

ORDINANCE NO. 15,361

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 1300 Army Post Road from the "C-2" General Retail and Highway-Oriented Commercial District and "R1-60" One-Family Low-Density Residential District to a Limited "M-1" Light Industrial 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 1300 Army Post Road, more fully described as follows, from the "C-2" General Retail and Highway-Oriented Commercial District and "R1-60" One-Family Low-Density Residential District to a Limited "M-1" Light Industrial District classification:

Lots 7 through 10 (except the North 10 feet thereof), and Lot 11 (except the North 10 feet thereof and except the West 30 feet thereof), and the North 34 feet of Lot 33, and Lot 34 (except the South 125 feet of the West 15 feet thereof and except the South 50 feet of the East 35 feet thereof), all in David McKee Place, an Official Plat, all now included and forming a part of the City of Des Moines, Polk County, Iowa. Subject to all covenants, easements, and restrictions of record.

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) The only uses of the Property shall be those permitted in the "C-2" District and contractor's storage yard;
- (2) The following additional uses shall be prohibited:
 - a) Adult entertainment businesses;
 - b) Automobile establishments for display, hire, rental, and sales;
 - c) Delayed deposit services;
 - d) Liquor stores or other businesses selling packaged alcoholic liquor;
 - e) Off-premises advertising signs;
 - f) Pawn brokerages; and
 - g) Taverns and nightclubs;

- (3) Any contractor's storage yard shall be limited to the area directly south of the existing building on the Property;
- (4) Any reuse of the Property for a contractor's storage yard shall be in conformance with a Site Plan approved by the Permit and Development Center in accordance with requirements for contractor's storage yards, including adequate screen fencing of a height sufficient to fully screen any equipment or vehicles stored on the Property;
- (5) Conformance with landscape standards as applicable in "C-2" Districts is required prior to use of the Property for a contractor's storage yard;
- (6) Buildings on the Property shall be prohibited from having predominately metal exteriors; and
- (7) Any continued use of the existing truck loading dock shall provide a proper drive access from Southwest 13th Street, in accordance with Traffic Engineering requirements as part of an approved Site Plan.

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 Acceptance of Rezoning Ordinance, this ordinance, vicinity map and proof of publication of this ordinance to be properly filed in the office of the County Recorder of the county in which the subject property is located.

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

Christine Hensley
Mayor Pro Tem

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. 15-0603), passed by the City Council of said City

at a meeting held April 6, 2015 signed by the Mayor Pro Tem on April 6, 2015 and published and provided by law in the Business Record on April 24, 2015. Authorized by Publication Order No. 9181.

Diane Rauh, City Clerk