



**Roll Call Number**

**Agenda Item Number**

52B

**Date** August 17, 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 at 1437 East 14<sup>th</sup> Street and 1518 Idaho Street from "N3c" Neighborhood District and "RX-1" Mixed Use District Limited "MX3-V" Mixed Use District classification to allow continuation of the existing car wash defined as Vehicle sales and Service, Vehicle Maintenance/Repair, Minor, as a use permitted by right, and to rezone property located at 1421, 1427, and 1433 East 14<sup>th</sup> Street from "NX1" Neighborhood Mix District to "RX1" Mixed Use District, to allow reuse and/or redevelopment of the property for Mixed Use classification",

which was considered and voted upon under Roll Call No. 20-\_\_\_\_\_ of August 17, 2020; again presented.

Moved by \_\_\_\_\_ that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass.

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

NOTE: Waiver of this rule is requested by Chris Pose, Attorney for Spotfree Car Wash, LLC.

FORM APPROVED:

/s/ Judy K. Parks-Kruse  
Judy K. Parks-Kruse  
Assistant City Attorney

(ZON2020-00073)

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

**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.

MOTION CARRIED APPROVED

\_\_\_\_\_ Mayor

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

52B

---

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 Ray Dr., Des Moines, IA 50309  
Taxpayer: No change  
Title of Document: Acceptance of Rezoning Ordinance  
Grantor's Name: Spotfree Car Wash, LLC (titleholder)  
Grantee's Name: City of Des Moines, Iowa  
Legal Description: PARCEL 2017-22 AND PARCEL 2017-23 OF LOTS 224 AND 235 AND OF VACATED NORTH/SOUTH ALLEY BETWEEN SAID LOTS AND OF ABANDONED CHICAGO & NORTHWESTERN RAILWAY RIGHT-OF-WAY NORTH OF LOT 235 AND OF SAID VACATED ALLEY, ALL IN ASHBROOK, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AS SHOWN IN A PLAT OF SURVEY RECORDED IN BOOK 16415, PAGE 458 IN THE OFFICE OF THE RECORDER OF POLK COUNTY, IOWA.

THE VACATED SOUTH 20 FEET OF 235, ASHBROOK, AN OFFICIAL PLAT, AND THE VACATED NORTH-SOUTH ALLEY LYING EAST OF AND ADJOINING THE VACATED SOUTH 20 FEET OF SAID LOT 235, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING APPROXIMATELY 3,568 SQUARE FEET. SUBJECT TO AND TOGETHER WITH EASEMENTS, RESTRICTIONS, COVENANTS, AND RESERVATIONS OF RECORD (Herein "Property")

---

## ACCEPTANCE OF REZONING ORDINANCE

The undersigned hereby state, warrant and agree as follows:

1. That Spotfree Car Wash, LLC is the titleholder of the Property locally known as East 1437 14<sup>th</sup> Street, 1518 Idaho Street along with the adjacent vacated alley, all in Des Moines, Iowa, and legally described above.

2. That in the event the City of Des Moines, Iowa, acts to rezone the N3c Neighborhood District and RX-1 to Limited MX3-V Mixed Use District, I agree and accept on behalf of 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) Allowing a Vehicle Sales and Service, Vehicle Maintenance/Repair, Minor use limited to personal vehicle washing only with either self-service or automatic equipment within the MX3-V Mixed Use District.
- (2) All other uses permitted by right or by conditional use shall only be those uses allowed in common with and as limited in the RX1 Mixed Use 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.
4. 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.

**SPOTFREE CAR WASH, LLC**

\_\_\_\_\_  
By:

State of Iowa            )  
                                  ) ss:  
County of Polk            )

This instrument was acknowledged before me on \_\_\_\_\_, 2020,  
by \_\_\_\_\_ as \_\_\_\_\_ of Spotfree Car Wash, LLC.

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

LILLIS O'MALLEY OLSON MANNING POSE TEMPLEMAN LLP

ATTORNEYS AT LAW

(ESTABLISHED 1917)

317 SIXTH AVENUE, SUITE 300  
DES MOINES, IOWA 50309-4127

TELEPHONE (515) 243-8157

FAX (515) 243-3919

WWW.LILLISOMALLEY.COM

Writer's Direct E-Mail: [cpose@lolaw.com](mailto:cpose@lolaw.com)

JOHN CONNOLLY, JR. (1891-1975)  
GEORGE E. O'MALLEY (1906-1982)  
JOHN CONNOLLY III (1918-1998)  
BERNARD J. CONNOLLY (1920-1970)  
C. I. MCNUTT (1901-1958)  
STREETAR CAMERON (1957-2008)  
William J. Lillis (1943-2019)

MICHAEL W. O'MALLEY  
EUGENE E. OLSON  
DANIEL L. MANNING, SR.  
CHRISTOPHER R. POSE  
JOEL B. TEMPLEMAN\*  
DANIEL M. MANNING, JR.

\*LICENSED IN IOWA & ILLINOIS

August 6, 2020

Mayor and City Council  
City of Des Moines  
400 Robert D. Ray Drive  
Des Moines, IA 50309

RE: Proposed rezoning of property located at 1437 East 14<sup>th</sup> and 1518 Idaho Street + vacated alley

To the Mayor and City of Des Moines City Council:

As attorney for the applicants, please accept this request to waive the three required readings of the ordinance to rezone the above referenced real property.

Thank you.

Sincerely,



Christopher R. Pose  
For the firm.