

ORDINANCE NO. 15,202

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 3525 Vandalia Road from the PUD Planned Unit Development to a Limited M-2 Heavy Industrial 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 3525 Vandalia Road, more fully described as follows, from the PUD Planned Unit Development to a Limited M-2 Heavy Industrial classification:

PARCEL "A" DESCRIPTION:

A PART OF LOTS 2, 3 AND 4 OF HENDERSON ESTATE, BEING AN OFFICIAL PLAT IN SECTION 18, TOWNSHIP 78 NORTH, RANGE 23 WEST OF THE 5TH P.M. IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 18; THENCE NORTH 87°31'38" WEST ALONG THE NORTH LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 1388.35 FEET; THENCE SOUTH 2°27'46" WEST, 50.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 87°31'38" EAST, 983.68 FEET; THENCE SOUTH 0°20'49" EAST, 1722.54 FEET TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILROAD; THENCE NORTH 48°45'27" WEST ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, 1370.15 FEET; THENCE NORTH 2°27'46" EAST, 862.48 FEET TO THE POINT OF BEGINNING AND CONTAINING 30.00 ACRES (1,306,800 S.F.).

PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

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:

- (1) Any site expansion is subject to providing a Certificate of Compliance with Flood Plain Development Regulations.
- (2) Construction of one or more buildings on the Property for office, manufacturing, or liquid terminal storage, for industrial use by Helena Industries, Inc. and Related Businesses or successors, which contain at least 100,000 square feet of floor area.
- (3) The north, west and east facades of any building or portion thereof located within the north 100 feet of the Property which is not blocked from view from Vandalia Road by other structures or landscaping shall be constructed using exterior materials that are predominately glass, brick, masonry, architectural steel panels and other quality durable materials. No Exterior Insulation and Finish System ("EIFS") shall be used below an elevation of 6 feet above grade on such facades.
- (4) No portion of the north 100 feet of the Property may be used for the outside storage of materials or equipment. Any area used for the outside storage of materials or equipment shall be paved and screened from view from Vandalia Road.

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

Section 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

T. M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 13-1045), passed by the City Council of said City at a meeting held June 24, 2013 signed by the Mayor on June 24, 2013 and published and provided by law in the Business Record on July 12, 2013. Authorized by Publication Order No. 8610.

Diane Rauh, City Clerk