

ORDINANCE NO. 13,925

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 3205 Douglas Avenue from an "R1-60" One Family, Low Density Residential District to a 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 3205 Douglas Avenue, more fully described as follows, from an "R1-60" One Family, Low Density Residential District to a Limited "C-1" Neighborhood Retail Commercial District classification:

Lot 1, except the West 60.0 feet and except public rights-of-way, in Hallett Acres, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa (herein the "Property").

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:

A. The Property shall not be used for a package goods store for the sale of alcoholic beverages.

B. Within one year, the Property shall be redeveloped in substantial compliance

with an approved site plan. The site plan shall conform to the site plan policies for open space, buffer-yard landscaping and parking lot landscaping.

C. The curb cuts from the Property onto Lower Beaver Road shall be removed and the curb restored, subject to the retention of a driveway not to exceed 24 feet in width, with appropriate flare radius.

D. Any legal non-conforming use of the Property shall immediately cease, subject only to the rights of any tenant under an existing lease, which lease shall not be renewed or extended.

E. Within one year, the main entrances into the existing building on the Property shall be relocated to the north side of the building, and the south facade of the building shall be architecturally improved and the garage doors removed.

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 and proof of publication thereof, and the Acceptance of Rezoning Ordinance

signed by all owners of the Property to be properly filed in the office of the Recorder of Polk County, Iowa.

FORM APPROVED:

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Roger K. Brown, Assistant City Attorney

Preston Daniels, Mayor

Attest:

I, Donna Boetel-Baker, 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. 01-601), passed by the City Council of said City at a meeting held February 26, 2001, signed by the Mayor on February 26, 2001, and published as provided by law in the Business Record on March 12, 2001. Authorized by Publication Order No.1595.

Donna Boetel-Baker, MMC, City Clerk