

ORDINANCE NO. 15,929

An Ordinance entitled, "AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-1.10 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located at 6000 Southeast 14th Street from MX-V Mixed Use District to CX-V Mixed Use District and the property locally known as 5907, 5911 & 5917 Southeast 8th Street, and 801 Hart from N3a – Neighborhood District to CX-V Mixed Use District classification.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-1.10 of the Municipal Code of the City of Des Moines, Iowa, 2000, be and the same is hereby amended by rezoning and changing the district classification of certain property located at 6000 Southeast 14th Street from MX-V Mixed Use District to CX-V Mixed Use District and the property locally known as 5907, 5911 & 5917 Southeast 8th Street, and 801 Hart from N3a – Neighborhood District to CX-V Mixed Use District classification:

PARCEL 1 (6000 SOUTHEAST 14TH STREET):

THE SOUTH HALF (S ½) OF THE NORTHEAST QUARTER (NE ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 27, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., POLK COUNTY, IOWA.

EXCEPT:

PARCEL "C" IN THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 27, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., ALL BEING IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 27; THENCE SOUTH 00°00'00" EAST, ALONG THE EAST LINE OF SAID SECTION 27, A DISTANCE OF 834.66 FEET; THENCE NORTH 90°00'00" WEST, A DISTANCE OF 60.00 FEET, TO A POINT ON THE WESTERLY RIGHT-OF-WAY (R.O.W.) LINE OF S.E. 14TH STREET (U.S. HIGHWAY 69), SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE SOUTH 00°00'00" EAST, ALONG SAID WESTERLY R.O.W. LINE

OF S.E. 14TH STREET, A DISTANCE OF 127.14 FEET;
THENCE SOUTH 90°00'00" WEST, A DISTANCE OF 266.56 FEET;
THENCE NORTH 40°37'26" WEST, A DISTANCE OF 54.49 FEET;
THENCE NORTH 23°55'15" EAST, A DISTANCE OF 93.84 FEET;
THENCE NORTH 90°00'00" EAST, A DISTANCE OF 263.99 FEET, TO A
POINT ON THE SAID WESTERLY R.O.W. LINE OF S.E. 14TH STREET, SAID
POINT ALSO BEING THE POINT OF BEGINNING, CONTAINING 36,035
SQUARE FEET, MORE OR LESS; RECORDED IN POLK COUNTY BOOK
10068 AT PAGE 308.

AND

PARCEL "F" IN THE SOUTH ½ OF THE NORTHEAST ¼ OF THE
SOUTHEAST ¼ OF SECTION 27, TOWNSHIP 78 NORTH, RANGE 24 WEST
OF THE 5TH P.M. POLK COUNTY, IOWA, AS DESCRIBED ON THE
AMENDED PLAT OF SURVEY RECORDED JUNE 16, 2006 IN BOOK 11704,
PAGE 659 IN THE OFFICE OF THE POLK COUNTY RECORDER.

PARCEL 2 (6000 SOUTHEAST 14TH STREET):

LOTS 5, 6 AND SOUTH 150 FEET OF WEST 88.4 FEET OF LOT 7,
BOWLARAMA PLACE, ACCORDING TO THE PLAT THEREOF; AND ALSO
NORTH HALF OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼ (N½ OF
NE¼ OF SE¼) OF SECTION 27, TOWNSHIP 78, RANGE 24 WEST OF THE
5TH PRINCIPAL MERIDIAN, EXCEPT THE EAST 661.4 FEET AND EXCEPT
THE NORTH 505.7 FEET THEREOF, POLK COUNTY, IOWA.

5907 SE 8TH STREET:

LOT 9 AND THE SOUTH 6.5 FEET OF LOT 8 IN JORDAN PLACE PLAT 3,
AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE
CITY OF DES MOINES, POLK COUNTY, IOWA.

5911 SE 8TH STREET:

LOT 10 IN JORDAN PLACE PLAT 3, AN OFFICIAL PLAT, NOW INCLUDED
IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK
COUNTY, IOWA.

5917 SE 8TH STREET:

LOT 11 IN JORDAN PLACE PLAT 3, AN OFFICIAL PLAT, NOW INCLUDED
IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK
COUNTY, IOWA.

801 HART AVENUE:

LOT 12 IN JORDAN PLACE PLAT 3, AN OFFICIAL PLAT, NOW INCLUDED
IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK
COUNTY, IOWA.

Section 2. That this ordinance and the zoning for 6000 Southeast 14th Street, 5907, 5911 & 5917 Southeast 8th Street, and 801 Hart Avenue granted by the terms hereof are subject to the following imposed additional conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance by all owners of said property and are binding upon the owners and their successors, heirs, and assigns as follows:

1. That the development shall be carried out in accordance with the Large-scale development plan presented to the Plan and Zoning Commission;
2. That no outdoor storage of merchandise in the outdoor display area of the Property shall be stacked higher than the perimeter fencing;
3. Any external lighting on the Property shall have a maximum height of 14 feet in height and shall be down-directed cut-off fixtures;
4. Any use of the Property for a bar or a liquor store shall be prohibited;
5. Any commercial use of the Property shall be in conformance with an approved site plan that demonstrates that the entire site is in conformance with the current landscaping standards contained in City Code Chapter 135. (This includes providing 8 evergreen trees and 4 overstory trees per 100 lineal feet along the north property line.)
6. Any commercial expansion on the Property shall be subject to the entire commercial development being brought into conformance with the current storm water management requirements;
7. All necessary permits shall be obtained for the construction of any building or wall upon the Property;
8. Prior to issuance of the Certificate of Occupancy for any commercial use of the Property, the professional who signed the site plan shall submit a letter to the City's Planning Administrator, certifying that the Property has been improved in substantial conformance with the approved site plan; and

Section 3. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Section 4. That the City Clerk is hereby authorized and directed to cause certified copies of the Acceptance of Rezoning Ordinance, this ordinance, vicinity map and proof of publication of this ordinance to be properly filed in the office of the County Recorder of the county in which the subject property is located.

FORM APPROVED:

Judy K. Parks-Kruse, Assistant City Attorney

T. M. Franklin Cownie, Mayor

Attest: I, P. Kay Cmelik, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 20-1610), passed by the City Council of said City at a meeting held on October 5, 2020 and signed by the Mayor on October 5, 2020 and published and provided by law in the Business Record on October 23, 2020. Authorized by Publication Order No. 11167.

P. Kay Cmelik, City Clerk