

Date August 29, 2011

WHEREAS, on August 8, 2011 by Roll Call No. 11-1366, it was duly resolved by the City Council that the application of Howard Tully to rezone certain property he owns, and located in the vicinity of 201 S.E. 29<sup>th</sup> Court, more fully described below, be set down for hearing on August 29, 2011, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of the hearing was published in the Des Moines Register on August 18, 2011, as provided by law, setting forth the time and place for hearing on the proposed amendment to the Zoning Ordinance; and,

WHEREAS, in accordance with the notice those interested in the 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 15 and 16, R A Wests Subdivision, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

from the M-1 Light Industrial to Limited R1-60 One-Family Low-Density Residential District classification, subject to the following conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by all owners of the property and are binding upon the owners and their successors, heirs and assigns as follows:

- a. Any new dwelling or addition to the existing dwelling on the subject property shall be kept at least 25 feet from the west property line.
- b. Any new single-family dwelling constructed shall meet the following design requirements:
  - (1) Have a minimum of 1,200 square feet of living area exclusive of any attached garage.
  - (2) Have an attached or detached garage for parking of at least two vehicles.
  - (3) Have either an open roofed front porch or shall have at least 40% of the front façade comprised of brick, stone or block masonry material.
  - (4) All exterior siding material shall be masonry, stone, cement board or minimum 42 mil thickness vinyl.
  - (5) All exterior roofing material shall be architectural asphalt shingles.

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NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows: 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 District classification are hereby overruled, and the hearing is closed.

MOVED by \_\_\_\_\_ to adopt and approve the rezoning, subject to final passage of the rezoning ordinance.

FORM APPROVED:

  
 Michael F. Kelley  
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				
MOTION CARRIED			APPROVED	

**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.

\_\_\_\_\_ Mayor

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