



Roll Call Number

15-0387

Agenda Item Number

29

Date March 9, 2015

RESOLUTION SETTING HEARING ON REQUEST FROM ABAY MENGISTU (OWNER) FOR 3RD AMENDMENT TO THE EASTER LAKE ESTATES PUD CONCEPTUAL PLAN FOR FENCING ALONG EASTER LAKE DRIVE

WHEREAS, on December 5, 1994, by Roll Call No. 94-4602, the City Council adopted Ordinance No. 13,125, to rezone real property located in the vicinity of the 3100 block of Easter Lake Drive from "R1-90" Large Lot One Family Residential District to "PUD" Planned Unit Development District classification for the Easter Lake Estates PUD; and

WHEREAS, on March 24, 2003, by Roll Call No. 03-674, the City Council approved amendments to the Easter Lake Estates PUD Conceptual Plan for the double frontage lots on the north side of the 3000 block of East Kenyon Avenue, to allow for a unified 6-foot tall solid wood fence along the Easter Lake Drive frontage, subject to certain conditions set forth in said Roll Call; and

WHEREAS, thereafter Abay Mengistu, the owner of 3016 East Kenyon Avenue within the Easter Lake Estates PUD, constructed a 6-foot tall solid vinyl material fence in lieu of the permitted 6-foot tall solid wood material fence, while certain neighboring property owners also affected by the 2003 PUD Conceptual Plan amendment constructed the approved wooden fences, and other neighboring property owners did not construct any fence; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 19, 2015, its members voted 9-0 in support of a motion to recommend APPROVAL of a request from Abay Mengistu (owner), 3016 East Kenyon Avenue ("Property"), for a 3rd Amendment to the Easter Lake Estates PUD Conceptual Plan to allow retention of a 6-foot tall solid vinyl material fence on the Property in lieu of the permitted 6-foot tall solid wood material fence within 5-feet of the right-of-way line along Easter Lake Drive; and

WHEREAS, the Property is legally described as follows:

Lot 54, Easter Lake Estates Plat 4, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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

- 1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed 3rd Amendment to the Easter Lake Estates 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 March 23, 2015, at which time the City Council will hear both those who oppose and those who favor the proposal.

(continued)

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- 3. 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 Gatto to adopt.

FORM APPROVED

Glenna K. Frank
 Glenna K. Frank, Assistant City Attorney

(ZON2015-00011)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	7			

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
 City Council

Diane Rauh City Clerk