

ORDINANCE NO. 14,088

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 2130 E. Park Avenue from the "C-1" Neighborhood Retail Commercial 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 2130 E. Park Avenue, more fully described as follows, from the "C-1" Neighborhood Retail Commercial District to a Limited "C-2" General Retail and Highway Oriented Commercial District classification:

Lot 2, Park Avenue Plaza East, 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:

Only the following uses of structures or land shall be permitted on the Property:

- i) Any use allowed in the "C-1" Neighborhood Retail Commercial District.
- ii) A car wash designed, operated and maintained in compliance with the following limitations:

a)
The
business
shall
not
operate
between
the
hours
of
10:00
p.m.
and
6:00
a.m.
and
during
those
hours
the
wash
bays
will
be
secured
by
over
head
doors.

b)
Outdoor
vacuum
cleaners

shal
l be
plac
ed
only
nort
h of
the
buil
ding

.
Powe
r
cut-
offs
shal
l be
inst
alle
d on
any
vacu
ums
to
prev
ent
thei
r
oper
atio
n
betw
een
the
hour
s of
10:0
0
p.m.
and
6:00
a.m.

c)
The
buil
ding

cons
truc
tion
and
mate
rial
s
shal
l be
resi
dent
ial
in
char
acte
r
incl
udin
g
gabl
ed
roof
and
bric
k or
spli
t-
face
d
maso
nry.

d)
No
pay-
phon
es
shal
l be
perm
itte
d on
the
Prop
erty
.

e)
Sign
ific
ant
secu
rity
ligh
ting
shal
l be
prov
ided
thro
ugho
ut
the
nigh
t
with
the
ligh
ting
to
be
of a
"non
-
glar
e"
type
that
is
dire
cted
down
and
shie
lded
to
prev
ent
encr
oach
ment
onto
adjo
inin

g
resi
dent
ial
prop
erty
.

f)
"No
Tres
pass
ing"
sign
s
shal
l be
inst
alle
d
that
indi
cate
the
perm
itte
d
hour
s of
oper
atio
n.

g)
Any
free
stan
ding
sign
upon
the
prop
erty
shal
l be
of a
monu

ment
type
and
no
larg
er
than
sixe
y-
four
(64)
squa
re
foot
in
area

.

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. 02-1184), passed by the City Council of said City at a meeting held May 6, 2002 signed by the Mayor on May 6, 2002 and published as provided by law in the Business Record on May 20, 2002 Authorized by Publication Order No. 3245.

Donna V. Boetel-Baker, City Clerk