

★ Roll Call Number
23-0648

Agenda Item Number
24

Date May 8, 2023

RESOLUTION SETTING HEARING ON REQUEST FROM THE CITY OF DES MOINES TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTIES IN AN AREA GENERALLY LOCATED NORTH OF MAURY STREET, EAST OF SOUTHEAST 25TH STREET, SOUTH OF EAST MARKET STREET, AND WEST OF SOUTHEAST 30TH STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 20, 2023, its members voted 10-0-1 in support of a motion finding the requested rezoning for properties located in an area generally located north of Maury Street, east of Southeast 25th Street, south of East Market Street, and west of Southeast 30th Street are not in conformance with the existing PlanDSM future land use designations of Business Park and Industrial; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 20, 2023 its members voted 10-0-1 in support of a motion to recommend **APPROVAL** of a request from the City of Des Moines to amend the PlanDSM: Creating Our Tomorrow future land use designation for properties located in an area generally located north of Maury Street, east of Southeast 25th Street, south of East Market Street, and west of Southeast 30th Street, exclusive of the parcels at 730 Southeast 25th Street, 300 Southeast 29th Street and 202 Southeast 29th Court, from Business Park and Industrial to Low Density Residential, Parks and Open Space, and Public/Semi-Public; to rezone the properties from “EX” Mixed Use District and “I1” Industrial District to “N3c” Neighborhood District, and determined the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan:

WHEREAS, the properties are legally described as follows:

Chesterfield Park (Amend Use Designation from Business Park to Parks and Open Space)

ALL OF BLOCK 10 INCLUDING VACATED NORTH/SOUTH ALLEY RIGHT OF WAY IN SAID BLOCK 10, AND LOTS 28 THROUGH 51 OF BLOCK 11, AND THAT PART OF VACATED SOUTHEAST 27TH STREET RIGHT OF WAY LYING SOUTH OF THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID BLOCK 10 AND LYING NORTH OF THE SOUTHEASTERLY EXTENSION OF SAID BLOCK 10, ALL IN LARISON PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

Three Small Areas (Amend Land Use Designation from Business Park to Public/Semi-Public)

LOTS 20 THROUGH 22, BLOCK 3, AND LOTS 8 THROUGH 10, BLOCK 8, AND LOTS 14 THROUGH 16, BLOCK 9, ALL IN CHESTERFIELD, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.



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Overall Chesterfield Rezoning Area (Amend Land Use Designation from Industrial and Business Park to Low Density Residential, and Rezone from "I1" Industrial District and "EX" Mixed Use District to "N1c" Neighborhood District)

AN AREA INCLUDING

LOTS 1-12, BLOCK 1, AND LOTS 1-22, BLOCK 2, AND LOTS 1-19, BLOCK 3, AND LOTS 1-7 AND LOTS 11-20, BLOCK 8, AND LOTS 1-13 AND LOTS 17-20, BLOCK 9, AND LOTS 1-11, BLOCK 10, CHESTERFIELD, AN OFFICIAL PLAT, AND

LOTS 1-7, BLOCK 1, AND LOTS 1-17, BLOCK 2, AND LOTS 1-11, BLOCK 3, AND LOTS 1-53, BLOCK 9, AND LOTS 1-27, BLOCK 11, AND LOTS 1-42, BLOCK 12, AND LOTS 1-31, BLOCK 17, AND LOTS 1-46, BLOCK 18, AND LOTS 1-20, BLOCK 19, AND LARISON PLACE, AN OFFICIAL PLAT, AND

LOTS 1-18, MILNE PLACE, AN OFFICIAL PLAT, AND

LOTS 1-41, YORK'S ADDITION TO CHESTERFIELD, AND

A PART OF LOT 1, FREDREGILL, AN OFFICIAL PLAT, AND

LOTS 1-4 AND LOTS 7-12, BLOCK 1, AND LOTS 3-12, BLOCK 2, AND LOTS 1-6 AND LOTS 8-12, BLOCK 3, AND LOTS 1-5 AND LOTS 8-12, BLOCK 6 AND LOTS 1-12, BLOCK 7, AND LOTS 1-12, BLOCK 8, AND LOTS 1-12, BLOCK 9, AND LOTS 1-12, BLOCK 10, AND LOTS 1-3 AND LOTS 10-12, BLOCK 11, ESHBAUGHS AND WESTS ADDITION TO THE TOWN OF CHESTERFIELD, AN OFFICIAL PLAT, AND

