



Roll Call Number

24-0136

Agenda Item Number

46

Date January 22, 2024

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM MIDAMERICAN ENERGY COMPANY (OWNER), REPRESENTED BY TERRY L. SMITH (OFFICER), AND THE DISTRICT DEVELOPER, LLC (OWNER), REPRESENTED BY TIM RYPMA (OFFICER) FOR THE FOLLOWING REGARDING MULTIPLE PARCELS LOCATED IN THE VICINITY OF 200 SOTUHEAST 2ND STREET, TO AMEND PLANDSM CREATING OUR TOMORROW PLAN TO REVISE THE FUTURE LAND USE CLASSIFICATION FROM DOWNTOWN MIXED USE TO USE TO PUBLIC/SEMI-PUBLIC, AND TO REZONE THE PROPERTY FROM LIMITED “DXR” AND LIMITED “DX1” DOWNTOWN DISTRICTS TO LIMITED “P2” PUBLIC, CIVIC, AND INSTITUTIONAL DISTRICT TO ALLOW THE DEVELOPMENT OF THE SPACE FOR A PARK AND AN ACCESSORY SURFACE PARKING AREA

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on December 21, 2023, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from MidAmerican Energy Company (Owner), represented by Terry L. Smith (Officer), and The District Developer, LLC (Owner), represented by Tim Rypma (Officer), for the proposed rezoning from Limited “DXR” and Limited “DX1” Downtown Districts to Limited “P2” Public, Civic, and Institutional District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Downtown Mixed Use; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on December 21, 2023, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from MidAmerican Energy Company (Owner), represented by Terry L. Smith (Officer), and The District Developer, LLC (Owner), represented by Tim Rypma (Officer), to amend the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Downtown Mixed Use to Use to Public/Semi-Public; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held December 21, 2023, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from MidAmerican Energy Company (Owner), represented by Terry L. Smith (Officer), and The District Developer, LLC (Owner), represented by Tim Rypma (Officer), to rezone the Property from Limited “DXR” and Limited “DX1” Downtown Districts to Limited “P2” Public, Civic, and Institutional District, to allow the development of the space for a park and an accessory surface parking area, 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 shown on the Large Scale Development Plan, which corridor is identified by the viewshed analysis, 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



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WHEREAS, the Property is legally described as follows:

LOTS 1, 4A AND 4B, THE MARKET DISTRICT FINAL PLAT, AN OFFICIAL PLAT, CITY OF DES MOINES, POLK COUNTY, IOWA.

WHEREAS, on January 8, 2024, by Roll Call No. 24-0045, it was duly resolved by the City Council that the request for approval of the proposed amendment and rezoning be set down for hearing on January 22, 2024, 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 proposals; and

WHEREAS, in accordance with said notice, those interested in said proposals, 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 amendment and rezoning are hereby overruled, and the hearing is closed.
2. The proposed amendment to PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification for the Property from Downtown Mixed Use to Use to Public/Semi-Public is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from Limited "DXR" and Limited "DX1" Downtown Districts to Limited "P2" Public, Civic, and Institutional District, to allow the development of the space for a park and an accessory surface parking area, subject to the condition set forth above, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

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MOVED BY Mandelbaum TO ADOPT.

SECOND BY Voss

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill
Assistant City Attorney

(ZONG-2023-000069)(COMP-2023-000042)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
VOSS	✓			
COLEMAN	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO	✓			
TOTAL	6			
MOTION CARRIED	APPROVED			

CERTIFICATE

I, LAURA BAUMGARTNER, 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.

Connie Boesen Mayor

Laura Baumgartner City Clerk