



Date December 20, 2021

RESOLUTION SETTING HEARING ON REQUEST FROM EMPLOYERS MUTUAL CASUALTY COMPANY TO AMEND PLANDSM: CREATING OUR TOMORROW FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY AT 701 WALNUT STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 21, 2021, its members voted 9-0 in support of a motion to recommend **APPROVAL** of a request from Employers Mutual Casualty Company (Owner), represented by Cindy McCauley (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 701 Walnut Street (“Property”) from Downtown Mixed Use to Park/Open Space to allow rezoning to ‘P2’ Public, Civic and Institutional District, to allow development of a Public Recreation Area use; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on October 21, 2021, its members voted 9-0 in support of a motion to recommend **APPROVAL** of a request from Employers Mutual Insurance Company (Owner), represented by Cindy McCauley (officer), to rezone the Property from ‘DX1’ Downtown District to ‘P2’ Public, Civic and Institutional District for the above-stated purpose; and

WHEREAS, the City Council will be asked to consider approval of a lease agreement with Employers Mutual Casualty Company for the proposed use of the Property precedent to rezoning the property; and

WHEREAS, the Property is legally described as follows:

THAT PART OF LOTS 5 AND 6 IN BLOCK 1, FORT DES MOINES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA BEING MORE PARTICULARLY DESCRIBED AS PARCEL 2016-117 ON THE PLAT OF SURVEY FILED MAY 17, 2016 IN BOOK 16005, PAGE 315 IN THE POLK COUNTY RECORDER’S OFFICE.

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 the PlanDSM: Creating Our Tomorrow comprehensive plan future land use designation, 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 proposals, shall be held at 5:00 p.m. on January 10, 2022, at the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.
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.



Roll Call Number

Agenda Item Number

31

Date December 20, 2021

MOVED BY _____ TO ADOPT.

APPROVED AS TO FORM:

Judy K. Parks-Kruse
Assistant City Attorney

(ZONG-2021-000030; ZONG-2021-000031)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ 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.

_____ City Clerk

October 26, 2021

Communication from the City Plan and Zoning Commission advising that at their October 21, 2021 meeting, the following action was taken regarding a request from Employers Mutual Casual Company (owner), represented by Cindy McCauley (officer) to rezone property located at 701 Walnut Street from “DX1” Downtown Mixed-Use District to “P2” Public, Civic, and Institutional District, to allow development of a Public Recreation Area use.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 9-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles	X			
Abby Chungath				X
Kayla Berkson	X			
Chris Draper	X			
Jann Freed	X			
Todd Garner	X			
Johnny Alcivar	X			
Lisa Howard	X			
Carolyn Jenison				X
William Page				X
Steve Wallace				X
Greg Wattier	X			
Emily Webb	X			

APPROVAL of Part A) The requested rezoning be found not in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.

Part B) Approval of the request to amend the PlanDSM: Creating Our Tomorrow Plan Future Land Use designation from Downtown Mixed Use to Park/Open Space.

Part C) Approval of the proposed rezoning of the subject property from “DX1” Downtown District to “P2” Public, Civil, and Institutional District.

(ZONG-2021-000031) & (ZONG-2021-000030)

Written Responses

3 in Favor
0 in opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested rezoning be found not in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.

Part B) Staff recommends approval of the request to amend the PlanDSM: Creating Our Tomorrow Plan Future Land Use designation from Downtown Mixed Use to Park/Open Space.

Part C) Staff recommends approval of the proposed rezoning of the subject property from "DX1" Downtown District to "P2" Public, Civil, and Institutional District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed rezoning would allow redevelopment of the vacant lot into an urban park.

2. **Size of Site:** Approximately 0.397 acres.

3. **Existing Zoning (site):** "DX1" Downtown District and public parks are not allowed within this zoning district.

4. **Existing Land Use (site):** Vacant land.

5. Adjacent Land Use and Zoning:

North – "DX1"; Uses are office and retail.

South – "DX1"; Use is office.

East – "EX"; Uses are office and retail.

West – "DX1"; Use is a multiple family residential building.

6. **General Neighborhood/Area Land Uses:** The subject property is located on the northwest corner of the Walnut Street and 7th Street intersection.

