



Roll Call Number

21-0304

Agenda Item Number

42

Date February 22, 2021

RESOLUTION HOLDING HEARING ON REQUEST FROM THE CITY OF DES MOINES (OWNER) TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED AT 1501 HARRIET STREET

WHEREAS, on February 8, 2021, by Roll Call No. 21-0190, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on January 21, 2021, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from the City of Des Moines (Owner), represented by Pamela Cooksey (Assistant City Manager), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 1501 Harriet Street ("Property") from Industrial to Park and Open Space to allow rezoning to 'P2' Public, Civic, and Institutional District, to allow the property to be developed with public recreation area use and to rezone the Property from 'I1' Industrial District to 'P2' Public, Civic, and Institutional District for the above-stated purpose; and

WHEREAS, on February 8, 2021, by Roll Call No. 21-0190, it was duly resolved by the City Council that the request to amend PlanDSM and rezone the Property be set down for hearing on February 22, 2021 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 COVID19 in the community, without public access to the meeting location; 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 rezoning; and

WHEREAS, in accordance with said notice, those interested in said 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; and

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property locally known as 1501 Harriet Street, legally described as:

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER (NW 1/4) OF SECTION 11, TOWNSHIP 78, RANGE 24 WEST OF THE 5TH P.M., POLK COUNTY, IOWA, AND IN PART OR ALL OF LOTS 76, 77, 78, 79, 80 AND 81, T.M. WALKER'S ADDITION, NOW IN THE CITY OF DES MOINES, IOWA MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 17.86 FEET WEST OF THE NORTHWEST CORNER OF LOT 77, TM WALKER'S ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES; THENCE ALONG THE SOUTH LINE OF HARRIET STREET RIGHT OF WAY, SOUTH 89° 43' 27" EAST FOR A DISTANCE OF 158.58 FEET; THENCE ALONG A 145.20 FOOT NON-TANGENTIAL CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 44° 28' 22", HAVING A RADIUS OF 187.06 FEET, AND WHOSE LONG CHORD BEARS SOUTH 30° 36' 25" EAST FOR A DISTANCE OF 141.58 FEET; THENCE SOUTH 08° 25' 27" EAST FOR A DISTANCE OF 221.23 FEET; THENCE ALONG A 117.95 FOOT CURVE TURNING TO THE LEFT THROUGH AN ANGLE OF 80° 06' 10", HAVING A RADIUS OF 84.37 FEET, AND WHOSE LONG CHORD BEARS SOUTH 48° 28' 32" EAST FOR A DISTANCE OF 108.58 FEET TO A POINT OF INTERSECTION WITH A NON-



Roll Call Number

21-0304

Agenda Item Number

42

Date February 22, 2021

TANGENTIAL LINE; THENCE SOUTH 00° 05' 09" WEST FOR A DISTANCE OF 48.33 FEET; THENCE NORTH 89° 54' 51" WEST FOR A DISTANCE OF 291.80 FEET; THENCE NORTH 00° 09' 18" EAST FOR A DISTANCE OF 215.47 FEET; THENCE NORTH 22° 47' 00" WEST FOR A DISTANCE OF 137.06 FEET; THENCE NORTH 00° 00' 00" EAST A DISTANCE OF 119.51 FEET TO THE POINT OF BEGINNING.

TRACT CONTAINS 2.33 ACRES AND IS SUBJECT TO ALL EASEMENTS OF RECORD.

to 'P2' Public, Civic, and Institutional 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 future land use designation or rezoning of the property to 'P2' Public, Civic, and Institutional District, are hereby overruled, and the hearing is closed.
2. The proposed amendment to the PlanDSM: Creating Our Tomorrow Plan for the Property locally known as 1501 Harriet Street to Park and Open Space is hereby approved.
3. 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 Gatto TO ADOPT.

FORM APPROVED: Judy K. Parks-Kruse (21-2020-4.31) Assistant City Attorney (ZON2020-00163)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL (7).

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.

J. M. Frankh Cownie Mayor

P. Kay Cmelik City Clerk