

ORDINANCE NO. 13,603

AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 2A-5 of the Municipal Code of the City of Des Moines, 1991, by rezoning and changing the district classification of certain property located in the vicinity of 1314 East 14th Street from an "R-3" Multiple Family Residential District to a Limited "C-1" Neighborhood Retail Commercial 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 2A-5 of the Municipal Code of the City of Des Moines, Iowa, 1991, be and the same is hereby amended by rezoning and changing the district classification of certain property located in the vicinity of 1314 East 14th Street, more fully described as follows, from an "R-3" Multiple Family Residential District to a Limited "C-1" Neighborhood Retail Commercial District classification:

Lot 432, Polk and Hubbell's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, (the "Property").

Sec. 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 development of the Property must provide for a twenty-four foot (24') wide cross access easement between the northern boundary of the Property and a connection to the cross access easement to Garfield Avenue provided over the land immediately to the South.

B. The Property may have direct vehicular access to East 14th Street only if and for so long as the adjoining lot to the South (Lot 431, Polk and Hubbell's Addition) does not have direct vehicular access to East 14th Street. The requirement under Ordinance No. 12,094 that Lot 431 provide an easement for ingress and egress between the cross access easement and East 14th Street is hereby waived, provided that a easement for ingress and egress between the said cross access easement and East 14th Street is provided across the Property.

C. There shall be no direct vehicular access between the Property and the adjoining alley to the West.

D. The design of any building upon the Property must incorporate design elements and be substantially in compliance with the building design submitted for Lots 431 and 430, Polk and Hubbell's Addition, dated January 15, 1998.

E. An additional ten feet (10') of setback shall be provided along the west side of East 14th Street for future right-of-way.

Sec. 3. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Sec. 4. That the City Clerk is hereby authorized and directed to cause certified copies of this ordinance and proof of publication thereof to be properly filed in the office of the Recorder of Polk County, Iowa.

FORM APPROVED:

Roger K. Brown, Assistant City Attorney