



Roll Call Number

20-0573

Agenda Item Number

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Date March 23, 2020

RESOLUTION HOLDING HEARING ON REQUESTS ON CITY-INITIATED APPLICATION TO AMEND PLAN THE EXISTING PLANDSM: CREATING OUR TOMORROW PLAN FUTURE LAND USE DESIGNATION, TO REZONE PROPERTY, AND TO APPROVE A LARGE SCALE DEVELOPMENT PLAN FOR PROPOSED MULTI-MODAL TRANSLOADING FACILITY LOCATED IN THE VICINITY OF 200 SE 15TH STREET, 350 SE 18TH STREET, AND 302 SE 18TH STREET

WHEREAS, on April 25, 2016, by Roll Call No. 16-0717, the City Council adopted the PlanDSM: Creating Our Tomorrow Plan; and

WHEREAS, on March 9, 2020, by Roll Call No. 20-0423, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on February 20, 2020, the City Plan and Zoning Commission voted 8-0 in support of a motion to recommend **APPROVAL** of a City-initiated to amend the existing PlanDSM: Creating Our Tomorrow Plan future land use designation for real property west of the Southeast 14th Street viaduct in the vicinity of 200 SE 15th Street, 350 SE 18th Street, and 302 SE 18th Street, from Downtown Mixed Use Residential to Industrial, to allow for rezoning and redevelopment; and

WHEREAS, on March 9, 2020, by Roll Call No. 20-0423, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on February 20, 2020, its members voted 8-0 in support of a motion to recommend **APPROVAL** of a City-initiated request to rezone real property east and west of the Southeast 14th Street viaduct in the vicinity of 200 SE 15th Street, 350 SE 18th Street, and 302 SE 18th Street from "DX2" Downtown District to "I1" Industrial District of Property west of the Southeast 14th Street viaduct, and for rezoning from "I1" and "I1-V" Industrial Districts to "I2" Industrial District for the Property east of the Southeast 14th Street viaduct; and

WHEREAS, on March 9, 2020, by Roll Call No. 20-0423, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on February 20, 2020, its members voted 8-0 in support of a motion to recommend **APPROVAL** of a City-initiated request to approve a Large-Scale Development Plan in accordance with Chapter 135-Article 5 of the Des Moines Municipal Code for a proposed multi-modal transloading facility on the Property; and

WHEREAS, on March 9, 2020, by Roll Call No. 20-0423, it was duly resolved by the City Council that request to rezone the Property, request to Approve a Large-Scale Development Plan on the Property, and for approval of the proposed comprehensive plan amendment for real property in the vicinity of the Southeast 14th Street viaduct, be set down for hearing on March 23, 2020 at 5:00 P.M., in the Council Chamber at City Hall; 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 proposed amendment to the Zoning Ordinance, approval of large-scale development plan, and amendment to the comprehensive plan, all for the Property; and

WHEREAS, in accordance with said notice, those interested in said proposed comprehensive plan amendment, rezoning and approval of large-scale development plan, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the real property ("Property") in the vicinity of the Southeast 14th Street viaduct, locally known as 200 SE 15th Street, 350 SE 18th Street, and 302 SE 18th Street, legally described as:

(WEST OF EAST 14TH STREET)

BEGINNING AT THE NORTHWEST CORNER OF BLOCK 22, ALLEN'S SECOND ADDITION TO DES MOINES, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA; THENCE EAST ALONG THE NORTH LINE OF SAID BLOCK TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH ALONG THE EAST LINE OF SAID BLOCK 22, A DISTANCE OF 231.15 FEET; THENCE WESTERLY IN A DIRECT COURSE TO A POINT 296.8 FEET SOUTHERLY, MEASURED ALONG THE WEST LINE OF SAID BLOCK 22, FROM THE NORTHWEST CORNER OF SAID BLOCK 22; THENCE NORTHERLY ALONG THE WEST LINE OF SAID BLOCK 22, A DISTANCE OF 296.8 FEET TO THE POINT OF BEGINNING, AND VACATED SE 14TH STREET EAST AND ADJACENT TO THE NORTH 120 FEET OF SAID BLOCK 22, EXCEPTING THEREFROM THE EAST 55 FEET OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., DES MOINES, POLK COUNTY, IOWA LYING SOUTH OF THE NORTH 120 FEET OF SAID BLOCK. ALL THAT PART OF BLOCK 38 IN THE TOWN OF DE MOINE, DESCRIBED AS FOLLOWS, TO WIT: COMMENCING AT THE NORTHEAST CORNER OF LOT 10 OF SAID BLOCK 38; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID LOT TO THE NORTHWEST CORNER THEREOF; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF LOTS 8, 9 AND 10 OF SAID BLOCK 121.35 FEET; THENCE SOUTHEASTERLY IN A DIRECT COURSE TO A POINT IN THE EAST LINE OF LOT 8 OF SAID BLOCK 140.65 FEET SOUTHERLY FROM THE PLACE OF COMMENCEMENT; THENCE NORTHERLY ALONG THE EASTERLY LINE OF LOTS 8, 9, AND 10 OF SAID BLOCK 140.65 FEET TO THE PLACE OF COMMENCEMENT; ALSO COMMENCING AT THE NORTHWEST CORNER OF LOT 1 OF SAID BLOCK 38; THENCE EASTERLY ALONG THE NORTHERLY LINE OF SAID LOT TO THE NORTHEAST CORNER THEREOF; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF LOTS 1, 2 AND 3 OF SAID BLOCK 118.55 FEET; THENCE WESTERLY IN A DIRECT COURSE TO A POINT IN THE WEST LINE OF LOT 2 OF SAID BLOCK 99.25 FEET SOUTHWESTERLY FROM THE PLACE OF COMMENCEMENT; THENCE



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NORTHERLY ALONG THE WESTERLY LINE OF LOTS 1 AND 2 OF SAID BLOCK 99.25 FEET TO THE PLACE OF COMMENCEMENT.

ALL THAT PART OF BLOCK 37 IN THE TOWN OF DE MOINE, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 10 OF SAID BLOCK 37; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID LOT TO THE NORTHWEST CORNER THEREOF; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF LOTS 9 AND 10 OF SAID BLOCK 69.00 FEET; THENCE SOUTHEASTERLY IN A DIRECT COURSE TO A POINT IN THE EAST LINE OF LOT 9 OF SAID BLOCK 88.30 FEET SOUTHERLY FROM THE PLACE OF COMMENCEMENT; THENCE NORTHERLY ALONG THE EASTERLY LINE OF LOTS 9 AND 10 OF SAID BLOCK 88.3 FEET TO THE PLACE OF COMMENCEMENT; ALSO COMMENCING AT THE NORTHWEST CORNER OF LOT 1 OF SAID BLOCK 37; THENCE EASTERLY ALONG THE NORTHERLY LINE OF SAID LOT 1 TO THE NORTHEAST CORNER THEREOF; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF LOT 1 AND OF SAID BLOCK 66.2 FEET; THENCE WESTERLY IN A DIRECT COURSE TO A POINT IN THE WEST LINE OF LOT 1 OF SAID BLOCK 46.9 FEET SOUTHWESTERLY FROM THE PLACE OF COMMENCEMENT; THENCE NORTHERLY ALONG THE WESTERLY LINE OF LOT 1 OF SAID BLOCK 46.9 FEET TO THE PLACE OF COMMENCEMENT.

ALL THAT PART OF LOTS 1 AND 10 AND THE INTERVENING ALLEY BETWEEN SAID LOTS 1 AND 10 OF BLOCK 36 IN THE TOWN OF DE MOINE, LYING NORTH OF A LINE PARALLEL TO AND 11 FEET NORTHERLY MEASURED AT RIGHT ANGLES FROM THE CENTER LINE OF THE MAIN BRANCH OF THE CHICAGO BURLINGTON & QUINCY RAILROAD (FORMERLY THE DES MOINES AND KNOXVILLE RAILWAY) AS THE SAME AS NOW CONSTRUCTED AND OPERATED, OVER, ACROSS, UPON AND BEYOND SAID BLOCK 36.

THE SOUTH 20 FEET OF ELM STREET LYING BETWEEN THE EAST LINE OF SOUTHEAST 9TH STREET AND THE EAST LINE OF SOUTHEAST 12TH STREET LYING NORTH OF BLOCKS 36, 37, AND 38 TOWN OF DE MOINE.

ALSO, A PORTION OF EAST 10TH, EAST 11TH, AND EAST 12TH STREET, ADJACENT TO BLOCKS 36, 37, AND 38, AND A PORTION OF THE NORTH SOUTH ALLEYS LYING IN BLOCKS 37 AND 38, TOWN OF DE MOINE, AND LYING NORTH OF A LINE COMMENCING AT A POINT IN THE EAST LINE OF SAID BLOCK 36, 36.9 FEET SOUTHERLY FROM THE NORTHEAST CORNER THEREOF AND RUNNING THENCE SOUTHEASTERLY IN A DIRECT COURSE TO A POINT IN THE WEST



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LINE OF BLOCK 22, ALLEN'S SECOND ADDITION TO DES MOINES 296.8 FEET SOUTHERLY FROM THE NORTHWEST CORNER OF SAID BLOCK 22, ALL BEING THE PORTION OF SAID STREETS AND ALLEYS LYING NORTH OF THE SAID DESCRIBED LINE AND SOUTH OF ELM STREET.

(EAST OF EAST 14TH STREET)

VACATED ELM STREET LYING NORTH OF AND ADJOINING LOTS 35, 36, AND 37 AND THE VACATED ALLEY LYING SOUTH OF AND ADJOINING SAID LOTS 35, 36, AND 37, ALL IN CAPITAL ADDITION, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA.

PARCEL 2017-77 AS RECORDED IN BOOK 16485 PAGE 889 ,

PARCEL 2017-78 AS RECORDED IN BOOK 16485 PAGE 889 ,

PARCEL A AS RECORDED IN BOOK 14883 PAGE 81 ,

ALL OF LOTS 1 THROUGH 31 INCLUSIVE, THE NORTH SOUTH ALLEY EAST OF AND ADJOINING LOTS 25 THROUGH 32 INCLUSIVE, THE NORTH SOUTH ALLEY LYING WEST OF AND ADJOINING LOTS 1 THROUGH 8 INCLUSIVE, AND SE 14TH CT (PLATTED AS BENNETT STREET) LYING WEST OF AND ADJOINING LOTS 9 THROUGH 16, ALL IN BENNETT PLACE, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA.

ALL THAT PORTION OF THE 80.00 FOOT WIDE MARKET STREET RIGHT OF WAY LYING WEST OF THE NORTHERLY EXTENSION OF THE EAST LINE OF BLOCK 36 IN BROOKS & CO'S ADDITION TO THE CITY OF DES MOINES, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA, AND LYING EAST OF THE WEST PLAT LINE OF BROOKS & CO'S ADDITION, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA.

ALL THAT PORTION OF THE 80.00 FOOT WIDE SE 15TH STREET RIGHT OF WAY LYING WEST OF BLOCK 33 IN BROOKS & CO'S ADDITION TO THE CITY OF DES MOINES, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA, AND WEST OF VACATED RACCOON STREET SOUTH OF SAID BLOCK 33, MORE PARTICULARLY DESCRIBED AS FOLLOWS: ALL OF SE 15TH STREET RIGHT OF WAY LYING SOUTH OF THE SOUTH RIGHT OF WAY LINE OF MARKET STREET AS IT IS PRESENTLY ESTABLISHED AND LYING NORTH OF A LINE BEGINNING AT A POINT ON THE WEST RIGHT OF WAY LINE OF SAID SE 15TH STREET 15.00 FEET NORTH OF THE SOUTHEAST CORNER OF LOT 8 IN BENNETT PLACE, AN OFFICIAL PLAT, THENCE RUNNING PERPENDICULAR TO THE EAST RIGHT OF WAY LINE OF SAID SE 15TH STREET.

LOTS 1 THROUGH 10 INCLUSIVE AND LOTS 35 THROUGH 37 INCLUSIVE AND THAT PART OF LOTS 38 AND 39 LYING NORTH OF PARCEL 2017-81 AS RECORDED IN BOOK 16485 AT PAGE 889, ALL IN CAPITAL ADDITION, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA.



