

ORDINANCE NO. 15,650

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 4880 Hubbell Avenue from the "A-1" Agricultural 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 4880 Hubbell Avenue, more fully described as follows, from the "A-1" Agricultural District to Limited "C-2" General Retail and Highway-Oriented Commercial District classification:

A tract of land in the South Half (S ½) of the Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼) of Section 15, Township 79 North, Range 23 West of the 5th Principal Meridian, Polk County, Iowa, more particularly described, to-wit:

Commencing at the Southwest corner of the SE ¼, SW ¼ of said Section 15 (the West line of said SE ¼, SW ¼ having an assumed bearing of N 00°00'30" W); thence N 00°00'30" W, along the West line of said SE ¼, SW ¼, a distance of 493.80 feet to the point of beginning; thence N 00°00'30" W, a distance of 170.00 feet; more or less, to the North line of the South half of said SE ¼, SW ¼; thence S 89°45'30" E, along the North line of the South half of said SE ¼, SW ¼ a distance of 477.9 feet; thence S 49°10'00" W, a distance of 258.73 feet; thence N 89°45'30" W, a distance of 282.11 feet to the point of beginning. Said tract of land containing 1.48 acres more or less.

And

A tract of land in the South Half of the Southeast Quarter of the Southwest Quarter of Section 15, Township 79 North, Range 23 West of the 5th Principal Meridian, Polk County, Iowa, more particularly described, to-wit:

Commencing at the Southwest corner of the SE ¼ SW ¼ of said Section 15 (the West line of said SE ¼, SW ¼ having an assumed bearing of N 00°00'30" W); thence N 00°00'30" W, along the West line of said SE ¼, SW ¼, a distance of 236.6 feet to the point of beginning; thence N 00°00'30" W, a distance of 257.20 feet; thence S 89°45'30"

E, a distance of 282.11 feet; thence S 49°10'00" W, a distance of 312.77 feet; thence S 41°25'00" W, a distance of 68.70 feet to the point of beginning. Said tract of land containing 0.80 acres, more or less.

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 redevelopment of the Property shall be in accordance with a Site Plan as reviewed and approved by the Permit and Development Center.
- (2) The following uses shall be prohibited upon the Property:
  - a. Adult entertainment businesses,
  - b. Any business that derives more than 40% of its gross sales from the sale of alcoholic liquor, wine, beer, and/or tobacco products,
  - c. Billiard parlors/game rooms,
  - d. Delayed deposit services,
  - e. Off-premises advertising signs,
  - f. Pawn brokers,
  - g. Taverns or nightclubs, and
  - h. 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. 18-0512), passed by the City Council of said City at a meeting held March 19, 2018 signed by the Mayor on March 19, 2018 and published and provided by law in the Business Record on April 6, 2018. Authorized by Publication Order No.10316.

Diane Rauh, City Clerk