

★ **Roll Call Number**

**Agenda Item Number**

51

**Date** May 4, 2020

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 in the vicinity of 6011 and 6015 Grand Avenue from the RX1 Mixed Use District to MX1 Mixed Use District classification",

which was considered and voted upon under Roll Call No. 20-\_\_\_\_\_ of April 20, 2020; again presented.

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

(Second of three required readings)

*NOTE: Affirmative votes of three-fourths of the council members who are not disqualified by reason of a conflict of interest are required to approve the proposed rezoning due to the Protest filed by 20% or more of the Property Owners located within 200 feet of the exterior boundaries of the area included within the proposed zoning map amendment area. Des Moines City Code §134-6.3.10 & Iowa Code §362.6 .*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
<b>TOTAL</b>				

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

**CERTIFICATE**

I, P. Kay 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

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Prepared by: Judy K. Parks-Kruse, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, IA  
50309 Phone: 515/283-4533

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 134-1.10 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 6011 and 6015 Grand Avenue from the RX1 Mixed Use District to MX1 Limited 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 in the vicinity of 6011 and 6015 Grand Avenue, more fully described as follows, from the from the RX1 Mixed Use District to Limited MX1 Mixed Use District classification:

**21-2020-4.01 AND ZON2020-00005 (6011 AND 6015 GRAND AVENUE)**

A PARCEL OF LAND IN LOTS 25, 26, 27, 28, 36, 37, 38, 39, 40, 41, 42, & LOT 'F', GRAND AVENUE WATERBURY, AN OFFICIAL PLAT RECORDED IN BOOK 'J', PAGE 103 AT THE POLK COUNTY RECORDER'S OFFICE, CITY OF DES MOINES, POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NW CORNER OF LOT 36, OF SAID GRAND AVENUE WATERBURY, THENCE S89°55'50"E, 147.29 FEET TO A POINT; THENCE S00°06'11"E, 165.18 FEET TO A POINT; THENCE N89°52'14"E, 44.19 FEET TO A POINT; THENCE

S00°06'55"E, 59.89 FEET TO A POINT; THENCE S89°59'51"E, 104.00 FEET TO A POINT; THENCE S00°06'55"E, 113.24 FEET TO A POINT; THENCE S53°06'27"W, 4.99 FEET TO A POINT; THENCE N89°58'15"W, 288.40 FEET TO A POINT; THENCE N53°05'42"W, 5.00 FEET TO A POINT; THENCE N00°02'46"E, 338.24 FEET TO THE POINT OF BEGINNING WITH ALL CONTAINNING 1.61 ACRES MORE OF LESS.

EXCEPT

BEGINNING AT THE NW CORNER OF SAID LOT 36; THENCE S89°55'50"E, 53.79 FEET TO A POINT; THENCE S70°24'21"E, 35.17 FEET TO A POINT; THENCE S39°42'13"E, 24.39 FEET TO A POINT; S78°29'52"E, 11.60 FEET TO A POINT; THENCE S05°31'17"E, 68.31 FEET TO A POINT; THENCE S48°08'43"E, 36.34 FEET TO A POINT; THENCE S00°06'11"E, 34.96 FEET TO A POINT; THENCE N78°32'29"W, 13.54 FEET TO A POINT; THENCE N47°44'55"W, 31.28 FEET TO A POINT; THENCE S65°31'18"W, 16.28 FEET TO A POINT; THENCE S02°48'29"W, 28.00 FEET TO A POINT; THENCE S18°33'20"E, 26.17 FEET TO A POINT; THENCE S84°51'11"E, 10.31 FEET TO A POINT; THENCE N64°38'21"E, 18.97 FEET TO A POINT; THENCE S47°56'46"E, 17.86 FEET TO A POINT; THENCE S16°27'07"E, 11.67 FEET TO A POINT; THENCE S63°11'34"W, 14.76 FEET TO A POINT; THENCE S32°00'59"W, 14.30 FEET TO A POINT; THENCE S16°56'25"E, 25.94 FEET TO A POINT; THENCE N70°01'42"E, 16.50 FEET TO A POINT; THENCE S41°24'45"E, 9.66 FEET TO A POINT; THENCE S05°28'38"E, 18.25 FEET TO A POINT; THENCE S03°23'05"W, 21.59 FEET TO A POINT; THENCE S49°43'57"W, 30.20 FEET TO A POINT; THENCE S59°23'59"W, 20.14 FEET TO A POINT; THENCE S88°12'58"W, 23.73 FEET TO A POINT; THENCE S20°02'34"E, 9.46 FEET TO A POINT; THENCE N89°58'15"W, 92.33 FEET TO A POINT; THENCE N53°05'42"W, 5.00 FEET TO A POINT; THENCE N00°02'46"E, 338.24 FEET TO THE POINT OF BEGINNING WITH ALL CONTAINNING 0.98 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:

- (a) Any assembly of persons shall be limited to 300 persons or less at one time; and
- (b) The assembly uses allowed at the Property shall be limited to events, such as, wedding ceremonies and receptions, celebrations of life, graduation receptions, baby showers, engagement parties, anniversary celebrations, birthday parties, reunions, fundraisers, charity events, galas, silent and live auctions, corporate events, holiday parties, neighborhood meetings and gatherings, chamber events, festivals, cultural celebrations, food and beverage tastings, pop-up food and beverage events, community engagement events, cooking classes, religious ceremonies and services, political events, speaking engagements, business

meetings, networking sessions, team building events, workshops, conferences, school dances, trivia night, fraternity and sorority socials, art shows, exhibitions, performance art, guided dance, yoga and meditation, television, movie and sports screenings, book club meetings, book and poetry readings, music recitals, and similar events. Live music shall be permitted to accompany the assembly uses allowed on the Property, but concerts where live music performed for profit is the main event shall not be permitted; and

- (c) The hours of operation shall be limited as follows:
  - Sunday through Thursday: 8:00 a.m. – 10:00 p.m., and
  - Friday and Saturday: 8:00 a.m. – midnight.

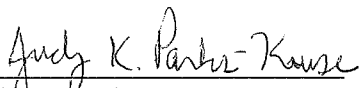
Notwithstanding the foregoing, the hours of operation for Public Holidays (defined below) and the day preceding Public Holidays shall be limited as follows:  
8:00 a.m. – midnight.

“Public Holiday” as used herein includes: New Year’s Day, Birthday of Martin Luther King Jr., Memorial Day (the last Monday in May), Independence Day (July 4), Labor Day (the first Monday in September), Veterans Day (November 11), Thanksgiving (the fourth Thursday in November), and Christmas Day (December 25).

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:

  
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 Judy K. Parks-Kruse  
 Assistant City Attorney