

ORDINANCE NO. 14,785

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 605 East 15th Street from “R1-60” One-Family Low-Density Residential District to 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 605 East 15th Avenue, more fully described as follows, from “R1-60” One-Family Low-Density Residential District to Limited “C-1” Neighborhood Retail Commercial District classification:

East 43.5 feet Lot 1 and all Lots 2, 3 and 4, Block 47, Stewarts Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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:

1. Prohibit the use of the property for any packaged goods stores for the sale of alcoholic beverages, lawn mower or small engine repair shops, pawn shops, upholstery shops, and financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
2. Any commercial structures shall be constructed of an architectural design with at least 40% of the façade covered in a durable material such as brick, stone, or masonry block with no use of metal below the roof, and no use of EIFS, or other stucco type material in lower four feet of any exterior building wall.

3. Any commercial site development shall only have direct drive access to Des Moines Street, with no drive connection to the alley until such time as the property to the north may be developed for commercial purposes at which time cross access to the north may be approved. This is also subject to any other restrictions which may require approval by City Traffic and Transportation and Iowa DOT.
4. A six-foot high solid wood fence with masonry pillars shall be used to meet required bufferyard screening from residential property to the east in general compliance with the submitted design schematic.
5. Bufferyard landscaping to the east shall exceed the minimum plantings required by the Des Moines Landscape Standards, but shall maintain an appropriate density as to ensure the survivability of the plant material.
6. A three-foot high masonry site wall shall be used to meet the parking requirement from Des Moines Street in general compliance with the submitted design schematic.
7. Required trash enclosures shall be constructed of materials compatible with the principal commercial structure and have opaque metal gates.
8. All non-building mounted signs be monument type only;
9. Site plan return to the Commission for review and approval if the submitted site plan is not in substantial compliance with the concept plan presented at the rezoning hearing;
10. Applicant work with staff on the elimination of the fence on Des Moines Street west of the entry drive and along the north property line, west of the dumpsters.

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

Mayor

T.M. Franklin Cownie,

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. 08-1251), passed by the City Council of said City at a meeting held July 14, 2008 signed by the Mayor on July 14, 2008 and published as provided by law in the Business Record on July 28, 2008. Authorized by Publication Order No. 6093.

Diane Rauh, City Clerk