

Date March 7, 2016

**RESOLUTION HOLDING HEARING ON REQUEST FROM
CARLISLE DEVELOPMENT, LLC TO REZONE PROPERTY LOCATED AT
4601 BLOCK OF SOUTHEAST 34TH STREET FROM
"R1-90" LARGE LOT ONE-FAMILY RESIDENTIAL DISTRICT TO
"R1-70" ONE-FAMILY LOW-DENSITY RESIDENTIAL DISTRICT**

WHEREAS, on February 22, 2016, by Roll Call No. 16-0277, the City Council received and filed a communication from the City Plan and Zoning Commission advising that at a public hearing held on February 4, 2016, its members voted 9-3 in support of a motion to recommend **APPROVAL** of a request from Carlisle Development, LLC (developer), represented by John Larson (officer), to rezone real property located at the 4601 Block of Southeast 34th Street ("Property") from "R1-90" Large Lot One-Family Residential District to "R1-70" One-Family Low-Density Residential District to allow use of development for single-family residential dwellings on lots that are at least 70 feet wide, subject to conditions set forth in said Roll Call; and

WHEREAS, the Developer and City staff have proposed revised rezoning conditions as follows:

- 1) A berm and landscaping shall be provided along SE 34th Street to the satisfaction of the Planning Administrator and fencing shall be prohibited in the area west of the eastern edge of the berm.
- 2) No same house plan shall be built on adjacent lots.
- 3) Each house shall have a full basement.
- 4) Each house shall have a minimum three-car attached garage.
- 5) The front façade of any house constructed must contain one of the following:
 - a. A front porch of not less than 60 square feet; or
 - b. 1/3 to 1/2 stone or brick masonry.
- 6) Windows on the street-facing façade of any house constructed shall have either of the following:
 - a. Shutters on each side; or
 - b. Trim border not less than 4" in width.
- 7) Roof on any house constructed shall be of asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
- 8) Single story homes shall be constructed with a minimum of 1400 square feet of above grade finished floor area. Except that any home constructed on a lot that has frontage on SE 34th Street shall have a minimum of 1600 square feet of above grade finished floor area.
- 9) 1½ story homes shall be constructed with a minimum of 1600 square feet of above grade finished floor area with a minimum of 1000 square feet on the first floor. Except that any home constructed on a lot that has frontage on SE 34th Street shall have a minimum of 1800 square feet of above grade finished floor area.
- 10) 2-story homes shall be constructed with a minimum of 1800 square feet of above grade finished floor area. Except that any home constructed on a lot that has frontage on SE 34th Street shall have a minimum of 2000 square feet of above grade finished floor area.
- 11) Exterior material for any home constructed shall consist of masonry (brick or stone), vinyl of no less than .042 thickness, cedar, or cement fiber board.
- 12) Any chain link fence shall have black vinyl-cladding.
- 13) A 6-foot wide public sidewalk shall be provided through the development providing enhanced east-west pedestrian connectivity to the satisfaction of the Planning Administrator; and



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WHEREAS, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and

WHEREAS, in accordance with said notice, those interested in said 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 Property locally known as 4601 Block of Southeast 34th Street, legally described as:

The South 20 acres of the West 30 acres of the South 1/2 of the Southeast 1/4, less 1.003 acres for roadway, all in Section 19, Township 78 North, Range 23, West of the 5th P.M., in the City of Des Moines, Polk County, Iowa, containing 18.997 acres

from "R1-90" Large Lot One-Family Residential District to "R1-70" One-Family Low-Density Residential District to allow use of development for single-family residential dwellings on lots that are at least 70 feet wide, subject to the conditions stated above as agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by the Developer and the owners of the Property, which is binding upon the owners, Developer, and their successors, heirs and assigns.

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, and any and all statements of interested persons and arguments of counsel, any objections to the proposed rezoning of the Property to "R1-70" One-Family Low-Density Residential District with conditions as set forth above, are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property to "R1-70" One-Family Low-Density Residential District with conditions as set forth above, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

MOVED BY Gatto TO ADOPT. The parties have additionally agreed to 2-car garages on lots 31 and 32, and to provide access along SE 34th Street to connect to the trail. This agreement will be separately memorialized.

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and TOTAL.

MOTION CARRIED 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 Fauh City Clerk