



Roll Call Number

Agenda Item Number

39 A

Date August 22, 2022

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 20 E. 18th Street from "I2" Industrial District classification to limited "I2 Industrial District ,

presented.

Moved by _____ that this ordinance be considered and given first vote for passage. Second by _____.

FORM APPROVED:

(First of three required readings)

Gary D. Goudelock Jr.
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	

CERTIFICATE

I, LAURA BAUMGARTNER, 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.

Mayor

City Clerk

Prepared by: Gary D. Goudelock, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, IA 50309 515-283-4543
 Return Address: City Clerk - City Hall, 400 Robert D. Ray Dr., Des Moines, IA 50309
 Title of Document: City of Des Moines, Ordinance No. _____
 Grantor/Grantee: City of Des Moines, Iowa
 Legal Description: See pages 1, 2, and 3, below.

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 20 E. 18th Street from “I2” Industrial District classification to limited “I2” 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 134-1.10 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 20 E. 18th Street from “N3C” Neighborhood District to “I2” Industrial District classification, more fully described as follows:

ALL PROPERTY DESCRIBED BELOW IS IN THE CITY OF DES MOINES,
POLK COUNTY, IOWA.

PARCELS 2018-128 AND 2018-129, BOTH RECORDED IN BOOK 17105,

PAGE 811 IN THE OFFICE OF THE POLK COUNTY RECORDER;

AND

PARCEL 2018-130 AS RECORDED IN BOOK 17105, PAGE 817 IN THE OFFICE OF THE POLK COUNTY RECORDER;

AND

LOTS 9 THRU 14, BLOCK 1, I. N. THOMAS SUBDIVISION, AN OFFICIAL PLAT RECORDED IN BOOK B, PAGE 56 IN THE OFFICE OF THE POLK COUNTY RECORDER;

AND

ALL THAT PART OF THE SE. ASTOR STREET PUBLIC ROAD RIGHT-OF-WAY LYING WEST OF AND ADJOINING PARCEL 2018-128 LYING NORTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF THE IOWA INTERSTATE RAILROAD AS IT IS PRESENTLY ESTABLISHED;

AND

ALL THAT PART OF THE SE. 16TH STREET PUBLIC ROAD RIGHT-OF-WAY LYING EAST OF AND ADJOINING PARCEL 2018-128 LYING NORTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF THE IOWA INTERSTATE RAILROAD AS IT IS PRESENTLY ESTABLISHED;

AND

ALL THAT PART OF THE SE. 16TH COURT PUBLIC ROAD RIGHT-OF-WAY LYING EAST OF AND ADJOINING PARCEL 2018-129 LYING NORTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF THE IOWA INTERSTATE RAILROAD AS IT IS PRESENTLY ESTABLISHED;

AND

ALL THAT PART OF THE EAST VINE STREET PUBLIC ROAD RIGHT-OF-WAY LYING NORTH OF AND ADJOINING PARCEL 2018-130 LYING WEST OF THE NORTHERLY RIGHT-OF-WAY LINE OF THE IOWA INTERSTATE RAILROAD AS IT IS PRESENTLY ESTABLISHED;

AND

ALL THAT PART OF THE EAST-WEST PUBLIC ALLEY RIGHT-OF-WAY LYING NORTH OF AND ADJOINING LOTS 12 THRU 14 IN BLOCK 1, I. N. THOMAS SUBDIVISION AN OFFICIAL PLAT RECORDED IN BOOK B,

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) Use of the property shall be limited to the following:
 - a) Any use as permitted and limited in the I1 District.
 - b) The storage of empty dumpsters associated with a legally established use located at the property currently addressed as 20 East 18th Street (District/Parcel 040/06209-000-000).
 - c) The parcels currently addressed as 1649 East Court Ave (District/Parcel 040/06218-000-000) and 1708 East Vine Street (District/Parcel 040/06223-000-000), and the intervening alley right-of-way if vacated and assembled into the site, may be used for any use as permitted and limited in the I2 District.
 - d) If vacated and assembled into the site, the East Vine Street right-of-way that adjoins the parcel currently addressed as 20 East 18th Street (District/Parcel 040/06209-000-000) and the parcel currently addressed as 1708 East Vine Street (District/Parcel 040/06223-000-000) may be used for any use as permitted and limited in the I2 District.
- 2) Provision of a 25-foot-wide landscape buffer along the East 16th Court frontage, from the south edge of the East Court Avenue right-of-way to the south edge of the East Vine Street right-of-way, to the satisfaction of the City's Planning and Urban Design Administrator, and provision of fencing that complies with Chapter 135 of the Municipal Code at the 25-foot setback to the satisfaction of the City's Planning and Urban Design Administrator.
- 3) Any use on the property shall be in accordance with an approved site plan.
- 4) A site plan for the property shall be submitted no later than December 31, 2022, and the property owner shall obtain approval no later than March 31, 2023.
- 5) The property shall be brought into conformance with an approved site plan by December 21, 2023.
- 6) Failure to comply with these zoning conditions may result in a City-initiated rezoning of the subject property to a less-intensive zoning 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:

/s/ Gary D. Goudelock
Gary D. Goudelock
Assistant City Attorney