

Date June 19, 2006

RESOLUTION AFFIRMING THE DECISION OF THE HISTORIC  
PRESERVATION COMMISSION TO CONDITIONALLY APPROVE A  
CERTIFICATE OF APPROPRIATENESS FOR EXTERIOR ALTERATIONS  
TO THE APARTMENT BUILDING AT 729 - 17th STREET

WHEREAS, on April 19, 2006, the Historic Preservation Commission conditionally approved an application from OPM Partners, represented by Jim Shipley, for a Certificate of Appropriateness for exterior alterations to an apartment building at 729 - 17th Street, in the Sherman Hill Historic District; and,

WHEREAS, one of the exterior alterations proposed to be made by OPM Partners to the property was the use of metal window trim wrap, which alteration was denied by the Commission in its conditional approval; and,

WHEREAS, OPM Partners has appealed to the City Council pursuant to §58-31(f) of the Des Moines Municipal Code, appealing the condition of the Certificate of Appropriateness prohibiting the use of metal window trim wrap; and,

WHEREAS, on June 5, 2006, by Roll Call No. 06-1098, it was duly resolved by the City Council that the appeal be set down for hearing on June 19, 2006, at 5:00 p.m., in the Council Chambers; and,

WHEREAS, due notice of the hearing was published in the Des Moines Register on June 14, 2006; and,

WHEREAS, in accordance with the said notice, those interested in the issuance of the Certificate of Appropriateness, 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, Section 303.34(3) of the Iowa Code and Section 58-31(f) of the Des Moines Municipal Code provide that on an appeal such as this, the City Council shall consider whether the Historic Preservation Commission has exercised its powers and followed the guidelines established by the law and ordinance, and whether the Commission's decision was patently arbitrary or capricious; NOW THEREFORE,

BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. The public hearing on the appeal is hereby closed.

( continued )

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2. The City Council hereby finds that the decision of the Historic Preservation Commission conditioning approval of a Certificate of Appropriateness for exterior alterations to the apartment building at 729 - 17th Street, while prohibiting the use of metal window trim wrap, is not arbitrary or capricious and should be upheld.
3. The City Council hereby makes the following findings in support of this decision:
  - a. The Architectural Guidelines for New Construction in Des Moines' Historic Districts state in relevant part as follows:

ORIGINAL WINDOWS .....

- Existing windows should be retained, reconditioned and well maintained to be energy sound.
- Any replacement windows should duplicate the original window in type, size, and material. . . .

- b. The use of metal window trim wrap is not an appropriate material in the Sherman Hill Historic District and will change the appearance and historic character of the windows.

( Council Communication No. 06- 355 )

MOVED by \_\_\_\_\_ to adopt, and affirm the decision of the Historic Preservation Commission to deny the Certificate of Appropriateness.

FORM APPROVED:

*Roger K. Brown*

Roger K. Brown  
 Assistant City Attorney  
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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
HENSLEY				
MAHAFFEY				
KIERNAN				
VLASSIS				
TOTAL				

MOTION CARRIED APPROVED

\_\_\_\_\_  
 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.

\_\_\_\_\_  
 City Clerk