

Date August 29, 2011

WHEREAS, on August 8, 2011 by Roll Call No. 11-1367, it was duly resolved by the City Council that the application of DMM Investments, LLC to rezone certain property the company owns, and located in the vicinity of 2340 Herold Avenue, more fully described below, be set down for hearing on August 29, 2010, 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:

Parcel H, Book 10831, Page 348, Commencing 1145.21 Feet West of South ¼ 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 ¼, Southeast ¼, Southwest ¼, 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.

from the M-3 Limited 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. 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.
- b. 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.

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- c. Any development of the property shall be subject to the recorded Noise and Avigation easements in favor of the Des Moines International Airport.
- d. Each single-family dwelling unit shall have a private garage, whether attached or detached.
- e. Minimum building floor areas for single-family residences shall be as follows:
 - (1) Single-story (ranch)- 1,200 square feet, excluding basements.
 - (2) Two-story-1,400 square feet, excluding basements.
- f. The front elevation of each single-family home must contain one of the following:
 - (1) A front porch of not less than 60 square feet; or
 - (2) 1/3 to 1/2 stone or brick masonry.
- g. The front elevation of each single-family home must contain one of the following:
 - (1) Shutters on each side of each window; or
 - (2) Window trim not less than 4" in width.
- h. 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.
- i. The roof on any home shall be of architectural type shingles or cedar shakes.
- j. Fencing shall be limited as follows:
 - (1) Black vinyl-clad chain link is the only fencing material permitted.
 - (2) The maximum height of fencing allowed in a side or rear yard is five feet (5').
 - (3) Fencing is prohibited within any front yard and within access easements to detention basins or trails.
 - (4) 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.
 - (5) 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.
 - (6) All other fencing or screening is subject to the review and approval of the Planning Director and/or the Zoning Board of Adjustment.

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NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that 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 One-Family Low-Density Residential District are hereby overruled, and the hearing is closed, and the proposed rezoning of the Property is hereby APPROVED.

MOVED by Hensley 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	7			

MOTION CARRIED 7 APPROVED
Y. M. Franklin Cownie 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.


 Diane Rauh City Clerk