

ORDINANCE NO. 14,954

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 2301 Hickman Road from the "R1-60" One-Family Low-Density Residential District and "R-3" Multiple-Family 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 2301 Hickman Road, more fully described as follows, from the "R1-60" One-Family Low-Density Residential District and "R-3" Multiple-Family Residential District to a Limited "C-1" Neighborhood Retail Commercial District classification:

Except the West 222.5 feet, the South 180 feet of the North 400 feet of Lot 25, Murray Hill, an Official Plat; AND, a portion of Lot 22, of the Official Plat of the East ½ of the NW ¼, and the SW ¼ of the SE ¼ and Government Lots 3, 4, 5 and 6, Section 28, Township 79 North, Range 24 West of the 5<sup>th</sup> P.M., described as follows: Beginning at a point at the SW corner of said Lot 22; thence North 411.3 feet; thence East 219.34 feet; thence South 198 feet; thence Southwest 188.08 feet; thence westerly 167.02 feet to the Point of Beginning, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, and being Parcels 1 and 2 conveyed to Freedom for Youth Ministries by that Quit Claim Deed recorded on September 12, 2006, in Book 11849 at Pages 238-239.

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. Any structures to be constructed or place upon the Property shall be determined architecturally compatible with surrounding residential structures and structures on the existing campus by the Community Development Director as part of Site Plan and Building Plan review by the Permit and Development Center.

- B. Any trees hereafter removed from the Property shall be mitigated in accordance with Chapter 42, Article X of the Des Moines Municipal Code.
- C. If mitigation plantings are required, staff will work with the owners of the Property use the mitigation plantings to provide landscaping along Hickman Road in accordance with the standards applicable in the "C-2" General Retail and Highway Oriented Commercial District.
- D. Any for-profit business activity conducted upon the Property shall be closed to the public between the hours of 9:00 p.m. and 6:00 a.m.
- E. The separate tax parcels within the Property shall be combine into a common parcel concurrently with any redevelopment of the Property.
- F. The following uses of structures and land shall be prohibited upon the Property:
  - (1) Delayed Deposit Services;
  - (2) Pawn brokerages;
  - (3) Bakeries;
  - (4) Restaurants;
  - (5) Delicatessens;
  - (6) Gas stations;
  - (7) Grocery stores;
  - (8) Laundrettes and coin-operated dry cleaning establishments;
  - (9) Locker plants;
  - (10) Automotive accessory and parts stores;
  - (11) Upholstery shops; and
  - (12) Package goods stores for the sale of alcoholic beverages.
- G. Any Site Plan for development of the Property is subject to reviewed by the Plan & Zoning Commission.

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:

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. 10-1312), passed by the City Council of said City at a meeting held August 9, 2010 signed by the Mayor on August 9, 2010 and published as provided by law in the Business Record on August 23, 2010. Authorized by Publication Order No. 7165.

Diane Rauh, City Clerk