

ORDINANCE NO. 15,215

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 4965 Hubbell Avenue from the A-1 Agricultural District classification to a PUD Planned Unit Development 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 4965 Hubbell Avenue, more fully described as follows:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY IOWA AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 15, THENCE NORTH 89°40'29" WEST ALONG THE SOUTH LINE OF SECTION 15, A DISTANCE OF 319.05 FEET, THENCE NORTH 0°19'31" EAST A DISTANCE OF 134.01 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF NORTHEAST 46TH AVENUE, AND THE POINT OF BEGINNING, THENCE SOUTH 89°57'21" WEST, 151.53 FEET ALONG SAID RIGHT-OF-WAY LINE; THENCE SOUTH 0°11'16" WEST, 25.00 FEET; THENCE NORTH 86°17'49" WEST, 255.27 FEET; THENCE NORTH 85°51'19" WEST, 150.38 FEET; THENCE NORTH 10°51'34" WEST, 2.07 FEET; THENCE NORTH 0°04'04" WEST, 123.62 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF NORTHEAST HUBBELL AVENUE (US HIGHWAY 6); THENCE ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 5800.00 FEET, WHOSE ARC LENGTH IS 194.22 FEET, WHOSE CHORD BEARS NORTH 51°02'49" EAST, 194.21 FEET; THENCE NORTH 71°06'11" EAST CONTINUING ALONG SAID RIGHT OF WAY, 78.76 FEET; THENCE ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 5834.60 FEET, WHOSE ARC LENGTH IS 140.85 FEET, WHOSE CHORD BEARS NORTH 49°43'42" EAST, 140.85 FEET; THENCE SOUTH 41°05'23" EAST, 23.69 FEET; THENCE NORTH 77°46'47" EAST, 214.46 FEET; THENCE SOUTH 0°11'31" WEST A DISTANCE OF 394.09 FEET TO THE POINT OF BEGINNING. SAID DESCRIBED PARCEL CONTAINING 170,407 SQUARE FEET (3.91 ACRES), MORE OR LESS

from the A-1 Agricultural District classification to a PUD Planned Unit Development District classification, subject to the following conditions:

- 1) Revision to relocate refuse collection enclosures to the eastern portion of the site.
- 2) Revision to indicate that columns on all canopies will be clad entirely in masonry material to match the primary convenience store building.
- 3) Revision to show minimum numbers of conceptual tree plantings to comply with perimeter lot and open space landscaping that would be required for C-2 Districts.
- 4) Provision of the following notes on the Conceptual Plan:
  - a. Landscaping minimums shall be in accordance with standards as applied to C-2 Districts.
  - b. Any sale of liquor, wine and/or beer shall be in accordance with the proper license obtained through the Office of the City Clerk as approved by the City Council.
  - c. Any sale of liquor, wine, and/or beer is subject to provisions in Section 134-954(c)(1-4) of the Zoning Ordinance.
  - d. The PUD Conceptual Plan shall be subject to a legislative amendment to preclude the sale of alcoholic liquor if the Zoning Enforcement Officer determines that the operation of the business becomes a nuisance or exhibits a pattern of violating the conditions of approval.

Sec. 2. This ordinance shall be in full force and effect from and after the later of its passage and publication as provided by law.

Sec. 3. That the City Clerk is hereby authorized and directed to cause certified copies of this ordinance, the 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. 13-1433), passed by the City Council of said City at a meeting held September 9, 2013 signed by the Mayor on September 9, 2013 and published and provided by law in the Business Record on September 27, 2013. Authorized by Publication Order No. 8623.

Diane Rauh, City Clerk