

Date June 26, 2017

**RESOLUTION HOLDING HEARING ON REQUEST FROM  
SOLID GROUND, LLC TO REZONE PROPERTY LOCATED AT  
150 EAST COUNTY LINE ROAD**

**WHEREAS**, on May 22, 2017, by Roll Call No. 17-0866, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on May 4, 2017, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Solid Ground, LLC (owner), represented by Eric Grubb (officer), to rezone property located at 150 East County Line Road ("Property") from "R1-80" One-Family Residential District to Limited "R1-60" One-Family Low-Density Residential District to allow subdivision of the Property for minimum 60-foot wide single-family residential lots, subject to the following conditions:

1. Street trees shall be provided along East County Line Road at the time public improvements are installed for the development. The trees shall be located between the street curb and the public sidewalk, shall be spaced 30 feet on center, and shall comply with the City's street tree policies.
2. A minimum of one street tree shall be provided per lot frontage within the development that complies with the City's street tree policies. Each tree shall be installed prior to the issuance of a Certificate of Occupancy for the dwelling constructed on that lot.
3. No same house plan shall be built on adjacent lots.
4. Each house shall have a full basement.
5. Each house shall have a minimum two-car attached garage.
6. 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. Stone or brick masonry siding covering at least 1/3 of the façade.
7. All windows and doors shall have trim that is no less than 4-inches in width.
8. The roof on any house constructed shall be of asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
9. Single story homes shall be constructed with a minimum of 1,300 square feet of above grade finished floor area.
10. 1½ story homes shall be constructed with a minimum of 1,500 square feet of above grade finished floor area with a minimum of 1,000 square feet on the first floor.
11. 2-story homes shall be constructed with a minimum of 1,500 square feet of above grade finished floor area.
12. Exterior material for any home constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, masonite, or cement fiber board.
13. Any chain link fence shall have black vinyl-cladding.
14. Provision of a trail providing pedestrian access to Fort Des Moines Park; and

**WHEREAS**, on May 22, 2017, by Roll Call No. 17-0866, it was duly resolved by the City Council that the application from Solid Ground, LLC to rezone the Property, be set down for hearing on June 12, 2017 at 5:00 P.M., in the Council Chamber at the Municipal Service Center; 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**, thereafter Condition Nos. 9, 10, and 11 were revised as follows, which revisions are supported by City staff and have been agreed to by the owner of the Property:

- (9) Single story homes on Conceptual Plan Lots 1-4, 25-32, 37-44 and 49-52 shall be constructed with a minimum of 1,300 square feet of above-grade finished floor area. Single story homes on Conceptual Plan Lots 5-24, 33-36 and 45-48 shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area.
- (10) 1½ story homes on Conceptual Plan Lots 1-4, 25-32, 37-44 and 49-52 shall be constructed with a minimum of 1,500 square feet of above-grade finished floor area with a minimum of 1,000 square feet on the first floor. 1½ story homes on Conceptual Plan Lots 5-24, 33-36 and 45-48 shall be constructed with a minimum of 1,600 square feet of above-grade finished floor area with a minimum of 1,000 square feet on the first floor.
- (11) 2 story homes on Conceptual Plan Lots 1-4, 25-32, 37-44 and 49-52 shall be constructed with a minimum of 1,500 square feet of above-grade finished floor area with a minimum of 1,000 square feet on the first floor. 2 story homes on Conceptual Plan Lots 5-24, 33-36 and 45-48 shall be constructed with a minimum of 1,600 square feet of above grade finished floor area with a minimum of 1,000 square feet on the first floor; and

**WHEREAS**, on May 22, 2017, by Roll Call No. 17-1019, the City Council opened and continued the public hearing in order for the revised Condition Nos. 9, 10 and 11 to be incorporated in the ordinance and Acceptance of Rezoning Ordinance documents; 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 150 East County Line Road, legally described as:

PARCEL "O" ON THE PLAT OF SURVEY FILED NOVEMBER 16, 2012 IN BOOK 14534 PAGE 839 IN THE OFFICE OF THE POLK COUNTY RECORDER BEING PART OF THE WEST 1650 FEET OF THE SOUTH 1320 FEET OF THE SOUTHWEST 1/4 OF SECTION 34 TOWNSHIP 78 NORTH, RANGE 24, WEST OF THE 5<sup>TH</sup> P.M., ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.



Roll Call Number

17-1118

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from "R1-80" One-Family Residential District to Limited "R1-60" One-Family Low-Density Residential District to allow subdivision of the Property for minimum 60-foot wide single-family residential lots, subject to the conditions stated above, including Condition Nos. 9, 10 and 11 as revised, as agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by the owner of the Property, which is binding upon the owner and its 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 Limited "R1-60" 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 Limited "R1-60" One-Family Low-Density Residential District with conditions as set forth above, including Condition Nos. 9, 10 and 11 as revised, is hereby found to be in conformance with the existing PlanDSM: Creating Our Tomorrow plan and is approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Gatto TO ADOPT.

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

(ZON2017-00017)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and TOTAL (YEAS: 7).

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 Rauh City Clerk