

ORDINANCE NO. 15,611

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 110 Southeast 7th 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 110 Southeast 7th Street, more fully described as follows, from the "M-2" Heavy Industrial District to Limited "C-3B" Central Business Mixed-Use District classification:

From Limited "C-3B" to "C-3B"

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.

From "M-1" to "C-3B"

THE SOUTHERLY PART OF LOT 2 MEASURING 8.67 FEET ON THE WEST LINE AND 9.45 FEET ON THE EAST LINE; AND THE SOUTHERLY PART OF LOT 9 MEASURING 9.55 FEET ON THE WEST LINE AND 10.33 FEET ON THE EAST LINE; ALL OF LOT 7 EXCEPT THAT PART DESCRIBED AS FOLLOWS: COMMENCING 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 LOT 7, THENCE EASTERLY ALONG THE SOUTH SIDE OF SAID LOT 7 TO THE POINT OF BEGINNING; AND ALL OF LOTS 3, 4, 5, AND 8 IN BLOCK 18 TOWN OF DE MOINE; AND ALL OF THE VACATED ALLEY LYING BETWEEN LOTS 3, 4, 5, 6 AND 7 AND THE ABOVE DESCRIBED PORTIONS OF LOTS 2 AND 9 IN SAID BLOCK 18, EXCEPT THAT PORTION OF SAID ALLEY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE WEST LINE OF LOT 7, 21.47 FEET NORTH OF THE SOUTHWEST CORNER OF SAID LOT 7, THENCE SOUTHERLY TO THE SOUTHWEST CORNER OF LOT 6, THENCE WESTERLY AT RIGHT ANGLES A DISTANCE OF 8 FEET, THENCE NORTHERLY PARALLEL TO THE WEST LINE OF LOTS 6 AND 7, A DISTANCE OF 69.1 FEET, THENCE EASTERLY TO POINT OF BEGINNING; AND THE WEST 10 FEET OF THE VACATED ALLEY ABUTTING SAID LOT 5 ON THE EAST; ALL IN THE TOWN OF DE MOINE, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND

LOTS 1, 2, 9, AND 10 IN BLOCK 18 IN THE TOWN OF DE MOINE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT THE SOUTHERLY PART OF LOT 2 MEASURING 8.67 FEET ON THE WEST LINE OF SAID LOT 2 AND 9.45 FEET ON THE EAST LINE OF SAID LOT 2, AND EXCEPT THE SOUTHERLY PART OF LOT 9 MEASURING 9.55 FEET ON THE WEST LINE OF SAID LOT 9 AND 10.33 FEET ON THE EAST LINE OF SAID LOT 9, AND THAT PART OF THE VACATED NORTH/SOUTH ALLEY BETWEEN LOTS 1 AND 10 AND THE ABOVE DESCRIBED PORTIONS OF LOTS 2 AND 9.

AND

THAT PART OF THE VACATED EAST VINE STREET RIGHT-OF-WAY LYING NORTH OF AND ADJOINING BLOCK 18, TOWN OF DES MOINE, AN OFFICIAL PLAT, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 10 OF SAID BLOCK 18; THENCE SOUTH 74°30'00" WEST (ASSUMED) ALONG THE NORTH LINE OF SAID BLOCK 18, A DISTANCE OF 318.02 FEET TO THE NORTHEAST CORNER OF LOT 1 OF SAID BLOCK 18; THENCE NORTH 15°25'50" WEST, 50.41 FEET; THENCE NORTH 74°30'00" EAST, 105.03 FEET, THENCE NORTHEASTERLY ALONG A 2274.49 FOOT RADIUS CURVE CONCAVE SOUTHEAST WITH A CENTRAL ANGLE OF

5°22'02", A CHORD DISTANCE OF 212.99 FEET, A CHORD BEARING OF NORTH 77°11'02" EAST WITH AN ARC DISTANCE OF 213.07 FEET TO THE WEST RIGHT-OF-WAY LINE OF SOUTHEAST 7TH STREET; THENCE SOUTH 15°45'34" EAST ALONG SAID WEST RIGHT-OF-WAY LINE 40.44 FEET TO THE POINT OF BEGINNING, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF 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) 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 of the Property shall be subject to the undergrounding of all overhead utilities to the maximum extent possible.
- (3) Any development upon the Property shall re-establish East Vine Street right-of-way and improve it to the satisfaction of the City's Traffic & Transportation Division.
- (4) Any development upon the Property shall improve Southeast 7th Street to the satisfaction of the City's Traffic & Transportation Division.
- (5) Any development or site modifications 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- 1606), passed by the City Council of said City at a meeting held September 11, 2017 signed by the Mayor on September 11, 2017 and published and provided by law in the Business Record on September 29, 2017. Authorized by Publication Order No. 10178.

Diane Rauh, City Clerk