LOTS 1-40, LINCOLN PARK, AN OFFICIAL PLAT, AND

LOTS 15-34, R.A. WEST'S SUBDIVISION, AN OFFICIAL PLAT, AND

LOTS 1-5, SUBDIVISION OF THE OFFICIAL PLAT OF LOTS 12 & 13 OF THE SOUTH 1/2 OF SECTION 1, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., AN OFFICIAL PLAT, AND

A PART OF HOFFMAN ADDITION TO GRANT PARK, AN OFFICIAL PLAT, AND

A PART OF LOT 1, PINEGAR PLACE, AN OFFICIAL PLAT, AND

A PART OF LOT 13 OF THE OFFICIAL PLAT OF SECTION 12, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., AN OFFICIAL PLAT,

AND INCLUDING A PART OF THE STREET AND ALLEY RIGHT OF WAY ADJOINING ABOVE AREAS,



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AND MORE PARTICULARLY DESCRIBED AS FOLLOW:

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF MAURY STREET RIGHT OF WAY AND THE CENTERLINE OF SOUTHEAST 28TH STREET RIGHT OF WAY; THENCE WEST ALONG SAID CENTERLINE OF MAURY STREET RIGHT OF WAY TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF BLOCK 1 IN SAID CHESTERFIELD; THENCE NORTH ALONG SAID SOUTHERLY EXTENSION OF SAID BLOCK 1 TO THE SOUTHWEST CORNER OF LOT 12 IN SAID BLOCK 1; THENCE NORTH ALONG THE WEST LINE OF SAID BLOCK 1 TO THE SOUTHWEST CORNER OF LOT 9 IN SAID BLOCK 1; THENCE NORTHEAST ALONG SAID WEST LINE OF SAID BLOCK 1 TO THE NORTHWEST CORNER OF LOT 1 IN SAID BLOCK 1; THENCE EAST ALONG NORTH LINE OF SAID LOT 1 TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE NORTH ALONG THE NORTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 1 TO THE CENTERLINE OF SHAW STREET RIGHT OF WAY; THENCE EAST ALONG SAID CENTERLINE OF SHAW STREET RIGHT OF WAY TO THE CENTERLINE OF SOUTHEAST 25TH COURT RIGHT OF WAY; THENCE NORTH ALONG SAID CENTERLINE OF SOUTHEAST 25TH COURT RIGHT OF WAY TO THE CENTERLINE OF EAST MARTIN LUTHER KING JR PARKWAY RIGHT OF WAY; THENCE SOUTHEAST ALONG SAID CENTERLINE OF EAST MARTIN LUTHER KING JR PARKWAY RIGHT OF WAY TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF BLOCK 1 IN SAID LARISON PLACE; THENCE NORTH ALONG SAID SOUTHERLY EXTENSION OF THE WEST LINE OF BLOCK 1 IN SAID LARISON PLACE TO THE SOUTHEAST CORNER OF SAID LOT 16; THENCE CONTINUING NORTH ALONG THE EAST LINES OF LOTS 16, 15, 14, 13, 12, 11, 10, 9 AND 8 IN BLOCK 1 OF SAID LARISON PLACE TO THE NORTHEAST CORNER OF SAID LOT 8; THENCE WEST ALONG THE NORTH LINE OF SAID LOT 8 AND ALONG THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 8 TO SAID CENTERLINE OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF BLOCK 1 IN SAID LARISON PLACE; THENCE NORTH ALONG SAID CENTERLINE OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF BLOCK 1 IN SAID LARISON PLACE AND ALONG THE NORTHERLY EXTENSION OF SAID CENTERLINE OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF BLOCK 1 IN SAID LARISON PLACE TO THE CENTERLINE OF SCOTT AVENUE RIGHT OF WAY; THENCE EASTERLY ALONG SAID CENTERLINE OF SCOTT AVENUE RIGHT OF WAY TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF LOT 10, BLOCK 11 IN SAID ESHBAUGHS AND WESTS ADDITION TO THE TOWN OF CHESTERFIELD; THENCE NORTH ALONG SAID SOUTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 10 TO THE



