

★ Roll Call Number

Agenda Item Number

39 F

Date March 26, 2007

Communication from William Lillis, Attorney for Rice Partners.

Moved by _____ to receive and file.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

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.

City Clerk

39 F

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ESTABLISHED IN 1917

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February 16, 2007

Mayor Franklin Cownie and
Members of the City Council
City of Des Moines
City Hall
East First and Robert Ray Drive
Des Moines, Iowa 50309

Subject: Rice Partners - Petition for Planned Unit Development (PUD) -
Vicinity of Beaver Avenue and Adams Avenue

Honorable Mayor and Members of the City Council:

Our law firm represents Rice Partners (hereafter "Rice Partners"), with the consent of the Des Moines Independent School District, property owner (hereafter "Des Moines Schools"), reference the request that was before the Planning and Zoning Commission at its meeting of Thursday, February 15th.

Contrary to the report in the Des Moines Register on Friday morning, February 16th, the Planning and Zoning Commission did not deny the request of Rice Partners and the Des Moines Public Schools.

I would like this letter to be received and made a part of the proceedings going forward when the request is presented to the City Council at future meetings. The Planning and Zoning Commission, after discussion of approximately five (5) hours, took the following action:

- A. It was determined that the proposed rezoning was not in conformance with the present Des Moines 2020 Community Character Plan (hereafter "2020 Plan") and the Commission unanimously approved (one abstention) the above action.
- B. The second request was for the amendment to the 2020 Plan wherein a motion was made to approve the request for the amendment to the 2020 Plan (vote of 6 yes, 5 no, 1 abstention) (although favorably approved it requires a 2/3 majority of the quorum

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City of Des Moines

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in order to approve the amendment - 8 affirmative votes minimum). However, due to the lateness of the hour (approximately 10:30 P.M.), some of the Planning and Zoning Commission members were unable to remain; thus, in our opinion, we were not able to get the majority of 2/3 of quorum required for approval.

Notwithstanding the above, a 6/7 vote of the City Council will be required to amend the land use plan, and adopt the rezoning ordinance in that more than twenty percent (20%) of the adjoining property owners filed objections to the request.

- C. The final action was a motion (subject to the Land Use Plan Amendment being adopted) that any development of the site should be done as a Planned Unit Development (PUD). The motion was approved by a vote of 10 yes, 1 no (1 abstention).

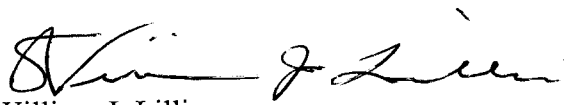
Rice Partners agrees with staff conclusions, as outlined herein, and the recommendation should be sent to the City Council to receive, file and set public hearing at its meeting of Monday, February 26, 2007, for the meeting of March 12, 2007.

Please consider this letter from Rice Partners to clarify the action taken by the Planning and Zoning Commission at its meeting of Thursday, February 15, 2007.

I believe Mr. Hulse and his staff concur with the above.

If questions, kindly advise.

Very truly yours,



William J. Lillis
For the Firm

WJL/krp