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Date February 22, 2010
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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 2601 East Market Street M-1 Light Industrial District to Limited R1-60 One-Family Low-Density Residential District classification",

presented.

Moved by _____ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)



Michael F. Kelley
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
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

50B-1

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 2601 East Market Street M-1 Light Industrial District to Limited R1-60 One-Family Low-Density Residential 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 2601 East Market Street, more fully described as follows, from the M-1 Light Industrial District to Limited R1-60 One-Family Low-Density Residential District classification:

Lot 6, Block 3, Eshbaugh & Wests Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk and Warren 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 said property and are binding upon the owners and their successors, heirs, and assigns as follows:

- (1) Any new dwelling or addition to the existing dwelling on the subject property shall be kept at least 25 feet from the west property line.
- (2) Any new single-family dwelling constructed shall meet the following design requirements:
 - (a) Have a minimum of 1,200 square feet of living area exclusive of any attached garage.
 - (b) Have an attached or detached garage for parking of at least two vehicles.
 - (c) Have either an open roofed front porch or shall have at least 40% of the front façade comprised of brick, stone or block masonry material.
 - (d) All exterior siding material shall be masonry, stone, cement board or minimum 42 mil thickness vinyl.
 - (e) All exterior roofing material shall architectural asphalt shingles.

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:



Michael F. Kelley
Assistant City Attorney

50B-1

Request from S & G Real Estate (owner) represented by Paul Gengler to rezone property at 2601 East Market Street.			File # ZON2009-00222		
Description of Action	Rezone property at 2601 East Market Street from "M-1" Light Industrial District to "R1-60" One-Family Low-Density Residential District to allow reuse of a single-family dwelling.				
2020 Community Character Plan	General Industrial				
Horizon 2025 Transportation Plan	No Planned Improvements				
Current Zoning District	"M-1" Light Industrial District				
Proposed Zoning District	"R1-60" One-Family Low-Density Residential District				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area		2			
Outside Area					
Plan and Zoning Commission Action	Approval	9-0	Required 6/7 Vote of the City Council	Yes	X
	Denial			No	

S & G Real Estate Investments - 2601 E Market Street

ZON2009-00222



50B-1

Prepared by: Michael F. Kelley, Assistant City Attorney, 400 Robert Ray Dr., Des Moines, IA 50309 515/283-4124
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: S&G Real Estate Investments, Inc.
Grantee's Name: City of Des Moines, Iowa
Legal Description: Lot 6, Block 3, Eshbaugh & Wests Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk and Warren County, Iowa

ACCEPTANCE OF REZONING ORDINANCE

The undersigned hereby states, warrants and agrees as follows:

1. That S&G Real Estate Investments, Inc. is the sole owner of the Property in the vicinity of 2601 East Market Street, Des Moines, Iowa, more specifically described above.

2. That in the event the City of Des Moines, Iowa, acts to rezone the Property from the M-1 Light Industrial District to Limited R1-60 One-Family Low-Density Residential 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:

- (1) Any new dwelling or addition to the existing dwelling on the subject property shall be kept at least 25 feet from the west property line.
- (2) Any new single-family dwelling constructed shall meet the following design requirements:
 - (a) Have a minimum of 1,200 square feet of living area exclusive of any attached garage.
 - (b) Have an attached or detached garage for parking of at least two vehicles.
 - (c) Have either an open roofed front porch or shall have at least 40% of the front façade comprised of brick, stone or block masonry material.
 - (d) All exterior siding material shall be masonry, stone, cement board or minimum 42 mil thickness vinyl.
 - (e) All exterior roofing material shall architectural asphalt shingles.

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 R1-60, 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.

S&G Real Estate Investments, Inc.

By: Paul D. Gengler
Paul D. Gengler, President
Titleholder

State of Iowa)
) ss:
County of Polk)

This instrument was acknowledged before me on February 13, 2010, by **Paul D. Gengler** as the President of **S&G Real Estate Investments, Inc.**, who is personally known to me and has been authorized by the Board of Directors to execute this document on behalf of **S&G Real Estate Investments, Inc.**

Kylie Miller
Notary Public in the State of Iowa
My commission expires: 05-22-12

