

★ **Roll Call Number**

**Agenda Item Number**

53A

**Date** September 25, 2017

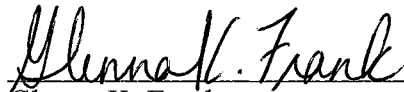
An Ordinance entitled, "AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 1916 Dean Avenue from the "R1-60" One-Family Low-Density Residential District to Limited "M-1" Light Industrial District classification",

presented.

Moved by \_\_\_\_\_ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)

  
 Glenna K. Frank  
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

\_\_\_\_\_  
 Mayor

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
 City Clerk

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Prepared by: Glenna K. Frank, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, IA 50309  
 Phone: 515/283-4530  
 Return Address: City Clerk - City Hall, 400 Robert D. Ray Drive, Des Moines, IA 50309  
 Title of Document: City of Des Moines, Ordinance No. \_\_\_\_\_  
 Grantor/Grantee: City of Des Moines, Iowa  
 Legal Description: See page 1, below.

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 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 1916 Dean Avenue from the "R1-60" One-Family Low-Density Residential District to Limited "M-1" Light 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 134-277 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 1916 Dean Avenue, more fully described as follows, from the "R1-60" One-Family Low-Density Residential District to Limited "M-1" Light Industrial District classification:

(Except the South 206 feet) The West 148.25 feet of Lot 21 of the OFFICIAL PLAT OF THE NORTHEAST 1/4 OF SECTION 2 - TOWNSHIP 78 - RANGE 24, all 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

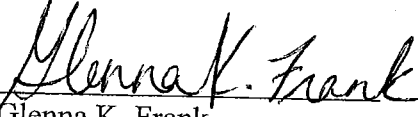
of an Acceptance of Rezoning Ordinance by all owners of said property and are binding upon the owners and their successors, heirs, and assigns as follows:

- (1) The following shall be prohibited as permitted uses on the Property:
  - a) adult entertainment businesses,
  - b) outdoor display of vehicles for sale,
  - c) taverns or nightclubs,
  - d) liquor stores,
  - e) off-premises advertising signs,
  - f) pawn brokers, and
  - g) delayed deposit services.
  
- (2) Any outdoor storage on the Property shall comply with the following requirements:
  - a) Shall be designed to allow no part of any stored material, vehicles or equipment to encroach into the required setbacks, and shall be maintained with both a dustless surface and a drainage system approved by the City Engineer.
  - b) All areas used for outside parking of vehicles shall be set back a minimum of 10 feet and screened by a 6-foot high solid opaque wooden fence from any adjoining residential (R) district; shall be set back a minimum of 25 feet from any adjoining streets and alleys; and shall be maintained with both a dustless surface and a drainage system approved by the City Engineer, unless a higher standard is imposed by the Site Plan regulations in the Des Moines Municipal Code.
  - c) All driveways, parking lots and areas used for temporary storage of vehicles shall be surfaced with an asphaltic or Portland cement binder pavement as approved by the City Engineer so as to provide a durable and dustless surface, and shall be so graded and drained as to dispose of all surface water accumulation within the area.
  - d) No outside storage of inoperable or unsafe vehicles in quantities constituting a junk yard as defined by City Code Section 134-3.
  
- (3) The outside storage or expansion of the existing business on the Property shall be brought into conformance with a Site Plan as reviewed and approved by the Permit and Development Center.
  
- (4) Any development of the Property under a Site Plan shall comply with the City's Landscaping Standards as applicable in the "C-2" General Retail and Highway Oriented Commercial 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:

  
Glenna K. Frank  
Assistant City Attorney

53A

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Prepared by: Glenna K. Frank, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, IA 50309  
Phone: 515/283-4530  
Return Address: City Clerk - City Hall, 400 Robert Ray Dr., Des Moines, IA 50309  
Taxpayer: No change  
Title of Document: Acceptance of Rezoning Ordinance  
Grantor's Name: Brian C. Johnson (Owner)  
Grantee's Name: City of Des Moines, Iowa  
Legal Description: (Except the South 206 feet) The West 148.25 feet of Lot 21 of the OFFICIAL PLAT OF THE  
NORTHEAST 1/4 OF SECTION 2 - TOWNSHIP 78 - RANGE 24, all now included in and  
forming a part of the City of Des Moines, Polk County, Iowa.

