



Roll Call Number

24-1245

Agenda Item Number

37

Date September 16, 2024

RESOLUTION SETTING HEARING ON REQUEST FROM RIVERVIEW DSM, LLC (OWNER), REPRESENTED BY DOUGLAS A WELLS (OFFICER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED 110 EAST COURT AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 5, 2024, its members voted 10-0 in support of a motion finding the requested rezoning for Property located at 110 East Court Avenue is not in conformance with the existing PlanDSM future land use designation of Public/Semi-Public; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 5, 2024, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Riverview DSM, LLC (Owner), represented by Douglas A Wells (Officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for Property located at 110 East Court Avenue from Public/Semi-Public to Downtown Mixed Use; to rezone the Property from "P2" Public, Civic, and Institutional District to "DX2" Downtown District, to allow the existing building to be used for a mix of commercial uses, and determined the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan:

WHEREAS, the Property is legally described as follows:

ALL THAT PART OF VACATED ALLEYS, AND PART OF LOTS 4 AND 13 AND LOTS 1, 2, 3, 14, 15, 16 AND 17, BLOCK E, SCOTT AND DEAN'S ADDITION, AN OFFICIAL PLAT, DESCRIBED AS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE N15°16'29W, ALONG THE EAST RIGHT-OF-WAY LINE OF EAST 1ST STREET, 174.26 FEET; THENCE N74°38'18"E, 280.08 FEET TO THE WEST RIGHT-OF-WAY LINE OF EAST 2ND STREET; THENCE SOUTH 15°14'50"E, ALONG THE WEST RIGHT-OF-WAY LINE OF EAST 2ND STREET; 174.25 FEET TO THE SOUTHEAST CORNER OF SAID LOT 14; THENCE S74°38'11"W, ALONG THE NORTH RIGHT-OF-WAY LINE OF EAST COURT AVENUE TO THE POINT OF BEGINNING, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed amendment to PlanDSM Creating Our Tomorrow comprehensive Plan and proposed rezoning are to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposal, shall be held at



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5:00 p.m. on October 7, 2024 in the Council Chambers, City Hall, 400 Robert D. Ray, Drive, Des Moines.

- 3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED BY Gatto TO ADOPT. SECOND BY Voss

FORM APPROVED:

/s/ Chas M. Cahill
Chas M. Cahill
Assistant City Attorney

(ZONG-2024-000022) (COMP-2024-000017)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
SIMONSON	✓			
VOSS	✓			
COLEMAN	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO	✓			
TOTAL	7			

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.

MOTION CARRIED APPROVED
Connie Boesen Mayor

Laura Baumgartner City Clerk