

ORDINANCE NO. 13,902

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 3727 S.E. 14th Street from an "R1-60" One Family, Low Density Residential District to a Limited "C-2" General Retail and Highway Oriented 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 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 3727 S.E. 14th Street, more fully described as follows (herein collectively referred to as the "Property"), from an "R1-60" One Family, Low Density Residential District to a Limited "C-2" General Retail and Highway Oriented Commercial District classification:

The East 275.0 feet of the West 310.5 feet, Lot 9, Indianola Acres, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

The East 140.5 feet of the West 330.5 feet, Lot 21, Official Plat of the Northwest 1/4 Section 23, Township 78 North, Range 24 West of the 5th P.M., all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

The North 60.0 feet of the East 134.5 feet of the West 190.0 feet, Lot 21, Official Plat of the Northwest 1/4 Section 23, Township 78 North, Range 24 West of the 5th P.M., all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

The South 50.0 feet of the North 110.0 feet of the East 134.5 feet of the West 190.0 feet, Lot 21, Official Plat of the Northwest 1/4 Section 23, Township 78 North, Range 24

West of the 5th P.M., all now included in
and forming a part of the City of Des
Moines, 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. Any commercial development which includes the Property shall be subject to the following conditions and restrictions:

1. The primary exterior materials of any building placed to a commercial use shall consist of brick, textured block or tile or similar material.

2. There shall be no vehicular access from the development through any residentially zoned property.

3. Vehicular access to the Property shall be provided by means of an extension of the frontage road from where it exists to the south of the Property, and such frontage road shall be extended to the north boundary of the property. The owners of the Property shall provide a cross access easement to permit the land to the north of the

Property to use the frontage road at such time as the land to the north is rezoned and developed for commercial use.

B. The Property shall not be used for the sale of used motor vehicles.

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, and the Acceptance of Rezoning Ordinance signed by all owners of the Property 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, Diane Rauh, Chief Deputy 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. 01-118), passed by the City Council of said City at a meeting held January 8, 2001, signed by the Mayor on January 8, 2001, and published as provided by law in the Business Record on January 22, 2001. Authorized by Publication Order No. 1532.

Diane Rauh, Chief Deputy City Clerk