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## ACCEPTANCE OF REZONING ORDINANCE

The undersigned hereby state, warrant and agree as follows:

1. That Brian C. Johnson is the sole titleholder of the Property locally known as 1916 Dean Avenue and legally described above.

2. That in the event the City of Des Moines, Iowa, acts to rezone the Property from the "R1-60" One-Family Low-Density Residential District to Limited "M-1" Light Industrial District, I agree and accept as the owner to the imposition of the following conditions to run with the land and be binding upon all successors, heirs and assigns as part of the ordinance so rezoning the Property:

- (1) The following shall be prohibited as permitted uses on the Property:
  - a) adult entertainment businesses,
  - b) outdoor display of vehicles for sale,
  - c) taverns or nightclubs,
  - d) liquor stores,
  - e) off-premises advertising signs,
  - f) pawn brokers, and
  - g) delayed deposit services.

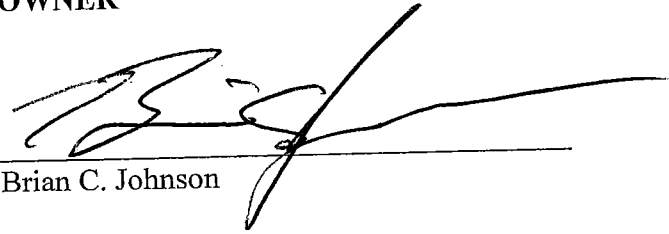
- (2) Any outdoor storage on the Property shall comply with the following requirements:

- a) Shall be designed to allow no part of any stored material, vehicles or equipment to encroach into the required setbacks, and shall be maintained with both a dustless surface and a drainage system approved by the City Engineer.
  - b) All areas used for outside parking of vehicles shall be set back a minimum of 10 feet and screened by a 6-foot high solid opaque wooden fence from any adjoining residential (R) district; shall be set back a minimum of 25 feet from any adjoining streets and alleys; and shall be maintained with both a dustless surface and a drainage system approved by the City Engineer, unless a higher standard is imposed by the Site Plan regulations in the Des Moines Municipal Code.
  - c) All driveways, parking lots and areas used for temporary storage of vehicles shall be surfaced with an asphaltic or Portland cement binder pavement as approved by the City Engineer so as to provide a durable and dustless surface, and shall be so graded and drained as to dispose of all surface water accumulation within the area.
  - d) No outside storage of inoperable or unsafe vehicles in quantities constituting a junk yard as defined by City Code Section 134-3.
- (3) The outside storage or expansion of the existing business on the Property shall be brought into conformance with a Site Plan as reviewed and approved by the Permit and Development Center.
- (4) Any development of the Property under a Site Plan shall comply with the City's Landscaping Standards as applicable in the "C-2" General Retail and Highway Oriented Commercial District.

3. A certified copy of the rezoning ordinance shall be attached hereto, and a certified copy of this document and the rezoning ordinance shall be recorded by the City in the land records of the County Recorder to memorialize the rezoning of the Property as identified above.

The words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

**OWNER**

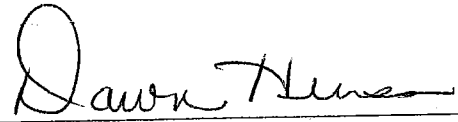


Brian C. Johnson

State of Iowa )  
) ss:  
County of Polk )

This instrument was acknowledged before me on Sept 19, 2017, by Brian C. Johnson.



  
Notary Public in the State of Iowa

**SPOUSE OF OWNER (IF ANY)**

\_\_\_\_\_  
By: \_\_\_\_\_  
(Print Name)

State of Iowa )  
) ss:  
County of Polk )

This instrument was acknowledged before me on \_\_\_\_\_, 2017, by \_\_\_\_\_, as spouse of Brian Johnson

\_\_\_\_\_  
Notary Public in the State of Iowa