

ORDINANCE NO. 13,912

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 block bounded by 7th, 8th, Crocker and School Streets, from an "R-4" High Density Residential District to a Limited "C-3A" Central Business District Support 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 block bounded by 7th, 8th, Crocker and School Streets, more fully described as follows, from an "R-4" High Density Residential District to a Limited "C-3A" Central Business District Support Commercial District classification:

Lots 22 through 27, in Division No. 3, Grimmells Addition, an Official Plat; and Lots 19 through 21 in said Division No. 3, except a portion of property East of a line beginning 51.0 feet East of the Northwest corner of said Lot 19, thence Southeast to a point 118.0 feet East of the Southwest corner of the North 26.0 feet of said Lot 21; and the North 1/2 of Lot 13 and all of Lots 14 through 18, George Sneer's Subdivision of Division No. 4 of Grimmells Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa (herein 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. Only the uses of land and structures permitted within the "C-2" General Retail and Highway Oriented District shall be permitted upon the Property.

B. The Property shall not be used for off-premises advertising signs, adult entertainment or motor vehicle sales or display.

C. Any free standing signs shall be monument signs and not pole or pylon type signs.

D. A streetscape element shall be provided along the 7th Street right-of-way approved by the Planning Director at the site plan approval stage that mirrors that of the Mercy property to the east.

E. All buildings on the Property shall have the appearance of a minimum of two stories above grade. Buildings fronting on Crocker and 7th Streets shall have the appearance of a minimum of three levels exposed to 7th Street.

F. There shall be no direct vehicular access between any public parking lots upon the Property and 7th Street.

However, this shall not prevent direct vehicular access between 7th Street and a restricted employee lot.

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 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. 01-255), passed by the City Council of said City at a meeting held January 22, 2001, signed by the Mayor on January 22, 2001, and published as provided by law in the Business Record on February 5, 2001. Authorized by Publication Order No. 1552.

Donna Boetel-Baker, MMC, City Clerk