

68B

Date June 18, 2007

WHEREAS, on June 4, 2007, by Roll Call No. 07-1069, it was duly resolved by the City Council that the application of Sidney Tyler, President of Heritage Corporation, Ltd., to rezone certain property owned by it and by Eugene and Kongmy Carter in the vicinity of 2142 Indianola Avenue, more fully described below, be set down for hearing on June 23, 2007, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on June 7, 2007, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and,

WHEREAS, in accordance with said notice those interested in said 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:

All of Lots 4, 5, 6 and 7 of Crawford Place Replat, an Official Plat, and (except beginning at the SE corner, thence west 10 feet, thence NE 10.21 feet to the east line, thence SE 10 feet to the point of beginning) Lot 7A of said Crawford Place Replat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa (hereinafter referred to as the "Property").

from the "C-1" Neighborhood Retail Commercial District and "R1-60" One-Family Low-Density Residential District to a Limited "NPC" Neighborhood Pedestrian Commercial District classification, subject to the following conditions which are agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by all owners of said property and is binding upon the owners and their successors, heirs and assigns as follows:

- A. The following uses of structures or land shall be prohibited upon the Property:
 - (1) Financial service centers that provide check cashing and loans secured by post dated checks or payroll guarantee as their primary activity;
 - (2) Gas Stations;
 - (3) Off-premises advertising signs;
 - (4) Packaged goods liquor stores; and,
 - (5) Taverns and Nightclubs.

- B. The south facade of any structures upon the Property facing Gray Street shall be less than three stories in height. The north facade of these same structures may be up to three stories in height to take advantage of topography and to accommodate tuck under garages.

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C. Any parking reduction allowed by the NPC district shall be subject to design review of the site plan.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. Upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the Property to a Limited "NPC" Neighborhood Pedestrian Commercial District are hereby overruled, and the hearing is closed.

2. The proposed rezoning is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan.

MOVED by _____ to adopt and approve the rezoning, subject to final passage of the rezoning ordinance.

FORM APPROVED:

Roger K. Brown

Roger K. Brown

Assistant City Attorney

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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

Item 2007 00056

Date May 8, 2007 **68B**

(am) (am not) in favor of the request.
(Circle One)

RECEIVED ✓

MAY 11 2007

**COMMUNITY DEVELOPMENT
DEPARTMENT**

Print Name James J Leo Sr

Signature James J Leo Sr

Address 2131 E 34th St

Reason for opposing or approving this request may be listed below:

Item 2007 00056

Date May 11, 2007

(am) (am not) in favor of the request.
(Circle One)

RECEIVED ✓

MAY 14 2007

**COMMUNITY DEVELOPMENT
DEPARTMENT**

Print Name Bonnie Hall

Signature 2137 Indiana Rd.

Address Des Moines, Ia 50311

Reason for opposing or approving this request may be listed below:

Item 2007 00056

Date May 11, 2007

68B

I (am) in favor of the request.
(Circle One)

NO

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MAY 14 2007

Print Name Julie M. Naylor

Signature Julie M. Naylor

118 E GRAY

COMMUNITY DEVELOPMENT DEPARTMENT

Reason for opposing or approving this request may be listed below:

THIS IS A MA & PA Neighborhood. People have lived here all their lives without complications & expect to die without any. The apts on Indianola Rd bring enough B.S. already. We do not welcome any more crime, drugs, robbery's into our lives. He can take it to Carule by his neighborhood & ~~present~~ present it there.

Item 2007 00056

Date 5/8/07

I (am) in favor of the request.
(Circle One)



Print Name Nathan Cox

Signature Nathan Cox

Address 2112 Indianola Ave, DSM, IA 50315

Reason for opposing or approving this request may be listed below:

Do not want more apts/multiple-family dwellings built. Business-only rezoning would be fine if it excluded the aforementioned. Thank you.

68B

Item 2007 00056

Date 5-10-07

I (am) (am not) in favor of the request.
(Circle One)

RECEIVED
MAY 11 2007

Print Name Jack Nitler

Signature Jack Nitler

Address 37 SE Gray

Reason for **COMMUNITY DEVELOPMENT DEPARTMENT** this request may be listed below:

We don't need any apt on Gray or business bldg.

Item 2007 00056

Date 5-12-07

I (am) (am not) in favor of the request.
(Circle One)

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MAY 19 2007

Print Name Marijo T. Scavo

Signature Marijo T Scavo

COMMUNITY DEVELOPMENT DEPARTMENT Address 111 SE GRAY ST

Reason for opposing or approving this request may be listed below:

You are trying to clean up SE 14th, so you want to mess with Ondine Ave. There is already too many Taverns on it. Put it all at Ondine & SE 14th. You are raising Taxes so we can look out + see apartments.
NO WAY