

Date..... August 20, 2007

WHEREAS, on August 6, 2007, by Roll Call No. 07- 1516, it was duly resolved by the City Council, that the City Council consider a proposal from Savannah Homes, Inc., purchaser, represented by Ted Grob, officer, to rezone certain property it is purchasing in the vicinity of 5100 NE 38th Avenue from the "A-1" Agricultural District classification to the "PUD" Planned Unit Development District classification, and to approve the proposed "PUD" Conceptual Plan for such property, and that such proposal be set down for hearing on August 20, 2007, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, the proposed "PUD" Conceptual Plan is titled "Silver Leaf" and allows for development of the property with 121 single-family residential lots and 38 bi-attached residential units; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on August 9, 2007, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and,

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the property located in the vicinity of 5100 NE 38th Avenue, more fully described as follows (the "Property"):

A part of the Southeast ¼ of Section 22, Township 79 North, Range 23 West of the 5th P.M., City of Des Moines, Polk County, Iowa, and described as follows:

Beginning at the South ¼ corner of said Section 22; thence North 0°09'40" East along the West line of said Southeast ¼, a distance of 1327.07 feet to the Northwest ¼ of the South ½ of said Southeast ¼; thence continuing North 0°09'40" East along said West line, 66.00 feet; thence South 26°30'20" East, 73.53 feet to a point on the North line of said South ½ of the Southeast ¼; thence North 89°39'02" East along said North line, 1216.74 feet; thence South 0°22'00" West, 1342.89 feet to a point on the South line of said Southeast ¼; thence South 89°37'24" West along said South line, 1244.88 feet to the Point of Beginning and containing 38.25 acres (1,666,173 square feet).

from the "A-1" Agricultural District classification to the "PUD" Planned Unit Development District classification; and,

WHEREAS, the Plan and Zoning Commission has recommended that the proposed rezoning and "PUD" conceptual plan be approved, subject to the conditions identified in the attached letter from the Planning Administrator; and,

WHEREAS, in accordance with said notice those interested in said proposed rezoning, 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,

(continued)

Date August 20, 2007

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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 said proposed rezoning and "PUD" Conceptual Plan are hereby overruled and the hearing is closed.

2. The proposed rezoning and "PUD" Conceptual Plan are hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan, subject to the conditions identified below.

3. The "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 following conditions, and subject to the Community Development Director finding that such conditions have been satisfied by the amendments to the plan:

1. Provision of a note stating that a tree protection plan will be submitted as part of any preliminary plat or grading plan and that no trees will be removed from the subject property prior to approval of a tree protection/mitigation plan.
2. Provision of a note stating that analysis by the developer of the town park areas for implementation of conservation storm water management practices will be made as part of any preliminary plat or development plan submitted under the PUD.
3. Addition of a row of over-story trees spaced at a minimum of 50' on center in the south 15' of the PUD along NE 38th Avenue in lieu of required street trees.
4. Provision of a note in the bulk regulations that the porch setbacks requirements are for open / unenclosed porches only.
5. Provision of a note that prohibits drive access from the public street for those lots served by a common private drive in the rear yards.
6. Provision of a note in the bulk regulations limiting the total amount of attached or detached garage area on rear-loaded lots to a maximum 576 square feet and the total amount of detached garages or accessory structures on all other lots to a maximum 720 square feet.
7. Provision of a temporary turnaround for emergency apparatus on the north end of the north/south collector street.
8. Provision of a 37' flair tapered for 150' on the plan where the north/south collector street intersects with NE 38th Avenue.
9. Demonstration of how a second public street connection to NE 38th Avenue would be achieved in the future to accommodate development of land adjoining to the west.

(continued)

Date August 20, 2007

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10. Revision of the crescent or looped streets to have a 22' back to back paved width and a minimum 4' wide integrated sidewalk of a design capable of supporting all emergency apparatus in the City inventory. Design of street must be acceptable to Fire Chief.
11. The builder owner is responsible for lot maintenance, erosion control and adhering to all EPA and DNR standards.
12. Provision of the following unless waived in part or whole by the Plan and Zoning Commission:
 - a). Each single-family dwelling unit shall have a private garage, whether attached or detached. Garages are optional for lots with rear access via private alleys.
 - b). Minimum building floor areas for single-family residential shall be as follows
 1. Single-story (ranch) 1,000 square feet, excluding basements.
 2. Two-story 1,250 square feet, excluding basements.
 - c). The front elevation of each single-family home constructed excluding windows and doors must consist of 1/3 to 1/2 stone or brick masonry or have a front porch that is at least 60 square foot in size.
 - d). The front elevation of each single-family home constructed must contain one of the following:
 1. Shutters on each side of each window; or
 2. Window trim not less than 4" in width.
 - e). The exterior of each single-family home must be of masonry (brick or stone) and/or vinyl, cedar, Masonite, or Hardi-Plank siding. If vinyl siding is selected, it must be greater than 40 mills thick.
 - f). The roof on any home constructed shall be either standard asphalt shingles, architectural type shingles or cedar shakes.
 - g). Fencing shall be limited as follows:
 1. Black vinyl-clad chain link is the only fencing material permitted.
 2. The maximum height of fencing allowed in a side or rear yard is five-feet (5').
 3. Fencing is prohibited within any front yard and within access easements to detention basins or trails.
 4. If fencing is placed in an easement that prohibits access, the city will remove the fence to gain access. Replacement of the fence is the responsibility of the homeowner.
 5. Wood privacy screens up to six-feet (6') in height are permitted when located outside of the required setbacks for a principal structure, outside of conservation easements and when adjoining private patios or decks outside the required front yard.
 6. All other fencing or screening is subject to the review and approval of the Planning Director and/or the Zoning Board of Adjustment.

