

ORDINANCE NO. 15,310

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 3703, 3719 and 3727 Southeast 14th Street from the "R1-60" One-Family Low-Density Residential District to 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 3703, 3719 and 3727 Southeast 14th Street, more fully described as follows, from the "R1-60" One-Family Low-Density Residential District to Limited "C-2" General Retail and Highway-Oriented Commercial District classification:

EXCEPT THE WEST 35.5 FEET, LOTS 5 AND THE SOUTH 22 FEET OF LOT 4 IN INDIANOLA ACRES, AN OFFICIAL PLAT; AND

EXCEPT THE WEST 35.5 FEET, LOT 8 IN INDIANOLA ACRES, AN OFFICIAL PLAT; AND

ALL OF PARCEL C AS RECORDED IN BOOK 8137 PAGE 593 IN THE RECORDER'S OFFICE OF POLK COUNTY, IOWA, EXCEPT THE EAST 121 FEET OF THAT PART OF PARCEL C LOCATED IN LOT 21, OFFICIAL PLAT OF THE NW ¼ OF SECTION 23, T78N, R24W OF THE 5TH P.M., AND EXCEPT THAT PART OF PARCEL C PREVIOUSLY REZONED ON JANUARY 8, 2001 BY ORDINANCE NO. 13,902;

ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

(hereinafter referred to as the "Property").

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:

- A. Provision of an access easement for the existing driveway to the property at 3801 SE 15th Street.
- B. Any commercial development which includes the Property shall be subject to the following conditions and restrictions:
 - a. The primary exterior materials of any building placed to a commercial use shall consist of brick, textured block or tile or similar materials.
 - b. There shall be no vehicular access from the development through any residentially zoned property.
 - c. Vehicular access to the Property shall be provided by means of an extension of the frontage road from where it exists to the south of the Property, and such frontage road shall be extended to the north boundary of the Property. The owners of the Property shall provide a cross access easement to permit the land to the north of the Property to use the frontage road.
- C. The Property shall not be used for the sale of used motor vehicles.

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:

Glenna K. Frank, 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. 14-1404), passed by the City Council of said City at a meeting held September 8, 2014 signed by the Mayor on September 8, 2014 and published and provided by law in the Business Record on September 26, 2014. Authorized by Publication Order No. 8268.

Diane Rauh, City Clerk