

ORDINANCE NO. 16,076

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 in the vicinity of 3206 University Avenue from 'N5' Neighborhood District to Limited 'MX3' Mixed Use District classification and 1117 33<sup>rd</sup> Street and 1119 33<sup>rd</sup> Street from 'P2' Public, Civic and Institutional District to Limited 'MX3' 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 in the vicinity of 3206 University Avenue from 'N5' Neighborhood District to Limited 'MX3' Mixed Use District classification and 1117 33<sup>rd</sup> Street and 1119 33<sup>rd</sup> Street from 'P2' Public, Civic and Institutional District to Limited 'MX3' Mixed Use District classification, more fully described as follows:

3206 University Avenue

LOT 9 AND THE EAST 30 FEET OF LOT 10 IN LYON'S PARK PLAT NO. 2, AND OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA; EXCEPT FOR PARCEL 'A' OF LOT 10, SAID LYON'S PARK PLAT NO. 2, AS SHOWN IN PLAT OF SURVEY RECORDED IN BOOK 9910, PAGE 813.

AND

LOT 8 IN LYON'S PARK PLAT NO. 2, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA  
PARK PLAT NO. 2, AS SHOWN IN PLAT OF SURVEY RECORDED IN BOOK 10135, PAGE 779.

1117 33<sup>rd</sup> Street, and 1119 33<sup>rd</sup> Street

THE EAST HALF OF LOT 3 IN LYON'S PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA, TOGETHER WITH THE EASEMENT GRANTED BY THE CITY OF DES MOINES TO THE GRANTOR DATED MARCH 6, 1987 AND RECORDED IN BOOK 5693 PAGE 210 POLK COUNTY, IOWA RECORDER'S OFFICE.

AND

THE EAST 75 FEET OF THE SOUTH 20 FEET OF THE WEST HALF OF LOT 3 IN LYON'S PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE

CITY OF DES MOINES, IOWA.

AND

LOT 16 IN LYON'S PARK PLAT NO. 2, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA; EXCEPT FOR PARCEL 'A' OF LOT 16, SAID LYON'S AND

Section 2. That this ordinance and the zoning 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. No driveway, ingress-egress, or access to 33<sup>rd</sup> Street shall be allowed; and
2. The parking lot expansion shall be set back 30 feet from the adjoining parcel to the south and shall be set back an equal distance as the residential home from the street side property line.

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. 21- 1744), passed by the City Council of said City at the meeting held on November 15, 2021 and signed by the Mayor on November 15, 2021 and published and provided by law in the Business Record on December 3, 2021. Authorized by Publication Order No. 11725.

P. Kay Cmelik, City Clerk