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SOUTHWEST CORNER OF SAID LOT 10; THENCE CONTINUING NORTH ALONG THE WEST LINE OF SAID LOT 10 TO THE NORTHWEST CORNER OF SAID LOT 10; THENCE CONTINUING NORTH ALONG A STRAIGHT LINE TO THE SOUTHWEST CORNER OF LOT 3 IN SAID BLOCK 11; THENCE CONTINUING NORTH ALONG THE WEST LINE OF SAID LOT 3 TO THE NORTHWEST CORNER OF SAID LOT 3; THENCE CONTINUING NORTH ALONG THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 3 TO THE CENTERLINE OF RACCOON STREET RIGHT OF WAY; THENCE WEST ALONG SAID CENTERLINE OF RACCOON STREET RIGHT OF WAY TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF LOT 8 IN BLOCK 6 OF SAID ESHBAUGHS AND WESTS ADDITION TO THE TOWN OF CHESTERFIELD; THENCE NORTH ALONG SAID SOUTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 8 TO THE SOUTHWEST CORNER OF SAID LOT 8; THENCE CONTINUING NORTH ALONG THE WEST LINE OF SAID LOT 8 TO THE NORTHWEST CORNER OF SAID LOT 8; THENCE CONTINUING NORTH ALONG A STRAIGHT LINE TO THE SOUTHWEST CORNER OF LOT 5 IN SAID BLOCK 6; THENCE CONTINUING NORTH ALONG THE WEST LINE OF SAID LOT 5 TO THE NORTHWEST CORNER OF SAID LOT 5; THENCE CONTINUING NORTH ALONG A STRAIGHT LINE TO THE SOUTHWEST CORNER OF LOT 8, BLOCK 3 IN SAID ESHBAUGHS AND WESTS ADDITION TO THE TOWN OF CHESTERFIELD; THENCE CONTINUING NORTH ALONG THE WEST LINE OF LOT 8 OF SAID BLOCK 3 TO THE NORTHWEST CORNER OF LOT 8 IN SAID BLOCK 3; THENCE CONTINUING NORTH ALONG THE NORTHERLY EXTENSION OF THE WEST LINE OF LOT 8 IN SAID BLOCK 3 TO THE CENTERLINE OF THE EAST/WEST ALLEY RIGHT OF WAY IN SAID BLOCK 3; THENCE WEST ALONG SAID CENTERLINE OF THE EAST/WEST ALLEY RIGHT OF WAY IN SAID BLOCK 3 TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF LOT 6 IN SAID BLOCK 3; THENCE NORTH ALONG SAID SOUTHERLY EXTENSION OF SAID LOT 6 TO THE SOUTHWEST CORNER OF SAID LOT 6; THENCE CONTINUING NORTH ALONG THE WEST LINE OF SAID LOT 6 AND ALONG THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 6 TO THE CENTERLINE OF EAST MARKET STREET RIGHT OF WAY; THENCE EAST ALONG SAID CENTERLINE OF EAST MARKET STREET RIGHT OF WAY TO THE NORTHERLY EXTENSION OF WEST LINE OF LOT 2, BLOCK 2 IN SAID ESHBAUGHS AND WESTS ADDITION TO THE TOWN OF CHESTERFIELD; THENCE SOUTH ALONG SAID NORTHERLY EXTENSION OF SAID WEST LINE OF SAID LOT 2 TO THE NORTHWEST CORNER OF SAID LOT 2; THENCE CONTINUING SOUTH ALONG THE WEST LINE OF SAID LOT 2 AND ALONG THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 2 TO THE CENTERLINE OF THE EAST/WEST ALLEY RIGHT OF WAY IN SAID BLOCK 2; THENCE EAST ALONG SAID CENTERLINE OF THE EAST/WEST ALLEY RIGHT OF



