



Roll Call Number

11-0363

Agenda Item Number

57 ✓

Date: February 28, 2011

RESOLUTION CLOSING HEARING ON PROPOSED AMENDMENT TO THE CARMAN ESTATES PUD CONCEPTUAL PLAN FOR THE LAND NOW PLATTED AS CARMAN ESTATES PLATS 1, 2, 3 AND 4; DENYING THE PROPOSED AMENDMENT; AND, DIRECTING THE COMMUNITY DEVELOPMENT DIRECTOR TO SEEK RESOLUTION CONSISTENT WITH THE STAFF RECOMMENDATION

WHEREAS, the City Plan and Zoning Commission has advised 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 Carman Estates PUD Conceptual Plan on property located at 2421 through 2458 East Porter Avenue, in order to allow removal of a 30-foot wide conservation easement to enable structures and fences to be located within portions of the rear yard area currently restricted by the easement.

The Carman Estates PUD Conceptual Plan encompasses the land now platted as Carman Estates Plats 1, 2, 3, 4 and 5, all being Official Plats now included in and forming a part of the City of Des Moines, Polk County, Iowa, and containing 107.65 acres more or less.

WHEREAS, on February 14, 2011 by Roll Call No. 11-0212, the City Council duly resolved to consider the proposed amendment to the PUD Conceptual Plan at a public hearing to be held at 5:00 p.m. on February 28, 2011 in Council Chambers at City Hall in Des Moines; and

WHEREAS, notice of the hearing was published according to law in the Des Moines Register on February 17, 2011, setting forth the time and place for hearing on the proposed amendment to the PUD Conceptual Plan; and

WHEREAS, in accordance with the notice, those interested in the proposed amendment, both for and against, have been given the opportunity to be heard 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 the proposed amendment to the Carman Estates PUD Conceptual Plan are hereby affirmed and the hearing is closed.

(continued)

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-2-

2. The proposed amendment to the Carman Estates PUD Conceptual Plan is hereby DENIED for the reasons set forth in the accompanying letter from the Planning Administrator dated January 27, 2011.
3. The Community Development Director is hereby authorized and directed to seek resolution of the encroachments into the conservation easement upon the properties located at 2421 through 2458 E. Porter Avenue in accordance with the recommendations set forth in the accompanying Council Communication.

(Council Communication No. 11- 140)

MOVED by Meyer to continue the public hearing until March 14, 2011 at 5:00 p.m.

FORM APPROVED:

Roger K. Brown

Roger K. Brown

Assistant City Attorney

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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