

ORDINANCE NO. 13,597

AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 2A-5 of the Municipal Code of the City of Des Moines, 1991, by rezoning and changing the district classification of certain property located in the vicinity of 3800 E. University Avenue, from a Limited "C-1" Neighborhood Retail Commercial District to a Limited "C-2" General Retail and Highway Oriented Commercial District.

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 2A-5 of the Municipal Code of the City of Des Moines, Iowa, 1991, be and the same is hereby amended by rezoning and changing the district classification of certain property located in the vicinity of 3800 E. University Avenue, more fully described as follows:

North 298.0 feet of Lots 132, 133 and 134, Broadacre, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa (the "Property").

from a Limited "C-1" Neighborhood Retail Commercial District to a Limited "C-2" General Retail and Highway Oriented Commercial District.

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 owner(s) of said property and are binding upon the owner(s) and their successors, heirs, and assigns as follows:

A. Only the uses of structures or land listed below shall be permitted upon the Property:

- 1) Any use allowed in the "C-O" Commercial Residential District.
- 2) Mini-warehouse self-storage complex.

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

- 1) The side facing University Avenue of any building upon the Property shall be of masonry material in earth tone colors. The balance of the building, including doors, shall be of an earth tone color.
- 2) No storage units shall be placed with doors facing University Avenue.
- 3) All lights shall be shielded so as not to illuminate into adjoining residential properties.
- 4) Any signage upon the Property shall comply with the "C-1" Neighborhood Retail Commercial District regulations. No off-premises advertising signs shall be located upon the Property.

5) The gate and fencing along University Avenue and E. 38th Street shall be of wrought iron or tubular steel construction painted earth tones or black to complement the buildings, with masonry pillars.

6) A 25 foot wide setback shall be maintained along the eastern, southern and western boundaries of the Property. The setback area shall be landscaped in accordance with a plan approved by the Director of the Community Development Department.

7) A sidewalk shall be installed and maintained along the E. University Avenue and E. 38th Street frontages. The installation of the sidewalk north of the entrance on E. 38th Street shall be subject to feasibility with respect to grades.

8) The hours of operation shall be limited to 6:00 a.m. 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. That the City Clerk is hereby authorized and directed to cause certified copies of this ordinance, the Acceptance of Rezoning Ordinance and proof of publication of this ordinance to be properly filed in the office of the Recorder of Polk County, Iowa.

FORM APPROVED:

Roger K. Brown, Assistant City Attorney