

★ **Roll Call Number**

Agenda Item Number

48

Date May 4, 2009

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 1701 East Euclid Avenue from M-1 Light Industrial District to Limited M-2 Heavy Industrial District to allow appeal to the Board of Adjustment for a conditional use permit for conversion of warehouse space to a recycling collection center.

which was considered and voted upon under Roll Call No. 09- 683 of April 20, 2009; again presented.

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

(Second of three required readings)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
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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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 1701 East Euclid Avenue from M-1 Light Industrial District to Limited M-2 Heavy Industrial District to allow appeal to the Board of Adjustment for a conditional use permit for conversion of warehouse space to a recycling collection center.

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 1701 East Euclid Avenue, more fully described as follows, from M-1 Light Industrial District to Limited M-2 Heavy Industrial District to allow appeal to the Board of Adjustment for a conditional use permit for conversion of warehouse space to a recycling collection center:

The West 375 feet of that part of the North Half of the Northeast Quarter of Section 25, Township 79 North, Range 24 West of the 5th P.M., City of Des Moines, Polk County, Iowa, lying South of Euclid Avenue, except the East 40 feet thereof; and, except a triangular piece of ground described as follows: Beginning at a point on the South line of East Euclid Avenue, said point being 335 feet East and 712.2 feet South of the North Quarter corner of said Section 25; thence West along a line that is parallel to the North line of the Northeast Quarter of said Section 25. a distance of 147 feet; thence Southeasterly along a straight line to a point on the West line of Dixon Avenue, said point being 335 feet East and 1024.2 feet South of the North Quarter corner of said Section 25; thence Northerly along a straight line to the point of beginning;

And

The West 335 feet of the West Half of the Southwest Quarter of the Northeast Quarter of Section 25, Township 79 North, Range 24 West of the 5th P.M., City of Des Moines, Polk County, Iowa, except the South 1,208.31 feet thereof as measured along and perpendicular to the West line of the Southwest Quarter of the Northeast Quarter of said Section 25;

And

That part of Lot 5 of the Official Plat of the South Half of the Northwest Quarter of Section 25, Township 79 North, Range 24 West of the 5th P.M., City of Des Moines, Polk County, Iowa, lying East of the Chicago Northwestern Railroad right of way, except the South 1,183.31 feet thereof as measured along and perpendicular to the East line of the Southeast Quarter of the Northwest

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Quarter of said Section 25;

And

Lot 19 in Brown's Lowland Place, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, except that part described as follows: Beginning at the Northwest corner of said Lot 19; thence East along the North line of said Lot 19 a distance of 222 feet; thence South on a line forming a 90 degree 00 minute angle with the last described course; a distance of 215 feet; thence West on a line parallel with the North line of said Lot 19, a distance of 192.58 feet to the West line of said Lot 19; thence Northerly along the West line of said Lot 19, a distance of 217 feet to the point of beginning, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

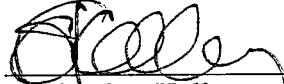
Sec. 2. That this ordinance and the zoning granted by the terms hereof are subject to the following imposed additional conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance by all owners of said property and are binding upon the owners and their successors,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

1. If the use as a recycling collection center does not go forward the Council may rezone the property to "M-1".
2. This rezoning is for this recycling type of use and "M-1" uses.
3. The entire property shall be brought into conformance with the City's Landscape Standards to the maximum feasible extent as determined by the Community Development Director.
4. Use of the property as a recycling center is subject to the issuance of a conditional use permit by the Zoning Board of Adjustment and on-going compliance with any terms of such permit.

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