



Roll Call Number

Agenda Item Number

42A

Date April 1, 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 1001 Raccoon Street from "DXR" Downtown District to Limited "EX" Mixed-Use 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-2023-000065)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
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

42A

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 1001 Raccoon Street "DXR" Downtown District to Limited "EX" 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 vicinity of 1001 Raccoon Street "DXR" Downtown District to Limited "EX" Mixed-Use District classification:

LOTS 1, 2, AND THE NORTH 36 FEET OF LOT 3, THE NORTH 36 FEET OF LOT 8, AND ALL OF LOT 9 AND 10, BLOCK 1 IN ALLEN'S SECOND ADDITION TO DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA, EXCEPT

PART OF LOTS 2 AND 3, BLOCK 1, ALLEN'S SECOND ADDITION

A TRIANGULAR PARCEL IN BLOCK 1, ALLEN'S SECOND ADDITION, BEING A PART OF LOTS 2 AND 3, DESCRIBED AS FOLLOWS: COMMENCING AS A POINT OF REFERENCE AT THE NORTHWEST CORNER OF SAID BLOCK 1; THENCE SOUTH 16° (DEGREES) 00' (MINUTES) 00" (SECONDS) EAST ALONG THE WEST LINE OF SAID BLOCK 1, 82.92 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 67°05'44" EAST, 102.80 FEET; THENCE SOUTH 73°41'08" WEST, 80/.00 FEET TO THE WEST LINE OF SAID LOT 3; THENCE NORTH 16°00'00" WEST ALONG THE WEST LINE OF SAID BLOCK 1, 65.00 FEET TO THE POINT OF BEGINNING, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING 2599.96 SQUARE FEET OR 0.060 ACRES.

AND INCLUDING

PART OF NORTH-SOUTH ALLEY IN BLOCK 1, ALLEN'S SECOND ADDITION SOUTH OF RACCOON STREET, BETWEEN SE 10TH STREET AND SE 11TH STREET

THAT PART OF THE NORTH-SOUTH, 20.00 FOOT VACATED ALLEY LYING EAST AND ADJOINING LOTS 1, 2 AND THE NORTH 36.00 FEET OF LOT 3, BLOCK 1, ALLEN'S SECOND ADDITION, AN OFFICIAL PLAT, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE NORTH 73° (DEGREES) 38' (MINUTES) 45" (SECONDS) EAST ALONG THE NORTH LINE OF SAID BLOCK 1, 20.00 FEET TO THE NORTHWEST CORNER OF LOT 10 OF SAID BLOCK 1; THENCE SOUTH 15°57'00" EAST ALONG THE EAST LINE OF SAID ALLEY, 148.03 FEET; THENCE SOUTH 73°41'08" WEST, 20.00 FEET TO THE WEST LINE OF SAID ALLEY; THENCE NORTH 15°57'00" WEST ALONG THE WEST LINE OF SAID ALLEY, 148.02 FEET TO THE POINT OF BEGINNING, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING 2960.43 SQUARE FEET OR 0.068 ACRES.

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. Permitted uses shall be limited to the following:
 - a. Uses permitted in the "EX" Mixed-Use District that are allowed by right in the "DXR" Downtown District.
 - b. A use that contains warehouse and office functions.
 - c. Industrial Service, Light.
2. Outdoor storage is prohibited.
3. Parking and vehicular maneuvering areas shall not extend south of the principal building.

4. Any fencing on the property shall be ornamental metal in style. Existing fencing that does not comply shall be removed.
5. The site shall be brought into conformance with all applicable regulations found in the Planning and Design Ordinance (Chapter 135 of City Code).
6. A site plan for the property shall be submitted and shall obtain approval no later than December 31, 2024.
7. All site and building improvements identified in the approved site plan pursuant to condition # 6 shall be completed by June 1, 2025.
8. Foundation plantings shall be provided around the perimeter of the building with additional emphasis on the south façade of the building to the satisfaction of the Planning and Urban Design Administrator.

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