(continued)

★ Roll Call Number

Agenda Item Number

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Date August 20, 2007

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MOVED by _____ to adopt and approve the rezoning and Conceptual Plan, subject to final passage of the rezoning ordinance.

FORM APPROVED:

Roger K. Brown

Roger K. Brown

Assistant City Attorney

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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.

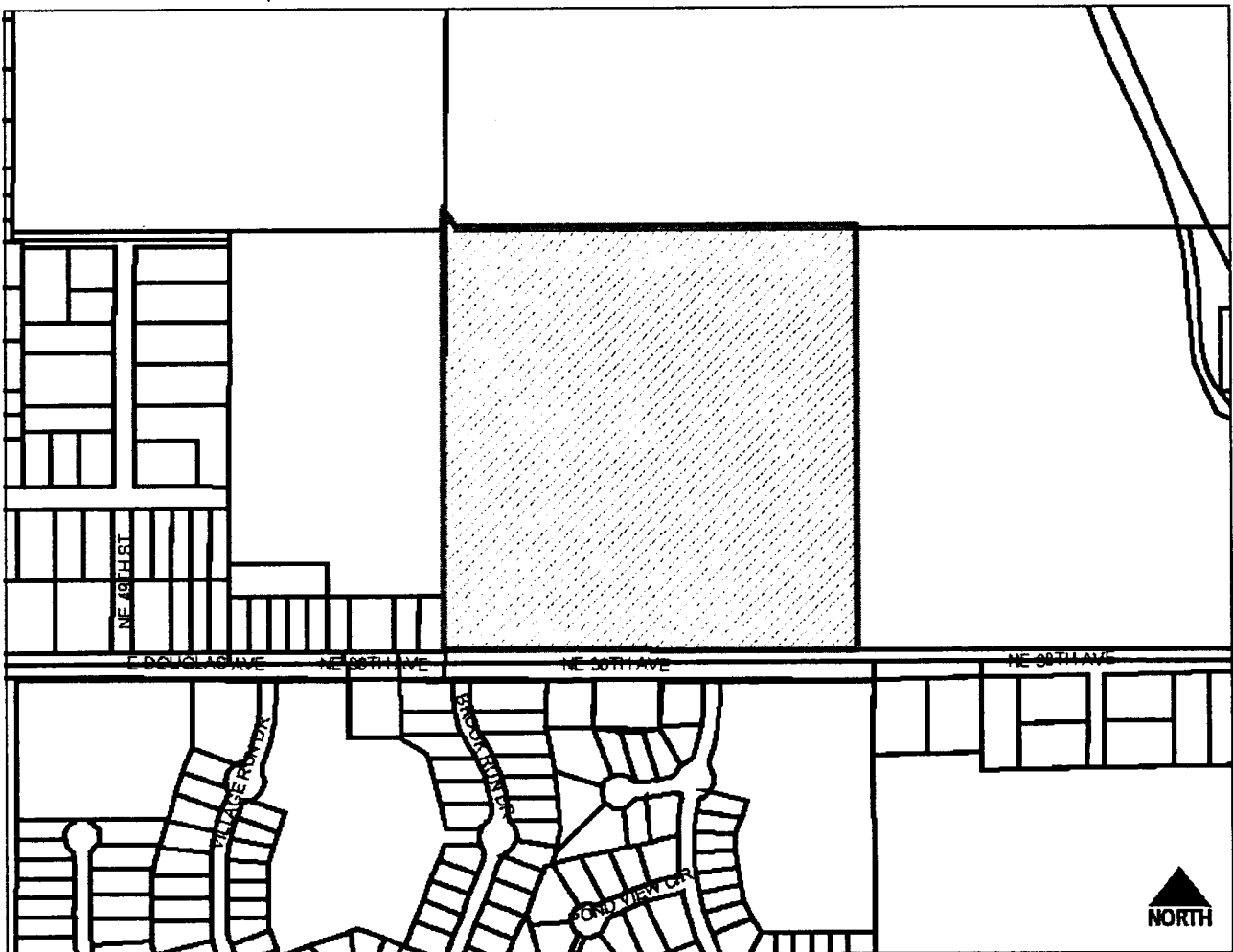
City Clerk

64B

Request from Savannah Homes, Inc. (purchaser) represented by Ted Grob (officer) to rezone property located in the vicinity of 5100 NE 38 th Avenue and approve a PUD Conceptual Plan. The subject property is owned by Central Iowa Developers, L.C..			File # ZON2007-00086		
Description of Action	Rezone property from "A-1" Agricultural District to "PUD" Planned Unit Development and approve a PUD Conceptual Plan for "Silver Leaf" to include development of approximately 37 acres of agricultural land for 121 single-family residential lots and 38 bi-attached residential units.				
2020 Community Character Plan	No Designation.				
Horizon 2025 Transportation Plan	No Planned Improvements.				
Current Zoning District	"A-1" Agricultural District.				
Proposed Zoning District	"PUD" Planned Unit Development District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area	4	9	1	<20%	
Plan and Zoning Commission Action	Approval	8-1	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Savannah Homes Inc. (Silver Leaf PUD) - 5100 NE 38th Avenue

ZON2007-00086



Item 2007 00086

Date 7-11-07

(yes) () (no) in favor of the request.
(Circle One)

RECEIVED

Print Name Tammy Saunders

JUL 13 2007

Signature Tammy Saunders

COMMUNITY DEVELOPMENT DEPARTMENT

Address 204 2nd St. SE Atlanta, IA 5000

Reason for opposing or approving this request may be listed below: (370) Brookridge Ct. #707 PM 5031

I believe having more homes in the area will ~~not~~ only mean improvement, and that means more value for my property.

Item 2007 00086

Date 7/12/07

(yes) () (no) in favor of the request.
(Circle One)

RECEIVED

Print Name Central Town Developers

JUL 17 2007

Signature [Signature]

COMMUNITY DEVELOPMENT DEPARTMENT

Address 3501 Westown Pkwy, WDM

Reason for opposing or approving this request may be listed below:

SUBJECT PROPERTY + ADJACENT PARCELS

Item 2007 00086

Date 7-12-07

I (am) / (am not) in favor of the request.

(Circle One)

RECEIVED

JUL 17 2007

COMMUNITY DEVELOPMENT
DEPARTMENT

Print Name L HOWARTH

Signature L Howarth

Address 3701 Brook Ridge

Reasons for opposing or approving this request may be listed below:

No business of mine
either way

Item 2007 00086

Date 7-12-2007

I (am) (am not) in favor of the request.

