



Roll Call Number

Agenda Item Number

44A

Date..... January 22, 2007

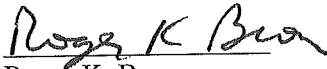
An Ordinance entitled, "AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 1815 High Street from the "C-2" General Retail and Highway Oriented Commercial District to a Limited "NPC" Neighborhood Pedestrian Commercial District classification",

presented.

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

FORM APPROVED:

(First of three required readings)



Roger K. Brown

Assistant City Attorney

G:\SHARED\LEGAL\BROWN\WORK\REZONING\Stockbridge.doc

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				
MOTION CARRIED	APPROVED			

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.

Mayor

City Clerk

44A

Request from Stockbridge, L.P. (owner) represented by Robert Mickle (President) to rezone property located at 1815 High Street.		File # ZON2006-00180	
Description of Action	Rezone property from "C-2" General Retail and Highway-Oriented Commercial District to Limited "NPC" Neighborhood Pedestrian Commercial District, to allow for development of a pedestrian scale three-story 42 unit multiple-family residential apartment building with a shallow front yard setback from High Street.		
2020 Community Character Plan	Downtown: Support Commercial		
Horizon 2025 Transportation Plan	No Planned Improvements.		
Current Zoning District	"C-2" General Retail and Highway-Oriented Commercial District.		
Proposed Zoning District	Limited "NPC" Neighborhood Pedestrian Commercial District.		
Consent Card Responses	In Favor	Not In Favor	Undetermined
Inside Area			
Outside Area	4	1	0
Plan and Zoning Commission Action	Approval	9-1	Required 6/7 Vote of the City Council
	Denial		Yes No
			X

Stockbridge Development LLC - 1815 High Street

ZON2006-00180



44A

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 1815 High Street from the "C-2" General Retail and Highway Oriented Commercial District to a Limited "NPC" Neighborhood Pedestrian Commercial 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 1815 High Street, more fully described as follows, from the "C-2" General Retail and Highway Oriented Commercial District to a Limited "NPC" Neighborhood Pedestrian Commercial District classification:

Lots 12, 13, 14 and the West 1/2 of Lot 15, Block A, J.C. Savery's Addition to the City of Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa (hereinafter referred to as the "Property").

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:

The following uses of structures and land shall not be permitted upon the Property:

- 1) Billard parlor/game room.
- 2) Taverns and night clubs.
- 3) Communications towers or antenna. (This shall not be interpreted to prohibit an antenna mounted on an existing structure and screened from view, or mounted on the side of an existing structure and painted to match the adjoining surface of the structure.)

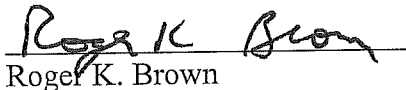
ORDINANCE NO. _____

page 2

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

Sec. 4. That 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:



Roger K. Brown

Assistant City Attorney

G:\SHARED\LEGAL\BROWN\WORK\REZONING\Stockbridge.doc

44A

Prepared by: Roger K. Brown, Assistant City Attorney, 400 Robert Ray Dr., Des Moines, IA 50309
515/283-4541
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: Stockbridge Development, L.L.C.
Grantee's Name: City of Des Moines, Iowa
Legal Description:

Lots 12, 13, 14 and the West 1/2 of Lot 15, Block A, J.C. Savery's Addition to the City of Des Moines, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa (hereinafter referred to as the "Property").

ACCEPTANCE OF REZONING ORDINANCE

The undersigned Stockbridge Development, L.L.C. hereby states, warrants and agrees as follows:

1. Stockbridge Development, L.L.C., is the sole owner of the Property in the vicinity of 1815 High Street, more specifically described above.
2. That in the event the City of Des Moines, Iowa, acts to rezone the Property from the "C-2" General Retail and Highway Oriented Commercial District to a Limited "NPC" Neighborhood Pedestrian Commercial District classification, we agree and accept on behalf of the owners 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:

The following uses of structures and land shall not be permitted upon the Property:

- 1) Billard parlor/game room.
- 2) Taverns and night clubs.
- 3) Communications towers or antenna. (This shall not be interpreted to prohibit

an antenna mounted on an existing structure and screened from view, or mounted on the side of an existing structure and painted to match the adjoining surface of the structure.)

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 "NPC", 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.

Stockbridge Development, L.L.C.,
an Iowa limited liability company

By: _____
Jack Hatch, Manager

STATE OF IOWA)
) ss:
COUNTY OF POLK)

BE IT REMEMBERED, that on this ___ day of January, 2007, before me, the undersigned, a Notary Public in and for Polk County, Iowa, personally appeared **Jack Hatch**, to me personally known, who, being by me duly sworn did say that he is a Manager of **Stockbridge Development, L.L.C.**, an Iowa limited liability company; that said instrument was signed on behalf of said company by authority of its Members; and that he acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, and by it and by him voluntarily executed.

Notary Public
My commission expires: _____