



Roll Call Number

09-2184

Agenda Item Number

22-I

Date December 7, 2009

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on December 3, 2009, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Thomas Wilson (purchaser) to rezone property located in the 4000 Block of Dubuque Avenue, from R1-60 One-Family Low-Density Residential District and R-2 Two-Family Residential District to R-3 Multiple-Family Residential District, to allow development of up to 25 bi-attached (duplex) residential structures with up to 50 residential units for senior living subject to the applicant agreeing to the following conditions:

1. Any use of the property shall be restricted to elderly living or persons with disability living arrangements.
2. Development of the site shall not exceed 25 bi-attached residential buildings (50 total units).
3. Development of the site shall include structures along the north side of Dubuque Avenue being oriented toward Dubuque Avenue rather than backing to Dubuque Avenue.
4. The developer shall be required to improve Dubuque Avenue to urban standards including sidewalks on both sides of the street.
5. Any development of the site is subject to provision of storm water management in accordance with State Wide Urban Design and Specifications (SUDAS) standards for a two-year frequency storm event developed release rate.
6. Design and materials for any structure built on the subject property shall be demonstrate compatibility with the adjoining residential properties as part of review of a Site Plan Under the Design Guidelines for Multiple-Family Residential uses by the Plan and Zoning Commission.
7. Any trash enclosures shall be constructed with masonry materials and steel gates to match the multiple-family residential structures.
8. Any chain link fencing on the site shall be clad with black vinyl.
9. Any structure constructed on the site shall have architectural shingles.

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10. Any bi-attached dwelling unit shall have at least 1,040 square feet of floor space excluding basements and at least a one-car attached garage.
11. The exterior of each bi-attached dwelling unit must be constructed of masonry (brick or stone) and/or vinyl, cedar, or Hardi-Plank siding. If vinyl siding is selected, it must be greater than 42 mills thick.
12. The front elevation of each bi-attached dwelling unit must contain either 1/3 to 1/2 stone or brick masonry or a front porch of not less than 60 square feet.
13. The front elevation of each bi-attached dwelling unit constructed must include either shutters on each side of each window or window trim not less than 4 inches in width.
14. Any tree removals on the site will be subject to the provisions of the tree mitigation ordinance that was adopted by the City Council on September 28, 2009.
15. The property owner will agree not to object to a future special assessment for paving/widening of E. 41st Street.

The subject property is more specifically described as follows:

Outlots X & Y, Eastern Mounds Plat 1, an Official Plat, and Parcel A Book 12014 Page 130 East 1/2 Lot 63, Broadacre, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk and Warren County, Iowa

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on December 21, 2009, at which time the City Council will hear both those who oppose and those who favor the proposal.

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- 2. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED by Vlassis to adopt.

FORM APPROVED:

Michael F. Kelley
Assistant City Attorney

(ZON2009-00205)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

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.

Diane Rauh City Clerk

MOTION CARRIED

APPROVED

Mayor