

ORDINANCE NO. 14,313

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 5801 SE 14th Street from the "R1-80" One 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 5801 SE 14th Street, more fully described as follows, from the "R1-80" One Family Residential District to a Limited "C-2" General Retail and Highway Oriented Commercial District classification:

(Except West 400 feet) North 10 acres of Lot 5, and the East 95.6 feet of the West 495.6 feet of the South 100 feet of Lot 4, Official Plat of the NW $\frac{1}{4}$, Section 26, Township 78 North, Range 24 West of the 5th P.M., all now included in and forming a part of the City of Des Moines, Polk County, Iowa (hereinafter 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. The following uses of land and structures shall NOT be permitted upon the Property:
 - 1) Adult entertainment business;
 - 2) Off premises advertising; and,
 - 3) Taverns and nightclubs.
- B. Upon the redevelopment of the Property for any commercial use, such redevelopment shall include the construction and maintenance of a driveway for

vehicular cross-access between the Property and the adjoining property to the north, with such vehicular access to the adjoining property to the north to line up with the frontage road on the Wal-Mart site to the north in a manner approved by the City Engineer.

- C. All buildings on the Property located within 660 feet of the existing right-of-way of SE 14th Street shall be constructed with the exterior material to be predominantly of a masonry material with a neutral tone.
- D. If the Property is used for miniwarehouse use, then the following additional requirements shall apply:
 - 1. No storage units located within 660 feet of the existing right-of-way of SE 14th Street shall have doors facing towards SE 14th Street unless screened in a manner determined appropriate by the Community Development Director.
 - 2. Landscaping or other screening determined appropriate by the Community Development Director shall be provided on the north and south lines of the Property to buffer any storage units with doors fronting the north or south lines of the Property.
 - 3. Any gating and fencing facing SE 14th Street shall consist of wrought iron or tubular steel construction and shall be black or a neutral tone in color, with masonry pillars to compliment the appearance of the storage units.

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

T. M. Franklin Cownie, 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. 04- 209), passed by the City Council of said City at a meeting held January 26, 2004 signed by the Mayor on January 26, 2004 and published as provided by law in the Business Record on February 9, 2004. Authorized by Publication Order No. 4021.

Diane Rauh, City Clerk