

ORDINANCE NO. 14,755

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 1721 Keosauqua Way from the "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 1721 Keosauqua Way, more fully described as follows, from the "R1-60" One-Family Low-Density Residential District to a Limited "C-1" Neighborhood Retail Commercial District classification:

South 63 feet of Lot 12 and the North 8 feet of vacated alley right-way lying South of and adjoining said Lot 12, in Garden Addition, an Official Plat; and, all the 18th Street right-of-way lying West of and adjoining the said Lot 12 and lying North of the northerly right-of-way line of Keosauqua Way as it now exists, 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 other than the City of Des Moines. The City of Des Moines hereby consents to the imposition of such conditions upon the portion of the Property it owns. Such conditions shall be binding upon the owners and their successors, heirs, and assigns as follows:

- A. The following uses of structures and land shall be prohibited upon the Property:
 - (1) Package goods stores for the sale of alcoholic beverages.

- (2) Pawn shops.
- (3) Upholstery shops.
- (4) Financial institutions which have as a principal component of their business the issuance of loans based on collateral of checks, future payroll, or vehicles titles.

B. There shall be no vehicular access between the Property and Carpenter Avenue.

C. Any retaining wall constructed on the Property over four feet in height shall be designed and approved by a professional engineer.

Sec. 3. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Sec. 4. The City Clerk is hereby authorized and directed to cause a certified copy of the Acceptance of Rezoning Ordinance, this ordinance, a vicinity map, and proof of publication of this ordinance, to be properly filed in the office of the Polk County Recorder.

FORM APPROVED:

Michael F. Kelley, 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. 08-693), passed by the City Council of said City at a meeting held April 21, 2008 signed by the Mayor on April 21, 2008 and published as provided by law in the Business Record on May 5, 2008. Authorized by Publication Order No. 6073.

Diane Rauh, City Clerk

