

A2B

Date..... May 8, 2006

WHEREAS, on April 24, 2006, by Roll Call No. 06-760, it was duly resolved by the City Council that the application of Mana Thongvanh, as the Manager of Triad Development, to rezone certain property it is purchasing from Frank Holt in the vicinity of 4250 Grandview Avenue, more fully described below, be set down for hearing on May 8, 2006, at 5:00 P.M., in the Council Chamber of the City Hall; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on April 27, 2006, 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:

The Northeast 1/4 of the Northwest 1/4 of the Southeast 1/4, and the East 0.5 acres of the Northwest 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 28 North, Range 79 North, Township 23 West of the 5th p.m., in Polk County, Iowa (hereinafter referred to as the "Property").

from the "A-1" Agricultural District to a Limited "R1-60" One-Family Low-Density Residential 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. A tree survey of all trees over 6 inches in caliper upon the Property shall be completed and a tree protection plan shall be submitted to the City of Des Moines as part of any preliminary plat for the subdivision of the Property.
- B. No trees on the Property over 6 inches in caliper shall be cut down or removed without the prior written consent of the City Forester for the City of Des Moines until a grading plan is approved as part of a preliminary plat for the subdivision of the Property.

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

( continued )

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Date..... May 8, 2006

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 "R1-60" One-Family Low-Density Residential 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         |      |      |      |        |
| BROOKS         |      |      |      |        |
| COLEMAN        |      |      |      |        |
| HENSLEY        |      |      |      |        |
| MAHAFFEY       |      |      |      |        |
| KIERNAN        |      |      |      |        |
| 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.

MOTION CARRIED

APPROVED

.....Mayor

\_\_\_\_\_ City Clerk

A2B

|   |   |              |  |               |   |
|---|---|--------------|--|---------------|---|
| Request from Triad Development, LLC (purchaser) represented by Mana Thongvanh (partner) to rezone property located at 4250 Grandview Avenue upon annexation to the City of Des Moines. The subject property is owned by Frank and Christine Holt. |   |              |  | File #        |   |
|   |   |              |  | ZON2006-00028 |   |
| <b>Description of Action</b>  | Rezone property from "A-1" Agricultural District to "R1-60" One-Family Low-Density Residential District to allow for a single-family residential development. |              |  |               |   |
| <b>2020 Community Character Plan</b>  | N/A   |              |  |               |   |
| <b>Horizon 2025 Transportation Plan</b>   | No Planned Improvements   |              |  |               |   |
| <b>Current Zoning District</b>  | "A-1" Agricultural District   |              |  |               |   |
| <b>Proposed Zoning District</b>   | "R1-60" One-Family Low-Density Residential District   |              |  |               |   |
| <b>Consent Card Responses</b>   | In Favor  | Not In Favor | Undetermined                                 | % Opposition  |   |
| Inside Area   |   |              |  |               |   |
| Outside Area  | 4   | 6            | 1  | <20%          |   |
| <b>Plan and Zoning Commission Action</b>  | <b>Approval</b>   | 10-2         | <b>Required 6/7 Vote of the City Council</b> | Yes           |   |
|   | <b>Denial</b>   |              |  | No            | X |

Triad Development, LLC - 4250 Grandview Avenue

ZON2006-00028

