



Roll Call Number

Agenda Item Number

59A

Date August 9, 2021

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 at 2354 East Grand Avenue from MX1 Mixed Use District to Limited MX3 Mixed Use District classification",

presented.

Moved by _____ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)

/s/ Glenna K. Frank

Glenna K. Frank
Assistant City Attorney

(ZON2021-00021)

NOTE: Six affirmative votes are required to approve the proposed rezoning due to the Plan and Zoning Commission's recommendation for denial. Des Moines City Code §134-6.3.9.B.1.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

CERTIFICATE

I, P. Kay Cmelik, 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.

MOTION CARRIED

APPROVED

Mayor

City Clerk

Prepared by: Glenna K. Frank, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, IA 50309
515/283-4530
Return Address: City Clerk - City Hall, 400 Robert D. Ray Dr., 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, below.

ORDINANCE NO. _____

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 2354 East Grand Avenue from MX1 Mixed Use District to Limited MX3 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 at 2354 East Grand Avenue from MX1 Mixed Use District to Limited MX3 Mixed Use District, more fully described as follows:

Lots 74, 75 and 76 of Central Park, an Official Plat, 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. Any Site shall be brought into full conformance and kept in accordance with an approved Site Plan under requirements as applicable to “MX3” Districts and Workshop/Warehouse Building Type, including landscaping and paving requirements, within one year of the approval of the rezoning.
2. Any buildings on site shall be kept in good repair to the satisfaction of the Zoning Enforcement Officer and Neighborhood Inspections Division Administrator.
3. No unlicensed or inoperable vehicles or vehicles awaiting repair associated with any business on the Property shall be parked or stored on the surrounding public street network.
4. The only uses permitted on the Property shall be the Commercial – Vehicle Sales and Service – Minor Vehicle Maintenance/Repair use and any use permitted in common with the MX1 Mixed Use District.
5. No more than three (3) vehicles per bay may be stored outdoors while awaiting repair or pick-up.
6. No long-term outdoor storage of vehicles beyond 72 hours is allowed.
7. Vehicles awaiting repair or pick-up may not occupy required parking spaces.
8. All vehicles must have current license tags.
9. Outdoor storage of junk, debris, tires or vehicle parts is prohibited.
10. All repairs must occur within a completely enclosed building.

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/ Glenna K. Frank

Glenna K. Frank

Assistant City Attorney