



Roll Call Number

Agenda Item Number

74A

Date September 16, 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 3001 McKinley Avenue from "EX" Mixed Use District to Limited "I1" Industrial 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-2024-000020) (COMP-2024-000015)

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

74A

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 3001 McKinley Avenue from "EX" Mixed Use District to Limited "I1" 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 3001 McKinley Avenue from "EX" Mixed Use District to Limited "I1" Industrial District classification, more fully described as follows:

**PARCEL 1:
 LOT TEN (10), IN SERENDIPITY PLAT NO. 2, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT THAT PART CONVEYED TO THE CITY OF DES MOINES BY WARRANTY DEED RECORDED IN BOOK 8566 AT PAGE 690, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST COMER OF SAID LOT 10; THENCE**

NORTH 0°11'35" EAST ALONG THE WEST LINE OF SAID LOT 10, A DISTANCE OF 20.17 FEET; THENCE SOUTHEAST ALONG A 772.50 FOOT RADIUS CURVE CONCAVE NORTHEAST WITH A CENTRAL ANGLE OF 8°30'37", A CHORD DISTANCE OF 114.63 FEET, A CHORD BEARING OF SOUTH 85°31'23" EAST, FOR AN ARC DISTANCE OF 114.74 FEET; THENCE SOUTH 89°32'45" EAST, 100.10 FEET; THENCE SOUTH 0°27'15" WEST, 11.62 FEET; THENCE NORTH 89°40'53" WEST ALONG THE SOUTH LINE OF SAID LOT 10, A DISTANCE OF 214.36 FEET TO THE POINT OF BEGINNING, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. AND

PARCEL 2:

THE WEST 200 FEET OF LOT ELEVEN (11) (EXCLUDING STREET), IN SERENDIPITY PLAT NO. 2, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. AND

PARCEL 3:

PARCEL "A" OF LOT FOURTEEN (14), IN SERENDIPITY PLAT NO. 2, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AS SHOWN IN PLAT OF SURVEY RECORDED IN BOOK 8527 AT PAGE 895 IN THE OFFICE OF THE RECORDER OF POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 195.16 FEET OF THE WEST 200.00 FEET OF LOT 14, SERENDIPITY PLAT TWO, AN AUDITORS PLAT, DES MOINES, POLK COUNTY, IOWA.

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 "EX" District.
 - B. A Fabrication and Production – General use with outdoor storage; and
2. Any outdoor storage shall only be accessory to a Fabrication and Production – General use, so long as outdoor storage is placed and screened to the satisfaction of the Planning and Design Administrator; and

3. All outdoor refuse and recycling areas shall be located in a position and screened to the satisfaction of the Planning and Design Administrator. Enclosure walls shall extend a minimum of 2 feet above any dumpster.; and
4. Any expansion of use shall require the entire property to be brought into conformance with the Planning and Design Ordinance (Chapter 135 of City Code).
5. Any refuse or recycling container (eg. dumpster) stored outdoors, excluding containers exclusively used for the recycling of glass, shall utilize a lid or cover that secures material within the container.

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