

ORDINANCE NO. 13,768

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 5130 N.E. 14th Street, 1340 N.E. 51st Avenue, 5030 N.E. 14th Street, 1345 N.E. 50th Place and 1340 N.E. 50th Avenue, from the "A-1" Agricultural District classification it will automatically receive upon its annexation into the City of Des Moines, to a Limited "C-2" General Retail and Highway Oriented 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 5130 N.E. 14th Street, 1340 N.E. 51st Avenue, 5030 N.E. 14th Street, 1345 N.E. 50th Place and 1340 N.E. 50th Avenue, more fully described as follows, from the "A-1" Agricultural District classification it will automatically receive upon its annexation into the City of Des Moines, to a Limited "C-2" General Retail and Highway Oriented District classification:

Tract A: (5130 NE 14th Street & 1340 NE 51st Avenue)

Except the North 136.0 feet of the East 130.0 feet, Lot 14, Petit Place, an Official Plat, Polk County, Iowa.

Tract B: (5030 NE 14th Street)

Lots 1 and 2, Goode Heights Plat 1, an Official Plat; and except the North 120.0 feet of the East 150.0 feet, Lot 27, Goode Heights Plat 2, an Official Plat, Polk County, Iowa.

Tract C: (1345 NE 50th Place and 1340 NE 50th Avenue)

Lots 17 and 19, Goode Heights Plat 1, an Official Plat, Polk County, Iowa.

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. The following uses of structures or land shall not be permitted upon Tracts "A", "B" or "C", described above:

1. Automobile, trailer, motorcycle, boat or farm implement rental establishments. (However, automobile, trailer, motorcycle, boat or farm implement establishments primarily engaged in the sale of new vehicles and equipment with only incidental sales of used vehicles and equipment shall be permitted.)
2. Billiard parlors, pool halls, and gamerooms.
3. Mini-warehouse.
4. Monument sales yard.
5. Off-premises advertising signs.
6. Package-goods stores for the sale of alcoholic beverages. (However, a restaurant, grocery store or pharmacy at least half of whose gross income is derived from the sale of other merchandise (excluding petroleum products) shall be permitted subject to all other applicable regulations.)
7. Taverns or night clubs, including private clubs.
8. Mobile home parks.
9. Used car sales lot.
10. Adult entertainment establishment.

B.The following additional restrictions shall apply only to Tract "A":

1.Within three months after any substantial redevelopment of the Property is commenced, a six foot opaque wood fence shall be provided along the west line of the Property and such fence shall thereafter be maintained for as long as the adjoining land to the west is used for residential purposes.

2.If a car wash is located upon the Property within 60 feet of the west line of the Property, then a year round landscape screen shall be planted between the car wash structure and the adjoining residences prior to the opening of such car wash, and a sufficient sound wall shall be incorporated into the design of such car wash to mitigate the noise impact from the dryer upon such residences, and such sound wall and landscape screen shall thereafter be maintained for as long as the adjoining land to the west is used for residential purposes.

D.At the site plan approval stage, the noise impact of the development upon the adjoining residential uses shall be considered and the owner of the Property shall make a good faith effort to minimize such impact.

Sec. 3. This ordinance shall be in full force and effect from and after the later of its passage and publication as provided by law and the effective date of the annexation of the property into the City of Des Moines.

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

Preston A. Daniels, Mayor

Attest:

I, Donna Boetel-Baker, 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. 99-3409), passed by the City Council of said City at a meeting held November 1, 1999, signed by the Mayor on November 1, 1999, and published as provided by law in the Business Record on November 15, 1999. Authorized by Publication Order No. 6331.

Donna Boetel-Baker, CMC/AAE, City Clerk