



Roll Call Number

19-0310

Agenda Item Number

45 ✓

Date February 25, 2019

RESOLUTION HOLDING HEARING ON REQUEST FROM HOME OPPORTUNITIES MADE EASY, INC. TO REZONE PROPERTY LOCATED AT 1321 AND 1325 FREMONT STREET

WHEREAS, on February 11, 2019, by Roll Call No. 19-0201, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on January 17, 2019, its members voted 8-0 in support of a motion to recommend APPROVAL of a request from Home Opportunities Made Easy (H.O.M.E.), Inc. (purchaser), represented by Pam Carmichael (officer), to rezone property located at 1321 and 1325 Fremont Street ("Property") from "R1-60" One-Family Low-Density Residential District to Limited "R-2" Two-Family Residential District, to allow the two parcels to be combined and developed with a two-family dwelling, subject to the following conditions:

- 1. Permitted uses shall be limited to one-family or two-family residential.
2. The unit plans and architecture shall be compatible with the image shown to the Plan and Zoning Commission.
3. Any dwelling unit shall have at least 1,100 square feet of floor space, excluding the basement.
4. The exterior of any dwelling unit shall be constructed of horizontal cement board or cedar overlap siding, or of masonry (brick or stone).
5. The front elevation of any dwelling unit shall contain either a front porch of approximately 60 square feet or 1/3 masonry (brick or stone) siding.
6. The front elevation of any dwelling unit constructed shall include either 1x4 window trim or shutters on each side of each window.
7. Any dwelling unit shall be constructed with architectural-style asphalt shingles.
8. 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 February 11, 2019, by Roll Call No. 19-0201, it was duly resolved by the City Council that the application of H.O.M.E., Inc. to rezone the Property, as legally described below, be set down for hearing on February 25, 2019 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

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 1321 and 1325 Fremont Street, legally described as:



Roll Call Number

190310

Agenda Item Number

45

Date February 25, 2019

LOTS 22 AND 23, BLOCK 30, STEWART'S ADDITION, 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-2" Two-Family Residential District, to allow the two parcels to be combined and developed with 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.

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

(ZON2018-00239)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

J. M. Frank Cownie 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