

ORDINANCE NO. 15,064

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 at 1800 Southeast 14th Street from C-2 General Retail and Highway Oriented Commercial District with a VDL Vehicle Display Lot Overlay to a Limited C-2 District classification and to remove the VDL Overlay.

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 located at 1800 Southeast 14th Street from C-2 General Retail and Highway Oriented Commercial District with a VDL Vehicle Display Lot Overlay to a Limited C-2 District classification and to remove the VDL Overlay. The property is more fully described as follows:

Beginning 50 feet West of the Southeast corner, thence West 140 feet, thence North 199.2 feet, thence East 130.3 feet, thence Southeast 200.02 feet to Point of Beginning, Lot 1, Official Plat of the Southeast ¼, Section 10, Township 78 North, Range 24 West of the Fifth P.M., all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Section 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. Any future use of the site for a vehicle display lot shall be operated as an expansion of the existing vehicle display lot at 1902 Southeast 14th Street. A new stand-alone vehicle display lot shall not be permitted.
2. Any future use of the site for a vehicle display lot shall be in accordance with a Site Plan under the design guidelines for vehicle display lots as approved by the Plan & Zoning Commission and shall adhere to all landscaping and setback requirements. This Site Plan shall include both the existing vehicle display lot at 1902 Southeast 14th Street and the expansion area at 1800 Southeast 14th Street.

3. The parcels currently known as 1800 Southeast 14th Street and 1902 Southeast 14th Street shall be combined by the Polk County Assessor to form one tax parcel.
4. The vehicle display lot, including the existing lot and any expansion, shall be limited to one (1) freestanding sign along the Southeast 14th Street frontage.
5. The existing freestanding sign at 1800 Southeast 14th Street shall be removed immediately.
6. The existing canopy structure at 1902 Southeast 14th Street shall be removed immediately.
7. Only one drive approach shall be permitted along Southeast 14th Street and shall align with the median opening in Southeast 14th Street at East Edison Avenue. All abandoned drive approaches shall be removed and a full height curb shall be restored along Southeast 14th Street.
8. Any outdoor trash collection container shall be within an enclosure constructed with concrete block or masonry materials and 100% opaque steel gates and shall not be located within any required setbacks.
9. Prior to issuance of a Certificate of Occupancy for any use of the property as a vehicle display lot, the entire site shall be brought into conformance with the Site Plan as approved by the Plan & Zoning Commission.

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

Section 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. 11-1912), passed by the City Council of said City at a meeting held November 7, 2011 signed by the Mayor on November 7, 2011 and published as provided by law in the Business Record on November 25, 2011. Authorized by Publication Order No. 7774.

Diane Rauh, City Clerk