



**Roll Call Number**

17-1918

**Agenda Item Number**

42B

**Date** November 6, 2017

**RESOLUTION HOLDING HEARING ON REQUEST FROM  
STANBROUGH REALTY COMPANY, LLC TO REZONE PROPERTY AT  
1916, 1920, AND 1924 MERLE HAY ROAD**

**WHEREAS**, on October 23, 2017, by Roll Call No. 17-1824, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on October 5, 2017, its members voted 8-1 in support of a motion to recommend **APPROVAL** of a request from Stanbrough Realty Company, LLC (purchaser), represented by Jeff Stanbrough (officer), to rezone property locally known as 1916, 1920, and 1924 Merle Hay Road (collectively "Property") from "R1-60" One-Family Low-Density Residential District to Limited "R-3" Multiple-Family Residential District, to allow for redevelopment with row dwellings, subject to the following rezoning conditions:

1. The density of residential development shall be limited to a maximum of 12-units per net acre.
2. Any development or site modifications shall be in accordance with a Site Plan that satisfies any applicable Site Plan design guidelines, such as those for Multiple-Family Residential; and

**WHEREAS**, on October 23, 2017, by Roll Call No. 17-1824, it was duly resolved by the City Council that the application of Stanbrough Realty Company, LLC to rezone the Property, as legally described below, be set down for hearing on November 6, 2017 at 5:00 p.m. in the Council Chambers at the Municipal Service Center; and

**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 1916, 1920 and 1924 Merle Hay Road, legally described as:

Lots 15, 17 and 19, LOOKOUT HEIGHTS PLAT 2, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

from "R1-60" One-Family Low-Density Residential District to Limited "R-3" Multiple-Family Residential District, to allow for redevelopment with row dwellings, subject to the conditions stated above as agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by the owner(s) of the Property, which is binding upon the owner(s) 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 Limited "R-3" Multiple-Family Residential District with conditions as set forth above, are hereby overruled, and the hearing is closed.

★ Roll Call Number  
17-1918

Agenda Item Number  
42B

Date November 6, 2017

-2-

2. The proposed rezoning of the Property to Limited "R-3" Multiple-Family Residential District with conditions as set forth above, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Gray TO ADOPT.

FORM APPROVED:

Glenna K. Frank  
Glenna K. Frank, Assistant City Attorney

(ZON2017-00164)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	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