

ORDINANCE NO. 16,012

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 2723 41st Place from N4 Neighborhood 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 2723 41st Place from N4 Neighborhood District to Limited MX3 Mixed-Use District classification, more fully described as follows:

LOT B OF GRASSMERE NO. 2, 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 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 and the purchaser of said property and are binding upon the owners and their successors, heirs, and assigns as follows:

- 1) The only Permitted and Conditional Uses shall be sales of packaged alcoholic liquor subject to approval of a Conditional Use by Zoning Board of Adjustment and those Permitted and Conditional Uses in common with the “MX1” Mixed Use District and as limited in the “MX1” Mixed Use District.

- 2) Accessory structures shall be limited to Drive-Through Facility and those permitted in the MX1 Mixed Use District per Table 135-2.22-1.
- 3) Commercial truck traffic is prohibited from using 41st Place to enter or exit the site.
- 4) Parking shall not extend further west than the west façade of the house on the adjoining lot to the south.
- 5) Private traffic signage and markings shall be installed that would prohibit drivers from making a left turn movement from the site access onto 41st Place. These traffic control devices would use signs stating, “No Left Turn” in word and/or graphic form and pavement markings directing exiting drivers and vehicles from the parking lot to only make a right turn onto 41st Place to discourage left turns from the parking lot onto 41st Place. The traffic signage and pavement markings shall conform to the Manual on Uniform Traffic Control Devices and be maintained by the parking lot owner for the life of the certificate of occupancy.

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. 21-0812), passed by the City Council of said City at a meeting held on May 24, 2021 and signed by the Mayor on May 24, 2021 and published and provided by law in the Business Record on June 11, 2021. Authorized by Publication Order No. 11565.

P. Kay Cmelik, City Clerk