



Roll Call Number

24-0045

Agenda Item Number

20

Date January 8, 2024

RESOLUTION SETTING HEARING ON REQUEST FROM MIDAMERICAN ENERGY COMPANY (OWNER), REPRESENTED BY TERRY L. SMITH (OFFICER), AND THE DISTRICT DEVELOPER, LLC (OWNER), REPRESENTED BY TIM RYPMA (OFFICER) FOR THE FOLLOWING REGARDING MULTIPLE PARCELS LOCATED IN THE VICINITY OF 200 SOUTHEAST 2ND STREET, TO AMEND PLANDSM CREATING OUR TOMORROW PLAN TO REVISE THE FUTURE LAND USE CLASSIFICATION FROM DOWNTOWN MIXED USE TO PUBLIC/SEMI-PUBLIC, AND TO REZONE THE PROPERTY FROM LIMITED “DXR” AND LIMITED “DX1” DOWNTOWN DISTRICTS TO LIMITED “P2” PUBLIC, CIVIC, AND INSTITUTIONAL DISTRICT TO ALLOW THE DEVELOPMENT OF THE SPACE FOR A PARK AND AN ACCESSORY SURFACE PARKING AREA

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on December 21, 2023, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from MidAmerican Energy Company (Owner), represented by Terry L. Smith (Officer), and The District Developer, LLC (Owner), represented by Tim Rypma (Officer), for the proposed rezoning from Limited “DXR” and Limited “DX1” Downtown Districts to Limited “P2” Public, Civic, and Institutional District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Downtown Mixed Use; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on December 21, 2023, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from MidAmerican Energy Company (Owner), represented by Terry L. Smith (Officer), and The District Developer, LLC (Owner), represented by Tim Rypma (Officer), to amend the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Downtown Mixed Use to Use to Public/Semi-Public; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held December 21, 2023, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from MidAmerican Energy Company (Owner), represented by Terry L. Smith (Officer), and The District Developer, LLC (Owner), represented by Tim Rypma (Officer), to rezone the Property from Limited “DXR” and Limited “DX1” Downtown Districts to Limited “P2” Public, Civic, and Institutional District, to allow the development of the space for a park and an accessory surface parking area, subject to the following conditions:

1. The maximum height of all building(s) constructed or developed on the property that are located outside the viewshed corridor shown on the Large Scale Development Plan, which corridor is identified by the viewshed analysis, shall be limited to the height shown on the Large-Scale Development Plan unless relief thereto is granted pursuant to Chapter 135 of the Des Moines Municipal Code.; and

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WHEREAS, the Property is legally described as follows:

LOTS 1, 4A AND 4B, THE MARKET DISTRICT FINAL PLAT, AN OFFICIAL PLAT, 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 amendments to PlanDSM Creating Our Tomorrow comprehensive Plan 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 January 22, 2024, at which time the City Council will hear both those who oppose and those who favor the proposals.
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 Gatto TO ADOPT. SECOND BY Voss

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill

Assistant City Attorney

(ZONG-2023-000069)(COMP-2023-000042)

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| BOESEN | ✓ | | | |
| VOSS | ✓ | | | |
| COLEMAN | ✓ | | | |
| WESTERGAARD | ✓ | | | |
| MANDELBAUM | ✓ | | | |
| GATTO | ✓ | | | |
| TOTAL | 6 | | | |

MOTION CARRIED

APPROVED

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.

Connie Boesen Mayor

Laura Baumgartner City Clerk