

Date November 21, 2011

An Ordinance entitled, "AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 4805 Observatory Road from the R1-80 One-Family Residential District to Limited R-3 Multiple Family Residential District classification",

which was considered and voted upon under Roll Call No. 11- 1903 of November 7, 2011; again presented.

Moved by _____ that this ordinance be considered and given second vote for passage.

(Second of three required readings)

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

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

11-1903 480
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ORDINANCE NO. _____

AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 4805 Observatory Road from the R1-80 One-Family Residential District to Limited R-3 Multiple Family Residential 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 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, be and the same is hereby amended by rezoning and changing the district classification of certain property located in the vicinity of 4805 Observatory Road, more fully described as follows, from the R1-80 One-Family Residential District to Limited R-3 Multiple Family Residential District classification:

The West 311 feet of the South Half, of Lot 17, of the Official Replat, of the Official Plat, of the Northeast Quarter of Section 1, Township 78 North, Range 25 West of the 5th P.M., (Except the East 121 feet thereof), all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Except a portion more particularly described as:

Beginning at the Northwest corner of the aforesaid property; thence East along the North line of the said South Half, of Lot 17, a distance of 190.56 feet; thence South, perpendicular to the said North line, a distance of 48.6 feet; thence West to a point on the West line of said Lot 17, said point being 48.6 feet South of the Northwest corner of the aforesaid property; thence North along the said West line, a distance of 48.6 feet to the Point of Beginning.

And

A portion of the Northwest Quarter of Section 1, Township 78 North, Range 25 West of the 5th P.M. all now included in and forming a part of the City of Des Moines, Polk County, Iowa and more particularly described as follows:

Beginning at a point on the East line of the said Northwest Quarter which is the Southwest corner of Lot 17, of the Official Replat, of the Official Plat, of the Northeast Quarter of Section 1, Township 78 North, Range 25 West of the 5th P.M. and also on the North Right-of-Way line of Observatory Road, as presently established; thence West, perpendicular to the said East line of the said Northwest Quarter, a distance of 70.00 feet; thence North, parallel with the said East line, a distance of 132.19 feet; thence East, perpendicular to the said East line, a distance of 70.00 feet to the said East line; thence South, along the said East line, a distance of 132.19 feet to the Point of Beginning.

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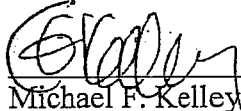
Section 2. That this ordinance and the zoning granted by the terms hereof are subject to the following imposed additional conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance by all owners of said property and are binding upon the owners and their successors, heirs, and assigns as follows:

- (1) There shall be a maximum of six residential units developed on the property.
- (2) Any residential units constructed on the property shall be subject to review by the Plan and Zoning Commission and shall meet the following minimum design standards:
 - a) Each dwelling unit shall have a private garage, whether attached or detached.
 - b) Minimum building floor areas for residential units shall be 1,200 square feet, excluding garages and basements.
 - c) The roof on any dwelling constructed shall be of architectural type shingles or cedar shakes.
- (3) Identification and protection of mature trees as part of any future development in accordance with City Tree Protection and Mitigation Ordinances, including proper fencing of tree drip lines during grading or construction operations.
- (4) Provision of proper soil erosion controls during any development or grading operations in accordance with a grading and soil erosion protection plan.
- (5) Providing a "dark sky" compliant lighting plan.
- (6) Review and approval of final building elevations as part of Plan and Zoning Site Plan review.

Section 3. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Section 4. The City Clerk is hereby authorized and directed to cause a certified copy of the Acceptance of Rezoning Ordinance, this ordinance, a vicinity map, and proof of publication of this ordinance, to be properly filed in the office of the Polk County Recorder.

FORM APPROVED:



Michael F. Kelley
Assistant City Attorney

I, Russell Parks, agree to attend a pre-construction meeting with my contractor and appropriate City staff concerning my proposed housing project on Observatory Road. The meeting will take place before the start of any construction activities. Meeting topics will include:

1. Working in a highly urbanized and developed setting means greater attention to disruptions and details;
2. Measures to preserve the access to the park and tennis courts;
3. Limiting exterior work activities to normal daylight hours;
4. Measures taken to control noise, dust and construction debris to minimize impact to neighbors;
5. Limiting deliveries and workers to reasonable hours;
6. Limiting traffic on the street(s) as necessary to avoid conflicting with normal rush hour and school transit time periods;
7. Measures to control debris on the street, such as rockered construction entrances, concrete pumps, phased construction, etc.;
8. Parking controls for subcontractors as necessary to avoid conflict with the residents' normal vehicle access and high traffic time periods at the tennis courts as determined by input from the Parks and Recreation department staff;
9. Materials staging;
10. The possibility of a limited street obstruction permit, if it is reasonable; and
11. A damage control process to deal immediately with any complaints that arise



Russell Parks

11-17-11