



Roll Call Number

18-0154



Agenda Item Number

42

Date January 22, 2018

RESOLUTION HOLDING HEARING ON REQUEST FROM HOME, INC. TO REZONE PROPERTY AT 210 WATSON AVENUE

WHEREAS, on January 8, 2018, by Roll Call No. 18-0049, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on December 21, 2017, its members voted 14-0 in support of a motion to recommend APPROVAL of a request from HOME, Inc. (owner), represented by Pam Carmichael (officer), to rezone property locally known as 210 Watson Avenue ("Property") from "R1-60" One-Family Low-Density Residential District to Limited "R-2" Two-Family Residential District, to allow development of a two-family dwelling, subject to the following rezoning conditions:

- 1. Permitted uses shall be limited to one-family or two-family residential.
2. Any dwelling unit shall have at least 1,100 square feet of floor space.
3. The exterior of any dwelling unit shall be constructed of horizontal cement board or cedar overlap siding, or of masonry (brick or stone).
4. The front elevation of any dwelling unit shall contain either a front porch of not less than 60 square feet or 1/3 masonry (brick or stone) siding.
5. The front elevation of any dwelling unit constructed shall include either window trim not less than 4 inches in width or shutters on each side of each window.
6. Any dwelling unit shall be constructed with architectural-style asphalt shingles.
7. A minimum 288-square foot garage shall be provided for each dwelling unit. The garage shall be accessed by a paved driveway and be located outside of the minimum required front yard setback; and

WHEREAS, on January 8, 2018, by Roll Call No. 18-0049, it was duly resolved by the City Council that the application of HOME, Inc. to rezone the Property, as legally described below, be set down for hearing on January 22, 2018 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 210 Watson Avenue, legally described as:

Lots 57, 58 and 59 in Block 4 of OLD ORCHARD BEACH, an Official Plat, 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-2" Two-Family Residential District, to allow development of a two-family dwelling, 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.

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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-2" Two-Family 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 "R-2" Two-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 Westergaard TO ADOPT.

FORM APPROVED:

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

(ZON2017-00194)

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | ✓ | | | |
| BOESEN | ✓ | | | |
| COLEMAN | ✓ | | | |
| GATTO | ✓ | | | |
| GRAY | ✓ | | | |
| MANDELBAUM | ✓ | | | |
| WESTERGAARD | ✓ | | | |
| 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