7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Downtown Neighborhood Association. All neighborhoods were notified of the public hearing by mailing of the Preliminary Agenda on October 1, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on October 1, 2021 (20 days prior to the hearing) and October 11, 2021 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. Additionally, a Final Agenda for the hearing will be mailed to all recognized neighborhoods on October 15, 2021

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Services Department on the date of the mailing. The Downtown Neighborhood Association mailings were sent to Sebastian Hamirani, 1400 Walnut Street, #413 Des Moines, IA 50309.

The applicant can provide a summary of the neighborhood meeting at the public hearing.

8. **Relevant Zoning History:** None.
9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Downtown Mixed Use.
10. **Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews all proposals to amend zoning boundaries or regulations within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in 414.3 of the Iowa Code. The Commission may make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **PlanDSM Creating Our Tomorrow:** The subject property is designated as “Downtown Mixed-Use” on the Future Land Use Map. PlanDSM describes this designation as follows:

DOWNTOWN MIXED-USE

Allows mixed-use, high density residential uses, and compact combinations of pedestrian oriented retail, office, residential, and parking in downtown. Should include active uses (e.g. retail) on ground floor, particularly at key intersections.

The proposed “P2” zoning requires the “Parks and Open Space” designation on the Future Land Use Map for the rezoning to be found in conformance with PlanDSM.

The Parks and Open Space designation is described as follows:

PARKS AND OPEN SPACE

Land or water areas generally free from development. Primarily used for park and recreation purposes but may also indicate private or public open spaces reserved for natural resource conservation.

The Zoning Ordinance states that “P2” is intended for civic and institutional facilities, such as religious assembly places, cultural or arts centers, community centers, schools, infrastructure, recreational facilities, and other institutional facilities. Infrastructure includes public or private infrastructure, including rail corridors and utility corridors or sites. Building types allowed in this district include the General Building, Workshop/Warehouse, Civic Building and Principal-Use Parking Structure.

The applicant has proposed “P2” Public, Civil, and Institutional District in order to build an urban park.

2. **Planning and Design Ordinance:** Any development must comply with all applicable site plan and design regulations of the Planning and Design Ordinance. Should the rezoning be approved, the applicant would be required to prepare a site plan and building elevations, for any proposed additions or modifications.
3. **Grading & Storm Water Management:** Any grading is subject to an approved grading permit and soil erosion control plan, as well as a Stormwater Pollution Protection Plan (SWPPP) approved by the Iowa DNR. Tree removal and mitigation calculations must be submitted with any site plan in accordance with Section 42-550 of the Municipal Code.

SUMMARY OF DISCUSSION

Dory Briles asked if any member of the public or the commission desired to speak on the item. No one requested to speak.

COMMISSION ACTION:

Jann Freed Made a motion of:


Part A) The requested rezoning be found in not conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.

Part B) Approval of the request to amend the PlanDSM: Creating Our Tomorrow Plan Future Land Use designation from Downtown Mixed Use to Park/Open Space.

Part C) Approval of the proposed rezoning of the subject property from “DX1” Downtown District to “P2” Public, Civil, and Institutional District.

