

★ **Roll Call Number**

Agenda Item Number

69C

Date August 5, 2019

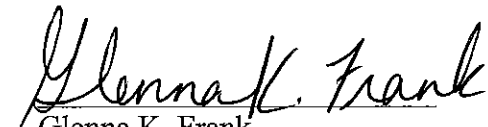
An Ordinance entitled, "AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of the 3301 block of East 56th Street from the "A-1" Agricultural District to Limited "R-3" Multiple-Family Residential District classification",

presented.

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

FORM APPROVED:

(First of three required readings)


 Glenna K. Frank
 Assistant City Attorney

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|----------|--------|
| COWNIE | | | | |
| BOESEN | | | | |
| COLEMAN | | | | |
| GATTO | | | | |
| GRAY | | | | |
| MANDELBAUM | | | | |
| WESTERGAARD | | | | |
| 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

Prepared by: Glenna K. Frank, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, IA 50309
Phone: 515/283-4530
Return Address: City Clerk - City Hall, 400 Robert D. Ray Drive, Des Moines, IA 50309
Title of Document: City of Des Moines, Ordinance No. _____
Grantor/Grantee: City of Des Moines, Iowa
Legal Description: See page 1, below.

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 the 3301 block of East 56th Street from the "A-1" Agricultural 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 3301 block of East 56th Street, more fully described as follows, from the "A-1" Agricultural District to Limited "R-3" Multiple-Family Residential District classification:

LOT 6 IN OFFICIAL PLAT OF NORTH 1/2 OF SOUTHWEST 1/4 AND SOUTH 1/2 OF NORTHWEST 1/4 AND NORTHWEST 1/4 OF NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 79, RANGE 23, NOW IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; AND

PARCEL "C" OF THAT PLAT OF SURVEY FILED IN THE OFFICE OF THE RECORDER OF POLK COUNTY, IOWA ON FEBRUARY 8, 2005, AND RECORDED IN BOOK 10929 PAGE 884, BEING A PART OF LOT 5 OF THE OFFICIAL PLAT OF THE SOUTHWEST QUARTER (SW 1/4) AND THE SOUTH HALF

(S 1/2) OF THE NORTHWEST QUARTER (NW 1/4) AND THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 26, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M.; AND

PARCEL "G" OF THE CORRECTED PLAT OF SURVEY FILED IN THE OFFICE OF THE POLK COUNTY RECORDER ON JANUARY 30, 2004, AND RECORDED IN BOOK 10372 PAGE 249, BEING A PART OF LOTS 3, 4 AND 5 OF THE OFFICIAL PLAT OF THE NORTH 1/2 OF THE SOUTHWEST 1/4, THE SOUTH 1/2 OF THE NORTHWEST 1/4 AND THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M. AND PART OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 79 NORTH, RANGE 23;

EXCEPT FOR THAT PORTION CONVEYED TO POLK COUNTY BY WARRANTY DEED RECORDED MAY 14, 2008 IN BOOK 12652 PAGE 365 ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; AND

EXCEPT PARCEL "H" OF THE PLAT OF SURVEY FILED IN THE OFFICE OF THE POLK COUNTY RECORDER ON NOVEMBER 2, 2011, AND RECORDED IN BOOK 14036 PAGE 999, BEING PART OF THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M. AND ALSO PART OF LOTS 4 AND 5 OF THE OFFICIAL PLAT OF THE NORTH 1/2 OF THE SOUTHWEST 1/4, THE SOUTH 1/2 OF THE NORTHWEST 1/4 AND THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M.

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. An overall development plan for the Property shall be submitted with the application for the first Preliminary Plat of the property. The overall development plan shall demonstrate to the Planning Administrator's satisfaction, that a mix of housing types and price ranges will be constructed on the property. The overall development plan should include smaller lot single-family detached or semi-detached residential on the north half of the west half of the development; larger lot single-family detached or semi-detached residential on the south half of the west half of the development; and a 90-unit special needs apartment building and small multi-family residential structures with up to 12 units per building on the east half of the property, excluding flood prone areas. The overall density of the entire development shall not exceed 12 units per acre.
2. Any development of the Property must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.
3. Any development of the Property must comply with any Floodplain Development regulations in place at the time of construction.

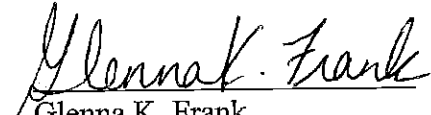
4. Any development of the Property shall provide sufficient internal pedestrian and bicycle connections between private sites and the public street network, and shall provide a future regional trail connection as reviewed and approved by the City Engineer and City Parks and Recreation Director.
5. Any detached single-family dwelling shall comply with the following:
 - a) No same house front elevations shall be built on adjacent lots.
 - b) Any house shall have a full basement unless determined infeasible by the City's Building Official and Planning Administrator.
 - c) Any house shall have a minimum two-car attached garage.
 - d) The front façade of any house constructed must contain one of the following:
 - a. A front porch of not less than 60 square feet; or
 - b. Stone or brick masonry siding covering at least 1/3 of the façade.
 - e) All windows and doors on any house shall have trim that is no less than 4 nominal inches in width.
 - f) The roof on any house constructed shall be of asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
 - g) For the first phase of development and first preliminary plat which shall include that portion of the Property north of and immediately adjacent to the east of the real property locally known as 3341 E. 56th Street:
 - i. Any 1-story house shall be constructed with a minimum of 1,250 square feet of above-grade finished floor area.
 - ii. Any 1-½-story house shall be constructed with a minimum of 1,350 square feet of above-grade finished floor area.
 - iii. Any 2-story house shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area.
 - h) For the second phase of development and second and subsequent preliminary plat(s) which shall include that portion of the Property south of and immediately adjacent to the east of the real property locally known as 3301 E. 56th Street:
 - i. Any 1-story house shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area.
 - ii. Any 1-½-story house shall be constructed with a minimum of 1,600 square feet of above-grade finished floor area.
 - iii. Any 2-story house shall be constructed with a minimum of 1,800 square feet of above-grade finished floor area.
 - i) Exterior material for any house constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, masonite, or cement fiber board.

j) Any chain link fence shall have black vinyl cladding.

