

Date June 24, 2013

WHEREAS, on June 10, 2013 by Roll Call No. 13-0908, it was duly resolved by the City Council that the application of Helena Industries, Inc. to rezone certain property located in the vicinity of 3525 Vandalia Road from the PUD Planned Unit Development to a Limited M-2 Heavy Industrial classification, more fully described below, be set down for hearing on June 24, 2013, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of the hearing was published in the Des Moines Register on June 14, 2013, as provided by law, setting forth the time and place for hearing on the proposed amendment to the Zoning Ordinance; and,

WHEREAS, in accordance with the notice those interested in the proposed rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and,

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the following described property:

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.

from the PUD Planned Unit Development to a Limited M-2 Heavy Industrial classification, subject to the following conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by all owners of the 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.


Date June 24, 2013

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.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the Property from PUD Planned Unit Development to a Limited M-2 Heavy Industrial classification are hereby overruled, the hearing is closed, and the proposed rezoning to the Limited M-2 Heavy Industrial classification is hereby APPROVED.

Moved by \_\_\_\_\_ to adopt and approve the rezoning, subject to final passage of the rezoning ordinance.

FORM APPROVED:

  
 Michael F. Kelley  
 Assistant City Attorney

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

**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.

MOTION CARRIED

APPROVED

\_\_\_\_\_  
 Mayor

\_\_\_\_\_  
 City Clerk