

Date June 13, 2011

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 2, 2011, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from HDR Land Development, LLC (owner) represented by Larry Handley (officer) and Richard N. Downs Trust (owner) with regard to property in the vicinity of 4600 block of Easton Boulevard to amend The Woods of Copper Creek PUD Conceptual Plan to revise the southeastern five acres removing it from Area "C" for multiple-family residential development and adding it to Area "A" for single-family residential development subject to the following revisions:

1. Each single-family residential lot shall provide one 1.5-inch caliper street tree, one ornamental or overstory tree in each front yard, and one 1.5-inch caliper overstory tree in the rear yard.
2. Demonstration of the sanitary sewer that would serve the additional single-family lots as provided on the preliminary plat.
3. Provision of a note to state the development will comply with the International Fire Code Section D107.1, which requires a secondary separate and approved fire apparatus access road where the number of single-family dwelling units exceeds 30.

The subject properties are more specifically described as follows:

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 5<sup>th</sup> P.M., 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", 2118.66 feet to a line north 533 feet and parallel with the south line of said southwest quarter of Section 27; thence north 89°49'09" west along a line north 533 feet 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 and parallel with the east line of said

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southeast quarter of Section 28, a distance of 241.00 feet; thence south 89°59'27" west along a line 331 feet north 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 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 (4,835,257 square feet).

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 rezoning is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on June 27, 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.

FORM APPROVED:

MOVED by Moore to adopt, and refer to the City Manager to review the current standard regarding caliper of trees required in residential areas.

  
 Michael F. Kelley  
 Assistant City Attorney

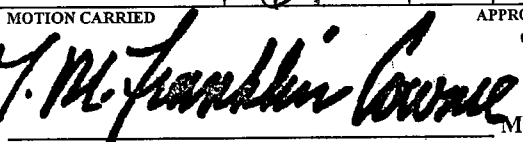
(ZON2011-00095)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER				✓
MOORE	✓			
TOTAL	6			1

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.

MOTION CARRIED APPROVED  
  
 T. M. Franklin  
 Mayor

  
 Diane Rauh  
 City Clerk