

ORDINANCE NO. 15,892

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 6011 and 6015 Grand Avenue from the RX1 Mixed Use District to MX1 Limited 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 in the vicinity of 6011 and 6015 Grand Avenue, more fully described as follows, from the from the RX1 Mixed Use District to Limited MX1 Mixed Use District classification:

21-2020-4.01 AND ZON2020-00005 (6011 AND 6015 GRAND AVENUE)

A PARCEL OF LAND IN LOTS 25, 26, 27, 28, 36, 37, 38, 39, 40, 41, 42, & LOT 'F', GRAND AVENUE WATERBURY, AN OFFICIAL PLAT RECORDED IN BOOK 'J', PAGE 103 AT THE POLK COUNTY RECORDER'S OFFICE, CITY OF DES MOINES, POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NW CORNER OF LOT 36, OF SAID GRAND AVENUE WATERBURY, THENCE S89°55'50"E, 147.29 FEET TO A POINT; THENCE S00°06'11"E, 165.18 FEET TO A POINT; THENCE N89°52'14"E, 44.19 FEET TO A POINT; THENCE S00°06'55"E, 59.89 FEET TO A POINT; THENCE S89°59'51"E, 104.00 FEET TO A POINT; THENCE S00°06'55"E, 113.24 FEET TO A POINT; THENCE S53°06'27"W, 4.99 FEET TO A POINT; THENCE N89°58'15"W, 288.40 FEET TO A POINT; THENCE N53°05'42"W, 5.00 FEET TO A POINT; THENCE N00°02'46"E, 338.24 FEET TO THE POINT OF BEGINNING WITH ALL CONTAINING 1.61 ACRES MORE OF LESS.

EXCEPT

BEGINNING AT THE NW CORNER OF SAID LOT 36; THENCE S89°55'50"E, 53.79 FEET TO A POINT; THENCE S70°24'21"E, 35.17 FEET TO A POINT; THENCE S39°42'13"E, 24.39 FEET TO A POINT; S78°29'52"E, 11.60 FEET TO A POINT; THENCE S05°31'17"E, 68.31 FEET TO A POINT; THENCE S48°08'43"E, 36.34 FEET TO A POINT; THENCE S00°06'11"E, 34.96 FEET TO A POINT; THENCE N78°32'29"W, 13.54 FEET TO A POINT; THENCE N47°44'55"W, 31.28 FEET TO A POINT; THENCE S65°31'18"W, 16.28 FEET TO A POINT; THENCE S02°48'29"W, 28.00 FEET TO A POINT; THENCE S18°33'20"E, 26.17 FEET TO A POINT; THENCE S84°51'11"E, 10.31 FEET TO A POINT; THENCE N64°38'21"E, 18.97

FEET TO A POINT; THENCE S47°56'46"E, 17.86 FEET TO A POINT; THENCE S16°27'07"E, 11.67 FEET TO A POINT; THENCE S63°11'34"W, 14.76 FEET TO A POINT; THENCE S32°00'59"W, 14.30 FEET TO A POINT; THENCE S16°56'25"E, 25.94 FEET TO A POINT; THENCE N70°01'42"E, 16.50 FEET TO A POINT; THENCE S41°24'45"E, 9.66 FEET TO A POINT; THENCE S05°28'38"E, 18.25 FEET TO A POINT; THENCE S03°23'05"W, 21.59 FEET TO A POINT; THENCE S49°43'57"W, 30.20 FEET TO A POINT; THENCE S59°23'59"W, 20.14 FEET TO A POINT; THENCE S88°12'58"W, 23.73 FEET TO A POINT; THENCE S20°02'34"E, 9.46 FEET TO A POINT; THENCE N89°58'15"W, 92.33 FEET TO A POINT; THENCE N53°05'42"W, 5.00 FEET TO A POINT; THENCE N00°02'46"E, 338.24 FEET TO THE POINT OF BEGINNING WITH ALL CONTAINING 0.98 ACRES MORE OR LESS.

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:

- (a) Any assembly of persons shall be limited to 300 persons or less at one time; and
- (b) The assembly uses allowed at the Property shall be limited to events, such as, wedding ceremonies and receptions, celebrations of life, graduation receptions, baby showers, engagement parties, anniversary celebrations, birthday parties, reunions, fundraisers, charity events, galas, silent and live auctions, corporate events, holiday parties, neighborhood meetings and gatherings, chamber events, festivals, cultural celebrations, food and beverage tastings, pop-up food and beverage events, community engagement events, cooking classes, religious ceremonies and services, political events, speaking engagements, business meetings, networking sessions, team building events, workshops, conferences, school dances, trivia night, fraternity and sorority socials, art shows, exhibitions, performance art, guided dance, yoga and meditation, television, movie and sports screenings, book club meetings, book and poetry readings, music recitals, and similar events. Live music shall be permitted to accompany the assembly uses allowed on the Property, but concerts where live music performed for profit is the main event shall not be permitted; and
- (c) The hours of operation shall be limited as follows:
 - Sunday through Thursday: 8:00 a.m. – 10:00 p.m., and
 - Friday and Saturday: 8:00 a.m. – midnight.

Notwithstanding the foregoing, the hours of operation for Public Holidays (defined below) and the day preceding Public Holidays shall be limited as follows:
8:00 a.m. – midnight.

“Public Holiday” as used herein includes: New Year’s Day, Birthday of Martin Luther King Jr., Memorial Day (the last Monday in May), Independence Day (July 4), Labor Day (the first Monday in September), Veterans Day (November 11), Thanksgiving (the fourth Thursday in November), and Christmas Day (December 25).

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:

Judy K. Parks-Kruse, Assistant City Attorney

T. M. Franklin Cownie, Mayor

Attest: I, P. Kay Cmelik, 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. 20-0784), passed by the City Council of said City at a meeting held on May 4, 2020 signed by the Mayor on May 4, 2020 and published and provided by law in the Business Record on May 22, 2020. Authorized by Publication Order No. 11142.

P. Kay Cmelik, City Clerk