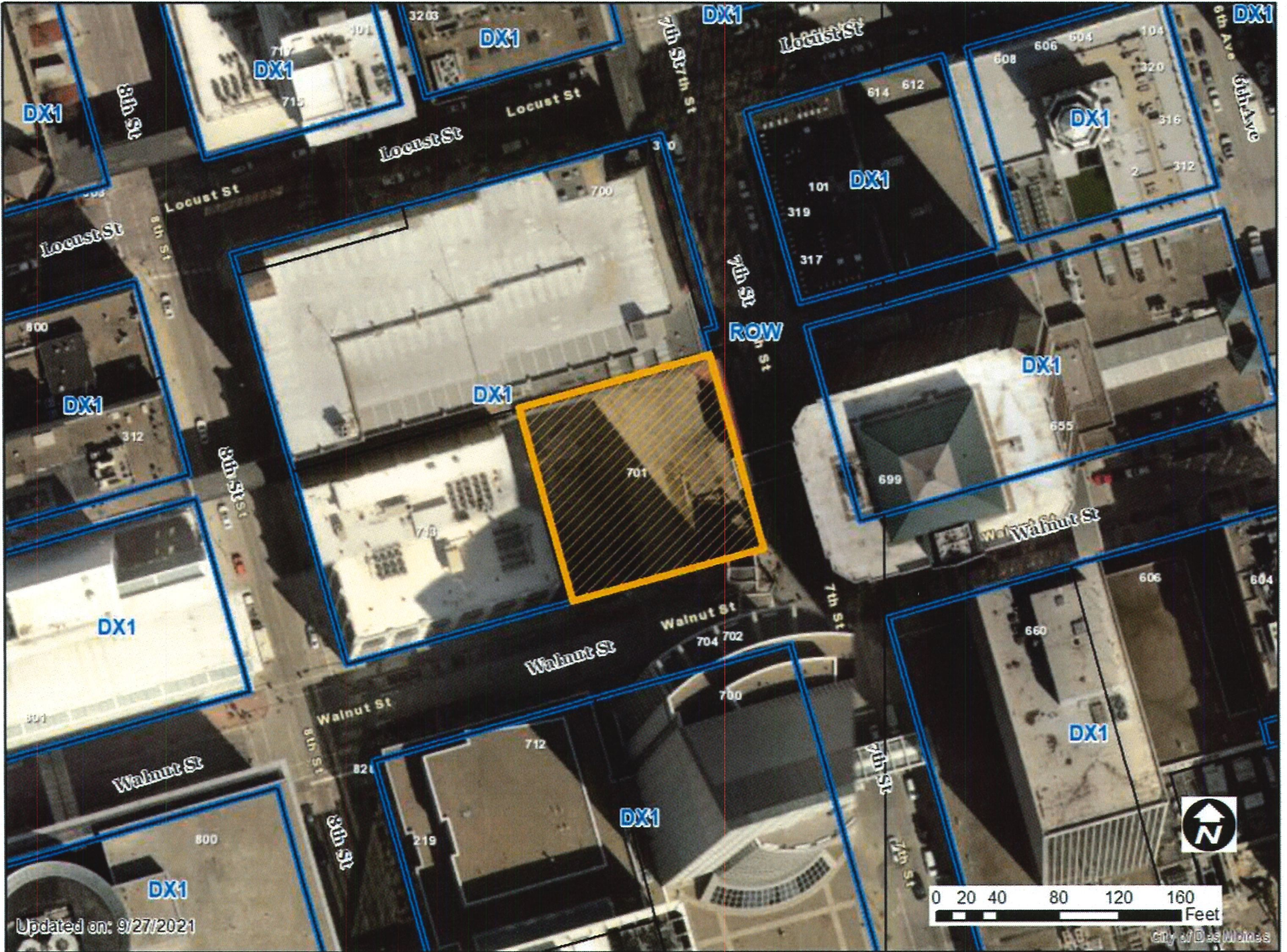
Motion passed: 9-0

Respectfully submitted,



