



Roll Call Number

Agenda Item Number

51A

Date.....October 7, 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 three (3) parcels within the Southeast Industrial Urban Renewal Area, located along East Army Post Road, to the west of Southeast 45th Street and to the east of Southeast 36th Street, and bounded by East Army Post Road to the north and East Pine Avenue to the south from a "A" Agricultural District and "PUD" Harvest Hills PUD Planned Unit Development 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-2023-000042)

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

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 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 three (3) parcels within the Southeast Industrial Urban Renewal Area, located along East Army Post Road, to the west of Southeast 45th Street and to the east of Southeast 36th Street, and bounded by East Army Post Road to the north and East Pine Avenue to the south from a "A" Agricultural District and "PUD" Harvest Hills PUD Planned Unit Development 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 three (3) parcels within the Southeast Industrial Urban Renewal Area, located along East Army Post Road, to the west of Southeast 45th Street and to the east of Southeast 36th Street, and bounded by East Army Post Road to the north and East Pine Avenue to the south from a "A" Agricultural District and "PUD" Harvest Hills PUD Planned Unit Development District to Limited

“I1” Industrial District classification, more fully described as follows:

A PART OF THE EAST HALF (E 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 31, AND A PART OF NORTHWEST QUARTER (NW 1/4) OF SECTION 32, AND A PART OF THE WEST HALF (W 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 32, ALL IN TOWNSHIP 78 NORTH, RANGE 23 WEST OF THE 5TH P.M., ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF EAST PINE AVENUE AND THE EAST RIGHT OF WAY LINE OF SOUTHEAST 36TH STREET; THENCE NORTH ALONG SAID EAST RIGHT OF WAY LINE TO THE SOUTH RIGHT OF WAY LINE OF EAST ARMY POST ROAD; THENCE EAST ALONG SAID SOUTH RIGHT OF WAY LINE TO THE NORTHWEST CORNER OF PARCEL A, SAID PARCEL A SHOWN ON PLAT OF SURVEY RECORDED IN BOOK 8007 PAGE 259 AT THE RECORDER’S OFFICE OF POLK COUNTY, IOWA; THENCE SOUTH ALONG THE WEST LINE OF SAID PARCEL A TO THE SOUTHWEST CORNER OF SAID PARCEL A; THENCE EAST ALONG THE SOUTH LINE OF SAID PARCEL A TO THE WEST RIGHT OF WAY LINE OF SOUTHEAST 45TH STREET; THENCE SOUTH ALONG SAID WEST RIGHT OF WAY LINE OF SOUTHEAST 45TH STREET TO THE NORTH LINE OF PARCEL D, SAID PARCEL D SHOWN ON PLAT OF SURVEY RECORDED IN BOOK 9085 PAGE 537 AT RECORDER’S OFFICE OF POLK COUNTY, IOWA; THENCE WESTERLY ALONG THE NORTH LINE OF SAID PARCEL D TO THE NORTHWEST CORNER OF SAID PARCEL D; THENCE SOUTH ALONG THE WEST LINE OF SAID PARCEL D TO THE NORTH RIGHT OF WAY LINE OF EAST PINE AVENUE; THENCE WEST ALONG SAID NORTH RIGHT OF WAY LINE OF EAST PINE AVENUE TO THE EAST RIGHT OF WAY LINE OF SOUTHEAST 36TH STREET AND 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:

The following uses on the property are prohibited:

1. Adult Entertainment
2. Liquor Store
3. Tobacco Store
4. Self-Service Storage
5. Vehicle Sales

6. Vehicle Rental
7. Facilities used solely for Vehicle Maintenance/Repair/Minor
8. Facilities used solely for Vehicle Maintenance Repair/Major
9. Equipment & Materials Storage, Outdoor (as a Principal 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