

Date August 8, 2011

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 21, 2011, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from DMM Investments, LLC represented by Edward Mauro (officer) to rezone property located at 2340 Herold Avenue from M-3 Limited Industrial District to Limited R1-60 One-Family Low-Density Residential District, to allow extension of Herold Avenue for single-family lot development subject to the following conditions:

1. No part of the Property shall be divided into a lot or separate parcel with a width of less than 65 feet except those lots dedicated for public use.
2. Any development of the property shall only be permitted after extension of the public street in a manner to allow development of adjoining developable property to the east and north. Such street extension shall provide a secondary connection to the existing street system on Emma Avenue or Stanton Avenue.
3. Any development of the property shall be subject to the recorded Noise and Avigation easements in favor of the Des Moines International Airport.
4. Each single-family dwelling unit shall have a private garage, whether attached or detached.
5. Minimum building floor areas for single-family residences shall be as follows:
 - a) Single-story (ranch)- 1,200 square feet, excluding basements.
 - b) Two-story-1,400 square feet, excluding basements.
6. The front elevation of each single-family home must contain one of the following:
 - a) A front porch of not less than 60 square feet; or
 - b) 1/3 to 1/2 stone or brick masonry.
7. The front elevation of each single-family home must contain one of the following:
 - a) Shutters on each side of each window; or
 - b) Window trim not less than 4" in width.

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8. The exterior of each single-family home must be of masonry (brick or stone) or a combination of masonry and vinyl, cedar, Masonite, or Hardi-Plank siding. If vinyl siding is selected, it must be greater than 40 mills thick.
9. The roof on any home shall be of architectural type shingles or cedar shakes.
10. Fencing shall be limited as follows:
 - a) Black vinyl-clad chain link is the only fencing material permitted.
 - b) The maximum height of fencing allowed in a side or rear yard is five feet (5').
 - c) Fencing is prohibited within any front yard and within access easements to detention basins or trails.
 - d) If fencing is placed in an easement that prohibits access, the city will remove the fence to gain access. Replacement of the fence is the responsibility of the homeowner.
 - e) Wood privacy screens up to six-feet (6') in height are permitted when located outside of the required setbacks for a principal structure, outside of conservation easements and when adjoining private patios or decks outside the required front yard.
 - f) All other fencing or screening is subject to the review and approval of the Planning Director and/or the Zoning Board of Adjustment.

The subject properties are more specifically described as follows:

Parcel H, Book 10831, Page 348, Commencing 1145.21 Feet West of South $\frac{1}{4}$ Corner of Section 20-78-24, thence North 330.27 Feet to Point of Beginning, thence West 169.98 Feet to Southeast Corner Lot 10, Cooper Place Plat 2, an Official Plat, thence North 331.26 Feet along East Line Cooper Place Plat 2, and East Line Pine Meadow, an Official Plat, thence East 169.72 Feet, thence South 330.73 Feet to Point of Beginning Southwest $\frac{1}{4}$, Southeast $\frac{1}{4}$, Southwest $\frac{1}{4}$, Section 20, Township 78 North, Range 24 West of the 5th P.M., all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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

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 August 29, 2010, at which time the City Council will hear both those who oppose and those who favor the proposal.

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 MahaFFEY to adopt.

FORM APPROVED:


Michael F. Kelley
Assistant City Attorney

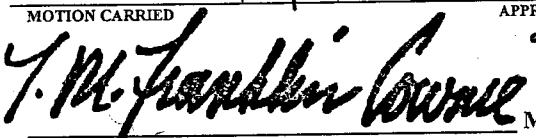
(ZON2011-00112)

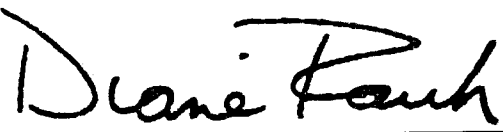
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

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.

MOTION CARRIED APPROVED

T. M. Franklin
Mayor


Diane Rauh
City Clerk