

Date June 27, 2011

WHEREAS, on June 13, 2011 by Roll Call No. 11-0990, the City Council duly resolved that a public hearing be held on June 27, 2011, at 5:00 p.m. in Council Chambers at City Hall to consider a proposal from HDR Land Development, LLC to amend the approved The Woods of Copper Creek PUD Planned Unit Development Conceptual Plan for property located in the vicinity of the 4600 block of Easton Boulevard 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 D 107.1, which requires a secondary separate and approved fire apparatus access road where the number of single-family dwelling units exceeds 30.
4. Administrative review and approval of the final PUD Conceptual Plan documents.

The Property is 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 5th 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

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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 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).

WHEREAS, due notice of the hearing was published in the Des Moines Register on June 16, 2011, as provided by law, setting forth the time and place for hearing on the proposed amendment to the approved PUD Conceptual Plan; and,

WHEREAS, the Plan and Zoning Commission has recommended that the proposed amendment to the approved PUD Conceptual Plan be approved, subject to the conceptual plan being first amended as set forth above; and,

WHEREAS, in accordance with the published notice those interested in the proposed amendment to the approved 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.

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 amendments to the approved PUD Conceptual Plan for the property in the vicinity of the 4600 Block of Easton Boulevard are hereby overruled and the hearing is closed.

2. The proposed amended PUD Conceptual Plan is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan, subject to the conditions identified.

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3. The amended 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 conditions recommended by the Plan and Zoning Commission as set forth above and in the attached letter from the Planning Administrator, and subject to approval of such amendments by the Community Development Director.

MOVED by Mahaffey to adopt; refer to the City Manager to amend the Plan to use 1" caliper overstory trees for street right-of-way, and request that the new Municipal Arborist and City staff review the existing landscape standards and forward amendments to Council for consideration.
 (Council Communication No. 11-431)

FORM APPROVED:

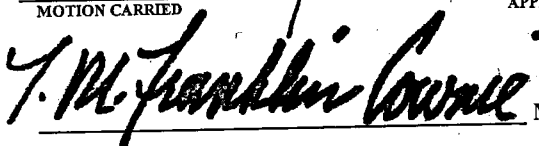

 Michael F. Kelley
 Assistant City Attorney

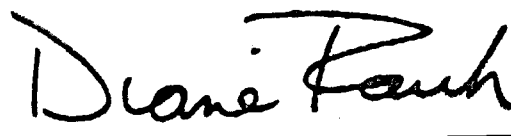
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			
MOTION CARRIED			APPROVED	

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.


 T. M. Franklin
 Mayor


 Diane Rauh
 City Clerk