

Date February 14, 2011

WHEREAS, the City Plan and Zoning Commission has advised in the attached letter that at a public hearing held January 20, 2011, the members voted 7-4 in support of a motion to recommend **DENIAL** of a request from Heather Carpenter-Hutchcroft, et al, (owners) for review and approval of an amendment to the Pearl Lake PUD Conceptual Plan on property located at 2421 through 2458 East Porter Avenue, to allow removal of a 30-foot wide conservation easement allowing structures and fences to be located within portions of the rear yard area currently restricted by the easement.

The subject property is more specifically described as follows:

The Northwest ¼ of the Southwest ¼, the Southwest ¼ of the Northwest ¼, the West 20 Acres of the North 30 Acres of the Southeast ¼ of the Northwest ¼, the South 309.0 feet of the West 1020.0 feet of the Southeast ¼ of the Northwest ¼ and the North 21.0 feet of the South 330.0 feet of the Southeast ¼ of the Northwest ¼, all in Section 25, Township 78 North, Range 24 West of the 5th p.m., Des Moines, Polk County, Iowa, more particularly described as follows:

Beginning at the West ¼ corner of said Section 25, Township 78 North, Range 24 West and being the centerline of East Indianola Avenue; thence North 00° (Degrees) 12' (Minutes) 57" (Seconds) West along the West line of the Northwest ¼ of said Section 25, a distance of 1316.06 feet to the Northwest corner of the Southwest ¼ of the Northwest ¼ of said Section 25 and being the centerline of Easter Lake Drive; thence South 89°53'24" East along the North line of said Southwest ¼ of the Northwest ¼ and said centerline of Easter Lake Drive, 1314.43 feet to the Northeast corner of said Southwest ¼ of the Northwest ¼; thence continuing South 89°53'24" East along said centerline of Easter Lake Drive and being the North line of the Southeast ¼ of said Northwest ¼, a distance of 885.00 feet to the Northeast corner of the West 20 acres of the North 30 acres of said Southeast ¼ of the Northwest ¼; thence South 00°06'42" East along the East line of said West 20 acres of the North 30 acres, 983.38 feet to the North line of the South 330.0 feet of said Southeast ¼ of the Northwest ¼; thence South 89°57'38" East along said North line, 446.22 feet to the East line of said Southeast ¼ of the Northwest ¼; thence South 00°06'42" East along said East line, 21.00 feet; thence North 89°57'38" West, 304.09 feet to the East line of the West 1020.0 Feet of said Southeast ¼ of the Northwest ¼; thence South 00°34'06" East along said East line, 309.01 feet to the South line of said Southeast ¼ of the Northwest ¼; thence North 89°57'35" West along said South line, 1020.00 feet to the Northeast corner of the Northwest ¼ of the Southwest ¼ of said Section 25; thence South 00°13'52" East along

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the East line of said Northwest ¼ of the Southwest ¼, a distance of 1322.02 feet to the Southeast corner of said Northwest ¼ of the Southwest ¼ also being the centerline of East Payton Avenue; thence North 89°56'59" West along the South line of said Northwest ¼ of the Southwest ¼, 1319.44 feet to the Southwest corner of said Northwest ¼ of the Southwest ¼ and the centerline of East Payton Avenue; thence North 00°19'33" West along the West line of said Northwest ¼ of the Southwest ¼ and also being the centerline of East Indianola Road, 1321.81 feet to the Point-of-Beginning. Containing 107.65 acres more or less, including 4.44 acres for roadway easement.

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

1. That the meeting of the City Council at which the proposed approval of the amendment to the Pearl Lake PUD conceptual plan is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on February 28, 2011, at which time the City Council will hear both those who oppose and those who favor the proposal.
2. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED by Hensley to adopt.

FORM APPROVED:

Michael F. Kelley
Michael F. Kelley, Assistant City Attorney

(ZON2010-00225)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
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