO THE NORTH LINE OF SAID EASTON PLACE; THENCE EAST ALONG SAID NORTH LINE TO THE NORTHERLY EXTENSION OF THE CENTERLINE OF TICHENOR STREET RIGHT OF WAY; THENCE SOUTH ALONG SAID NORTHERLY EXTENSION AND ALONG SAID CENTERLINE OF TICHENOR STREET RIGHT OF WAY TO THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 10 IN SAID BLOCK 27; THENCE WEST ALONG SAID EASTERLY EXTENSION AND ALONG SAID SOUTH LINE OF LOT 10 IN SAID BLOCK 27 TO THE SOUTHWEST CORNER OF LOT 10 IN SAID BLOCK 27; THENCE SOUTH ALONG THE WEST LINE OF LOT 11 IN SAID BLOCK 27 TO THE SOUTH LINE OF SAID BLOCK 27; THENCE WEST ALONG THE SOUTH LINE OF SAID BLOCK 27 TO THE NORTHEAST CORNER OF SAID LOT 133; THENCE SOUTH ALONG THE EAST LINES OF SAID LOTS 133 THROUGH 175 TO THE SOUTHEAST CORNER OF SAID LOT 175; THENCE CONTINUING SOUTH ALONG A STRAIGHT LINE TO THE NORTHEAST CORNER OF SAID LOT 176; THENCE CONTINUING SOUTH ALONG THE EAST LINES OF SAID LOTS 176 THROUGH 187 TO THE SOUTHEAST CORNER OF SAID LOT 187; THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 187 AND ALONG THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 187 TO THE CENTERLINE OF EAST 21ST STREET RIGHT OF WAY; THENCE SOUTH ALONG SAID CENTERLINE OF EAST 21ST STREET RIGHT OF WAY TO THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 69; THENCE WEST ALONG SAID EASTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 69 AND ALONG THE SOUTH LINE OF SAID LOT 69 TO THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 27.2 ACRES (1,183,311 SQUARE FEET).

from 'I1' Industrial District to 'N3a' Neighborhood District; 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 'N3a' Neighborhood 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

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use classification for the Property from Industrial to Low Density Residential, is hereby approved.

- 3. The proposed rezoning of the Property, as legally described above, to 'N3a' Neighborhood 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 Westergaard TO ADOPT.

APPROVED AS TO FORM:

Judy K Parks-Kruse

Judy K. Parks-Kruse
Assistant City Attorney

(ZONG2021-000034)
(ZONG2021-000035)

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

T. 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