



Roll Call Number

21-1555

Agenda Item Number

18

Date October 18, 2021

RESOLUTION SETTING HEARING ON REQUEST FROM GREATER DES MOINES BOTANICAL GARDEN TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED IN THE VICINITY OF 909 ROBERT D. RAY DRIVE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 7, 2021, its members voted 10-0 in support of a motion to recommend APPROVAL of a request from Greater Des Moines Botanical Garden (lessee) to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property located in the vicinity of 909 Robert D. Ray Drive ("Property") from Park/Open Space to Public/Semi-Public, to allow rezoning and expansion of the Greater Des Moines Botanical Garden, including development of formal display gardens, an amphitheater, and construction of a café building on the Property; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on October 7, 2021, its members voted 10-0 in support of a motion to recommend APPROVAL of a request from Greater Des Moines Botanical Garden (lessee) to rezone the Property from P1 Public, Civic, and Institutional District to P2 Public, Civic, and Institutional District for the above-stated purposes; and

WHEREAS, the Property is legally described as follows:

BEGINNING AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF EAST UNIVERSITY AVENUE AND THE WEST RIGHT-OF-WAY LINE OF EAST 6TH STREET, BOTH RIGHTS-OF-WAY AS PRESENTLY ESTABLISHED; THENCE SOUTH ON THE SAID WEST RIGHT-OF-WAY LINE TO THE INTERSECTON WITH THE NORTH LINE OF LOT 5 OF RIVER HILLS PLAT FOUR, AN OFFICIAL PLAT; THENCE WEST ON THE SAID NORTH LINE TO THE NORTHWEST CORNER OF SAID LOT 5, ALSO BEING ON THE EAST LINE OF LOT 6 OF SAID RIVER HILLS PLAT FOUR; THENCE SOUTHERLY ON THE EAST LINE OF SAID LOT 6 TO A POINT WHICH IS 72.54 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT 6, ALSO BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 1-235 AS SHOWN IN BOOK 9703 PAGE 595 OF THE CONVEYANCE QUIT CLAIM DEED IN THE POLK COUNTY RECORDERS OFFICE; THENCE SOUTHWESTERLY 91.06 FEET ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID 1-235; THENCE WESTERLY ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID 1-235 TO THE WESTERLY CURB LINE OF VACATED ROBERT D. RAY DRIVE, AS PRESENTLY ESTABLISHED; THENCE NORTHEASTERLY ALONG THE WESTERLY CURB LINE OF SAID VACATED ROBERT D. RAY DRIVE A DISTANCE OF 175 FEET; THENCE WESTERLY, PERPENDICULAR TO SAID WESTERLY CURB LINE, TO THE EASTERLY BANK OF THE DES MOINES RIVER; THENCE NORTHEASTERLY ALONG SAID EASTERLY BANK TO THE SOUTH RIGHT-OF-WAY LINE OF SAID EAST UNIVERSITY AVENUE; THENCE EAST ON THE SOUTH RIGHT-OF-WAY LINE OF SAID EAST UNIVERSITY AVENUE TO THE POINT OF BEGINNING, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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 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 City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on November 1, 2021.



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- 3. That the City Clerk is hereby authorized and directed to cause notice of said proposals 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.

MOVED BY Boesen TO ADOPT.

FORM APPROVED:

/s/ Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZONG2021-000025)

| COUNCIL ACTION | YEAS | NAYS     | PASS | ABSENT |
|----------------|------|----------|------|--------|
| COWNIE         | ✓    |          |      |        |
| BOESEN         | ✓    |          |      |        |
| GATTO          | ✓    |          |      |        |
| GRAY           | ✓    |          |      |        |
| MANDELBAUM     | ✓    |          |      |        |
| VOSS           | ✓    |          |      |        |
| WESTERGAARD    | ✓    |          |      |        |
| TOTAL          | 7    |          |      |        |
| MOTION CARRIED |      | APPROVED |      |        |

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.

P. Kay Cmelik

City Clerk