



**Roll Call Number**

**Agenda Item Number**

39A

**Date** December 7, 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 1210 and 1220 Army Post Road from RX1 Neighborhood Mix District to Limited MX3 Mixed Use District classification",

presented.

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

FORM APPROVED:

(First of three required readings)

/s/ Glenna K. Frank  
Glenna K. Frank  
Assistant City Attorney

(ZON2020-00120)

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

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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 134-1.10 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located at 1210 and 1220 Army Post Road from RX1 Neighborhood Mix 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 at 1210 and 1220 Army Post Road from RX1 Neighborhood Mix District to Limited MX3 Mixed Use District classification:

LOTS 1, 2, 3, AND 392, DAVID MCKEE PLACE, AN OFFICIAL PLAT RECORDED IN BOOK "H" PAGE 16 AT THE POLK COUNTY RECORDER'S OFFICE, EXCEPTING THEREFROM THE NORTH 10 FEET FROM SAID LOTS 1, 2, 3 AND 392 AND FURTHER EXCEPTING THE SOUTH 109 FEET OF SAID LOT 392, 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 for 1210 and 1220 Army Post Road 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 shall be prohibited on the Property:
  - a. Animal Boarding.
  - b. Bar.
  - c. Bail Bonds.
  - d. Delayed Deposit Service.
  - e. Pawnbroker.
  - f. Sign, General Advertising (billboard).
  - g. Vehicle Sales & Service Category, including Fuel Station, Vehicle Sales, Vehicle Rental, and Vehicle Maintenance/Repair, Minor.
  - h. Any use that involves the sale or service of alcoholic liquor, wine, and/or beer.
- (2) Any commercial use on the Property shall be in accordance with all Site Plan and Building Code requirements, including issuance of all necessary permits by the City's Permit & Development Center.
- (3) No commercial use of the Property shall commence until a Certificate of Occupancy for such use has been issued by the City's Permit & Development Center.

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:

/s/ Glenna K. Frank  
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: Tiger Knight, LLC

Grantee's Name: City of Des Moines, Iowa

Legal Description: LOTS 1, 2, 3, AND 392, DAVID MCKEE PLACE, AN OFFICIAL PLAT RECORDED IN BOOK "H" PAGE 16 AT THE POLK COUNTY RECORDER'S OFFICE, EXCEPTING THEREFROM THE NORTH 10 FEET FROM SAID LOTS 1, 2, 3 AND 392 AND FURTHER EXCEPTING THE SOUTH 109 FEET OF SAID LOT 392, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. (Hereinafter collectively referred to as "Property")

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## **ACCEPTANCE OF REZONING ORDINANCE**

The undersigned hereby state, warrant and agree as follows:

1. That Tiger Knight, LLC is the titleholder of the Property locally known as 1210 and 1220 Army Post Road, Des Moines, Iowa, and legally described above.

2. That in the event the City of Des Moines, Iowa, acts to rezone the property located at 1210 and 1220 Army Post Road from RX1 Neighborhood Mix District to Limited MX3 Mixed Use 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 shall be prohibited on the Property:

- a. Animal Boarding.
- b. Bar.
- c. Bail Bonds.
- d. Delayed Deposit Service.
- e. Pawnbroker.
- f. Sign, General Advertising (billboard).
- g. Vehicle Sales & Service Category, including Fuel Station, Vehicle Sales, Vehicle Rental, and Vehicle Maintenance/Repair, Minor.

- h. Any use that that involves the sale or service of alcoholic liquor, wine, and/or beer.
  - (2) Any commercial use on the Property shall be in accordance with all Site Plan and Building Code requirements, including issuance of all necessary permits by the City's Permit & Development Center.
  - (3) No commercial use of the Property shall commence until a Certificate of Occupancy for such use has been issued by the City's Permit & Development Center.
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.

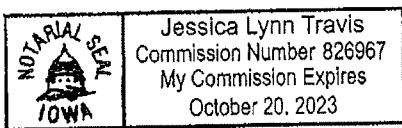
The words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

**TIGER KNIGHT, LLC**

Barry Nelson, President  
By:

State of Iowa            )  
                                  ) ss:  
County of Polk         )

This instrument was acknowledged before me on December 1, 2020, by Barry J Nelson as President of Tiger Knight, LLC.



Jessica Lynn Travis  
Notary Public in and for the State of Iowa