

ORDINANCE NO. 15,627

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 2412 Merle Hay Road, 2416 Merle Hay Road and 2325 59th Street from the “R1-60” One-Family Low-Density Residential District to 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 2412 Merle Hay Road, 2416 Merle Hay Road and 2325 59th Street, more fully described as follows, from the “R1-60” One-Family Low-Density Residential District to Limited “C-2” General Retail and Highway-Oriented Commercial District classification:

The North ½ of Lot 2 (Except the West 125 feet and that portion conveyed to City of Des Moines for ROW acquisition along Merle Hay Road recorded in Book 6528, Page 438), BISHOP PLACE, an Official Plat; and the East ½ of the South ½ of Lot 2 (Except that portion conveyed to City of Des Moines for ROW acquisition along Merle Hay Road recorded in Book 6571, Page 827), BISHOP PLACE, an Official Plat; and Lot 7 BISHOP PLACE, an Official Replat; all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Section 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:

- (1) Any commercial use of the Property must be conducted in conjunction with the parcels to the south that have frontage on Merle Hay Road and Hickman Road. The Property shall not be developed separately with independent commercial uses. Communication towers/antennas uses are exempt from this provision.

- (2) Any accessory buildings, including but not limited to, a communication tower equipment building on the Property shall be sided with durable materials that are compatible with the primary building on the Property.
- (3) Any communication tower on the Property shall consist of a stealth tower design, including a maximum height of 120 feet and a monopole design with flush-mounted antenna arrays for up to a total of three carriers.
- (4) The following uses are prohibited:
 - a. Adult entertainment businesses,
 - b. Any business that derives more than 50% of its gross sales from the sale of tobacco products,
 - c. Billiard parlors/game rooms,
 - d. Delayed deposit services,
 - e. Liquor stores,
 - f. Off-premises advertising signs,
 - g. Pawn brokers,
 - h. Taverns or nightclubs, and
 - i. Vehicle display lots.

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

Section 4. That the City Clerk is hereby authorized and directed to cause certified copies of the Acceptance of Rezoning Ordinance, this ordinance, vicinity map and proof of publication of this ordinance to be properly filed in the office of the County Recorder of the county in which the subject property is located.

FORM APPROVED:

Glenna K. Frank, 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. 17-2019), passed by the City Council of said City at a meeting held November 20, 2017 signed by the Mayor on November 20, 2017 and published and provided by law in the Business Record on December 8, 2017. Authorized by Publication Order No. 10203.

Diane Rauh, City Clerk