

Date September 10, 2007

WHEREAS, on August 20, 2007, by Roll Call No. 07-1597, it was duly resolved by the City Council, that the City Council consider a proposal from HDR Land Development, LLC, represented by Matt DeMey (agent) to rezone certain property it is purchasing in the vicinity of 4680 NE 23rd Avenue (also known as Easton Blvd), from the "A-1" Agricultural District classification to the "PUD" Planned Unit Development District classification, and to approve the proposed "PUD" Conceptual Plan for such property, and that such proposal be set down for hearing on September 10, 2007, 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 on August 30, 2007, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and,

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the property located in the vicinity of 4680 NE 23rd Avenue, more fully described as follows (the "Property"):

A part of the West Half of the Southwest Quarter of Section 27 and a part of the East Half of the East Half of the Southeast Quarter of Section 28, all in Township 79 North, Range 23 West of the 5th P.M., all now included in and forming a part of the City of Des Moines, Polk County, Iowa, and more particularly described as follows:

Beginning at the Northeast corner of Four Mile Plat No. 2, an Official Plat; thence North 89°45'40" East along the North line of said Southeast Quarter of Section 28, a distance of 650.34 feet to the East Quarter corner of said Section 28; thence South 89°57'21" East along the North line of said Southwest Quarter of Section 27, a distance of 1323.88 to the Northwest corner of Tract "A" in Lot 1 of the Plat of Stephen Harvey Estates in the East Half of the Southwest Quarter as shown on the Plat of Survey recorded in Book 5735, Page 973; thence South 00°18'37" West along the West line of said Tract "A", a distance of 2118.66 feet to a line 533 feet North of, and parallel with, the South line of said Southwest Quarter of Section 27; thence North 89°49'09" West along a line 533 feet North of, and parallel with, the South line of said Southwest Quarter of Section 27, a distance of 452.38 feet; thence South 00°03'18" West, 443.00 feet; thence North 89°49'09" West, 861.95 feet to the West line of said Section 28; thence South 89°59'27" West, 64.00 feet; thence North 00°03'08" East along a line 64 feet West of, and parallel with, the East line of said Southeast Quarter of Section 28, a distance of 241.00 feet; thence South 89°59'27" West along a line 331 feet North of, and parallel with, the South line of said Southeast Quarter of Section 28, a distance of 200.00 feet; thence South 00°03'08" West along a line 264 feet West of, and parallel with, the East line of said Southeast Quarter of Section 28, a distance of 331.00 feet to the South line of said Southeast Quarter of Section 28; thence South 89°59'27" West along said South line, 394.75 feet to the Southeast corner of Four Mile Plat No. 2, an Official Plat; thence North 00°14'05" East along the East line of said Four Mile Plat No. 2, a distance of 2645.93 feet to the Point of Beginning and containing 111.00 acres more or less.

from the "A-1" Agricultural District classification to the "PUD" Planned Unit Development District classification; and,

(continued)

Date September 10, 2007

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WHEREAS, the Plan and Zoning Commission has recommended that the proposed rezoning and "PUD" conceptual plan be approved, subject to the conditions identified in the attached letter from the Planning Administrator; 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; 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, statements of interested persons and arguments of counsel, the objections to said proposed rezoning and "PUD" Conceptual Plan are hereby overruled and the hearing is closed.

2. The proposed rezoning and "PUD" Conceptual Plan are hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan, subject to the conditions identified below.

3. The "PUD" Conceptual Plan for the Property described above, which is on file in the Community Development Department, is hereby approved, subject to the plan being first amended to satisfy the following conditions, and subject to the Community Development Director finding that such conditions have been satisfied by the amendments to the plan:

- a) The roof on any home constructed on the Property shall be of architectural-type shingles or cedar shakes.
- b) Provision of a traffic circle in the north 4-way intersection of the eastern collector street, with low-level shrubs and/or flower landscaping elements within the traffic circle that shall be planted by the developer and owned and maintained by a homeowners association.
- c) The PUD Conceptual Plan must allocate half of the 80' right-of-way needed for NE 23rd Avenue (Easton Blvd).
- d) The PUD Conceptual Plan must provide a 37' width pavement on the streets within the development where they intersect with NE 23rd Avenue (Easton Blvd) to allow a 150' left-turn lane, with a taper back to the 31' width.

