

ORDINANCE NO. 14,271

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 2150 Grand Avenue from the "R1-80" One-Family Residential District and the "R-4" 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 2150 Grand Avenue, more fully described as follows, from the "R1-80" One-Family Residential District and the "R-4" Multiple-Family Residential District to a Limited "C-2" General Retail and Highway Oriented Commercial District classification:

**Parcel A:**

The East 80.0 feet of Lot 4 except the North 75.0 feet thereof and the East 80.0 feet of Lot 5, in Polk and Hubbell Park, an Official Plat; that part of the West 25.65 feet of the South 486.23 feet of the North 393.23 feet of the West ½ of Lot 2 in the Official Plat of the Northwest ¼ of Section 8, Township 78 North, Range 24 West of the 5<sup>th</sup> P.M., Des Moines, Polk County, Iowa, being described as follows: Commencing at the Northwest corner of the West 25.65 feet of the South 486.23 feet of the North 393.23 feet of the West ½ of Lot 22 in the Official Plat of the Northwest ¼ of Section 8, Township 78 North, Range 24 West of the 5<sup>th</sup> P.M., Des Moines, Polk County, Iowa; thence South 00° (Degrees) 21' (Minutes) 31" (Seconds) East along the West line thereof, said line also being the East line of Lots 3, 4 and 5 in said Polk and Hubbell Park, a distance of 395.0 feet to the Point of Beginning; thence North 81° 36' 34" East, a distance of 26.28 feet to the East line of the West 25.65 feet of the South 486.23 feet of the North 393.23 feet of the West ½ of Lot 2 in the Official Plat of the Northwest ¼ of Section 8, Township 78 North, Range 24 West of the 5<sup>th</sup> P.M; thence South 00° 20' 18" East along the said East line, a distance of 95.0 feet; thence South 89° 50' 04 " West, a distance of 26.75 feet to the East line of Lot 6, in said Polk and Hubbell Park; thence North 00° 13' 27" East along the East line of Lot 6 and 5, in said Polk and Hubbell Park, a distance of 91.23 feet to the Point of Beginning. Said tract of land contains 0.28 acres more or less.

**West 40' of Parcel B:**

The West 40.0 feet as measured on the South property line of the following parcel:

That part of the West ½ of Lot 2 in the Official Plat of the Northwest ¼ of Section 8, Township 78 North, Range 24 West of the 5<sup>th</sup> P.M., Des Moines, Polk County, Iowa, being described as follows: Commencing at the Northwest corner of the West 25.65 feet of the South 486.23 feet of the North 393.23 feet of the West ½ of Lot 22 in the Official Plat of the Northwest ¼ of Section 8, Township 78 North, Range 24 West of the 5<sup>th</sup> P.M., Des Moines, Polk County, Iowa; thence South 00° (Degrees) 21' (Minutes) 31" (Seconds) East along the West line thereof, said line also being the East line of Lots 3, 4 and 5 in said Polk and Hubbell Park, a distance of 395.0 feet; thence North 81°36'34" East, a distance of 26.28 feet to the East line of the West 25.65 feet of the South 486.23 feet of the North 393.23 feet of the West ½ of Lot 2 in the Official Plat of the Northwest ¼ of Section 8, Township 78 North, Range 24 West of the 5<sup>th</sup> P.M.;, said point being the Point of Beginning; thence North 81°36'34" East, a distance of 130.66 feet; thence South 04\_59'10" East, a distance of 114.09 feet; thence South 89°50'04" West, a distance of 138.62 feet; thence North 00°20'18" West, a distance of 95.0 feet to the Point of Beginning. Said tract of land contains 0.32 acres more or less.

Parcel A and the West 40.0 feet of Parcel B are hereinafter collectively referred to as 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. Only the following uses of land and structures shall be permitted upon the Property.

- 1) Any use allowed in and as limited in the "R-4" Multiple Family Residential District.
- 2) A parking lot.
- 3) A single level parking deck at an elevation approximately level with the grade at the north edge of the deck, with commercial space below the deck.

B. If a single level parking deck is constructed upon the Property, then any commercial space below the deck shall be used exclusively for bookbinding, office uses, photographic printing or developing, printing or lithographing and any other use customarily accessory and ancillary to the operation of a

publishing business upon the adjoining land to the north of the Property.

C. Any parking lot or parking deck constructed upon the Property shall be constructed and maintained in substantial compliance with design elevations and a buffering and landscape plan approved by the Community Development Director of City through the site plan approval process to assure that a residential character is maintained along the southern and western boundaries of the Property and that the parking and any commercial use is adequately screened from the adjoining residential uses. The exterior materials of the deck shall be brick or other facing material consistent in appearance with the brick office building and carriage house located north of the Property.

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 vicinity map, this ordinance, proof of publication of this ordinance, and the Acceptance of Rezoning Ordinance signed by all owners of the Property, to be properly filed in the office of the County Recorder of the county in which the Property is located.

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

Preston A. Daniels, 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. 03-2016), passed by the City Council of said City at a meeting held August 25, 2003 signed by the Mayor on August 25, 2003 and published as provided by law in the Business Record on September 8, 2003 Authorized by Publication Order No. 3878.

Diane Rauh, City Clerk