

★ Roll Call Number

12-0635

Agenda Item Number

39B

Date April 23, 2012

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 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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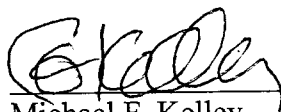
- (5) Any two-family dwelling shall be constructed in substantial conformance with the submitted design, subject to the following alterations:
  - a. Exterior building materials shall be reviewed and approved by the Community Development Director.
  - b. The window on the front of each dwelling unit's 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.

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

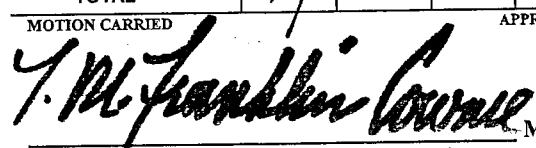
1. Upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the Property to a Limited R-3 Multiple Family Residential District are hereby overruled, and the hearing is closed.
2. The Property described above is hereby rezoned from the R1-60 One-Family Low-Density Residential District to a Limited R-3 Multiple Family Residential District classification.

MOVED by Griess to adopt and approve the rezoning, subject to final passage of the rezoning ordinance.

FORM APPROVED:

  
 Michael F. Kelley  
 Assistant City Attorney

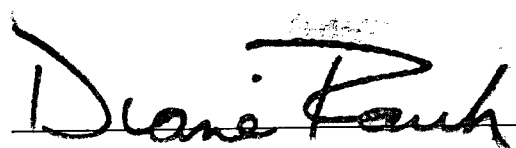
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED APPROVED  
  
 T. 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