

ORDINANCE NO. 14,220

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 9601 US Highway 65/69 from the "A-1" Agricultural District classification it will automatically receive upon annexation into the City, to a Limited "C-2" General Retail and Highway Oriented Commercial District, Limited "R-5" Mobile Home Residential District, Limited "A-1" Agricultural District, and Limited "U-1" Floodplain 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 9601 US Highway 65/69, more fully described as follows, from the "A-1" Agricultural District classification it will automatically receive upon annexation into the City, to a Limited "C-2" General Retail and Highway Oriented Commercial District, Limited "R-5" Mobile Home Residential District, Limited "A-1" Agricultural District, and Limited "U-1" Floodplain District classification:

Parcel "A", described as follows, is hereby rezoned to a Limited "C-2" General Retail and Highway Oriented Commercial District:

Beginning at the Northwest corner of Lot 33, Ferrari Heights Replat, an Official Plat, Warren County, Iowa; thence North 89° (degrees) 38' (minutes) 02" (seconds) East (bearing assumed for the purpose of this legal description) along the North line of said Lot 33, a distance of 401.05 feet to the Northwest corner of Lot 35, of said Ferrari Heights Replat; thence North 89° 38' 02" East along the North line of said Lot 35, a distance of 369.18 feet; thence South 00° 00' 00" East, 399.98 feet to the South line of said Lot 35 and being the North line of the Northeast ¼ of Section 12, Township

77 North, Range 24 West of the 5th P.M., Warren County, Iowa; thence South 00° 00' 00" East, 701.10 feet; thence southeasterly along a 250.00 foot radius curve concave southeasterly, 194.40 feet, said curve having a chord bearing of South 40° 37' 26" West and a chord length of 189.53 feet; thence South 18° 20' 52" West, 300.78 feet; thence South 00° 00' 00" West, 904.19 feet; thence South 20° 41' 04" West, 660.84 feet to the South line of the Northeast ¼ of said Section 12; thence South 88° 47' 53" West along the South line of the Northeast ¼ of said Section 12, a distance of 232.55 feet to the East right-of-way line of U.S. Primary Highway No. 65/69, as it is presently established; thence northerly along a 2132.00 foot radius curve concave easterly, a distance of 543.41 feet, said curve having a chord bearing of North 07° 37' 45" West and a chord length of 541.94 feet; thence North 00° 19' 38" West along said East right-of-way line of U.S. Primary Highway No. 65/69, a distance of 2115.71 feet to the North line of the Northeast ¼ of said Section 12 and being the Southwest corner of said Lot 33; thence North 00° 18' 44" West along said East right-of-way line of U.S. Primary Highway No. 65/69, a distance of 400.00 feet to the Point of Beginning. Said tract of land contains 42.42 acres, more or less; and

Parcel "B", described as follows, is hereby rezoned to a Limited "C-2" General Retail and Highway Oriented Commercial District:

Commencing at the Northwest corner of Lot 35, Ferrari Heights Replat, an Official Plat, Warren County, Iowa; thence North 89° (degrees) 38' (minutes) 02" (seconds) East (bearing assumed for the purpose of this legal description) along the North line of said Lot 35, distance of 369.18 feet to the Point of Beginning; thence North 89° 38' 02"

East along the North line of said Lot 35, a distance of 243.64 feet; thence South 00° 00' 00" East, 399.97 feet to the South line of said Lot 35 and being the North line of the Northeast $\frac{1}{4}$ of Section 12, Township 77 North, Range 24 West of the 5th P.M., Warren County, Iowa; thence South 00° 00' 00" East, 675.22 feet; thence South 90° 00' 00" West, 129.74 feet; thence westerly along a 250.00 foot radius curve concave southerly, 118.25 feet, said curve having a chord bearing of South 76° 27' 00" West and a chord length of 117.15 feet; thence North 00° 00' 00" West, 701.10 feet to the North line of the Northeast $\frac{1}{4}$ of said Section 12 and being the South line of said Lot 35; thence North 00° 00' 00" West, a distance of 399.98 feet to the Point of Beginning. Said tract of land contains 6.03 acres, more or less.

