



Roll Call Number

Agenda Item Number

50

Date July 14, 2014

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 4044 E. 14th Street from the "C-2" General Retail and Highway-Oriented Commercial District and "R1-60" One-Family Low-Density Residential District to a Limited "M-1" Light Industrial District classification",

which was considered and voted upon under Roll Call No. 14-0995 of June 23, 2014; again presented.

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

(Second of three required readings)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

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.

_____ 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 4044 E. 14th Street from the "C-2" General Retail and Highway-Oriented Commercial District and "R1-60" One-Family Low-Density Residential District to Limited "M-1" Light Industrial 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 4044 E. 14th Street, more fully described as follows, from the "C-2" General Retail and Highway-Oriented Commercial District and "R1-60" One-Family Low-Density Residential District to Limited "M-1" Light Industrial District classification:

Lots 34, 35, 36, and the North 180 feet of Lot 44 in SHAWNEE ACRES, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa (herein 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:

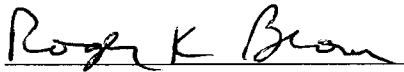
- A. Only the following uses of structures or land shall be permitted upon the Property:
 - a) Warehousing and outdoor contractor storage yard.
 - b) Any use permitted in and as limited in the "C-2" General Retail and Highway Oriented commercial District, except the following, which shall be prohibited upon the Property:
 - 1) Adult entertainment businesses.
 - 2) Taverns and nightclubs.
 - 3) Off-premises advertising signs.
 - 4) Liquor stores and package goods store for the sale of alcoholic beverages.
 - 5) Pawn brokerages and pawn shops.

- 6) Delayed deposit services businesses.
- B. Existing non-conforming outdoor storage areas on the Property shall be reduced to be outside of any required front yard setback and "R" District protection setback.
 - C. Any new or additional overhead doors on any principal or accessory building shall not face residentially zoned property, unless determined by the Community Development Director that no other reasonable location for the overhead doors exists and that they are adequately screened and designed in such a manner that their visual impact would be minimal.
 - D. Any development of the Property shall comply with the City's Landscaping Standards applicable in a "C-2" District.
 - E. Any outdoor storage of loose landscaping material shall be kept within containment as approved during Site Plan review.

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:



Roger K. Brown

Assistant City Attorney

G:\SHARED\LEGAL\BROWN\REZONING\4044 E 14th\Ordinance.doc

Prepared by: Roger K. Brown, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, Iowa 50309 Phone: 515/283-4541
Return Address: City Clerk - City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa 50309
Taxpayer: No change
Title of Document: Acceptance of Rezoning Ordinance
Grantor's Name: Jeffery Tucker
Grantee's Name: City of Des Moines, Iowa
Legal Description:

Lots 34, 35, 36, and the North 180 feet of Lot 44 in SHAWNEE ACRES, 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, Jeffery Tucker, hereby states, warrants and agrees as follows:

1. That Jeffery Tucker, as titleholder, is the sole owner of the Property in the vicinity of 4044 E. 14th Street, more specifically described above.

2. That in the event the City of Des Moines, Iowa, acts to rezone the Property from the "C-2" General Retail and Highway-Oriented Commercial District and "R1-60" One-Family Low-Density Residential District to Limited "M-1" Light Industrial District classification, I agree and accept on behalf of the owner 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:

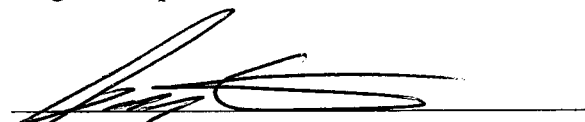
- A. Only the following uses of structures or land shall be permitted upon the Property:
- a) Warehousing and outdoor contractor storage yard.
 - b) Any use permitted in and as limited in the "C-2" General Retail and Highway Oriented commercial District, except the following, which shall be prohibited upon the Property:
 - 1) Adult entertainment businesses.
 - 2) Taverns and nightclubs.
 - 3) Off-premises advertising signs.

- 4) Liquor stores and package goods store for the sale of alcoholic beverages.
 - 5) Pawn brokerages and pawn shops.
 - 6) Delayed deposit services businesses.
- B. Existing non-conforming outdoor storage areas on the Property shall be reduced to be outside of any required front yard setback and "R" District protection setback.
 - C. Any new or additional overhead doors on any principal or accessory building shall not face residentially zoned property, unless determined by the Community Development Director that no other reasonable location for the overhead doors exists and that they are adequately screened and designed in such a manner that their visual impact would be minimal.
 - D. Any development of the Property shall comply with the City's Landscaping Standards applicable in a "C-2" District.
 - E. Any outdoor storage of loose landscaping material shall be kept within containment as approved during Site Plan review.

3. 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.

4. That in the event any portion of the Property is hereafter rezoned to a district classification different from Limited "M-1", 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.

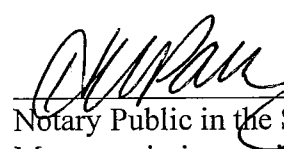
The words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.



 Jeffery Tucker

State of Iowa)
) ss:
 County of Polk)

This instrument was acknowledged before me on June 9th, 2014, by Jeffery Tucker.



 Notary Public in the State of Iowa
 My commission expires: 6-3-16

HEIDI PARKINS
 Commission Number 763328
 My Commission Expires
6-3-16