

12-0564

49

April 9, 2012

Date

WHEREAS, on March 26, 2012 by Roll Call No. 12-0457, it was duly resolved by the City Council that the application of Home Opportunities Made Easy, Inc. to rezone certain property located in the vicinity of 1303 and 1305 Clark Street and 1512 and 1516 13<sup>th</sup> Street from the R1-60 One-Family Low-Density Residential District to a Limited R-3 Multiple Family Residential District classification, more fully described below, be set down for hearing on April 9, 2012, 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 March, 29, 2012, 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 (the "Property"):

South 88.75 feet Lots 1 & 2 and all Lots 11 and 12, Block 2, Laymans 3<sup>rd</sup> Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

from the R1-60 One-Family Low-Density Residential District to a Limited R-3 Multiple Family 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, except for that property located at 1512 13<sup>th</sup> Street which is owned as titleholder by the City of Des Moines, and the contract purchaser of the property and are binding upon the owners, contract purchasers and their successors, heirs and assigns as follows:

- (1) Permitted uses shall be limited to single-family residential, single-family semi-detached residential, and two-family residential.
- (2) Any reconfiguration of the lots 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 tree removals on the site shall be subject to the provisions of the tree mitigation ordinance.
- (4) Any single-family dwelling shall be constructed in substantial conformance with the submitted design, subject to the following alteration:

Exterior building materials shall be reviewed and approved by the Community Development Director.

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- (5) Any two-family dwelling shall be constructed in substantial conformance with the submitted design, subject to the following alterations:
  - a. Exterior building materials shall be reviewed and approved by the Community Development Director.
  - b. The window on the front of each dwelling unit's ground floor shall be expanded to be a triple-window.
  - c. A minimum of three decorative roof supports shall be provided under the front gable on each dwelling unit.

WHEREAS, pursuant to Iowa Code Section 414.3, by virtue of the City's ownership of 1512 13<sup>th</sup> Street the City Council's agreement is necessary to subject that property to the conditions set forth above to the rezoning to a Limited R-3 classification; and

WHEREAS, because the property owner of 1516 13<sup>th</sup> Street is unable to execute the Acceptance of Rezoning Ordinance by the close of the public hearing and is therefore unable to comply with Iowa Code Section 414.5 which requires that all property owners agree in writing to the conditions imposed by the limited rezoning, staff requests that the public hearing on the proposed rezoning to the Limited R-3 classification be continued to the April 23, 2012 City Council meeting.

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

1. The City Council hereby accepts on behalf of the City of Des Moines, Iowa the following conditions and limitations on the rezoning of property located at 1512 13<sup>th</sup> Street:

- (1) Permitted uses shall be limited to single-family residential, single-family semi-detached residential, and two-family residential.
- (2) Any reconfiguration of the lots 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 tree removals on the site shall be subject to the provisions of the tree mitigation ordinance.
- (4) Any single-family dwelling shall be constructed in substantial conformance with the submitted design, subject to the following alteration:

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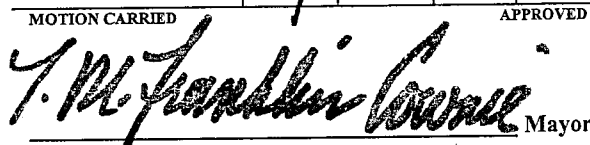
2. The public hearing on the proposed rezoning is opened, and hereby continued to April 23, 2012 at 5:00 p.m. in Council Chambers at City Hall, Des Moines, Iowa.

MOVED by Griess to adopt and to continue the public hearing to April 23, 2012, at 5:00 p.m. in Council Chambers at City Hall, Des Moines, Iowa.

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