

**Date** June 13, 2022

**RESOLUTION HOLDING HEARING ON REQUEST FOR REZONING FROM CITY OF DES MOINES PARKS AND RECREATION (OWNER), REPRESENTED BY BENJAMIN PAGE (OFFICER), FOR PRINCIPAL PARK, LOCATED IN THE VICINITY OF 1 LINE DRIVE.**

**WHEREAS**, on May 23, 2022, by Roll Call No. 22-0781, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on May 19, 2022, the City Plan and Zoning Commission voted 11-0 with one abstention in support of a motion to recommend **APPROVAL** of a request from **City of Des Moines Parks and Recreation (Owner), represented by Benjamin Page (Officer)**, to amend the PlanDSM: Creating Our Tomorrow future land use designation from Parks and Open Space to Public/Semi-Public, and to rezone the property from “F” Flood District and “P2” Public, Civic and Institutional District to “P2” Public, Civic and Institutional District, to allow interior renovations and additions to the existing facility; and

**WHEREAS**, on May 23, 2022, by Roll Call No. 22-0781, 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 June 13, 2022, at 5:00 P.M., in the Council Chamber at City Hall:

A PARCEL OF LAND IN A PART OF THE EAST HALF (E 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 9, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., AND IN A PART OF THE WEST HALF (W 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 10, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTH BANK OF THE RACCOON RIVER AND EAST RIGHT OF WAY LINE OF SOUTHWEST 3RD STREET; THENCE NORTHERLY ALONG SAID EAST RIGHT OF WAY LINE OF SOUTHWEST 3RD STREET TO THE EAST RIGHT OF WAY LINE OF SOUTHWEST 2ND STREET; THENCE CONTINUING NORTHERLY ALONG SAID EAST RIGHT OF WAY LINE OF SOUTHWEST 2ND STREET TO THE SOUTH RIGHT OF WAY LINE OF WEST MARTIN LUTHER KING JR PARKWAY; THENCE EAST ALONG SAID WEST MARTIN LUTHER KING JR PARKWAY TO THE WEST BANK OF THE DES MOINES RIVER; THENCE SOUTHERLY ALONG SAID WEST BANK OF THE DES MOINES RIVER TO SAID NORTH BANK OF THE RACCOON RIVER; THENCE WESTERLY ALONG SAID NORTH BANK OF THE RACCOON RIVER TO THE POINT OF BEGINNING, ALL 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 PlanDSM Comprehensive Future Land Use Plan and the proposed rezoning; and



**Date** June 13, 2022

**WHEREAS**, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property from “F” Flood District and “P2” Public, Civic and Institutional District to “P2” Public, Civic and Institutional District; and

**WHEREAS**, in accordance with said notice, those interested in said proposed Comprehensive Future Land Use Plan amendment and proposed 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 1 Line Drive from Medium Density Residential to High Density Residential and regarding the proposed rezoning from “F” Flood District and “P2” Public, Civic and Institutional District to “P2” Public, Civic and Institutional District are hereby received and filed, any and all objections to the proposed amendment and rezoning are overruled, and the hearing is closed.
3. The proposed amendment to the PlanDSM: Creating Our Tomorrow Plan for the Property locally known as 1 Line Drive to Public/Semi-Public is hereby approved.
4. The proposed rezoning of the Property, as legally described above, to “P2” 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 Property as set forth herein.

Moved by \_\_\_\_\_ to adopt. Second by \_\_\_\_\_

APPROVED AS TO FORM:

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



**Roll Call Number**

**Agenda Item Number**

70

**Date** June 13, 2022

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

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

**CERTIFICATE**

I, LAURA BAUMGARTNER, Acting 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.

\_\_\_\_\_  
Acting City Clerk



May 20, 2022

Communication from the City Plan and Zoning Commission advising that at their May 19, 2022 meeting, the following action was taken regarding a request from the City of Des Moines Parks and Recreation (owner), represented by Benjamin Page (officer) to rezone property located in the vicinity of 1 Line Drive from “F” Flood District and “P2” Public, Civic and Institutional District to “P2” Public, Civic and Institutional District, to allow interior renovations and additions to the existing ballpark.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 11-0-1 as follows

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dan Drendel	X			
Leah Rudolphi			X	
Dory Briles	X			
Abby Chungath	X			
Kayla Berkson	X			
Chris Draper	X			
Todd Garner				X
Johnny Alcivar	X			
Justyn Lewis				X
Carolyn Jenison	X			
William Page	X			
Andrew Lorentzen	X			
Emily Webb	X			

**APPROVAL** of Part A) The requested “P2” District be found not in conformance with the existing PlanDSM future land use designation of Parks and Open Space.

