

★ Roll Call Number

11-1902

Agenda Item Number

45B

Date November 7, 2011

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 6, 2011, its members voted 10-1 in support of a motion to recommend **APPROVAL** of a request from Russell Parks (owner), with additional subject property owned by the City of Des Moines, to rezone property in the vicinity of 4805 Observatory Road from R1-80 One-Family Residential District to Limited R-3 Multiple Family Residential District, to allow for infill development of no more than six residential units within three single-family semi-detached dwellings, all contained within a commonly owned parcel with access from Observatory Road subject to the applicant agreeing to the following conditions:

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.

The subject property is more specifically described as follows (the "Property"):

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:

★ Roll Call Number
11-1902

Agenda Item Number
45B

Date November 7, 2011

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.

WHEREAS, on October 24, 2011 by Roll Call No. 11-1785, the City Council of the City of Des Moines, Iowa, duly resolved to hold a public hearing on the proposed rezoning of the Property at 5:00 p.m. on November 7, 2011 in Council Chambers at City Hall; and

WHEREAS, due notice of the public hearing was published in the Des Moines Register on October 27, 2011 pursuant to Iowa Code Sections 362.3 and 414.4; and

WHEREAS, pursuant to the notice, those persons both in favor of and opposed to the proposed rezoning have had the opportunity to be heard and have made their views known to the City Council.

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 are hereby overruled, the hearing is closed and the proposed rezoning of the Property from the R1-80 One-Family Residential District to Limited R-3 Multiple Family Residential District classification is hereby APPROVED.

MOVED by Hensley to adopt and approve the rezoning subject to the following: 1. The applicant shall work with City staff to develop a construction staging plan prior to final reading of the ordinance.

FORM APPROVED: Kelley will ensure that quality building materials and design are incorporated for all structures at the time of Site Plan review.
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
T. M. Franklin Council 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