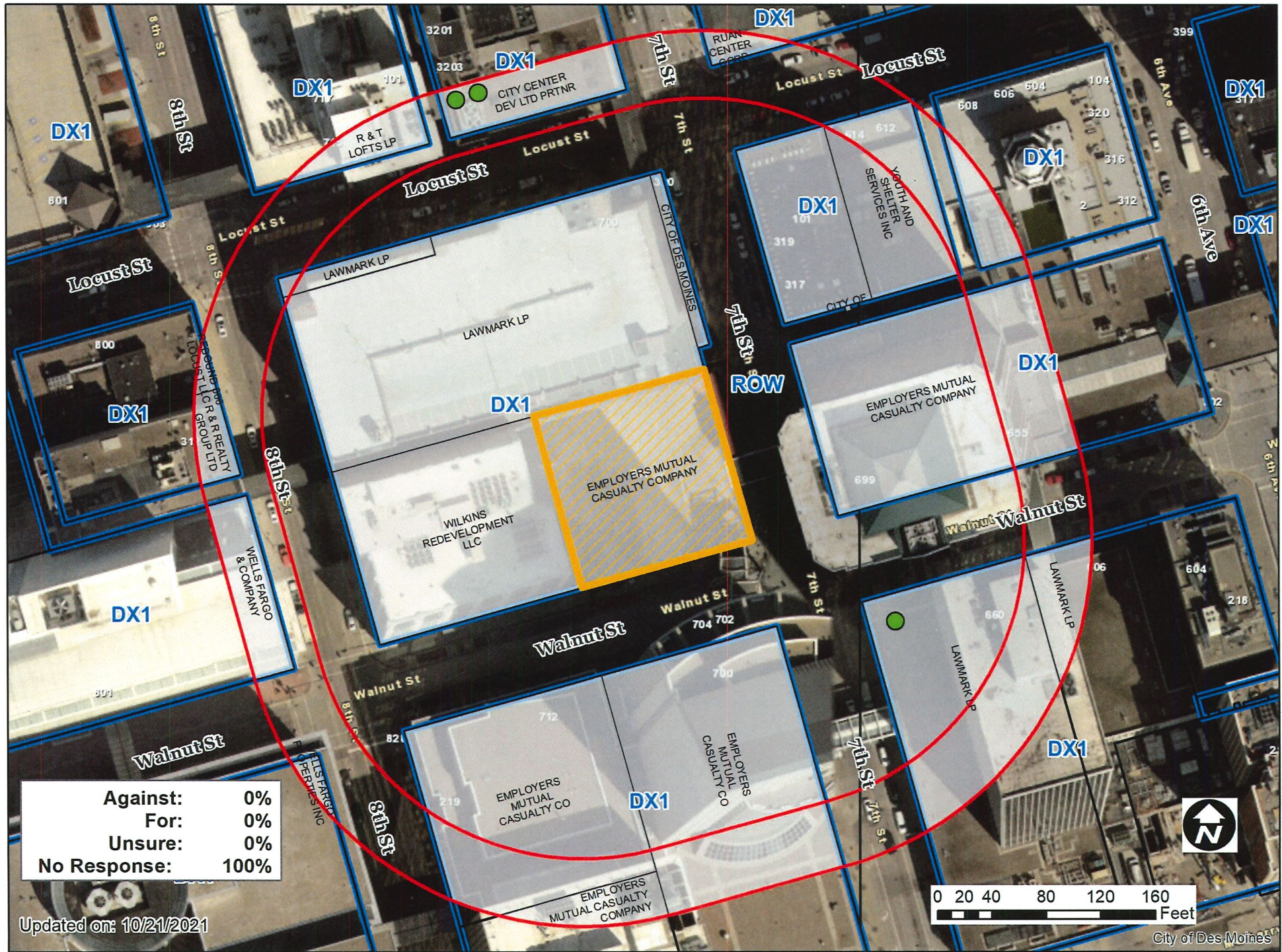
Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh



