

.....
Date October 27, 2008

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 18, 2008, its members voted 8-0 in support of a motion to recommend **APPROVAL** of a request from Home Opportunities Made Easy, Inc. (owner) represented by Pam Carmichael (officer) to rezone property located at 5119 Bel-Aire Road from "R-2" Two-Family Residential to a Limited "R-3" Multiple-Family Residential District, to allow a reconfiguration of the existing six (6) duplex properties to a property regime that has twelve (12) separately owned single-family semi-detached units on common property owned and maintained by an owners association subject to the following conditions:

- (1) Only permitted uses are single-family residential, single-family semi-detached residential, and two-family residential.
- (2) All common areas shall be owned and maintained by a homeowners association.
- (3) Preparation of a Plat of Survey by the owner to be reviewed and approved by the Permit and Development Center and filed by the owner with Polk County.

The subject property is more specifically described as follows:

Lots 65-72, Westchester Manor Plat 5 an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

WHEREAS, on October 13, 2008, by Roll Call No. 08-1753, it was duly resolved by the City Council that the application of Home Opportunities Made Easy, Inc., to rezone property owned by it and located in the vicinity of 5119 Bel-Aire Road, more fully described below, be set down for hearing on October 27, 2008, 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 16, 2008, as provided by law, setting forth the time and place of 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:

Lots 65-72, Westchester Manor Plat 5 an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

from the "R-2" Two-Family Residential District to a 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 which is binding upon the owners and their successors, heirs and assigns as follows:


Date October 27, 2008

- (1) Only permitted uses are single-family residential, single-family semi-detached residential, and two-family residential.
- (2) All common areas shall be owned and maintained by a homeowners association.
- (3) Preparation of a Plat of Survey by the owner to be reviewed and approved by the Permit and Development Center and filed by the owner with Polk County.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that 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 "R-3" Multiple-Family Residential District classification is hereby overruled, and the hearing is closed.

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

APPROVED AS TO FORM:



 Michael F. Kelley
 Assistant City Attorney

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.

MOTION CARRIED APPROVED
 _____ Mayor

_____ City Clerk