

★ **Roll Call Number**

Agenda Item Number

46B

Date February 9, 2015

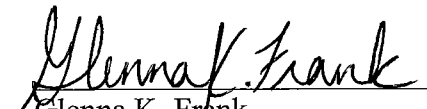
An Ordinance entitled, "AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 1123 Maury Street and 810 Southeast 12th Street from the "R1-60" One-Family Low-Density 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)


 Glenna K. Frank
 Assistant City Attorney

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

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Prepared by: Glenna K. Frank, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, IA 50309
 Phone: 515/283-4130
 Return Address: City Clerk - City Hall, 400 Robert D. Ray Drive, Des Moines, IA 50309
 Title of Document: City of Des Moines, Ordinance No. _____
 Grantor/Grantee: City of Des Moines, Iowa
 Legal Description: See page 1, below.

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 1123 Maury Street and 810 Southeast 12th Street from the "R1-60" One-Family Low-Density 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 1123 Maury Street and 810 Southeast 12th Street (herein "Property"), more fully described as follows, from the "R1-60" One-Family Low-Density Residential District to Limited "C-2" General Retail and Highway-Oriented Commercial District classification:

All of Lots 8, 9 and 10 of Block 10; that part of the North/South alley lying East of and adjoining Lot 1 of Block 10; and the East 1/2 of the vacated North/South alley lying West of and adjoining said Lots 8 and 9, except a triangular parcel of land in the Northeast corner of said Lot 10 that is within the area described as follows: Beginning at the Northeast corner of said Lot 10, thence westerly along the North line of said Lot 10 a distance of 40 feet; southeasterly to a point on the east line of said Lot 10 that is 12 feet southerly of the point

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of beginning, thence Northerly to the point of beginning, all in ALLEN'S SECOND ADDITION TO DES MOINES, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa.

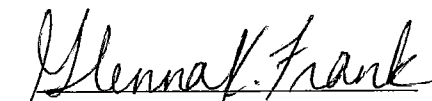
Sec. 2. That this ordinance and the zoning granted by the terms hereof are subject to the following imposed additional conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance by all owners of the Property and are binding upon the owners and their successors, heirs, and assigns as follows:

- (1) Prohibition on the use of the Property for adult businesses; gas stations/convenience stores; businesses selling liquor, wine, or beer; vehicle display lots, off-premises advertising signs; pawn brokerages; and delayed deposit services; and
- (2) Any development of the site expansion of the existing vehicle repair use, or use of the Property for a licensed mobile vendor, shall require that a Site Plan be reviewed and approved by the Permit and Development Center whereby the existing repair garage use is brought into conformance with paving and landscaping requirements, and to include all necessary improvements for location of a mobile vendor including dedicated parking and paved areas for the vendor and seating areas.

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 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