Updated on: 9/27/2021

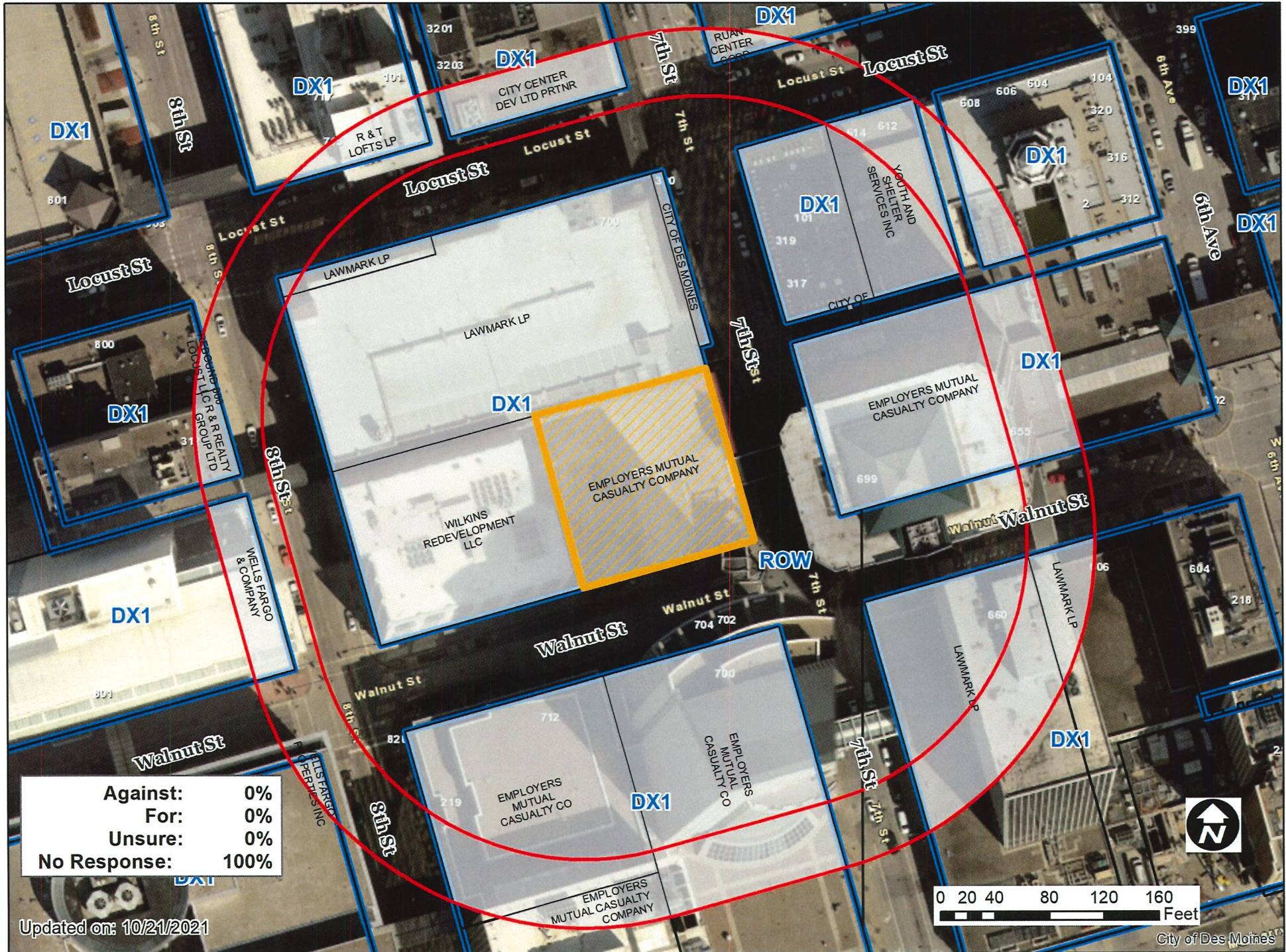
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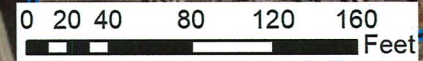
Updated on: 9/27/2021

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Against:	0%
For:	0%
Unsure:	0%
No Response:	100%

Updated on: 10/21/2021



Item: ZONG-2021-0000030

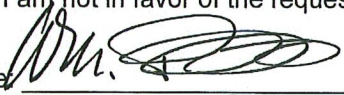
Date: 10.15 

Please mark one of the following

- I am in favor of the request
- I am not in favor of the request

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT
OCT 20 2021

Signature: 

Name: William Rubis

Address: 700 Grand Ave #3205

DE MOINDS IA 50309

Reason for opposing or approving this request may be listed below:

Item: ZONG-2021-0000030

Date: 10/14/21

Please mark one of the following

- I am in favor of the request
- I am not in favor of the request

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COMMUNITY DEVELOPMENT
OCT 20 2021

Signature: 

Name: Sammy Flanagan

Address: 700 Grand Ave #3201

Reason for opposing or approving this request may be listed below:

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Item: ZONG-2021-0000030 Date: _____

Please mark one of the following

- I am in favor of the request
- I am not in favor of the request

Signature: *JB*

Name: Jesse Benney

Address: 666 Walnut & 700 Locust

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COMMUNITY DEVELOPMENT
OCT 20 2021

Reason for opposing or approving this request may be listed below:
