



Roll Call Number

Agenda Item Number

.....20-2149.....

55(A)

Date.....December 21, 2020.....

RESOLUTION HOLDING HEARING ON ADDITION OF THE MARKET DISTRICT LARGE-SCALE DEVELOPMENT PLAN AS AN AMENDMENT TO THE MARKET DISTRICT OF THE EAST VILLAGE MASTER PLAN ELEMENT OF THE PLANDSM: CREATING OUR TOMORROW PLAN

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

WHEREAS, as part of said adoption of the PlanDSM: Creating Our Tomorrow comprehensive plan, the City Council adopted the Market District of the East Village Master Plan as an element thereof, covering real property in the vicinity of Southeast 4th Street and East Market Street, generally from the Des Moines River on the west to Southeast 5th Street on the east, and from East Vine Street on the north to East Martin Luther King, Jr. Parkway on the south; and

WHEREAS, on November 23, 2020, by Roll Call No. 20-1874, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on November 5, 2020, its members voted 14-0 in support of a motion to **APPROVE** a Large-Scale Development Plan for the Market District development area submitted by The District Developer, LLC (developer/purchaser), represented by Paul Hayes (officer), in form on file with the Development Services Department, to allow for a master-planned, mixed-use urban redevelopment of the area and incorporated viewshed protection corridor to respect State Capitol Building dominance requirements, subject to addition of a table on Sheet 3 thereof requiring the following maximum building heights outside the identified viewshed protection corridor, as identified by corresponding block number shown on the Large-Scale Development Plan:

- Block 2 – 190’
- Block 3 – 170’
- Block 4 – 75’
- Block 5 – 80’
- Block 6 – 110’
- Block 7 – 100’
- Block 8 – 185’
- Block 9 – 200’
- Block 10 – 185’; and

WHEREAS, on November 23, 2020, by Roll Call No. 20-1874, the City Council further received the recommendation from the City Plan and Zoning Commission that the Commission had voted 14-0 in support of a motion to recommend **APPROVAL** of amendment to the adopted Market District of the East Village Master Plan element of PlanDSM: Creating Our Tomorrow Comprehensive Plan to add the above-described developer-initiated Large-Scale Development Plan as part thereof, subject to the above-stated maximum building heights outside the identified viewshed protection corridor for the corresponding block number; and

WHEREAS, on November 23, 2020, by Roll Call No. 20-1874, it was duly resolved by the City Council that the request to amend the adopted Market District of the East Village Master Plan element of PlanDSM be set down for hearing on December 7, 2020 at 5:00 P.M., by electronic means in accordance with the Governor’s and Mayor’s Proclamations and to encourage and maintain social distancing to curb the spread of COVID-19 in the community, without public access to the meeting location; 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 PlanDSM; and

WHEREAS, on December 7, 2020, by Roll Call No. 20-2056, the City Council opened and continued the hearing on said proposed amendment to PlanDSM to the City Council meeting on December 21, 2020 at 5:00 P.M., by electronic means; and

WHEREAS, in accordance with said notice and resolution continuing hearing, those interested in said proposed amendment to PlanDSM, 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 to the PlanDSM: Creating Our Tomorrow Plan to amend the adopted Market District of the East Village Master Plan element thereof are hereby overruled, and the hearing is closed.
2. The proposed amendment to the PlanDSM: Creating Our Tomorrow Plan to amend the adopted Market District of the East Village Master Plan element thereof, to add the above-described developer-initiated Large-Scale Development Plan as part thereof, subject to the above-stated maximum building heights outside the identified viewshed protection corridor for the corresponding block number, is hereby approved.

(Council Communication No. 20-568)

MOVED BY Gatto TO APPROVE.

APPROVED AS TO FORM:

/s/ Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(21-2020-4.16)

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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
* COWNIE				
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			
MOTION CARRIED		APPROVED		

J. M. Frank 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.

P. Kay Cmelik City Clerk