

★ Roll Call Number

11-1905

Agenda Item Number

46B

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 11-0 in support of a motion to recommend **APPROVAL** of a request from Christopher Seunt Jens (owner) to rezone property in the vicinity of 3422 57th Street from R1-60 One-Family Low-Density Residential District to Limited R-2 One and Two-Family Residential District, to allow for infill development with two-family dwellings subject to the applicant agreeing to the following conditions:

1. Permitted uses shall be limited to single-family or single-family semidetached residential.
2. Any use of the property for single-family semidetached residential shall be in accordance with a Plat of Survey as approved by the City's Permit and Development Center and recorded with Polk County.
3. Any single-family semidetached dwelling unit shall have at least 1,000 square feet of floor space excluding basements.
4. The exterior of any single-family semidetached dwelling unit shall be constructed of masonry (brick or stone) and/or horizontal cedar or cement board overlap siding.
5. Any dwelling unit shall be constructed with architectural-style asphalt shingles.
6. The front elevation of any single-family semidetached dwelling unit shall contain either 1/3 masonry (brick or stone) or a front porch of not less than 60 square feet.
7. The front elevation of any single-family semidetached dwelling unit constructed shall include either shutters on each side of each window or window trim not less than 4 inches in width.
8. Provision of a minimum 12-foot by 24-foot (288 square feet) garage on each lot that is accessed by a paved driveway. The garage shall be located outside of the minimum required front yard setback.
9. Any tree removals on the site shall be subject to the provisions of the tree mitigation ordinance.

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

Lot 28, Van Dorn Place, an Official Plat, and the North 66 feet of the East 133.2 feet, Lot 78, Kingman Acres, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

WHEREAS, on October 24, 2011 by Roll Call No. 11-1782, 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 located in the vicinity of 3422 57th Street from R1-60 One-Family Low-Density Residential District to Limited R-2 One and Two-Family Residential District classification is hereby APPROVED.

MOVED by Griess to adopt and approve the rezoning.

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 APPROVED
T. M. Franklin 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