Part B) Approval of the request to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Parks and Open Space to Public/Semi-Public.

Part C) Approval of the request to rezone the property from “F” Flood District and “P2” Public, Civic and Institutional District to “P2” Public, Civic and Institutional District.

## STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested “P2” District be found not in conformance with the existing PlanDSM future land use designation of Parks and Open Space.

Part B) Staff recommends approval of the request to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Parks and Open Space to Public/Semi-Public.

Part C) Staff recommends approval of the request to rezone the property from “F” Flood District and “P2” Public, Civic and Institutional District to “P2” Public, Civic and Institutional District.

### Written Responses

7 in Favor

0 in opposition

## STAFF REPORT TO THE PLANNING COMMISSION

### I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to rezone the subject properties to “P2” District to allow for construction of an addition to and renovation of the Principal Park clubhouse. The proposed location of the addition would be along the north façade of the existing clubhouse and would increase the size of the clubhouse by approximately 1,000 square feet. A portion of the subject properties is within the FEMA-designated floodplain.

Any future construction or redevelopment of the subject properties must comply with all applicable site plan and design regulations contained in the Planning and Design Ordinance (Chapter 135 of City Code).

2. **Size of Site:** Approximately 20.1 acres (883,000 square feet) with 17.3 acres (755,252.4 square feet) in “F” District and 2.93 acres (127,442 square feet) in “P2” District.
3. **Existing Zoning (site):** “F” Flood District and “P2” Public, Civic and Institutional District.
4. **Existing Land Use (site):** Principal Park baseball stadium facility and surface parking lots.
5. **Adjacent Land Use and Zoning:**



**North** – “DX2”; Uses are multiple-household residential and commercial.

**South** – “DXR”; Uses are office/warehouse, vacant land, and a mix of multiple-household residential and single-household residential.

**East** – “DX2”, “DXR”, and “DX1”; Uses are governmental, institutional, industrial, and multiple-household residential and single-household residential.

**West** – “DX2” and “P1”; Uses are multiple-household residential and surface parking lots.

6. **General Neighborhood/Area Land Uses:** The subject property is located on the southeast corner of the intersection of Southwest 2<sup>nd</sup> Street and West Martin Luther King Jr. Parkway. The area consists of a mix of entertainment, commercial, office, retail, multiple-household residential and single-household residential, and open space/public uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Downtown Des Moines Neighborhood Association and within 250 feet of the McKinley School/Columbus Park Neighborhood Association. All neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on April 29, 2022 and by mailing of the Final Agenda on May 13, 2022. Additionally, separate notifications of the hearing for this specific item were mailed on April 29, 2022 (20 days prior to the public hearing) and May 9, 2021 (10 days prior to the public hearing) to the Downtown Des Moines and McKinley School/Columbus Park Neighborhood Associations and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

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 Des Moines Neighborhood mailings were sent to Brandon Brown, 120 Southwest 5<sup>th</sup> Street, Unit 101, Des Moines, IA 50309. The McKinley School/Columbus Park Neighborhood mailings were sent to Jim Post, 224 Southeast Livingston Avenue, Des Moines, IA 50315.

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

8. **Relevant Zoning History:** On March 22, 2004, by Ordinance No. 14,324, the City Council rezoned the subject property to “D-R” District.

On June 24, 2015, by Docket No. ZON2015-00097, the Zoning Board of Adjustment conditionally approved a Special Permit for a use on public grounds, provided such use is under contract with a government entity and is intended to serve the users of the public ground and a Variance to allow a sign type (portable/banner signs) that is prohibited in all zoning designations, to allow display of up to eight portable banner signs (each generally measuring 10 feet tall by 2 feet wide or 20 square feet) along Southwest 2<sup>nd</sup> Avenue, Southwest 3<sup>rd</sup> Street, and West Martin Luther King, Jr. Park on any day that there is a home Iowa Cubs baseball game.

