

ORDINANCE NO. 13,669

AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 2A-5 of the Municipal Code of the City of Des Moines, 1991, by rezoning and changing the district classification of certain property located in the vicinity of 6320 Indianola Avenue from an "R1-80" One Family Residential District to a "Limited "C-1" General Retail and Highway Oriented 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 2A-5 of the Municipal Code of the City of Des Moines, Iowa, 1991, be and the same is hereby amended by rezoning and changing the district classification of certain property located in the vicinity of 6320 Indianola Avenue, more fully described as follows, from an "R1-80" One Family Residential District to a "Limited "C-1" General Retail and Highway Oriented Commercial District classification:

West 439.0 feet of Lots 86 and 87, NEW HOPE PLAT 2, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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 owners hereby irrevocably consent to the inclusion of the Property in any future sanitary sewer district and agree not to protest the creation of any such district.

B. When public sanitary sewer service becomes available to the Property any buildings then existing upon the Property shall be connected to the public sanitary sewer system at the owner's expense, including payment of any required sewer connection fee, within six months.

C. In lieu of the required sidewalk along Indianola Avenue the owners of the Property shall construct a 3 meter wide multi-purpose recreational trail along Indianola Avenue within six months of commencement of any commercial use of the Property. The multi-purpose recreational trail shall be constructed in accordance with the standard design for such trails within the City of Des Moines. If it proves impractical to construct the trail within the Indianola Avenue right-of-way due to grades or soils, then such path may be located within an easement upon the Property. The specific location of the trail shall be determined at the time of site plan approval.

D. There shall be some pedestrian linkage from the multi-purpose recreational trail and any retail use upon the Property, the location of which shall be determined at the time of site plan approval.

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 certified copies of this ordinance and proof of publication thereof to be properly filed in the office of the Recorder of Polk County, Iowa.

FORM APPROVED:

Roger K. Brown

Assistant City Attorney