

★ **Roll Call Number**

**Agenda Item Number**

54 B-1

Date August 28, 2017

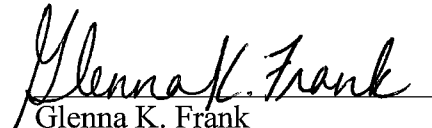
An Ordinance entitled, "AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 804 S.E. 30<sup>th</sup> Street from the "C-2" General Retail and Highway-Oriented Commercial District and "R-3" Multiple-Family Residential District to Limited "M-1" Light Industrial District classification on the southern portion and Limited "M-2" Heavy Industrial District classification on the northern portion",

presented.

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

FORM APPROVED:

(First of three required readings)

  
 Glenna K. Frank  
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
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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Prepared by: Glenna K. Frank, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, IA 50309  
 Phone: 515/283-4530  
 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 2, below.

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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 804 S.E. 30<sup>th</sup> Street from the "C-2" General Retail and Highway-Oriented Commercial District and "R-3" Multiple-Family Residential District to Limited "M-1" Light Industrial District classification on the southern portion and Limited "M-2" Heavy Industrial District classification on the northern portion.

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 804 S.E. 30<sup>th</sup> Street, more fully described as follows, from the "C-2" General Retail and Highway-Oriented Commercial District and "R-3" Multiple-Family Residential District to Limited "M-1" Light Industrial District classification on the southern portion and Limited "M- 2" Heavy Industrial District classification on the northern portion:

Northern Portion – Limited “M-2”, Scrap Processors of Iowa:

A part of Lots 1,2 and 3 of Fredregill, an Official Plat, all being in and forming a part of the City of Des Moines, Polk County , Iowa, more particularly described as follows:

Beginning at the Northeast corner of said Lot 3 of Fredregill; THENCE South 00°12'13" East along the eastern line of said Lot 3, a distance of 635.46 feet; THENCE South 89°40'12" West a distance of 685.31 feet to a point on the western line of said Lot 2; THENCE North 00°19'48" West along the west line of said Lots 1 and 2, a distance of 411.65 feet; THENCE North 89°28'51" East a distance of 124.20 feet; THENCE North 00°19'48" West a distance of 70.51 feet; THENCE North 89°14'30" East a distance of 102.50 feet; THENCE North 00°17'23" West a distance of 150.01 feet to a point on the north line of said Lot 1; THENCE North 89°24'26" East along the north line of said Lots 1 and 3, a distance of 459.92 feet to the POINT OF BEGINNING, and containing 9.00 acres of land, more or less.

Southern Portion – Limited “M-1”, Davidson Parcel:

A part of Lots 1,2 and 3 of Fredregill, an Official Plat, all being in and forming a part of the City of Des Moines, Polk County , Iowa, more particularly described as follows:

Beginning at the Northeast corner of said Lot 3 of Fredregill; THENCE South 00°12'13" East along the eastern line of said Lot 3, a distance of 1,294.37 feet to a point on the Northerly Right-of-Way line of MLK Parkway; THENCE North 80°08'56" West along said Northerly Right of Way, a distance of 57.68 feet; THENCE South 00°15'20" East along said Northerly Right of Way, a distance of 12.34 feet; THENCE North 83°17'39" West along said Northerly Right of Way, a distance of 141.28 feet; THENCE North 68°40'46" West along said Northerly Right of Way, a distance of 523.81 feet to a point on the Westerly line of Lot 2 of Fredregill; THENCE North 00°19'48" West a distance of 862.14 feet; THENCE North 89°28'51" East a distance of 124.20 feet; THENCE North 00°19'48" West a distance of 70.51 feet; THENCE North 89°14'30" East a distance of 102.50 feet to a point for corner; THENCE North 00°17'23" West a distance of 150.01 feet to a point on the north line of said Lot 1; THENCE North 89°24'26" East along the north line of said Lots 1 and 3, a distance of 459.92 feet to the POINT OF BEGINNING, and containing 18.069 acres of land, more or less

EXCEPT

Beginning at the Northeast corner of said Lot 3 of Fredregill; THENCE South 00°12'13" East along the eastern line of said Lot 3, a distance of 635.46 feet; THENCE South 89°40'12" West a distance of 685.31 feet to a point on the western line of said Lot 2; THENCE North 00°19'48" West along the west line of said Lots 1 and 2, a distance of 411.65 feet; THENCE North 89°28'51" East a distance of 124.20 feet; THENCE North 00°19'48" West a distance of 70.51 feet; THENCE North 89°14'30" East a distance of 102.50 feet; THENCE North 00°17'23" West a distance of 150.01 feet to a point on the

north line of said Lot 1; THENCE North 89°24'26" East along the north line of said Lots 1 and 3, a distance of 459.92 feet to the POINT OF BEGINNING, and containing 9.00 acres of land, more or less.

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 following uses of the property shall be prohibited:
  - a. Adult entertainment businesses.
  - c. Taverns or nightclubs.
  - d. Liquor stores.
  - e. Off-premises advertising signs.
  - f. Pawn brokers.
  - g. Delayed deposit services.
  
- (2) Any buildings constructed along the public street sides of the Property should meet the following requirements:
  - a. On any public street facing façade, the exterior material above grade to four feet above the finished floor level shall be constructed of durable materials, such as cast in place concrete, brick, or stone masonry.
  - b. Any use of metal exterior material on any façade shall have minimum 22 gauge thickness with no exposed fasteners.
  - c. Any façade oriented toward a public street shall have a minimum 20% window and door openings on the first level.
  - ~~d. Any overhead doors shall not be oriented toward a public street.~~
  
- (3) Any redevelopment of the Property shall be in accordance with a Site Plan as reviewed and approved by the Permit and Development Center.
  
- (4) Any Site Plan for the Property shall comply with the City's Landscaping Standards as applicable in the "C-2" General Retail and Highway Oriented Commercial District.

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:

A handwritten signature in cursive script that reads "Glenna K. Frank". The signature is written in black ink and is positioned above the printed name.

Glenna K. Frank  
Assistant City Attorney