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LOT 36 LYING NORTH OF E. MARTIN LUTHER KING JR. PARKWAY AS IT IS PRESENTLY ESTABLISHED, IN BROOKS & COMPANY'S ADDITION, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA, EXCEPT FOR PARCEL 2017-81 AS RECORDED IN BOOK 16485 PAGE 889, AND EXCEPT DEED FROM BOOK 16886 AT PAGE 599: BEGINNING AT A POINT ON THE EAST LINE OF SAID LOT 36 WHICH IS 100 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LOT 36; THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 36, 200 FEET; THENCE WEST AT RIGHT ANGLES TO THE EAST LINE OF SAID LOT 36, A DISTANCE OF 315 FEET; THENCE TURNING AN EXTERIOR ANGLE TO THE RIGHT OF 103 DEGREES, 0 MINUTES AND 40 SECONDS AND CONTINUING NORTHEASTERLY ON A 12 DEGREE CURVE TO THE RIGHT, A DISTANCE OF 163.4 FEET (MEASURED ALONG 100 FOOT CHORDS); THENCE TANGENT TO SAID 12 DEGREE CURVE, A DISTANCE OF 59.36 FEET; THENCE TURNING AN EXTERIOR ANGLE TO THE RIGHT FROM SAID TANGENT OF 57 DEGREES, 22 MINUTES AND 52 SECONDS AND CONTINUING A DISTANCE OF 214.9 FEET TO THE POINT OF BEGINNING. THE LAST DESCRIBED COURSE IS AT RIGHT ANGLES TO THE EAST LINE OF SAID LOT 36, AND EXCEPT THE NORTH 100 FEET OF SAID LOT 36 LYING EAST OF THE RAILROAD.

THE NORTH 110 FEET OF LOT 1 OF THE OFFICIAL PLAT OF BLOCK 32 OF BROOKS AND CO'S ADDITION AND LOT 32, BENNETT PLACE, BOTH OFFICIAL PLATS, DES MOINES, POLK COUNTY, IOWA.

POLK COUNTY ASSESSOR DISTRICT/PARCEL #: 040/00273-001-000
 IRREGULAR PART BEING APPROXIMATELY THE NORTH 20 FEET MEASURED ON THE WEST LINE AND APPROXIMATELY THE NORTH 40 FEET MEASURED ON THE EAST LINE OF LOT 32 BROOKS & CO'S ADDITION TO THE CITY OF DES MOINES.

POLK COUNTY ASSESSOR DISTRICT/PARCEL #: 040/00273-002-000
 IRREGULAR PART BEING APPROXIMATELY THE SOUTH 80 FEET OF THE NORTH 100 FEET MEASURED ON THE WEST LINE AND APPROXIMATELY THE SOUTH 60 FEET OF THE NORTH 100 FEET MEASURED ON THE EAST LINE OF LOT 32 BROOKS & CO'S ADDITION TO THE CITY OF DES MOINES, POLK COUNTY, IOWA

as follows: for property in the vicinity of 200 SE 15th Street, 350 SE 18th Street and 302 SE 18th Street, from "DX2" Downtown District west of the Southeast 14th Street viaduct to "I1" Industrial District, and from "I1" and "I1-V" Industrial Districts east of the Southeast 14th Street viaduct, to "I2" Industrial District.

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 to the PlanDSM: Creating Our Tomorrow Plan future land use designation for real property west of the Southeast 14th Street viaduct; the proposed rezoning of the



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Property to I1 Industrial District; and the request for approval of a Large-Scale Development Plan, as set forth above, are hereby overruled, and the hearing is closed.

2. The proposed amendment to the PlanDSM: Creating Our Tomorrow Plan for the property west of the Southeast 14th Street viaduct to Industrial is hereby APPROVED.

3. The proposed rezoning of the Property, as legally described above, to "I1" Industrial District for the portion of the Property located west of the Southeast 14th Street viaduct, and to "I2" Industrial District for that portion of the Property located east of the Southeast 14th Street viaduct, 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.

4. The proposed Large-Scale Development Plan for Property in accordance with Chapter 135 Article 5 of the Des Moines Municipal Code, for a multi-modal transloading facility, is APPROVED.

MOVED BY Gatto TO ADOPT.

FORM APPROVED:

Judy K. Parks-Kruse, Assistant City Attorney

(21-2020-4.06) (ZON2020-00003)

*Mayor Cownie abstains from voting based on an appearance of a conflict of interest.

Table with columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL. Includes signature of J. M. Franklin Cownie, 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.
Signature of P. Kay Cmelik, City Clerk