

ORDINANCE NO. 13,932

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 3700 Merle Hay Road from an "R-3" Multiple Family Residential District to a 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 3700 Merle Hay Road, more fully described as follows, from an "R-3" Multiple Family Residential District to a Limited "C-2" General Retail and Highway Oriented Commercial District classification:

Except the West 109.78 feet, Lots 39 and 40, Clover 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 following uses of land and structures shall NOT be permitted upon the Property:

1. Adult entertainment business.
2. Used car sales lot
3. Taverns and nightclubs.
4. Package goods store for the sale of alcoholic beverages.

B. No building shall be constructed upon the portion of the Property located south of a line located 282 feet south of the current Douglas Avenue right-of-way. No building shall be constructed on the west 50 feet of the Property.

C. Commercial semi-trailer truck access to the site is restricted to Douglas Avenue and Merle Hay Road. Owner will construct a height limitation bar at 11 feet in height on the east end of the drive to 59<sup>th</sup> Street to restrict semi-trailer truck access between the development and 59<sup>th</sup> Street.

D. Limitation of semi-trailer deliveries to between the hours of 7:00 a.m. and 10:00 p.m.

E. At the site plan approval stage, the site plan shall allow for a shared frontage access along Merle Hay Road with the adjoining land to the south.

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:

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. 01-871), passed by the City Council of said City at a meeting held March 26, 2001, signed by the Mayor on March 26, 2001, and published as provided by law in the Business Record on April 9, 2001. Authorized by Publication Order No. 1681.

Donna Boetel-Baker, MMC, City Clerk