

★ **Roll Call Number**

.....22-1666

Agenda Item Number

47

Date October 24, 2022

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM POLK COUNTY CONSERVATION (OWNER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED IN THE VICINITY OF 1601 WILLIAMS STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 15, 2022, its members voted 10-1 in support of a motion finding the requested rezoning for Property located in the vicinity of 1601 Williams Street is not in conformance with the existing PlanDSM future land use designation of Low Density Residential; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 15, 2022 its members voted 10-1 in support of a motion to recommend **APPROVAL** of a request from Polk County Conservation (Owner), represented by Angela Connolly (Officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for Property in the vicinity of 1601 Williams Street from Low Density Residential to Parks and Open Space; to rezone the Property from "F" Flood District and "N3a" Neighborhood District to limited "P1" Public, Civic and Institutional District to allow the development of trails and other park amenities subject to all areas within the FEMA 100 Year Floodplain being developed pursuant to Chapter 50 of the Des Moines Municipal Code, and determined the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan:

WHEREAS, the Property is legally described as follows:

AN AREA BEING A PART OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 78 NORTH, RANGE 23 WEST OF THE 5TH P.M., AND A PART OF ELMWOOD, AN OFFICIAL PLAT, AND A PART OF BROADACRE, AN OFFICIAL PLAT, AND A PART OF REEDBURY, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF REEDBURY PLAZA PLAT NO.2, AN OFFICIAL PLAT; THENCE EAST ALONG THE SOUTH LINE OF SAID REEDBURY PLAZA PLAT NO.2 TO THE EAST LINE OF LOT 11 IN SAID REEDBURY; THENCE SOUTH ALONG SAID EAST LINE OF SAID LOT 11 TO THE SOUTHEAST CORNER OF SAID LOT 11; THENCE CONTINUING SOUTH ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 11 TO THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M.; THENCE EAST ALONG SAID NORTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M. TO THE NORTHEAST CORNER OF SAID SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M.; THENCE SOUTH



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ALONG THE EAST LINE OF SAID SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M. TO THE SOUTHEAST CORNER OF SAID SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M.; THENCE WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M. TO THE SOUTHWEST CORNER OF SAID SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M., SAID SOUTHWEST CORNER ALSO BEING THE NORTHWEST CORNER OF SAID BROADACRE; THENCE SOUTH ALONG THE EAST LINE OF BROADACRE TO THE SOUTH LINE OF THE NORTH 5.00 FEET OF LOT 1 IN SAID BROADACRE; THENCE WEST ALONG A LINE THAT IS PARALLEL WITH THE NORTH LINE OF SAID LOT 1 TO THE EAST RIGHT OF WAY LINE OF WILLIAMS STREET; THENCE NORTH/NORTHEAST/NORTH ALONG SAID EAST RIGHT OF WAY LINE OF WILLIAMS STREET AND ALONG THE EASTERLY RIGHT OF WAY LINE OF WILLIAMS COURT AND ALONG THE EAST RIGHT OF WAY LINE OF EAST 42ND STREET TO THE SOUTHWEST CORNER OF OUTLOT Z IN SAID REEDBURY; THENCE EAST ALONG THE SOUTH LINE OF SAID OUTLOT Z TO THE SOUTHEAST CORNER OF SAID OUTLOT Z; THENCE NORTH ALONG THE EAST LINE OF SAID OUTLOT Z TO THE POINT OF BEGINNING.

WHEREAS, on October 3, 2022, by Roll Call No. 22-1513, it was duly resolved by the City Council that the request for approval of the proposed amendment and rezoning be set down for hearing on October 24, 2022, at 5:00 p.m., at the City Council Chambers; 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 proposals; and

WHEREAS, in accordance with said notice, those interested in said proposals, 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:

(NOTE – APPROVAL REQUIRES SIX VOTES DUE TO OPPOSITION OF GREATER THAN 15% OF RELEVANT PROPERTY OWNERS)

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 and rezoning are hereby overruled, and the hearing is closed.

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2. The proposed amendment to PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification for the Property from Low Density Residential to Parks and Open Space is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from "F" Flood District and "N3a" Neighborhood District to limited "P1" Public, Civic and Institutional District to allow the development of trails and other park amenities subject to all areas within the FEMA 100 Year Floodplain being developed pursuant to Chapter 50 of the Des Moines Municipal Code, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Westergaard TO ADOPT. SECOND BY Katto

FORM APPROVED:

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

(ZONG-2022-000067; ZONG-2022-000077)

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

M. Frank Cownie Mayor

CERTIFICATE

I, LAURA BAUMGARTNER, 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.

Laura Baumgartner City Clerk