

63C

Date March 11, 2019


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 3506 University Avenue from the "R-3" Multiple-Family Residential District to Limited "NPC" Neighborhood Pedestrian 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				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
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

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Prepared by: Glenna K. Frank, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, IA 50309
 Phone: 515/283-4530
 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 3506 University Avenue from the "R-3" Multiple-Family Residential District to Limited "NPC" Neighborhood Pedestrian 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 3506 University Avenue, more fully described as follows, from the "R-3" Multiple-Family Residential District to Limited "NPC" Neighborhood Pedestrian Commercial District classification:

THE NORTH 50 FEET OF THE EAST 180 FEET OF LOT 1 KAUFMANN PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

Section 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 not be permitted upon the Property:

1. Any business holding a liquor license, wine permit, or beer permit that is not operated as either:
 - a. a restaurant where at least half of whose gross income is derived from the sale of prepared food and food-related services; or
 - b. a tavern, which has a kitchen and offers a full menu for food service at all times that the business is open to customers, so long as the Zoning Board of Adjustment grants a Conditional Use Permit allowing and further regulating such use;
2. Gas stations;
3. Locker plant;
4. Automotive and motorcycle accessory and parts store;
5. Lawn mower repair shops;
6. Radio stations;
7. Animal hospitals, veterinary clinics, or kennels;
8. Automobile, trailer, motorcycle, boat and farm implement establishments for display, hire, rental and sales (including sales lots);
9. Ballrooms and dance halls;
10. Billiards parlors, pool halls and game rooms;
11. Carpenter and cabinet making shops for retail custom work;
12. Commercial baseball fields, swimming pools, skating rinks, golf driving ranges miniature golf courses, trampoline centers, and similar recreational uses and facilities;
13. Communication towers/antennas (excluding an extension of 20 feet or less from an existing building);
14. Drive-in theaters;
15. Lumber yards;
16. Mini-warehouse;
17. Monument sales yards;

~~24. Automobile washing establishments;~~

25. Adult entertainment businesses; and

26. Off-premises advertising signs.

B. Signage upon the Property shall be limited to that allowed in the "C-1" Neighborhood Retail Commercial District.

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

Section 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:

Prepared by: Glenna K. Frank, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, IA 50309
Phone: 515/283-4530
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: Full Court Press, Inc.
Grantee's Name: City of Des Moines, Iowa
Legal Description: THE NORTH 50 FEET OF THE EAST 180 FEET OF LOT 1 KAUFMANN PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA
(Hereinafter referred to as "Property")

ACCEPTANCE OF REZONING ORDINANCE

The undersigned hereby state, warrant and agree as follows:

1. That Full Court Press, Inc. is the titleholder of the Property locally known as 3506 University Avenue and legally described above.

2. That in the event the City of Des Moines, Iowa, acts to rezone the Property from the "R-3" Multiple-Family Residential District to Limited "NPC" Neighborhood Pedestrian Commercial District, we 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. The following uses of structures and land shall not be permitted upon the Property:

1. Any business holding a liquor license, wine permit, or beer permit that is not operated as either:
 - a. a restaurant where at least half of whose gross income is derived from the sale of prepared food and food-related services; or
 - b. a tavern, which has a kitchen and offers a full menu for food service at all times that the business is open to customers, so long as the Zoning Board of Adjustment grants a Conditional Use Permit allowing and further regulating such use;

2. Gas stations;
3. Locker plant;
4. Automotive and motorcycle accessory and parts store;
5. Lawn mower repair shops;
6. Radio stations;
7. Animal hospitals, veterinary clinics, or kennels;
8. Automobile, trailer, motorcycle, boat and farm implement establishments for display, hire, rental and sales (including sales lots);
9. Ballrooms and dance halls;
10. Billiards parlors, pool halls and game rooms;
11. Carpenter and cabinet making shops for retail custom work;
12. Commercial baseball fields, swimming pools, skating rinks, golf driving ranges miniature golf courses, trampoline centers, and similar recreational uses and facilities;
13. Communication towers/antennas (excluding an extension of 20 feet or less from an existing building);
14. Drive-in theaters;
15. Lumber yards;
16. Mini-warehouse;
17. Monument sales yards;
18. Plumbing and heating shops;
19. Sheet metal shops;
20. Sign painting shops;
21. Mobile home parks;
22. Used car sales lots;
23. Garage for general motor vehicle repair;
24. Automobile washing establishments;
25. Adult entertainment businesses; and
26. Off-premises advertising signs.


B. Signage upon the Property shall be limited to that allowed in the "C-1" Neighborhood Retail Commercial District.

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.

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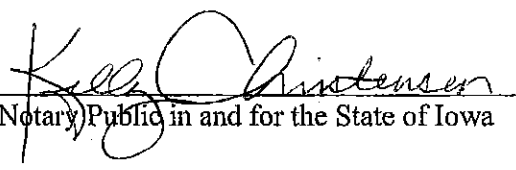
The words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Full Court Press, Inc.

By: 
JEFF BRUNING

State of Iowa)
) ss:
County of Polk)

This instrument was acknowledged before me on FEBRUARY 26th, 2019, by
JEFF BRUNING as OWNER of Full Court Press, Inc.


Notary Public in and for the State of Iowa

