

ORDINANCE NO. 14,067

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 1311 and 1315 63rd Street from the "R1-60" Single 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 1311 and 1315 63rd Street, more fully described as follows, from the "R1-60" Single Family Low Density Residential District to a Limited "C-1" Neighborhood Retail Commercial District classification:

Lots 1 and 2 (except for Right-of Way) in WALDRON PLACE, an Official Plat, Des Moines, Polk County, Iowa (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. Only one building may be constructed or maintained on the Property. The building shall not exceed 2,400 square feet on each of two floors. One of the two floors shall be partially below grade.

b. The Property shall landscaped to meet or exceed the landscaping plan dated 1/15/02 which is on file in the Community Development Department of City, and in conformance with all site plan regulations for landscaping in the "C-1" District.

c. The building and parking shall be configured per the submitted site plan dated 1/15/02 which is on file in the Community Development Department of City.

d. An opaque (cedar) fence (per site plan of December 26, 2001) shall be constructed along the east line of the Property with the top edge of the fence level to the existing 4 foot high fence to the south, provided that no portion of the fence shall be more than 8 foot above grade.

e. Freestanding signage shall be limited to one (1) new monument sign to be illuminated from the ground (not to be back lighted) and not exceeding 20 square feet in size (measured from pedestal and pedestal not to exceed six (6) inches). The existing sign illumination (on

property to the south) will be reduced from eighty five (85) watt bulbs to forty five (45) watt bulbs (the above being approximately forty seven percent (47%) reduction). The signs (on lot 4 and, as well as the new sign to be located on lots 1 and 2) shall be on a timer and shall not be illuminated between 8:00 p.m. and 7:00 a.m. No building (wall mounted) signage shall be permitted on the new building on lots 1 and 2.

f. A lighting plan for the building shall be submitted with the site plan showing fixtures, types, specifications, and locations for the City Planning Director's approval. There shall be no exterior surface-mounted wall-pack lights or other lights which cast light out on any elevation. There shall be no exterior lights on the north and east walls. The wall packs on the east side of the existing building shall have shields added to cast the light down.

g. Storm water shall be directed into the City storm sewer and shall not discharge to the northeast.

h. Any lower level door shall be alarmed and for emergency use only. There shall be no sidewalk to connect the lower level entry to the parking lot.

i. The new building may utilize a separate dumpster. The dumpster shall be within a cedar enclosure per City standards and shall be located south of the building.

j. The building use shall be limited to professional office with NO retail component of any kind: This shall include the office of a physician, dentist, osteopath, chiropractor, optometrist, chiropodist, or similar profession; and business or professional offices including the following: law, engineering, architecture, urban planning, real estate, insurance, accounting or bookkeeping, and similar uses, but not including uses involving retail sales or non-professional services.

k. The exterior materials and aesthetics shall match the submitted elevations dated 12/26/01 on file in the Community

Development Department  
of City. Materials shall  
be a stone base along  
63<sup>rd</sup> Street, cement board  
lap siding (6" maximum)  
on other elevations.  
Corner trim and window  
trim to be 4" minimum.  
Roof to be asphalt  
residential looking  
shingles, being the same  
style as an existing  
building.

l. The existing large  
tree in the northeast  
corner shall be saved,  
if possible, and  
incorporated into the  
landscaping.

m. Existing shrubs along  
the north line of the  
Property (owned by the  
adjacent property owner)  
shall be protected  
during construction.

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, Donna V. 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. 02-752), passed by the City Council of said City at a meeting held March 18, 2002 signed by the Mayor on March 18, 2002 and published as provided by law in the Business Record on April 1, 2002 Authorized by Publication Order No. 3180.

Donna V. Boetel-Baker, City Clerk