

★ **Roll Call Number**

Agenda Item Number

68C

Date June 18, 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 2142 Indianola Avenue 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",

presented.

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

FORM APPROVED:

(First of three required readings)

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				

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

MOTION CARRIED

APPROVED

.....
Mayor

68C

Request from Heritage Corporation, Ltd. (owner) represented by Sidney Tyler (officer) to rezone property located at 2142 Indianola Avenue.		File # ZON2007-00056		
Description of Action	Rezone subject property from "C-1" Neighborhood Retail Commercial District and "R1-60" One-Family Low-Density Residential District to "NPC" Neighborhood Pedestrian Commercial District, to allow for mixed-use retail, office and multiple-family residential development.			
2020 Community Character Plan	Low-Density Residential			
Horizon 2025 Transportation Plan	No Planned Improvements			
Current Zoning District	"C-1" Neighborhood Retail Commercial District and "R1-60" One-Family Low-Density Residential District			
Proposed Zoning District	"NPC" Neighborhood Pedestrian Commercial District			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area	2	4	0	>20%
Plan and Zoning Commission Action	Approval	13-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

Heritage Corp (The Market Place) - 2142 Indianola Avenue

ZON2007-00056



68C

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 2142 Indianola Avenue 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.

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 2142 Indianola Avenue, more fully described as follows, 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:

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").

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:

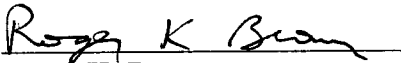
- A. The following uses of structures or land shall be prohibited upon the Property:
 - (1) Financial service centers that provide check cashing and loans secured by post dated checks or payroll guarantee as their primary activity;
 - (2) Gas Stations;
 - (3) Off-premises advertising signs;
 - (4) Packaged 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.
- C. Any parking reduction allowed by the NPC district shall be subject to design review of the site plan.

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

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