

Date August 5, 2019

**RESOLUTION HOLDING HEARING ON REQUEST FROM 2425 HUBBELL AVE LLC TO REZONE
PROPERTY AND AMEND PUD CONCEPTUAL PLAN FOR PROPERTY
LOCATED AT 1424, 1428, 1432 AND 1436 EAST 25TH STREET**

WHEREAS, on July 15, 2019, by Roll Call No. 19-1103, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on June 20, 2019, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from 2425 Hubbell Ave LLC (owner), represented by Todd Mendenhall (officer), to rezone property located at 1424, 1428, 1432 and 1436 East 25th Street (collectively "Property") from "PUD" Planned Unit Development to Limited "R1-60" One-Family Low-Density Residential District, and to amend the Townsend Engineering PUD Conceptual Plan, to allow the Property to be removed from the existing PUD and developed for single-family residential dwellings, subject to the following conditions:

1. Any modified lot configuration shall be in accordance with a Plat approved by the City's Permit and Development Center and recorded with Polk County. Any lot that is not determined to be a Lot of Record and that does not comply with "R1-60" District regulations, shall be subject to approval of any necessary zoning appeals by the City's Zoning Board of Adjustment.
2. Any dwelling constructed shall be subject to provision of a garage that at a minimum is large enough to provide 1 parking space and 80 square feet of storage space. A paved driveway shall be provided for vehicular access to the garage.
3. Any dwelling constructed shall have exterior materials of masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, cement fiber board, or other composite materials generally equal in quality to cement fiber board, as approved by the City's Planning Administrator.
4. Any dwelling shall be constructed with a front porch of not less than 60 square feet or with a front façade of which at least 1/3 shall be clad with stone or brick masonry.
5. Any dwelling constructed shall have window and door trim on all facades that is a minimum of 4 inches (nominal) wide.
6. Any dwelling constructed shall include a roof covered with architectural profile asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
7. Any construction shall be in compliance with all applicable building codes with issuance of all necessary permits by the City's Permit and Development Center; and

WHEREAS, the Property is legally described as follows:

LOTS 11 THROUGH 13 INCLUSIVE IN SALM'S ADDITION TO EASTON PLACE, AN OFFICIAL PLAT; AND LOTS 1 AND 2 AND THE EAST 58 FEET OF LOT 9, IN BAYARD PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; AND

WHEREAS, if approved, the PUD Conceptual Plan as amended will be legally described as follows:

LOTS 98 THROUGH 125 INCLUSIVE AND THE INTERVENING VACATED UNNAMED STREETS AND ALLEYS, AND VACATED DUBUQUE AVENUE RIGHT-OF-WAY ALL IN HUBBELL AVENUE ADDITION, AN OFFICIAL PLAT; AND LOTS 5 THROUGH 10 INCLUSIVE IN SALM'S ADDITION TO EASTON PLACE, AN OFFICIAL PLAT; AND LOTS 9 AND 10 EXCEPT THE EAST 58 FEET OF LOT 9, IN BAYARD PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. CONTAINING 8.42 ACRES; AND

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WHEREAS, on July 15, 2019, by Roll Call No. 19-1103, it was duly resolved by the City Council that the application from 2425 Hubbell Ave LLC to rezone the Property and to amend the Townsend Engineering PUD Conceptual Plan be set down for hearing on August 5, 2019 at 5:00 P.M., in the Council Chamber 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 amendments to the Zoning Ordinance and to the Townsend Engineering PUD Conceptual Plan; and

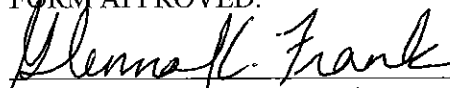
WHEREAS, in accordance with said notice, those interested in said proposed rezoning and proposed amendment to the approved Townsend Engineering PUD Conceptual Plan, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and

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 1424, 1428, 1432 and 1436 East 25th Street and legally described above.

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 subject to the conditions set forth above, and any objections to the proposed amendment to the Townsend Engineering PUD Conceptual Plan, are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, to Limited "R1-60" One-Family Low-Density Residential District is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to the conditions set forth above and subject to final passage of an ordinance rezoning the Property as set forth herein.
3. The proposed amendment to the Townsend Engineering PUD Conceptual Plan, as on file in the Community Development Department, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

FORM APPROVED:


Glenna K. Frank, Assistant City Attorney

MOVED BY _____ TO ADOPT.

(ZON2019-00091)

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

MOTION CARRIED

APPROVED

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.

Mayor

City Clerk