

★ **Roll Call Number**

Agenda Item Number

52B

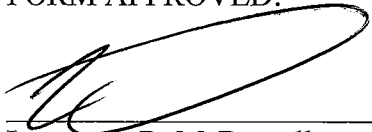
Date December 21, 2015

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 1545 2nd Place from the "R1-60" One-Family Low-Density Residential District to a Limited "M-1" Light Industrial District classification",

presented.

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

FORM APPROVED:



 Lawrence R. McDowell
 Deputy City Attorney

(First of three required readings)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
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

52B

Prepared by: Lawrence R. McDowell, Deputy City Attorney, 400 Robert D. Ray Drive, Des Moines, IA
50309 Phone: 515/283-4130
Return Address: City Clerk - City Hall, 400 Robert D. Ray Drive, Des Moines, IA 50309
Title of Document: City of Des Moines, Ordinance No. _____
Grantor/Grantee: City of Des Moines, Iowa
Legal Description: See page 1, below.

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 1545 2nd Place from the "R1-60" One-Family Low-Density Residential District to a Limited "M-1" Light Industrial 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 1545 2nd Place, more fully described as follows, from the "R1-60" One-Family Low-Density Residential District to a Limited "M-1" Light Industrial District classification:

The North 25 feet of Lot 26 and all of Lot 27 and the West half of the vacated alley (being Lot C) lying east of and adjacent thereto, all in MARSHALL'S SECOND ADDITION, an Official Plat, now included in an 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) Only the following uses of land and structures shall be permitted on the Property:
 - a. Any use allowed in and as restricted in the "C-0", Commercial-Residential District.
 - b. Office buildings not to exceed a maximum height of 75 feet.
 - c. Parking lots for temporary placement of motor vehicles while the driver is engaged in some other activity, but not including a storage lot.
 - d. Express hauling and storage yards.

- (2) The Property shall be developed and landscaped in accordance with a Site Plan approved by the City's Permit and Development Center, which shall be in substantial compliance with the preliminary site plan of the Property submitted to the City with the following amendments and changes:
 - a. All uses including off-street parking, shall be set back at least 25 feet from 2nd Place and screened by a six foot tall opaque screen along the north and east of the Property.
 - b. Storage of vehicles, containers, and materials in excess of 10 feet in height must be setback at least 50 feet from the 2nd Place right-of-way line, and at least 25 feet from any residentially zoned property to the north.


- (3) There shall be no extension of parking to serve any use on the Property into any adjoining residentially zoned property.

- (4) Any development upon the Property shall be in accordance with a Site Plan approved by the City's Permit & Development Center. This Site Plan must satisfy all City requirements, including those pertaining to stormwater management, tree mitigation and Landscaping Policies for "C-2" zoned properties.

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

Section 4. That the City Clerk is hereby authorized and directed to cause certified copies of the Acceptance of Rezoning Ordinance, this ordinance, vicinity map and proof of publication of this ordinance to be properly filed in the office of the County Recorder of the county in which the subject property is located.

FORM APPROVED:



Lawrence R. McDowell, Deputy City Attorney

Prepared by: Lawrence R. McDowell, Deputy City Attorney, 400 Robert D. Ray Drive, Des Moines, IA
50309 Phone: 515/283-4543
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: T. Michael Price and Lizabeth M. Price (Owners)
Grantee's Name: City of Des Moines, Iowa
Legal Description: The North 25 feet of Lot 26 and all of Lot 27 and the West half of the vacated alley (being Lot
C) lying east of and adjacent thereto, all in MARSHALL'S SECOND ADDITION, an
Official Plat, now included in an forming a part of the City of Des Moines, Polk County,
Iowa.

ACCEPTANCE OF REZONING ORDINANCE

The undersigned hereby state, warrant and agree as follows:

1. That T. Michael Price and Lizabeth M. Price, are the sole titleholders of the Property locally known as 1545 2nd Place and legally described above.

2. That in the event the City of Des Moines, Iowa, acts to rezone the Property from "R1-60" One-Family Low-Density Residential District to a Limited "M-1" Light Industrial District, we agree and accept as 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) Only the following uses of land and structures shall be permitted on the Property:
 - a. Any use allowed in and as restricted in the "C-0", Commercial-Residential District.
 - b. Office buildings not to exceed a maximum height of 75 feet.
 - c. Parking lots for temporary placement of motor vehicles while the driver is engaged in some other activity, but not including a storage lot.
 - d. Express hauling and storage yards.
- (2) The Property shall be developed and landscaped in accordance with a Site Plan approved by the City's Permit and Development Center, which shall be in substantial

compliance with the preliminary site plan of the Property submitted to the City with the following amendments and changes:

- a. All uses including off-street parking, shall be set back at least 25 feet from 2nd Place and screened by a six foot tall opaque screen along the north and east of the Property.
- b. Storage of vehicles, containers, and materials in excess of 10 feet in height must be setback at least 50 feet from the 2nd Place right-of-way line, and at least 25 feet from any residentially zoned property to the north.

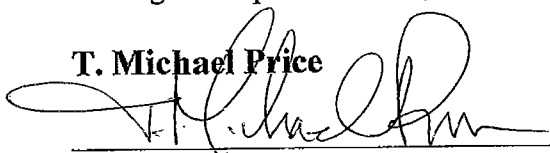
(3) There shall be no extension of parking to serve any use on the Property into any adjoining residentially zoned property.

(4) Any development upon the Property shall be in accordance with a Site Plan approved by the City's Permit & Development Center. This Site Plan must satisfy all City requirements, including those pertaining to stormwater management, tree mitigation and Landscaping Policies for "C-2" zoned properties.

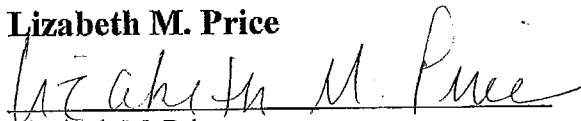
3. A certified copy of the rezoning ordinance shall be attached hereto, and a certified copy of this document and the rezoning ordinance shall be recorded by the City in the land records of the County Recorder to memorialize the rezoning of the Property as identified above.

4. That in the event any portion of the Property is hereafter rezoned to a district classification different from Limited "M-1" Light Industrial District, 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.

T. Michael Price


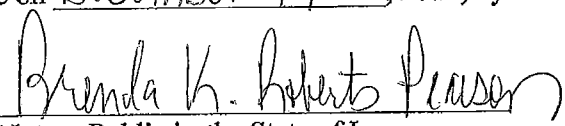
 T. Michael Price, Titleholder

Lizabeth M. Price


 Lizabeth M. Price
 (Spouse of T. Michael Price)

State of Iowa)
) ss:
 County of Polk)

This instrument was acknowledged before me on December 17, 2015, by T. Michael Price and Lizabeth M. Price.



 Notary Public in the State of Iowa