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WAY IN SAID BLOCK 2 AND ALONG THE EASTERLY EXTENSION OF SAID CENTERLINE OF THE EAST/WEST ALLEY RIGHT OF WAY IN SAID BLOCK 2 AND ALONG THE CENTERLINE OF THE EAST/WEST ALLEY RIGHT OF WAY IN BLOCK 1 OF SAID ESHBAUGHS AND WESTS ADDITION TO THE TOWN OF CHESTERFIELD TO THE SOUTHERLY EXTENSION OF THE EAST LINE OF LOT 5 IN SAID BLOCK 1; THENCE NORTH ALONG SAID SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 5 TO THE SOUTHWEST CORNER OF SAID LOT 5; THENCE CONTINUING NORTH ALONG THE EAST LINE OF SAID LOT 5 AND ALONG THE NORTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 5 TO SAID CENTERLINE OF EAST MARKET STREET RIGHT OF WAY; THENCE EAST ALONG SAID CENTERLINE OF EAST MARKET STREET RIGHT OF WAY TO THE CENTERLINE OF SOUTHEAST 28TH STREET RIGHT OF WAY; THENCE NORTH ALONG SAID CENTERLINE OF SOUTHEAST 28TH STREET RIGHT OF WAY TO SAID CENTERLINE OF EAST MARKET STREET RIGHT OF WAY; THENCE EAST ALONG SAID CENTERLINE OF EAST MARKET STREET RIGHT OF WAY TO THE CENTERLINE OF SOUTHEAST 29TH COURT RIGHT OF WAY; THENCE NORTH ALONG SAID CENTERLINE OF SOUTHEAST 29TH COURT RIGHT OF WAY TO THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 15 IN SAID R.A. WEST'S SUBDIVISION; THENCE EAST ALONG SAID WESTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 15 TO THE NORTHWEST CORNER OF SAID LOT 15; THENCE CONTINUING EAST ALONG THE NORTH LINE OF SAID LOT 15 AND ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 15 TO THE CENTERLINE OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN SAID R.A. WEST'S SUBDIVISION; THENCE SOUTH ALONG SAID CENTERLINE OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN SAID R.A. WEST'S SUBDIVISION TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 35 IN SAID R.A. WEST'S SUBDIVISION; THENCE EAST ALONG SAID WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 35 TO THE SOUTHWEST CORNER OF SAID LOT 35; THENCE CONTINUING EAST ALONG THE SOUTH LINE OF SAID LOT 35 AND ALONG THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 35 TO THE CENTERLINE OF SOUTHEAST 30TH STREET RIGHT OF WAY; THENCE SOUTH ALONG SAID CENTERLINE OF SOUTHEAST 30TH STREET RIGHT OF WAY TO THE CENTERLINE OF VACATED EAST ELM STREET RIGHT OF WAY LYING SOUTH OF LOT 26 IN SAID R.A. WEST'S SUBDIVISION; THENCE WEST ALONG SAID CENTERLINE OF VACATED EAST ELM STREET RIGHT OF WAY AND ALONG THE CENTERLINE OF EAST ELM STREET RIGHT OF WAY TO SAID CENTERLINE OF SOUTHEAST 29TH COURT RIGHT OF WAY; THENCE SOUTH ALONG SAID CENTERLINE OF SOUTHEAST 29TH COURT RIGHT OF WAY TO SAID CENTERLINE OF EAST ELM STREET RIGHT OF WAY; THENCE WEST ALONG



