



Roll Call Number

24-1387

Agenda Item Number

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Date October 7, 2024

RESOLUTION HOLDING PUBLIC HEARING REGARDING 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 AT 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 to recommend **APPROVAL** of a request from Riverview DSM, LLC (Owner), represented by Douglas A Wells (Officer), for the proposed rezoning from “P2” Public, Civic, and Institutional District to “DX2” Downtown District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan 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), for the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Public/Semi-Public to Downtown Mixed Use; and

WHEREAS, the City Plan and Zoning Commission has further 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 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

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.; and

WHEREAS, on September 16, 2024, by Roll Call No. 24-1245, 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 October 7, 2024, at 5:00 p.m., at the City Council Chambers; and

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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 Public/Semi-Public to Downtown Mixed Use is hereby approved.
3. The proposed rezoning of the Property, as legally described above, 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, subject to the conditions set forth above, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Voss TO ADOPT. SECOND BY Gatto

*Council Member Mandelbaum declares a conflict of interest and abstains from voting.

/s/ Chas M. Cahill

Chas M. Cahill
Assistant City Attorney

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

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include BOESEN, SIMONSON, VOSS, COLEMAN, WESTERGAARD, *MANDELBAUM, GATTO, and TOTAL.

MOTION CARRIED

APPROVED

Connie Boesen Mayor

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.

Laura Baumgartner City Clerk