



Date..... October 8, 2007

WHEREAS, on September 24, 2007, by Roll Call No. 07-1840, it was duly resolved by the City Council that the application of Curly Top, L.L.C., represented by John Mauro, Manager, to rezone certain property owned by South Des Moines Little League, Inc., and located in the vicinity of 1900 SE 6th Street, more fully described below, be set down for hearing on October 8, 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 October 1, 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:

That part of Lot 3, in Sevastopol, an Official Plat, lying North of E. Hillside Avenue, except Beginning at the southeast corner, thence northwesterly 159.66 feet along the North right-of-way line of E. Hillside Avenue, thence North 61.80 feet, thence East 57 feet, thence northeasterly 142.28 feet, thence East 50 feet to the West right-of-way line of SE 6th Street, thence South 234.05 feet along the West right-of-way line of SE 6th Street to Point of Beginning; and, all Lots 1, 2, 3, Boyd's Place, an Official Plat; and, except Beginning at the Southwest corner, thence North 140 feet, thence East 160 feet, thence South 176.75 feet, thence northwesterly to the Point of Beginning, Lot 25, Official Plat West ½ South of the Des Moines River, of Section 10, Township 78 North, Range 24 West of the 5th P.M., all now included in and forming a part of the City of Des Moines, Polk County, Iowa (hereinafter referred to as the "Property").

from a Limited "R-3" Multiple-Family Residential District to an amended Limited "R-3" Multiple-Family 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. Any multiple-family residential use of the Property shall be limited to housing that qualifies as housing for older persons under the limitations and restrictions applicable to such housing under federal, state and local law.
- B. Any buildings constructed upon the Property shall conform with the following standards:
 - 1) The buildings shall be located between the predominant off-street parking areas and the adjoining public street.

(continued)



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- 2) The buildings shall not exceed 3 stories in height.
- 3) The sufficiency of the building setback from the north line of the Property shall be specifically addressed in the site plan review process.
- C. The screening and landscaping along the north line of the Property shall be subject to specific review and approval in the site plan review process.
- D. The stormwater detention standards for any development of the property shall be based upon a hydrological analysis for the Property and the adjoining area.

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 an amended Limited "R-3" Multiple-Family 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
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