



Roll Call Number

Agenda Item Number

64A1

Date July 15, 2024

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 1301 Kenyon Avenue from "NX1" Neighborhood Mix District to Limited "NX2" Neighborhood Mix District classification",

presented.

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

FORM APPROVED:

(First of three required readings)

/s/ Chas M. Cahill
Chas M. Cahill
Assistant City Attorney

(ZONG-2024-000013) (COMP-2024-000010)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
SIMONSON				
VOSS				
COLEMAN				
WESTERGAARD				
MANDELBAUM				
GATTO				
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

64A1

Prepared by: Chas M. Cahill, 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 and 2, 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 1301 Kenyon Avenue from "NX1" Neighborhood Mix District to Limited "NX2" Neighborhood Mix 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 1301 Kenyon Avenue from "NX1" Neighborhood Mix District to Limited "NX2"

Neighborhood Mix District classification, more fully described as follows:

AN IRREGULAR SHAPED PORTION OF LOT 2 AND LOT 3, DUNSHEE PLACE, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 3; THENCE N00°10'58"W ALONG THE WEST LINE OF SAID LOT 3, A DISTANCE OF 198.64 FEET; THENCE S30°16'32"E, A DISTANCE OF 3.72 FEET; THENCE S21°32'16"E, A DISTANCE OF 73.42 FEET; THENCE S72°00'50"E, A DISTANCE OF 33.76 FEET; THENCE S25°53'08"E, A DISTANCE OF 39.96 FEET;

THENCE S33°14'04"E, A DISTANCE OF 62.94 FEET; THENCE N05°16'19"W, A DISTANCE OF 29.65 FEET; THENCE N09°40'31"W, A DISTANCE OF 77.38 FEET; THENCE N46°08'21"E, A DISTANCE OF 32.78 FEET; THENCE N01°09'30"W, A DISTANCE OF 68.13 FEET; THENCE N88°40'24"E, A DISTANCE OF 10.42 FEET; THENCE S71°05'49"E, A DISTANCE OF 31.20 FEET; THENCE N25°52'55"E, A DISTANCE OF 43.78 FEET; THENCE S89°20'31"E, A DISTANCE OF 48.82 FEET; THENCE N46°09'40"E, A DISTANCE OF 15.33 FEET; THENCE N01°09'32"W, A DISTANCE OF 48.37 FEET; THENCE N34°07'09"E, A DISTANCE OF 36.45 FEET; THENCE N13°42'54"E, A DISTANCE OF 50.50 FEET; THENCE N88°46'55"E, A DISTANCE OF 17.55 FEET; THENCE S25°55'39"E, A DISTANCE OF 32.85 FEET; THENCE N28°57'21"E, A DISTANCE OF 7.01 FEET; THENCE S00°05'16"E, A DISTANCE OF 370.04 FEET TO THE SOUTH LINE OF SAID LOT 2; THENCE N89°46'57"W ALONG THE SOUTH LINE OF SAID LOTS 2 AND 3, A DISTANCE OF 305.00 FEET TO THE POINT OF BEGINNING.

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. Any use as permitted and limited in the "NX1" Neighborhood Mix District, or
2. A Group Living Not Otherwise Classified use, per City Code Section 134-3.3.2.F, only so long as the Zoning Board of Adjustment grants a Conditional Use Approval for such use.

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/ Chas M. Cahill

Chas M. Cahill
Assistant City Attorney