

ORDINANCE NO. 14,303

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 1233 - 63rd Street from the Limited "C-1" Neighborhood Retail Commercial District to an amended 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 1233 - 63rd Street, more fully described as follows, from the Limited "C-1" Neighborhood Retail Commercial District to an amended Limited "C-1" Neighborhood Retail Commercial District classification:

Lots 1 and 2, (except 63rd Street right-of-way) in Waldron Place, 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:

- a. Only one building may be constructed or maintained on the Property. Accessory structures are not permitted. The building shall not exceed a total of 5,400 square feet (2,755 gross square feet on the upper floor and 2,645 gross square feet on the lower level). Gross square footage shall be measured from the outside face of all exterior walls. The exterior dimensions of the building cannot be changed.
- b. The Property shall be landscaped and maintained in accordance with the site/landscape plan signed by the Planning Director on 9/25/03 which is on file in the Community Development Department of the City.
- c. The building and parking shall be configured in accordance with the site/landscape plan signed by the Planning Director on 9/25/03 which is on file in the Community Development Department of the City.
- d. A 6' tall, 90% opaque cedar fence shall be installed and maintained along the east and north lines of the Property in

accordance with the site/landscape plan signed by the Planning Director on 9/25/03 which is on file in the Community Development Department of the City.

e. One monument sign shall be installed on the Property in the location identified on the site/landscape plan signed by the Planning Director on 9/25/03 which is on file in the Community Development Department of the City. Said monument sign shall include a base measured no greater than 24" in height. The sign face shall not exceed 12.75 square feet in gross area. Total sign and base height shall not exceed 66" in overall height measured from the grade level. The sign face width shall be no greater than 54". Sign shall be illuminated from the ground (not internally illuminated). Sign lighting shall not operate between the hours of 8pm and 7am. No exterior wall signs or interior mounted window signs shall be permitted.

f. All exterior building and site lighting shall be in accordance with the site/landscape plan signed by the Planning Director on 9/25/03 and in accordance with building plans approved on October 9, 2002 on file at the Community Development Department of the City except that no exterior building mounted lights shall be allowed on the north, east or west building elevations. In addition, no ground mounted exterior building lighting shall be allowed on any building elevation.

g. Storm water shall be directed into the City storm sewer in accordance with the site/landscape plan signed by the Planning Director on 9/25/03 on file at the Community Development Department of the City.

h. All building entries, sidewalks and patio areas shall be in accordance with the site/landscape plan signed by the Planning Director on 9/25/03 on file at the Community Development Department of the City.

i. The trash enclosure shall be constructed in the location and manner as identified on the site / landscape plan signed by the Planning Director on 9/25/03 on file at the Community Development Department of the City.

j. Both floors of the building shall be operated as a single unit with the primary entrance to the building being on the upper floor. 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,

chiropracist, 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. Exterior building materials shall conform to the building plans approved on October 9, 2003 with the following exception: Paint color of all siding materials shall be one color with the exclusion of the brick. Trim color may be different than the siding material. The siding and trim color shall be complimentary to the brick in a muted, light, earth tone. Roofing materials shall be asphalt shingles that are complimentary in color to the building.

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

m. The foregoing conditions are in replacement of those conditions imposed pursuant to Ordinance No. 14,067 passed March 18, 2002, which shall no longer apply to the Property.

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 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 County Recorder of the county in which the Property is located.

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

Preston 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. 03-2809), passed by the City Council of said City at a meeting held December 8, 2003 signed by the Mayor on December 8, 2003 and published as provided by law in the Business Record on December 22, 2003 Authorized by Publication Order No. 4011.

Diane Rauh, City Clerk