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

Section 4. That the City Clerk is hereby authorized and directed to cause certified copies of the Acceptance of Rezoning Ordinance, this ordinance, vicinity map and proof of publication of this ordinance to be properly filed in the office of the County Recorder of the county in which the subject property is located.

FORM APPROVED:


Glenna K. Frank
Assistant City Attorney

Prepared by: Glenna K. Frank, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, IA 50309
Phone: 515/283-4530
Return Address: City Clerk - City Hall, 400 Robert Ray Dr., Des Moines, IA 50309
Taxpayer: No change
Title of Document: Acceptance of Rezoning Ordinance
Grantor's Name: J. Larson Homes, LLC; QSL Development, LLC
Grantee's Name: City of Des Moines, Iowa
Legal Description: LOT 6 IN OFFICIAL PLAT OF NORTH 1/2 OF SOUTHWEST 1/4 AND SOUTH 1/2 OF NORTHWEST 1/4 AND NORTHWEST 1/4 OF NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 79, RANGE 23, NOW IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; AND

PARCEL "C" OF THAT PLAT OF SURVEY FILED IN THE OFFICE OF THE RECORDER OF POLK COUNTY, IOWA ON FEBRUARY 8, 2005, AND RECORDED IN BOOK 10929 PAGE 884, BEING A PART OF LOT 5 OF THE OFFICIAL PLAT OF THE SOUTHWEST QUARTER (SW 1/4) AND THE SOUTH HALF (S 1/2) OF THE NORTHWEST QUARTER (NW 1/4) AND THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 26, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M.; AND

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EXCEPT FOR THAT PORTION CONVEYED TO POLK COUNTY BY WARRANTY DEED RECORDED MAY 14, 2008 IN BOOK 12652 PAGE 365 ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; AND

EXCEPT PARCEL "H" OF THE PLAT OF SURVEY FILED IN THE OFFICE OF THE POLK COUNTY RECORDER ON NOVEMBER 2, 2011, AND RECORDED IN BOOK 14036 PAGE 999, BEING PART OF THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M. AND ALSO PART OF LOTS 4 AND 5 OF THE OFFICIAL PLAT OF THE NORTH 1/2 OF THE SOUTHWEST 1/4, THE SOUTH 1/2 OF THE NORTHWEST 1/4 AND THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5TH P.M.

(Herein "Property")

ACCEPTANCE OF REZONING ORDINANCE

The undersigned hereby state, warrant and agree as follows:

1. That QSL Development, LLC and J. Larson Homes, LLC are the titleholders of the Property located in the 3301 block of East 56th Street and legally described above.


2. That in the event the City of Des Moines, Iowa, acts to rezone the Property from the "A-1" Agricultural District to Limited "R-3" Multiple-Family Residential District, we agree and accept on behalf of the owners to the imposition of the following conditions to run with the land and be binding upon all successors, heirs and assigns as part of the ordinance so rezoning the Property:

1. An overall development plan for the Property shall be submitted with the application for the first Preliminary Plat of the property. The overall development plan shall demonstrate to the Planning Administrator's satisfaction, that a mix of housing types and price ranges will be constructed on the property. The overall development plan should include smaller lot single-family detached or semi-detached residential on the north half of the west half of the development; larger lot single-family detached or semi-detached residential on the south half of the west half of the development; and a 90-unit special needs apartment building and small multi-family residential structures with up to 12 units per building on the east half of the property, excluding flood prone areas. The overall density of the entire development shall not exceed 12 units per acre.
2. Any development of the Property must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.
3. Any development of the Property must comply with any Floodplain Development regulations in place at the time of construction.
4. Any development of the Property shall provide sufficient internal pedestrian and bicycle connections between private sites and the public street network, and shall provide a future regional trail connection as reviewed and approved by the City Engineer and City Parks and Recreation Director.
5. Any detached single-family dwelling shall comply with the following:
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 - b) Any house shall have a full basement unless determined infeasible by the City's Building Official and Planning Administrator.
 - c) Any house shall have a minimum two-car attached garage.
 - d) The front façade of any house constructed must contain one of the following:
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 - b. Stone or brick masonry siding covering at least 1/3 of the façade.

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- f) The roof on any house constructed shall be of asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
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- i) Exterior material for any house constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, masonite, or cement fiber board.
- j) Any chain link fence shall have black vinyl cladding.

3. A certified copy of the rezoning ordinance shall be attached hereto, and a certified copy of this document and the rezoning ordinance shall be recorded by the City in the land records of the County Recorder to memorialize the rezoning of the Property as identified above.

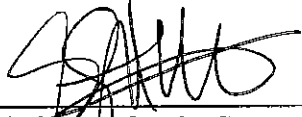
J. Larson Homes, LLC
an Iowa limited liability company



By: JOHN LARSON
Its: MANAGER

State of Iowa)
) ss:
County of Polk)

This instrument was acknowledged before me on JULY 30TH, 2019, by
JOHN LARSON as MANAGER of J. Larson Homes, LLC.



Notary Public in and for the State of Iowa

STEPHEN M EVITTS
Notarial Seal - Iowa
Commission # 770270
My Commission Expires 10/2021