



**Roll Call Number**

22-0824

**Agenda Item Number**

42

**Date** May 23, 2022

**RESOLUTION HOLDING HEARING ON REQUESTS FROM CITY OF DES MOINES PARKS AND RECREATION (OWNER) TO AMEND PLANDSM FUTURE LAND USE DESIGNATION FROM DOWNTOWN MIXED USE TO PARK/OPEN SPACE AND TO REZONE FROM “DX2” DOWNTOWN DISTRICT TO “P1” PUBLIC, CIVIC AND INSTITUTIONAL DISTRICT FOR PROPERTY LOCATED AT 1000 SCOTT AVENUE**

**WHEREAS**, on May 9, 2022, by Roll Call No. 22-0694, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on April 21, 2022, the City Plan and Zoning Commission voted 12-0 in support of a motion finding that the proposed zoning was consistent with PlanDSM future land use map; and

**WHEREAS**, on May 9, 2022, by Roll Call No. 22-0694, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on April 21, 2022, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request by City of Des Moines Parks and Recreation represented by Benjamin Page (Officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation from Downtown Mixed Use to Park/Open Space; and

**WHEREAS**, on May 9, 2022, by Roll Call No. 22-0694, the City Council received a communication from the City Plan and Zoning Commission further advising that at a public hearing held on held on April 21, 2022, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request by City of Des Moines Parks and Recreation represented by Benjamin Page (Officer), to rezone from “DX2” Downtown District to “P1” Public, Civic, and Institutional District for part of the property located at 1000 Scott Avenue to bring existing park use to conformance and to allow for park improvements; and

**WHEREAS**, on May 9, 2022, by Roll Call No. 22-0694, it was duly resolved by the City Council that the request for approval of the proposed PlanDSM Comprehensive Future Land Use Plan amendment and rezoning of the Property, legally described as follows, be set down for hearing on May 23, 2022, at 5:00 P.M., in the Council Chamber at City Hall:

PARCEL 2019-33, RECORDED IN BOOK 18580 PAGE 467 AT THE POLK COUNTY RECORDER’S OFFICE, SAID PARCEL BEING A PART OF BLOCK 2, ALLEN’S SECOND ADDITION TO DES MOINES, AN OFFICIAL PLAT, AND BEING A PART OF VACATED STREET RIGHT OF WAYS ADJOINING SAID BLOCK 2,

AND

PARCEL “A”, RECORDED IN BOOK 15781 PAGE 375 AT THE POLK COUNTY RECORDER’S OFFICE, SAID PARCEL BEING A PART OF BLOCKS 2 AND 13, ALLEN’S SECOND ADDITION TO DES MOINES, AN OFFICIAL PLAT, AND BEING A PART OF VACATED SE 11<sup>TH</sup> STREET RIGHT OF WAY BETWEEN SAID BLOCKS 2 AND 13, **-EXCEPT** PARCEL 2021-119, RECORDED IN BOOK 18888 PAGE 484 AT THE POLK COUNTY RECORDER’S OFFICE-,



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AND

PARCEL 2021-120, RECORDED IN BOOK 18891 PAGE 233 AT THE POLK COUNTY RECORDER’S OFFICE, SAID PARCEL BEING A PART OF LOTS 4 AND 5 IN BLOCK 13, ALLEN’S SECOND ADDITION TO DES MOINES, AN OFFICIAL PLAT, AND BEING A PART OF VACATED ALLEY RIGHT OF WAYS ADJOINING SAID LOTS 4 AND 5,

ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; 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 amendment to the Zoning Ordinance and PlanDSM Comprehensive Future Land Use Plan amendment; and

**WHEREAS**, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property from “DX2” Downtown District to “P1” Public, Civic, and Institutional District; and

**WHEREAS**, in accordance with said notice, those interested in said proposed Comprehensive Future Land Use Plan 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. The communication from the Plan and Zoning Commission is hereby received and filed.
2. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the proposed amendment to the PlanDSM: Creating Our Tomorrow Comprehensive Future Land Use Plan designation for 1000 Scott Avenue, or the proposed rezoning of the Property from “DX2” Downtown District to “P1” Public, Civic, and Institutional District are hereby received and filed, any and all objections to the proposed rezoning of the Property to “P1” Public, Civic, and Institutional District are overruled, and the hearing is closed.
3. The proposed amendment to the PlanDSM: Creating Our Tomorrow Plan for the Property locally known as 1000 Scott Avenue to Park/Open Space is hereby approved.
4. The proposed rezoning of the Property, as legally described above, to “P1” 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 final passage of an ordinance rezoning the



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Property as set forth herein.

Moved by Voss to adopt. Second by Boesen

APPROVED AS TO FORM:

/s/ Gary D. Goudelock  
Gary D. Goudelock  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO				✓
MANDELBAUM	✓			
SHUEMAKER	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			1

MOTION CARRIED

APPROVED

J. 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