

ORDINANCE NO. 16,169

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 20 E. 18th Street from “I2” Industrial District classification 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 in the vicinity of 20 E. 18th Street from “N3C” Neighborhood District to “I2” Industrial District classification, more fully described as follows:

ALL PROPERTY DESCRIBED BELOW IS IN THE CITY OF DES MOINES,
POLK COUNTY, IOWA.

PARCELS 2018-128 AND 2018-129, BOTH RECORDED IN BOOK 17105,
PAGE 811 IN THE OFFICE OF THE POLK COUNTY RECORDER;

AND

PARCEL 2018-130 AS RECORDED IN BOOK 17105, PAGE 817 IN THE
OFFICE OF THE POLK COUNTY RECORDER;

AND

LOTS 9 THRU 14, BLOCK 1, I. N. THOMAS SUBDIVISION, AN OFFICIAL
PLAT RECORDED IN BOOK B, PAGE 56 IN THE OFFICE OF THE POLK
COUNTY RECORDER;

AND

ALL THAT PART OF THE SE. ASTOR STREET PUBLIC ROAD RIGHT-OF-
WAY LYING WEST OF AND ADJOINING PARCEL 2018-128 LYING
NORTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF THE IOWA
INTERSTATE RAILROAD AS IT IS PRESENTLY ESTABLISHED;

AND

ALL THAT PART OF THE SE. 16TH STREET PUBLIC ROAD RIGHT-OF-
WAY LYING EAST OF AND ADJOINING PARCEL 2018-128 LYING
NORTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF THE IOWA
INTERSTATE RAILROAD AS IT IS PRESENTLY ESTABLISHED;

AND

ALL THAT PART OF THE SE. 16TH COURT PUBLIC ROAD RIGHT-OF-WAY LYING EAST OF AND ADJOINING PARCEL 2018-129 LYING NORTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF THE IOWA INTERSTATE RAILROAD AS IT IS PRESENTLY ESTABLISHED;

AND

ALL THAT PART OF THE EAST VINE STREET PUBLIC ROAD RIGHT-OF-WAY LYING NORTH OF AND ADJOINING PARCEL 2018-130 LYING WEST OF THE NORTHERLY RIGHT-OF-WAY LINE OF THE IOWA INTERSTATE RAILROAD AS IT IS PRESENTLY ESTABLISHED;

AND

ALL THAT PART OF THE EAST-WEST PUBLIC ALLEY RIGHT-OF-WAY LYING NORTH OF AND ADJOINING LOTS 12 THRU 14 IN BLOCK 1, I. N. THOMAS SUBDIVISION AN OFFICIAL PLAT RECORDED IN BOOK B, PAGE 56 IN THE OFFICE OF THE POLK COUNTY RECORDER.

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) Use of the property shall be limited to the following:
 - a) Any use as permitted and limited in the I1 District.
 - b) The storage of empty dumpsters associated with a legally established use located at the property currently addressed as 20 East 18th Street (District/Parcel 040/06209-000-000).
 - c) The parcels currently addressed as 1649 East Court Ave (District/Parcel 040/06218-000-000) and 1708 East Vine Street (District/Parcel 040/06223-000-000), and the intervening alley right-of-way if vacated and assembled into the site, may be used for any use as permitted and limited in the I2 District.
 - d) If vacated and assembled into the site, the East Vine Street right-of-way that adjoins the parcel currently addressed as 20 East 18th Street (District/Parcel 040/06209-000-000) and the parcel currently addressed as 1708 East Vine Street (District/Parcel 040/06223-000-000) may be used for any use as permitted and limited in the I2 District.

- 2) Provision of a 25-foot-wide landscape buffer along the East 16th Court frontage, from the south edge of the East Court Avenue right-of-way to the south edge of the East Vine Street right-of-way, to the satisfaction of the City's Planning and Urban Design Administrator, and provision of fencing that complies with Chapter 135 of the Municipal Code at the 25-foot setback to the satisfaction of the City's Planning and Urban Design Administrator.
- 3) Any use on the property shall be in accordance with an approved site plan.
- 4) A site plan for the property shall be submitted no later than December 31, 2022, and the property owner shall obtain approval no later than March 31, 2023.
- 5) The property shall be brought into conformance with an approved site plan by December 21, 2023.
- 6) Failure to comply with these zoning conditions may result in a City-initiated rezoning of the subject property to a less-intensive zoning district.

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: Gary D. Goudelock, Assistant City Attorney

T. M. Franklin Cownie, Mayor

Attest: I, Laura Baumgartner, 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. 22-1352), passed by the City Council of said City at the meeting held on August 22, 2022 and signed by the Mayor on August 22, 2022 and published and provided by law in the Business Record on September 9, 2022 Authorized by Publication Order No. 12058.

Laura Baumgartner, City Clerk