

ORDINANCE NO. 15,581

AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 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 201 Southeast 6th Street from the “M-2” Heavy Industrial District to Limited “C-3B” Central Business 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 134-277 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 201 Southeast 6th Street, more fully described as follows, from the “M-2” Heavy Industrial District to Limited “C-3B” Central Business Mixed-Use District classification:

TRACT #1 (DEED BOOK 6108 PAGE 953)

THAT PART OF LOT SEVEN (7) DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 7; THENCE NORTH 47.2 FEET; THENCE IN A WESTERLY DIRECTION TO A POINT ON THE WEST LINE OF SAID LOT 7, 21.47 FEET NORTH OF THE SOUTHWEST CORNER OF SAID LOT 7; THENCE SOUTHERLY TO THE SOUTHWEST CORNER OF SAID LOT 7; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID LOT 7 TO THE POINT OF BEGINNING; ALL OF LOT SIX (6); AND THAT PART OF THE VACATED ALLEY AT A POINT ON THE VACATED ALLEY LYING BETWEEN LOTS 4, 5 6 AND 7, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF LOT 7, 21.47 FEET NORTH OF THE SOUTHWEST CORNER OF LOT 7, THENCE SOUTHERLY TO THE SOUTHWEST CORNER OF LOT 6; THENCE WESTERLY, AT RIGHT ANGLES, A DISTANCE OF 8 FEET; THENCE IN A NORTHERLY DIRECTION, PARALLEL TO THE WEST LINE OF LOTS 6 AND 7, A DISTANCE OF 69.1 FEET; THENCE EASTERLY TO THE POINT OF BEGINNING, ALL IN BLOCK EIGHTEEN (18); AND THAT PART OF VACATED MARKET STREET DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 6 IN BLOCK 18; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID LOT 6 AND THE WESTERLY EXTENSION THEREOF, A DISTANCE OF 158 FEET; THENCE SOUTHERLY, AT RIGHT ANGLES, 14 FEET; THENCE EASTERLY, AT RIGHT ANGLES, 158 FEET, TO THE WEST LINE OF SE 7TH STREET; THENCE NORTHERLY, ALONG THE WEST LINE FO SE 7TH STREET, 14 FEET, TO THE POINT OF BEGINNING; ALL IN TOWN OF DE MOINE, NOW INCLUDED IN AND FORMING APART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

AND

TRACT #2 (DEED BOOK 5729 PAGE 737)

THE SOUTH 66.0 FEET OF VACATED EAST MARKET STREET, LYING NORTH AND ADJOINING LOT 10, BLOCK 29, TOWN OF DE MOINE, AN OFFICIAL PLAT, AND THE

SOUTH 66 FEET OF VACATED EAST MARKET STREET LYING NORTH OF AND ADJOINING THE VACATED NORTH/SOUTH ALLEY IN SAID BLOCK 29, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA (VACATED BY ORDINANCE NO. 8824, PASSED ON AUGUST 5, 1974)

AND

TRACT #3 (DEED BOOK 6710 PAGE 895)
LOTS ONE (1), TWO (2), THREE (3), FOUR (4), FIVE (5), SIX (6), SEVEN (7), EIGHT (8), NINE (9), TEN (10) IN BLOCK TWENTY-NINE (29), NORTH AND SOUTH ALLEY BETWEEN SOUTHEAST 6TH STREET AND SOUTHEAST 7TH STREET EXTENDING FROM NORTH LINE OF ELM STREET TO SOUTH LINE OF EAST MARKET STREET IN BLOCK 29, TOWN OF DE MOINE, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA (ALLEY VACATED BY ORDINANCE 5175 PASSED OCTOBER 3, 1949), ALL IN TOWN OF DE MOINE, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA.

AND

TRACT #4 (DEED BOOK 5562 PAGE 33)

THAT VACATED PART OF ELM STREET RIGHT-OF-WAY LYING SOUTHERLY OF AND ADJOINING BLOCK 29, TOWN OF DE MOINE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA (VACATED BY ORDINANCE NO. 10,766, PASSED MARCH 17, 1986).

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) The following uses shall be prohibited on the Property:
 - a. Assembly and packaging of small components from previously prepared materials within a fully enclosed building.
 - b. Auction businesses.
 - c. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
 - d. Lumberyards, retail and wholesale.
 - e. Machine shops.
 - f. Freestanding package goods stores for the sale of alcoholic beverages.
 - g. Pawnshops.
 - h. Printing, publishing houses and lithographing shops.
 - i. Plumbing and heating shops.
 - j. Miniwarehouse uses.

- k. Freestanding taverns and night clubs.
 - l. Warehousing.
- (2) Any development on the Property shall be subject to the undergrounding of all overhead utilities to the maximum extent possible.
 - (3) Any development on the Property shall re-establish East Elm Street right-of-way and improve it with a public street constructed with an urban cross section.
 - (4) Any development on the Property shall improve Southeast 7th Street with an urban cross section.
 - (5) Any development on the Property shall re-establish Market Street right-of-way and improve it with either a public pedestrian plaza or a public street constructed with an urban cross section.
 - (6) Any development or site modifications on the Property shall be in accordance with a Site Plan that satisfies any applicable design guidelines, such as those for the “C-3B” District, the “D-O” Downtown Overlay District, and/or Multiple-Family Residential.

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:

Glenna K. Frank, Assistant City Attorney

T. M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 17-0822), passed by the City Council of said City at a meeting held May 8, 2017 signed by the Mayor on May 8, 2017 and published and provided by law in the Business Record on May 26, 2017. Authorized by Publication Order No. 9985.

Diane Rauh, City Clerk