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SAID CENTERLINE OF EAST ELM STREET RIGHT OF WAY TO THE CENTERLINE OF SOUTHEAST 29TH STREET RIGHT OF WAY; THENCE SOUTH ALONG SAID CENTERLINE OF SOUTHEAST 29TH STREET RIGHT OF WAY TO SAID CENTERLINE OF RACCOON STREET RIGHT OF WAY; THENCE WEST ALONG SAID CENTERLINE OF RACCOON STREET RIGHT OF WAY TO THE SAID CENTERLINE OF SOUTHEAST 29TH STREET RIGHT OF WAY; THENCE SOUTH ALONG SAID CENTERLINE OF SOUTHEAST 29TH STREET RIGHT OF WAY TO SAID CENTERLINE OF SCOTT AVENUE RIGHT OF WAY; THENCE EAST ALONG SAID CENTERLINE OF SCOTT AVENUE RIGHT OF WAY TO THE NORTHERLY EXTENSION OF THE EAST LINE OF THE WEST 226.7 FEET OF LOT 1 IN SAID FREDREGILL; THENCE SOUTH ALONG SAID NORTHERLY EXTENSION OF THE EAST LINE OF THE WEST 226.7 FEET OF SAID LOT 1 AND ALONG SAID EAST LINE OF THE WEST 226.7 FEET OF SAID LOT 1 TO THE SOUTH LINE OF THE NORTH 150 FEET OF SAID LOT 1; THENCE WEST AND PARALLEL WITH THE NORTH LINE OF SAID LOT 1 TO THE EAST LINE OF THE WEST 124.2 FEET OF SAID LOT 1; THENCE SOUTH AND PARALLEL TO THE WEST LINE OF SAID LOT 1 TO THE NORTH LINE OF THE SOUTH 130.7 FEET OF SAID LOT 1; THENCE WEST AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 1 AND ALONG THE WESTERLY EXTENSION OF SAID LINE BEING 130.7 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 1 TO THE CENTERLINE OF THE NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF LOTS 1 AND 2 IN SAID FREDREGILL; THENCE SOUTH ALONG SAID CENTERLINE OF THE NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF LOTS 1 AND 2 IN SAID FREDREGILL AND ALONG THE SOUTHERLY EXTENSION OF SAID CENTERLINE OF THE NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF LOTS 1 AND 2 IN SAID FREDREGILL TO SAID CENTERLINE OF EAST MARTIN LUTHER KING JR PARKWAY; THENCE NORTHWEST ALONG SAID CENTERLINE OF EAST MARTIN LUTHER KING JR PARKWAY TO SAID CENTERLINE OF SOUTHEAST 28TH STREET RIGHT OF WAY; THENCE SOUTH ALONG SAID CENTERLINE OF SOUTHEAST 28TH STREET RIGHT OF WAY TO SAID CENTERLINE OF MAURY STREET RIGHT OF WAY AND TO THE POINT OF BEGINNING,

-EXCEPT ALL OF BLOCK 10 INCLUDING VACATED NORTH/SOUTH ALLEY RIGHT OF WAY IN SAID BLOCK 10, AND LOTS 28 THROUGH 51 OF BLOCK 11, AND THAT PART OF VACATED SOUTHEAST 27TH STREET RIGHT OF WAY LYING SOUTH OF THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID BLOCK 10 AND LYING NORTH OF THE SOUTHEASTERLY EXTENSION OF SAID BLOCK 10, ALL IN SAID LARISON PLACE, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY,

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AND

-EXCEPT LOTS 20 THROUGH 22, BLOCK 3, AND LOTS 8 THROUGH 10, BLOCK 8, AND LOTS 14 THROUGH 16, BLOCK 9, ALL IN SAID CHESTERFIELD, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY-,

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 is to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposal, shall be held at 5:00 p.m. on May 22, 2023 in the Council Chambers, City Hall, 400 Robert D. Ray, Drive, Des Moines.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposal 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 Gatto TO ADOPT. SECOND BY Boers

FORM APPROVED:

/s/ Chas M. Cahill
Chas M. Cahill
Assistant City Attorney

(ZONG-2023-000018) (COMP-2023-000013)



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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
SHEUMAKER				✓
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			1

MOTION CARRIED

APPROVED

J. M. Franklin 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