(continued)

★ Roll Call Number

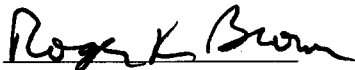
Agenda Item Number

64B

Date September 10, 2007

MOVED by _____ to adopt and approve the rezoning and Conceptual Plan, subject to final passage of the rezoning ordinance.

FORM APPROVED:



Roger K. Brown
Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

.....
Mayor

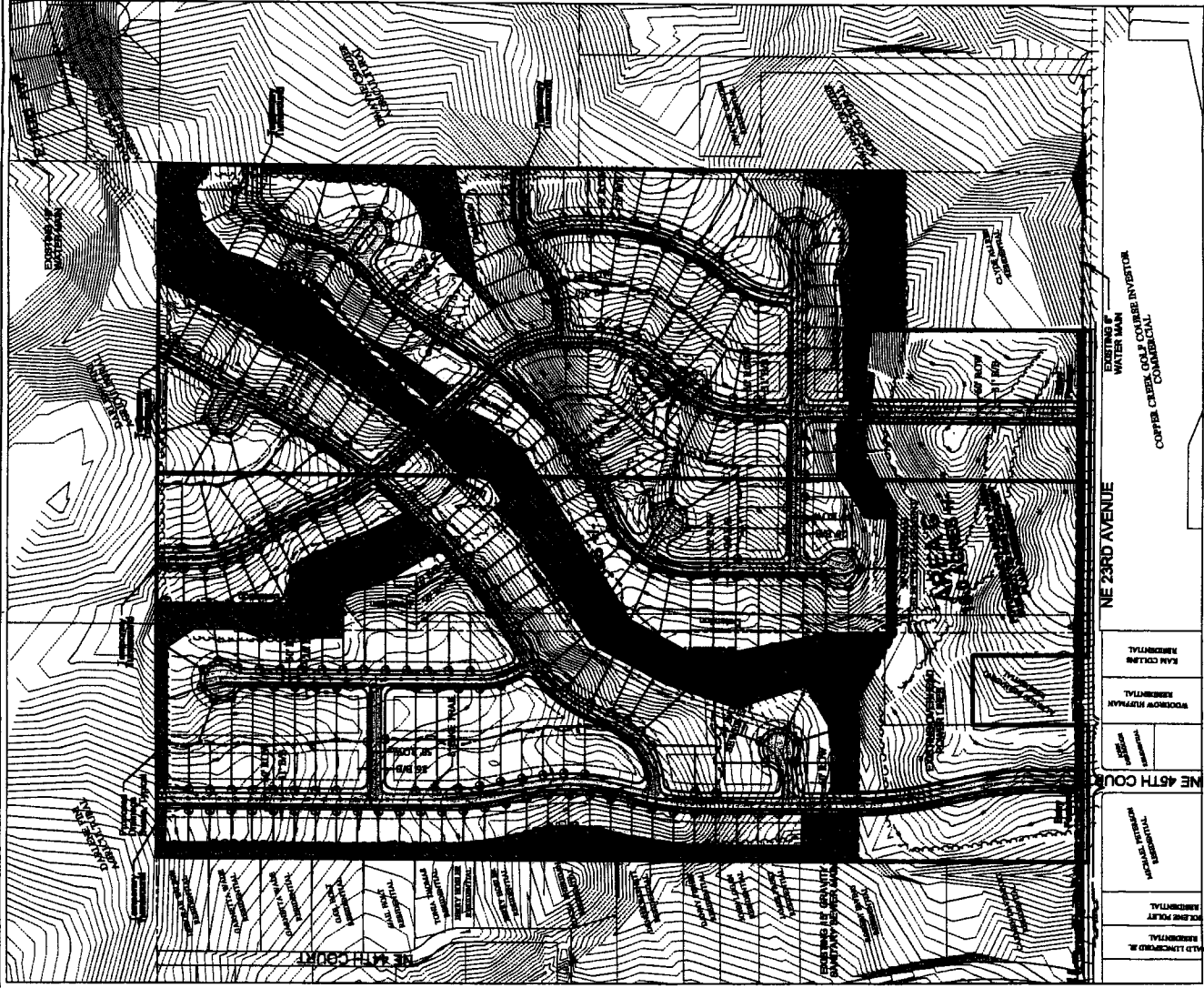
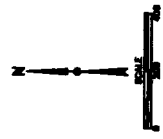
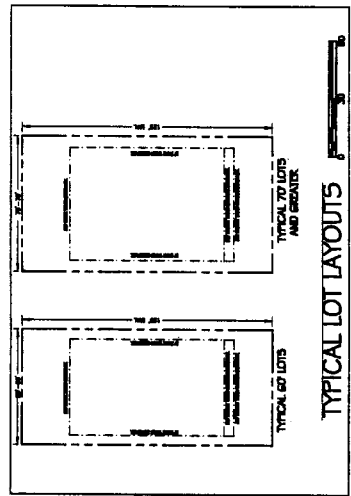
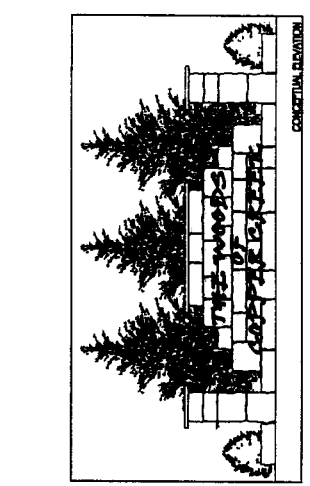
CERTIFICATE

