

Date..... January 22, 2007

An Ordinance entitled, "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 6304 SW 7th Street from the "R1-60" One-Family Low-Density Residential District to a Limited "C-2" General Retail and Highway Oriented Commercial District classification",

presented.

MOVED by _____ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

Roger K. Brown

Roger K. Brown

Assistant City Attorney

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(First of three required readings)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VCLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Mayor

City Clerk

ORDINANCE NO. _____

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 6304 SW 7th Street from the "R1-60" One-Family Low-Density Residential District to a 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 6304 SW 7th Street, more fully described as follows, from the "R1-60" One-Family Low-Density Residential District to a Limited "C-2" General Retail and Highway Oriented Commercial District classification:

Lots 2 through 17, Block 5, in Porter's Replat, an Official Plat, and the adjoining half of the adjoining public rights-of-way, 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 and are 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) Adult entertainment business.
 - 2) Garage for general motor vehicle repair.
 - 3) Vehicle display, including but not limited to used car sales lot.
 - 4) Off-premises advertising signs.
 - 5) Package goods store for sale of alcoholic beverages.
 - 6) Taverns and nightclubs.

- 7) Pawn shops.
 - 8) Businesses that provide check cashing and loans secured by post dated checks or payroll guarantee as their primary activity.
- B. Any commercial use of the Property shall be in conformance with an approved site plan that eliminates and prohibits vehicular access between the Property and Lally Street.
- C. Any building upon the Property used for a commercial use shall have 75% of all non-glazed exterior wall surfaces covered with brick, split face concrete masonry units, stone or EIFS/stucco. No more than 25% of this material requirement may be satisfied with split face concrete masonry units or EIFS/stucco or EIFS.
- D. Any freestanding signs upon the Property shall be ground-mounted with a brick or masonry block pedestal compatible with the primary building material.
- E. The existing communications tower must remain in compliance with the following conditions established in the Decision and Order of the Zoning Board of Adjustment dated June 26, 2002, for so long as the tower remains:
- 1) Provision of brick screening of the tower base from the south using either the equipment building or a wing wall extension, with brick to match the primary building.
 - 2) Provision of a landscape perimeter around the lease area comprised of 6' to 8' tall evergreens.

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

Sec. 4. That 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

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Prepared by: Roger K. Brown, Assistant City Attorney, 400 Robert Ray Dr., Des Moines, IA 50309
515/283-4541
Return Address: City Clerk - City Hall, 400 Robert Ray Dr., Des Moines, IA 50309
Taxpayer: No change
Title of Document: Acceptance of Rezoning Ordinance
Grantor's Name: Northern Warren Fire and Emergency Response Agency
Grantee's Name: City of Des Moines, Iowa
Legal Description:

Lots 2 through 17, Block 5, in Porter's Replat, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa (hereinafter referred to as the "Property").

ACCEPTANCE OF REZONING ORDINANCE

The undersigned **Northern Warren Fire and Emergency Response Agency** hereby states, warrants and agrees as follows:

1. That the Northern Warren Fire and Emergency Response Agency is a joint administrative agency created by agreement of the Board of Trustees for Bloomfield Township, Warren County, Iowa; the Board of Trustees for Greenfield Township, Warren County, Iowa; and the Board of Trustees for Greenfield Township Benefited Fire District, Warren County, Iowa.

2. That Northern Warren Fire and Emergency Response Agency is the sole owner of the Property in the vicinity of 6304 SW 7th Street, more specifically described above.

3. That in the event the City of Des Moines, Iowa, acts to rezone the Property from the "R1-60" One-Family Low-Density Residential District to a Limited "C-2" General Retail and Highway Oriented Commercial District classification, we agree and accept on behalf of the owners to the imposition of the following conditions to run with the land and be binding upon all successors, heirs and assigns as part of the ordinance so rezoning the Property:

