

★ Roll Call Number

Agenda Item Number

48B.2

Date February 22, 2010


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 2801 Fleur Drive from the from the C-O Commercial-Residential District to 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:

(First of three required readings)

  
 \_\_\_\_\_  
 Michael F. Kelley  
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

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.

MOTION CARRIED APPROVED

\_\_\_\_\_ 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 2801 Fleur Drive from the from the C-O Commercial-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 2801 Fleur Drive, more fully described as follows, from the C-O Commercial-Residential District to Limited C-2 General Retail and Highway Oriented Commercial District classification:

Parcel "E", being a part of Lot 16, Casady's Druid Hill Park, an Official Plat; Parcel "E" beginning at the Northeast corner of the West 327 feet of said Lot 16; thence East 21 feet, South 110.04 feet, West 17.59 feet to East line of the West 327 feet of said Lot 16; thence South 120.53 feet, Southwest 51.04 feet, West 28.26 feet, Northwest 67.46 feet, Southwesterly 106.69 feet, West 86.58 feet, North 255.06 feet to the North Line of said Lot 16; thence East 319.68 feet to the Point of Beginning of said Lot 16, as shown on the Plat of Survey recorded in Book 8142, Page 422 of the Polk County Recorder's Office; all now included in and forming a part of the City of Des Moines, Polk and Warren County, Iowa

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:

1. Any modifications to the site, including any building additions, building demolition, or parking lot expansions, shall be in accordance with a site plan as approved by the City's Plan & Zoning Commission and shall, to the extent feasible, respect the historic character of the building.

2. Any additional parking constructed shall be set back at least 10 feet from the northern and eastern boundaries, 25 feet from the southern boundary of the property, and 35 feet from the western boundary.
3. Any additional parking constructed shall be landscaped in accordance with the Landscape Standards applicable to the "C-2" District.
4. Signage shall be limited to a single monument sign constructed with a brick base to complement the structure and shall not exceed 8 feet in height or 32 square feet in area.
5. Use of the property shall be limited to the following uses:
  - a) Any use as permitted and limited in the "C-0" Commercial-Residential District, except:
    - i. Communication towers.
    - ii. Correctional placement residences.
    - iii. Shelters for the homeless.
    - iv. Agricultural uses.
  - b) Specialty retail, restaurant, and hospitality uses up to 15,000 square feet in gross floor area, such as:
    - i. Antique shops.
    - ii. Apparel shops.
    - iii. Art studios with gallery.
    - iv. Bookstores.
    - v. Camera stores.
    - vi. Confectionary stores, include ice cream or snack bars.
    - vii. Florist shops.
    - viii. Furniture stores.
    - ix. Gift shops.
    - x. Hobby shops.
    - xi. Hotels
    - xii. Jewelry stores.
    - xiii. Leather goods stores.
    - xiv. Music stores.
    - xv. Restaurants
    - xvi. Specialty food stores.
  - c) Music studios.
  - d) Photographic studios, including film developing and retail sales of photographic equipment and supplies.
  - e) Banks, savings and loan associations and similar financial institutions, except those whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
  - f) Business, secretarial or other commercially operated schools for adults, but not including commercial trade schools, such as gasoline, diesel, or marine engine mechanics schools, or truck driving schools.

- g) Ballrooms, dancehalls, and events center, including those with alcohol service in accordance with a Conditional Use Permit as granted by the Zoning Board of Adjustment.
- h) Physical culture or health establishments.
- i) Auction businesses except for auto auctions.

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:

  
\_\_\_\_\_  
Michael F. Kelley  
Assistant City Attorney