

★ **Roll Call Number**

Agenda Item Number

57A

Date September 28, 2009

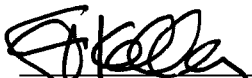
An Ordinance entitled, "AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 6304 SW 7th Street from a Limited C-2 General Retail and Highway Oriented Commercial District to an amended 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				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
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 6304 SW 7th Street from a Limited C-2 General Retail and Highway Oriented Commercial District to an amended 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 a Limited C-2 General Retail and Highway Oriented Commercial District to an amended C-2 General Retail and Highway Oriented Commercial District classification:

Lots 2, 3, 4, 5, 6, 7, 8, and 9, Block 5, Porters Replat, AN OFFICIAL PLAT all now included in and forming a part of the City of Des Moines, IN POLK 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 commercial use of the property is subject to approval of a site plan under the City's site plan policy and must include the removal of all unnecessary drive approaches with restoration of the curb and turf in the right-of-way.
2. Any commercial use of the property shall be limited to one access drive to Lally Street from the western half of the property.
3. The outdoor display or storage of merchandise and/or junk is prohibited.
4. Prohibit use of the property for the following uses:
 - a. Adult entertainment business.
 - b. Garages for general motor vehicle repair.
 - c. Vehicle display.

- d. Off-premises advertising signs.
 - e. Package goods stores for sale of liquor.
 - f. Taverns/nightclubs.
 - g. Pawn shops.
 - h. Financial service centers that provide check cashing and loans secured by post dated checks or payroll guarantee as their primary activity.
5. Construction of any commercial building shall be designed with 75% of all non-glazed exterior wall surfaces consisting of materials that are 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.
6. Any freestanding signs permitted must be ground-mounted with a brick or masonry block pedestal compatible with the primary building material.
7. The existing communications tower must continue compliance with the following conditions as required in the Zoning Board of Adjustment Decision and Order dated June 26, 2002 so long as the tower remains:
- a. Provision of a brick screening of the tower base from the south using either the equipment building or a wing wall extension, with brick to match the fire station.
 - b. Provision of a landscape perimeter around the lease area comprised of 6'-8' 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. 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

57A

