

ORDINANCE NO. 16,119

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 generally to the north of Vandalia Road between Southeast 30th Street to the west and the City's corporate limits to the east (GP 7823-08-351-001 (1419 SE 38th St), GP 7823-08-376-001 (1502 SE 42nd St), GP 7823-08-376-002 (1502 SE 42nd St), GP 7823-08-377-001 (1511 SE 42nd St), GP 7823-07-176-001 (800 SE 32nd St)), from EX Mixed Use District to Limited I2 Industrial 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 generally to the north of Vandalia Road between Southeast 30th Street to the west and the City's corporate limits to the east (also known as GP 7823-08-351-001 (1419 SE 38th St), GP 7823-08-376-001 (1502 SE 42nd St), GP 7823-08-376-002 (1502 SE 42nd St), GP 7823-08-377-001 (1511 SE 42nd St), GP 7823-07-176-001 (800 SE 32nd St)) from EX Mixed Use District to Limited I2 Industrial District classification, more fully described as follows:

1. GP 7823-08-351-001 (1419 SE 38th St)
THE WEST 1/2 OF LOT 13 OF THE OFFICIAL PLAT OF THE S.W. ¼ AND THE S.1/2 OF THE N.W. 1/4 AND THE W. 1/2 OF THE E. 1/2 OF SECTION 8-T78-R23, AN OFFICIAL PLAT, LYING SOUTH OF THE WABASH RAILROAD RIGHT OF WAY, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.
2. GP 7823-08-376-001 (1502 SE 42nd St)
THE WEST 3 ACRES OF THE EAST 1/2 OF LOT 13 OF THE OFFICIAL PLAT OF THE S.W. ¼ AND THE S.1/2 OF THE N.W. 1/4 AND THE W. 1/2 OF THE E. 1/2 OF SECTION 8-T78-R23, AN OFFICIAL PLAT, LYING SOUTH OF THE WABASH RAILROAD RIGHT OF WAY, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.
3. GP 7823-08-376-002 (1502 SE 42nd St)
THE NORTH 4 ACRES OF LOT 15 OF THE OFFICIAL PLAT OF THE S.W. ¼

AND THE S.1/2 OF THE N.W. 1/4 AND THE W. 1/2 OF THE E. 1/2 OF SECTION 8-T78-R23, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

4. GP 7823-08-377-001 (1511 SE 42nd St)
-EXCEPT THE WEST 24 FEET-, THE NORTH 1.54 ACRES OF LOT 16, AND -EXCEPT THE WEST 24 FEET-, LOT 22, AND -EXCEPT THE WEST 24 FEET, ALL THAT FRACTIONAL PART OF LOT 13 LYING NORTH AND ADJOINING SAID LOT 22 AND LYING SOUTH OF THE WABASH RAILROAD RIGHT OF WAY, ALL IN THE OFFICIAL PLAT OF THE S.W. ¼ AND THE S.1/2 OF THE N.W. 1/4 AND THE W. 1/2 OF THE E. 1/2 OF SECTION 8-T78-R23, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.
5. GP 7823-07-176-001 (800 SE 32nd St)
-EXCEPT THAT PART LYING WITHIN THE 100 YEAR FLOODPLAIN-, THAT PART OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 7, TOWNSHIP 78 NORTH, RANGE 23 WEST OF THE 5TH P.M., WHICH LIES NORTH OF THE WABASH RAILROAD RIGHT OF WAY, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, -EXCEPT THE NORTH 10 ACRES THEREOF, AND -EXCEPT COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 7; THENCE SOUTH ON ASSUMED BEARING OF SOUTH 0°00'00" WEST, 330 FEET TO THE POINT OF BEGINNING; THENCE NORTH 86°52'00" WEST, 1320 FEET; THENCE SOUTH 0°00'00" WEST, 785 FEET; THENCE SOUTH 83°57'00" EAST, 1321.5 FEET; THENCE NORTH 0°00'00" WEST, 848.3 FEET TO THE POINT OF BEGINNING.

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) Any use of the property for a "Fabrication and Production, Intensive" use (as defined by Des Moines Municipal Code Section 134-3.6.1.D) shall be prohibited.
- (2) Any new "Junk or Salvage Yard" use, or expansion of any existing "Junk or Salvage Yard" use that was considered to be legal nonconforming as of January 1, 2022, on the property shall be prohibited.
- (3) Within 12 months following the completion of the adjoining Southeast Connector or East Martin Luther King, Jr. Parkway roadway, any outdoor storage of junk or inoperable vehicles on the property shall be screened by a solid opaque fence and gates, at least eight feet in height and of uniform design and color, that is maintained in good repair.
- (4) Junk and salvage materials on the property may not be stacked higher than the perimeter fence within 75 feet of the fence and may not be stacked higher than 25 feet anywhere on the site.

(5) No driveway, ingress-egress, or access from the property to the Southeast Connector or East Martin Luther King, Jr. Parkway shall be allowed.

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:

Glenna K. Frank, 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. 22-0565), passed by the City Council of said City at the meeting held on April 4, 2022, and signed by the Mayor on April 4, 2022, and published and provided by law in the Business Record on April 22, 2022. Authorized by Publication Order No. 11873.

P. Kay Cmelik, City Clerk