

ORDINANCE NO. 14,779

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 3749 & 3801 University Avenue from the “C-1” Neighborhood Retail Commercial District and “R1-60” One-Family Low-Density Residential District One-Family Low-Density Residential 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 3749 & 3801 University Avenue from the “C-1” Neighborhood Retail Commercial District and “R1-60” One-Family Low-Density Residential District One-Family Low-Density Residential District to a Limited “C-2” General Retail and Highway Oriented Commercial District classification:

Parcel A, Fairground Estates, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, more particularly described as Lots 1, 3 and 4 of said Fairground Estates

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:

The following uses of land and structures shall not be permitted upon the property:

- A) Adult entertainment businesses;
- B) Package goods store for the sale of alcoholic beverages;
- C) Taverns and night clubs;
- D) Off-premises advertising signs;

- E) Vehicle display lots, including but not limited to used car sales lots;
- F) Pawn brokerages; and,
- G) Financial institutions where the majority of revenue is derived from lending guaranteed by collateral of future payroll or vehicle titles

If the property is developed for use as a mini-warehouse self-storage complex, then such development shall comply with the following additional requirements:

- A) The side of any building fronting East University Avenue shall be of masonry material in earth tone colors. The balance of the building, including overhead doors, shall be of an earth tone color.
- B) No storage units within 300-feet of East University Avenue shall be placed with doors facing East University Avenue.
- C) All lighting shall be shielded so as not to illuminate into adjoining residential properties.
- D) The gate and fencing along East University Avenue shall be of wrought iron or tubular steel construction, painted earth tones or black to complement the buildings, with masonry pillars.
- E) A 25-foot wide setback shall be maintained along the eastern and southern boundaries of the property.
- F) A sidewalk shall be installed and maintained along the East University Avenue in accordance with the East University streetscape plan.  
Hours of operation shall be limited to 6:00 am. to 10:00 p.m.

Sec. 3. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Sec. 4. The City Clerk is hereby authorized and directed to cause a certified copy of the Acceptance of Rezoning Ordinance, this ordinance, a vicinity map, and proof of publication of this ordinance, to be properly filed in the office of the Polk County Recorder.

FORM APPROVED:

Michael F. Kelley, Assistant City Attorney

T.M. Franklin Cownie, 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. 08-1122), passed by the City Council of said City at a meeting held June 23, 2008, 2008 signed by the Mayor on June 23, 2008 and published as provided by law in the Business Record on July 7, 2008. Authorized by Publication Order No. 6242.

Diane Rauh, City Clerk