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

SIGN REQUIREMENTS
 1. TURNING PANELS SHALL BE ALLOWED ONE ENTRANCE AND DIRECTIONAL
 2. ALL SIGN PANELS SHALL BE ALLOWED AT EACH ENTRANCE INTO THE P.U.D. OFF OF NE 23RD
 AVENUE. A CONCEPTUAL ELEVATION IS PROVIDED BELOW.



64B

2007 00035

Date: 4/25/07

I (am) (am not) in favor of the request.
(Circle One)

RECEIVED

APR 27 2007

Print Name: Debra Wilson

Signature: Debra Wilson

COMMUNITY DEVELOPMENT DEPARTMENT

Address: 3025 NE 44th Ct. DST, FASD 317

Reason for opposing or approving this request may be listed below:

Increase property value for resale.

Decrease pollen with fewer fields - have hay fever

Item 2007 00035

Date 7-12-7

I (am not) in favor of the request.

(Circle One)

✓ RECEIVED
JUL 13 2007

Print Name Kam Collins

Signature *Kam Collins*

COMMUNITY DEVELOPMENT DEPARTMENT

Address 4597 NE 23rd

Reasons for opposing or approving this request may be listed below:

OK with everything, I think it will look nice. BUT NO CRAPPY 3 story Apartments please

NO 3 Story Apartments please

Item 2007 00035

Date 4/25/07

I (am) in favor of the request.
(Circle One)

RECEIVED

APR 27 2007



Print Name GAIL HOLT

Signature Gail Holt

COMMUNITY DEVELOPMENT
DEPARTMENT

Address 2705 NE 44TH CT.

Reason for opposing or approving this request may be listed below:

MULTIPLE FAMILY HOMES DO NOT DRAW THE CLASS OF PEOPLE I WOULD WANT TO LIVE BEHIND MY PROPERTY. BOUGHT THE PROPERTY BECAUSE WE LIKED THE PEACEFUL AND "OPEN" ATMOSPHERE HERE, WHICH WOULD ALL COME TO AN END WITH NEW HOMES BEHIND US!

Item 2007 00035

Date 7/19/07

I (am) in favor of the request.
(Circle One)

RECEIVED

JUL 20 2007



Print Name GARNETTA WADE

Signature Garnetta Wade

COMMUNITY DEVELOPMENT
DEPARTMENT

Address 2945 N.E. 44th Ct.

Reason for opposing or approving this request may be listed below:

I liked the way it is.

RECEIVED AFTER 7/19 P:2 meeting

Item 2007 00035

Date July 13, 2007

I (am) in favor of the request.

(Circle One)

RECEIVED

JUL 16 2007

COMMUNITY DEVELOPMENT
DEPARTMENT

Print Name Clyde & Kathy Allred

Signature Kathy Allred

Address 4780 NE 23rd Ave

Reason for opposing or approving this request may be listed below:

- 1) We will always be against multiple-family dwellings - especially right on top of us as planned.
- 2) Traffic is a major concern.
- 3) We will be at the July KAM meeting to listen to the reasoning behind "PUD" and how it works.