

★ Roll Call Number

12-0130

Agenda Item Number

42 ✓

Date January 23, 2012

WHEREAS, on January 9, 2012, by Roll Call No. 12-0035, the City Council duly resolved that a public hearing be held on January 23, 2012 at 5:00 p.m., in Council Chambers at City Hall, to consider a proposal from Hubbell Realty Company to amend the approved Summersfield PUD Planned Unit Development Conceptual Plan for property located in the vicinity of 4605 Hubbell Avenue to define the layout and design of Tract 3 of the PUD Conceptual Plan for 20 row home units subject to administrative review of the final PUD Conceptual Plan documents; and

WHEREAS, due notice of the hearing was published in the Des Moines Register on January 12, 2012, 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 City Plan and Zoning Commission has advised that at a public hearing held on January 19, 2012, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Hubbell Realty Company (owner) represented by Steve Niebuhr (officer) to amend the Summersfield PUD Conceptual Plan, subject to the following modifications:

- a. Provision of a discussion for a stormwater management strategy on Tract 3.
- b. Provision of labels for all public utility and pedestrian easements on Tract 3.
- c. Provision of typical landscaping on Tract 3 for overstory and evergreen trees that complies with the "C-2" standards and update the landscape legend on Sheet CP2 to reflect evergreens.
- d. Reference compliance with the Tree Preservation and Mitigation requirements for any development plan for tract 3.

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 Summersfield PUD Conceptual Plan for the property in the vicinity of 4605 Hubbell Avenue, and more specifically described below, are hereby overruled and the hearing is closed:

Lots 1 thru 79 and Outlots "Y" and "Z", Summersfield Plat 1, an Official Plat, and also Lot 1 and Outlot "Z", Summersfield Plat 2, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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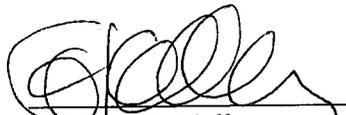
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2. The amended PUD Conceptual Plan for the Property described above, which is on file in the Community Development Department, is hereby approved, subject to the plan being first amended to satisfy the conditions recommended by the Plan and Zoning Commission as set forth 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 and approve the amendment to the PUD Planned Unit Development Conceptual Plan.

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

T. M. Franklin Cownie 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 Fauh City Clerk