

ORDINANCE NO. 13,926

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 901 S.W. 63rd Street from a "C-1" Neighborhood Retail Commercial District and "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 901 S.W. 63rd Street, more fully described as follows, from a "C-1" Neighborhood Retail Commercial District and "R1-60" One Family, Low Density Residential District to a Limited "C-2" General Retail and Highway Oriented Commercial District classification:

Lots 14, 15 and except street right-of-way Lot 16, E. Calvert's Addition, an Official Plat; and the vacated North/South alley right-of-way lying East of and adjoining said Lot 16; and except street right-of-way Lots 1, 14, 15 and 16, and all of Lots 2, 17, 18 and 19, Britton Place, an Official Plat; and the vacated North/South alley right-of-way lying East of and adjoining said Lots 14, 15 and 16, of said Britton Place, 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) There shall be no direct vehicular access between The Property and S.W. 62nd Street.

(b) Prior to any commercial use of Parcel "A", Railroad Avenue between S.W. 62nd and S.W. 63rd Streets shall be improved with two through lanes, a left turn lane for the westbound traffic on Railroad Avenue turning south onto S.W. 63rd Street, and a sidewalk or trail on the south side of Railroad Avenue. The street improvements shall be constructed in accordance with plans approved by the City Engineer, and the street improvements and the necessary underlying right-of-way shall be dedicated to the City of Des Moines.

(c) If The Property is used for the retail sale of petroleum products, there shall be no more than 8 pump stations (with the ability to fuel 16 vehicles at a time) arranged in a 4 wide by 2 deep configuration.

(d) Prior to any commercial use of The Property, The Property shall be developed with a building, landscaping and canopy design and

signage in substantial compliance with the perspective elevations prepared by Quik Trip and titled "Perspective, 4600 Stone Cap Quik Trip Store #554R" which is on file in the Community Development Department.

(e) Any signage upon The Property shall be in substantial compliance with the perspective elevations identified above. Any freestanding signs shall be monument type signs eight feet (8') or less in height.

(f) No signage shall be placed on any fuel pump canopies on The Property, except that a logo containing an abbreviation or initials similar to that shown on the perspective elevations identified above shall be permitted if otherwise allowed by the Zoning Ordinance. The canopy columns shall be brick veneered compatible with the principal building materials.

(g) Prior to any commercial use of The Property, a sidewalk connection from The Property to S.W. 62nd Street shall be provided in substantial compliance with the Preliminary Site Plan

prepared by Holloway  
Architects dated  
February 3, 1999, which  
is on file in the  
Community Development  
Department.

(h) Prior to any  
commercial use of The  
Property, a sidewalk  
shall be constructed  
within the S.W. 63rd  
Street right-of-way  
adjoining The Property.  
Within three years of  
the commercial  
development of The  
Property, the owner of  
The Property shall  
extend the sidewalk  
north within the S.W.  
63rd Street right-of-way  
to Winona Avenue. The  
entire sidewalk shall be  
six foot (6') wide,  
partitioned into 2'x2'  
sections, and with  
either landscaping  
approved by the  
Community Development  
Director or sod  
installed between the  
street curb and the  
sidewalk.

(i) There shall be no  
illuminated signage on  
the east facade of any  
building or canopy upon  
The Property.

(j) The following uses  
of land and structures  
shall not be permitted  
upon The Property:

i) Vehicle sales/display.

ii) Adult Entertainment Business.

iii) Taverns or nightclubs.

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. 01-604), passed by the City Council of said City at a meeting held February 26, 2001, signed by the Mayor on February 26, 2001, and published as provided by law in the Business Record on March 12, 2001. Authorized by Publication Order No.1596.

Donna Boetel-Baker, MMC, City Clerk