



Roll Call Number

18-0624

Agenda Item Number

58

Date April 9, 2018

**RESOLUTION HOLDING HEARING ON REQUEST FROM
PHONEVILAY BOUN TO REZONE PROPERTY AT
1625-1645 EAST DIEHL AVENUE, 1540-1580 HART AVENUE AND 1545-1575 HART AVENUE**

WHEREAS, on March 19, 2018, by Roll Call No. 18-0462, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on March 1, 2018, its members voted 10-0-1 in support of a motion to recommend **APPROVAL** of a request from Phonevilay Boun (owner) to rezone property locally known as 1625-1645 East Diehl Avenue, 1540-1580 Hart Avenue and 1545-1575 Hart Avenue (collectively "Property") from "R1-80" One-Family Residential District to Limited "R1-60" One-Family Low-Density Residential District, to allow subdivision of the Property with 60-foot wide single-family dwelling lots, subject to the following rezoning conditions:

1. 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.
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 two-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. Stone or brick masonry siding covering at least 1/3 of the façade.
6. All windows and doors shall have trim that is no less than 4-inches in width.
7. The 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 1,400 square feet of above grade finished floor area.
9. 1½ story homes 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.
10. 2-story homes shall be constructed with a minimum of 1,800 square feet of above grade finished floor area.
11. 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.
12. Any chain link fence shall have black vinyl-cladding; and

WHEREAS, on March 19, 2018, by Roll Call No. 18-0462, it was duly resolved by the City Council that the application of Phonevilay Boun to rezone the Property, as legally described below, be set down for hearing on April 9, 2018 at 5:00 p.m. in the Council Chambers at City Hall; 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

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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 1625-1645 East Diehl Avenue, 1540-1580 Hart Avenue and 1545-1575 Hart Avenue, legally described as:

Lot 23, 24, 25, 26, and 27 in CAPITOL VIEW ACRES, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

Lot 12 (Except the South 70 feet of the West 425 feet thereof) and Lots 13 and 14 in NEW HOPE, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa

from "R1-80" One-Family Residential District to Limited "R1-60" One-Family Low-Density Residential District, to allow subdivision of the Property with 60-foot wide single-family dwelling lots, 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 "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, 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 Gatto TO refer to the City Manager for review and recommendation regarding Storm Water Management, plans for Diehl, and Developer requirements and to continue hearing until May 7th (ZON2018-00013) at 5:00 PM

FORM APPROVED:

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

| 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