



Roll Call Number

Agenda Item Number

66A

Date November 4, 2019

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 650 Southeast 30<sup>th</sup> Street from the "M-1" Light Industrial District to Limited "M-2" Heavy 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  
Glenna K. Frank  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

**CERTIFICATE**

I, PAULA K. CMELIK, 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

66A

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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 650 Southeast 30<sup>th</sup> Street from the "M-1" Light Industrial District to Limited "M-2" Heavy 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 650 Southeast 30<sup>th</sup> Street, more fully described as follows, from the "M-1" Light Industrial District to Limited "M-2" Heavy Industrial District classification:

A PART OF LOTS 2 AND 3 OF FREDREGILL, AN OFFICIAL PLAT, ALL BEING IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 3 OF FREDREGILL; THENCE SOUTH 00°12'13" EAST, ALONG THE EAST LINE OF SAID LOT 3, A DISTANCE OF 635.46 FEET, TO THE POINT OF BEGINNING; THENCE SOUTH 00°12'13" EAST, A DISTANCE OF 50.00 FEET, ALONG THE EAST LINE OF SAID LOT 3; THENCE SOUTH 89°40'12" WEST, A DISTANCE OF 685.20 FEET TO A POINT ON THE WEST LINE OF SAID LOT 2; THENCE NORTH 00°19'48" WEST, A DISTANCE OF 50.00 FEET ALONG THE WEST LINE OF SAID LOT 2; THENCE NORTH 89°40'12" WEST, A DISTANCE OF 685.31 FEET TO THE POINT OF BEGINNING, AND CONTAINING 0.79 ACRES, MORE OR LESS.

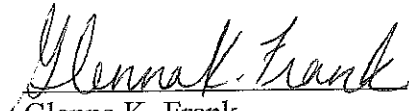
Section 2. That this ordinance and the zoning granted by the terms hereof are subject to the following imposed additional conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance by all owners of said property and are binding upon the owners and their successors, heirs, and assigns as follows:

1. The following uses of the property shall be prohibited:
  - a. Adult entertainment businesses.
  - b. Taverns or nightclubs.
  - c. Liquor stores.
  - d. Off-premises advertising signs.
  - e. Pawn brokers.
  - f. Delayed deposit services.
2. Any buildings constructed along the public street sides of the site should meet the following requirements:
  - a. On any public street facing façade, the exterior material above grade to four feet above the finished floor level shall be constructed of durable materials, such as cast in place concrete, brick, or stone masonry.
  - b. Any use of metal exterior material on any façade shall have minimum 22-gauge thickness with no exposed fasteners.
  - c. Any façade oriented toward a public street shall have a minimum 20% window and door openings on the first level.
  - d. Any overhead doors shall not be oriented toward a public street.
3. Any redevelopment of the property shall be in accordance with a Site Plan as reviewed and approved by the Permit and Development Center.
4. Any Site Plan for the property 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

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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: Myer, LLC (Owner)  
Grantee's Name: City of Des Moines, Iowa  
Legal Description: A PART OF LOTS 2 AND 3 OF FREDREGILL, AN OFFICIAL PLAT, ALL BEING IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 3 OF FREDREGILL; THENCE SOUTH 00°12'13" EAST, ALONG THE EAST LINE OF SAID LOT 3, A DISTANCE OF 635.46 FEET, TO THE POINT OF BEGINNING; THENCE SOUTH 00°12'13" EAST, A DISTANCE OF 50.00 FEET, ALONG THE EAST LINE OF SAID LOT 3; THENCE SOUTH 89°40'12" WEST, A DISTANCE OF 685.20 FEET TO A POINT ON THE WEST LINE OF SAID LOT 2; THENCE NORTH 00°19'48" WEST, A DISTANCE OF 50.00 FEET ALONG THE WEST LINE OF SAID LOT 2; THENCE NORTH 89°40'12" WEST, A DISTANCE OF 685.31 FEET TO THE POINT OF BEGINNING, AND CONTAINING 0.79 ACRES, MORE OR LESS.

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## ACCEPTANCE OF REZONING ORDINANCE

The undersigned hereby state, warrant and agree as follows:

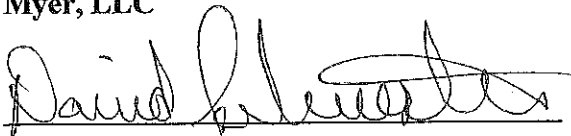
1. That Myer, LLC is the titleholder of the Property locally known as 650 Southeast 30<sup>th</sup> Street, and legally described above.
2. That in the event the City of Des Moines, Iowa, acts to rezone the Property from the "M-1" Light Industrial District to Limited "M-2" Heavy Industrial District, we agree and accept on behalf of the owners 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 uses of the property shall be prohibited:
  - a. Adult entertainment businesses.
  - b. Taverns or nightclubs.
  - c. Liquor stores.
  - d. Off-premises advertising signs.
  - e. Pawn brokers.
  - f. Delayed deposit services.
2. Any buildings constructed along the public street sides of the site should meet the following requirements:
  - a. On any public street facing façade, the exterior material above grade to four feet above the finished floor level shall be constructed of durable materials, such as cast in place concrete, brick, or stone masonry.
  - b. Any use of metal exterior material on any façade shall have minimum 22-gauge thickness with no exposed fasteners.
  - c. Any façade oriented toward a public street shall have a minimum 20% window and door openings on the first level.
  - d. Any overhead doors shall not be oriented toward a public street.
3. Any redevelopment of the property shall be in accordance with a Site Plan as reviewed and approved by the Permit and Development Center.
4. Any Site Plan for the property 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.

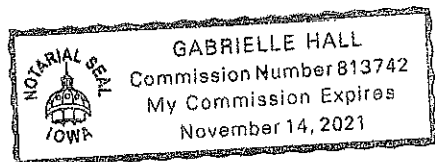
The words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

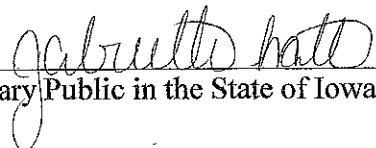
Myer, LLC



State of Iowa     )  
                                  ) ss:  
County of Polk    )

This instrument was acknowledged before me on October 16<sup>th</sup>, 2019, by DAVID SILVERSTEIN.



  
Notary Public in the State of Iowa