ACCEPTANCE OF REZONING ORDINANCE

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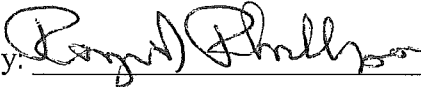
- A. The following uses of structures and land shall be prohibited upon the Property:
 - 1) Adult entertainment business.
 - 2) Garage for general motor vehicle repair.
 - 3) Vehicle display, including but not limited to used car sales lot.
 - 4) Off-premises advertising signs.
 - 5) Package goods store for sale of alcoholic beverages.
 - 6) Taverns and nightclubs.
 - 7) Pawn shops.
 - 8) Businesses that provide check cashing and loans secured by post dated checks or payroll guarantee as their primary activity.
 - B. Any commercial use of the Property shall be in conformance with an approved site plan that eliminates and prohibits vehicular access between the Property and Lally Street.
 - C. Any building upon the Property used for a commercial use shall have 75% of all non-glazed exterior wall surfaces covered with brick, split face concrete masonry units, stone or EIFS/stucco. No more than 25% of this material requirement may be satisfied with split face concrete masonry units or EIFS/stucco or EIFS.
 - D. Any freestanding signs upon the Property shall be ground-mounted with a brick or masonry block pedestal compatible with the primary building material.
 - E. The existing communications tower must remain in compliance with the following conditions established in the Decision and Order of the Zoning Board of Adjustment dated June 26, 2002, for so long as the tower remains:
 - 1) Provision of brick screening of the tower base from the south using either the equipment building or a wing wall extension, with brick to match the primary building.
 - 2) Provision of a landscape perimeter around the lease area comprised of 6' to 8' tall evergreens.
4. A certified copy of the rezoning ordinance shall be attached hereto, and a certified copy of this document and the rezoning ordinance shall be recorded by the City in the land records of the County Recorder to memorialize the rezoning of the Property as identified above.
5. That in the event any portion of the Property is hereafter rezoned to a district classification different from Limited "C-2", then this Acceptance shall be immediately terminated as applied to the real estate so rezoned on the effective date of such rezoning, and the conditions agreed to herein shall be rendered null and void, provided, if there be any such rezoning to a more restricted zoning classification, any then legal actual use of such real estate shall become a legal non-conforming use.

ACCEPTANCE OF REZONING ORDINANCE

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The words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

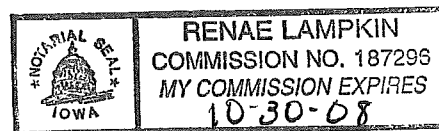
**Northern Warren Fire and Emergency
Response Agency**

By: 
Raymond Phillips

STATE OF IOWA)
) ss:
COUNTY OF POLK)

On this 16 day of JAN, 2007, before me, the undersigned, a Notary Public in the State of Iowa, personally appeared RAYMOND PHILLIPS, to me personally known, and who, being by me duly sworn did state that he/she is the Chair of the Northern Warren Fire and Emergency Response Agency; that the instrument was signed on behalf of the Northern Warren Fire and Emergency Response Agency by authority of its Board of Directors, as ~~contained in Resolution~~ Board President No. _____ adopted the Board of Directors on the _____ day of _____, 2007, and that he/~~she~~ acknowledged the execution of the instrument to be the voluntary act and deed of the Northern Warren Fire and Emergency Response Agency, by it and by him/her voluntarily executed.


Notary Public in the State of Iowa
My commission expires: 10-30-08



Request from Northern Warren Fire and Emergency Response Agency (owner) represented by Raymond Phillips (President) to rezone property located at 6304 SW 7 th Street.				File # ZON2006-00179		
Description of Action		Rezone subject property from "R1-60" One-Family Low-Density Residential District to Limited "C-2" General Retail and Highway-Oriented Commercial District.				
2020 Community Character Plan		Commercial: Auto-Oriented Small-Scale Strip Development.				
Horizon 2025 Transportation Plan		No Planned Improvements.				
Current Zoning District		"R1-60" One-Family Low-Density Residential District.				
Proposed Zoning District		Limited "C-2" General Retail and Highway-Oriented Commercial District.				
Consent Card Responses		In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area						
Outside Area		5	0	0	<20%	
Plan and Zoning Commission Action		Approval	8-0	Required 6/7 Vote of the City Council	Yes	
		Denial			No	X

Northern Warren Fire & Emergency Response - 6304 SW 7th Street ZON2006-00179