Parcel "C", described as follows, is hereby rezoned to a Limited "R-5" Mobile Home Residential District:

Beginning at the Northeast corner of Lot 35, Ferrari Heights Replat, an Official Plat, Warren County, Iowa; thence South 00° (degrees) 30' (minutes) 40" (seconds) East (bearing assumed for the purpose of this legal description) along the East line of said Lot 35, a distance of 399.90 feet to the Southeast corner of said Lot 35 and being the Northeast corner of the Northeast $\frac{1}{4}$ of Section 12, Township 77 North, Range 24 West of the 5th P.M., Warren County, Iowa; thence South 00° 29' 32" East along the East line of the Northeast $\frac{1}{4}$ of said Section 12, a distance of 804.34 feet; thence South 89° 35' 42" West, 1441.97 feet; thence South 20° 41' 04" West, 1315.76 feet; thence North 00° 00' 00" West, 904.19 feet; thence North 18° 20' 52" East, 300.78 feet; thence northeasterly along a 250.00 foot radius curve concave southeasterly, 312.64 feet, said curve having a chord bearing of North 54° 10' 26" East and a chord length of 292.66 feet; thence North 90° 00' 00" East, 129.74 feet; thence North 00° 00' 00" West, 675.22 feet to the North line of the Northeast $\frac{1}{4}$ of said Section 12 and being the South line of said Lot 35; thence North 00° 00' 00" West, a distance of 399.97 feet to the North line of

said Lot 35; thence North 89° 38' 02" east along the North line of said Lot 35, a distance of 1434.52 feet to the Point of Beginning. Said tract of land contains 46.83 acres, more or less.

Parcel "D", described as follows, is hereby rezoned to a Limited "A-1" Agricultural District:

Commencing at the Northeast corner of the Northeast $\frac{1}{4}$ of Section 12, Township 77 North, Range 24 West of the 5th P.M., Warren County, Iowa; thence South 00° (degrees) 29' (minutes) 32" (seconds) East (bearing assumed for the purpose of this legal description) along the East line of the Northeast $\frac{1}{4}$ of said Section 12, a distance of 804.34 feet to the Point of Beginning; thence continuing South 00° 29' 32" East along the East line of the Northeast $\frac{1}{4}$ of said Section 12, a distance of 565.00 feet; thence South 89° 35' 42" West, 1660.73 feet; thence North 20° 41' 04 " East, 605.56 feet; thence North 89° 35' 42" East, 1441.97 feet to the Point of Beginning. Said tract of land contains 20.12 acres, more or less.

Parcel "E", is hereby rezoned to a Limited "U-1" Floodplain District:

All of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ lying North of the North River in Section 12, Township 77 North, Range 24 West of the 5th P.M., Warren County, Iowa; and

All that part of the Northeast $\frac{1}{4}$ of Section 12, Township 77 North, Range 24 West of the 5th P.M., Warren County, Iowa lying southeasterly of a line described as Commencing at the Northeast corner of the Northeast $\frac{1}{4}$ of said Section 12; thence South 00° (degrees) 29' (minutes) 32" (seconds) East (bearing assumed for the purpose of this legal description) along the East line of the Northeast $\frac{1}{4}$ of said Section 12, a distance of 1369.34 feet to the Point of Beginning; thence South 89° 35' 42" West, 1660.73 feet; thence South 20° 41' 04" West, 1371.04 feet to the South line of the Northeast $\frac{1}{4}$ of said Section 12 and to the end of said line. Said tract of land contains 60.0 acres, more or less.

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. No habitable structures shall be constructed upon any portion of the Property designated as floodplain on the official Floodplain Insurance Rate Maps ("FIRM") promulgated by the Federal Emergency Management Agency ("FEMA"). The owners of the property shall obtain a Letter of Map Revision or other amendment of the official FIRM by FEMA for any portion of the Property to be improved with a habitable structure.

B. The following uses of structures and land shall be PROHIBITED upon the portion of the Property designated above as Parcel "A", above:

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C. The following uses of structures and land shall be PROHIBITED upon the portion of the Property designated above as Parcel "B", above:

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preliminary and development plans for the mobile home park development on Parcel "C".

3) Off premises advertising signs.

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D. The following
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E. The portion of the
Property designated as
Parcel "D", above shall

be used exclusively for
recreational open space
in conformance with the
approved "R-5"
development plan for
Parcel "C".

Sec. 3. This ordinance shall be in full force and effect from and after the later of its passage and publication as provided by law, and the annexation of the Property into the City of Des Moines..

Sec. 4. That the City Clerk is hereby authorized and directed to cause certified copies of the vicinity map, this ordinance, proof of publication of this ordinance, 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, Diane Rauh, 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. 03-671), passed by the City Council of said City at a meeting held March 24, 2003 signed by the Mayor on March 24, 2003 and published as provided by law in the Business Record on April 7, 2003 Authorized by Publication Order No.3574.

Diane Rauh, City Clerk