On April 26, 2017, by Docket No. ZON2017-00041, the Zoning Board of Adjustment conditionally approved a Special Permit for sales activities and signage in conjunction with seasonal and special events to allow Use of the premises from June 1, 2017 to June 12, 2017 for a special event. The event is the MLB Hall of Fame traveling exhibit consisting of thirteen trailers, a covered platform, and auxiliary equipment, all enclosed within temporary fencing.

On July 25, 2018, by Docket No. ZON2018-00119, the Zoning Board of Adjustment conditionally approved a Special Permit for any use of a building located on public grounds, provided such use is under contract with a government entity and is intended to serve the users of the public grounds to allow Installation of a 34.27-foot by 7-foot (240 square feet) sign on the east-facing wall of the stadium building.

On October 24, 2018, by Docket No. ZON2018-00192, the Zoning Board of Adjustment conditionally approved a Special Permit for sales activities and signage in conjunction with seasonal and special events to allow Use of the parking lot to the west of the stadium for special events, such as a charitable event and run events, where two or more mobile food vendors could be present. The Special Permit would be valid for a 5-year period to end October 31, 2023.

On October 16, 2019, by Ordinance No. 15,818, the City Council rezoned approximately 90,000 parcels of land within the City limits, including the subject properties, to "F" Flood District. This district was applied to any publicly or privately owned land that is designated as either a Floodplain or Floodway on the FEMA Flood Insurance Rate Maps that were approved by the U.S. Congress. Existing uses in a Flood District can remain, but expansions or new uses are required to rezone the property. Rezoning the property from "F" Flood District to "P2" Public, Civic and Institutional District would facilitate current and future improvements to the existing Principal Park facility.

**9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation: Parks and Open Space and Development Control Zone.**

**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 applicant is requesting that the future land use designation for the property be amended from Parks and Open Space to Public/Semi-Public. PlanDSM describes these designations 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.

Public/Semi-Public: Areas that are mostly open to public use or public access. May include government facilities, schools, hospitals, libraries, and community facilities.

Development Control Zone: Areas that are sensitive to development, such as airport runway protection zones, flood hazard areas, etc.

The majority of the subject property is currently zoned “F” District. The Zoning Ordinance describes this district as “intended for flood plain and floodways pursuant to chapter 50 of this code.”

The applicant is proposing to rezone the area to the “P2” District. The Zoning Ordinance describes this district as “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.”

The site, as a public facility, is not permanently occupied. Staff believes that any potential flooding would not negatively impact the health, safety, and welfare of the public as the proposed construction would be minimal in comparison to the existing facility.

- 2. 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.
- 3. Nature Features:** Any development of the site must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.
- 4. Utilities:** Stormwater sewers are located in Southwest 2<sup>nd</sup> Street, West Martin Luther King Jr. Parkway, and between Southwest Water Street and the Des Moines River. Sanitary sewers are located along the southern property line of the facility and between Southwest Water Street and the Des Moines River. An 8-inch water main is located in Southwest 2<sup>nd</sup> Street and a private 8-inch water main is located within the southern parcel.
- 5. 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 review before the proposed building addition can be occupied by the proposed use.



## **SUMMARY OF DISCUSSION**

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

## **COMMISSION ACTION:**

Abby Chungath made a motion for:

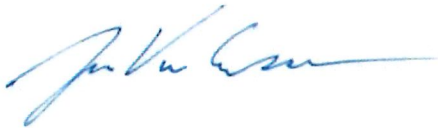
Part A) The requested "P2" District be found not in conformance with the existing PlanDSM future land use designation of Parks and Open Space.

Part B) Approval of the request to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Parks and Open Space to Public/Semi-Public.

Part C) Approval of the request to rezone the property from "F" Flood District and "P2" Public, Civic and Institutional District to "P2" Public, Civic and Institutional District.

Motion passed: 11-0-1

Respectfully submitted,



Jason Van Essen, AICP  
Planning & Urban Design Administrator

JMV:tjh