

ORDINANCE NO. 13,959

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 1200 Bell Avenue from an "R1-60" One Family, Low Density 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 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 1200 Bell Avenue, more fully described as follows, from an "R1-60" One Family, Low Density Residential District to a Limited "C-1" Neighborhood Retail Commercial District classification:

The South 1/2 of Lot 21, except the East 16.0 feet thereof, Tallmadge's Subdivision of the South 1/2 of the Northeast 1/4 of Section 15, Township 78 North, Range 24 West of the 5th P.M., Des Moines, Polk County, Iowa, being more particularly described as follows:

BEGINNING at the Southeast Corner of said Lot 21; thence North 00<sup>0</sup> (Degrees) 19' (Minutes) 14" (Seconds) West along the West line of said Lot 21, a distance of 300.29 feet; thence continuing North 89<sup>0</sup> 59' 30" East along the North line of the South half of said Lot 21, a distance of 308.89 feet; thence South 00<sup>0</sup> 23' 01" East a distance of 300.26 feet to the South line of said Lot 21; thence South 89<sup>0</sup> 59' 30" West along the South line of said Lot 21, a distance of 308.72 feet to the POINT OF BEGINNING. Said tract of land contains 2.127 acres more or less. (Hereinafter referred to as 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. The following uses of land and structures shall not be permitted on the Property:

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2. Packaged goods liquor stores

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B. The following uses of  
land or structures  
otherwise permitted in  
the "C-1" District shall  
be permitted on the  
Property only if the  
Property is developed in  
combination with the  
adjoining property  
fronting S.E. 14th  
Street:

1. Drug stores

2. Gas stations/convenience stores
3. Grocery stores
4. Department stores

C. Primary access to the Property must be provided by shared access with adjoining property fronting S.E. 14th Street, with the primary access drive being no further than 325 feet west of S.E. 14th Street. Secondary commercial access is permitted directly from the Property. Exclusive access to the Property from East Bell Avenue is permitted only for single family residential uses.

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:

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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. 01-1923), passed by the City Council of said City at a meeting held June 18, 2001, signed by the Mayor on June 18, 2001, and

published as provided by law in the Business Record on July 2, 2001. Authorized by Publication Order No.1803.

Donna Boetel-Baker, MMC, City Clerk