

ORDINANCE NO. 15,305

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 at 727 Southeast 28th Street from the “R1-60” One-Family Low-Density Residential District to Limited “M-1” Light Industrial District.

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 at 727 Southeast 28th Street (“Property”), legally described as follows, from the “R1-60” One-Family Low-Density Residential District to Limited “M-1” Light Industrial District classification:

Except parcel of land conveyed to the City of Des Moines, Iowa by Warranty Deed recorded in Book 14659, Page 960 in the Recorder’s Office of Polk County, Iowa; and

Except the north 25 feet measured on the west line of the 10 foot vacated north/south alley lying east of and adjoining Lots 1 and 2 of Block 20, LARISON PLACE, an Official Plat; and

Lot 4 of FREDREGILL, an Official Plat; and Lots 1 through 11 of Block 20, LARISON PLACE; and the vacated north/south alley lying east of and adjoining Lots 1 through 11 of Block 20, LARISON PLACE, all 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:

1. The only Industrial or Commercial use of the Property shall be for use by a tree

service business.

2. Any expansion of the tree service business shall be in accordance with a Site Plan as approved by the City's Permit & Development Center.
3. All drive aisles and maneuvering areas within the expansion area shall be paved and all storage areas shall have a durable and dust-free surface.
4. Any outdoor storage within the expansion area shall be screened from view from public Right-of-Way.
5. At such time as the Southeast Connector roadway is dedicated adjacent to the Property, a row of trees spaced every 10 feet, of a species selected by the owner in consultation with the Municipal Arborist, or a 6-foot tall fence shall be provided and maintained by the owner along the north edge of the Property between the existing office building and the point where the retaining wall for the Southeast Connector roadway begins.

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:

Glenna K. Frank, 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. 14-1256), passed by the City Council of said City at a meeting held August 11, 2014 signed by the Mayor on August 11, 2014 and published and provided by law in the Business Record on August 29, 2014. Authorized by Publication Order No. 8263.

Diane Rauh, City Clerk