(Circle One)

RECEIVED

JUL 13 2007

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name Russell H. Swieter

Signature Russell H. Swieter

Address 5050 NE 38th Ave

Reason for opposing or approving this request may be listed below:

- 1) Turning all this prime ag land into development and taking it out of production needs to be curtailed!
- 2) Traffic on 38th Ave is already heavy with very little police scrutiny. This would greatly diminish quality of life for us on 38th Ave.
- 3) There is not a need for this development with all the other developments underway.

Item 2007 00086

Date 7-11-07

I (am) (am not) in favor of the request.

(Circle One)

RECEIVED

JUL 13 2007

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name Shirley M. Fox

Signature Shirley M. Fox

Address 3701 Brook Ridge Ct #804, Des Moines, IA 50311

Reason for opposing or approving this request may be listed below:

The reason I'm opposing this is because our street is already very busy and I don't want to pay more taxes for widening a road since I'm already on a very small fixed income.

Item 2007 00086

Date 7/11/07

I (am) in favor of the request.

(Circle One)

RECEIVED

JUL 17 2007

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name Grace J. Peterson

Signature Grace J. Peterson

Address 3701 Brook Ridge Ct #301

Reason for opposing or approving this request may be listed below:

1. Traffic is already heavy on NE 38th Ave. Additional housing would increase traffic.

2. My preference is to have open fields rather than housing across the road from my residence. However, I do prefer residential to commercial.

Item 2007 00086

Date 7/12/07

I (am) in favor of the request.

(Circle One)

RECEIVED

JUL 17 2007

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name Lindsey Kew

Signature Lindsey Kew

Address 3701 Brook Ridge Ct #502

Des Moines, IA 50317

Reason for opposing or approving this request may be listed below:

Item 2007 00086

Date 7-15-07

I (am) in favor of the request.

(Circle One)

RECEIVED

JUL 17 2007

COMMUNITY DEVELOPMENT
DEPARTMENT

Print Name

Susan LyBoualoug

Signature

Susan LyBoualoug

Address

3701 Brook Ridge Ct #1002

Reason for opposing or approving this request may be listed below:

Property values have decreased several thousand due to the increased number of new homes + townhomes at Brook Run area. I've been trying to sell for over 1 year, and took a huge loss. The market is overloaded already.

Item 2007 00086

Date 7-19-07

I (am) in favor of the request.

(Circle One)

RECEIVED

JUL 23 2007

COMMUNITY DEVELOPMENT
DEPARTMENT

Print Name

Randall Brady

Signature

Randall Brady

Address

3701 Brook Ridge Ct, unit 206

Reason for opposing or approving this request may be listed below:

RECEIVED AFTER 7/19 Pt 2 meeting

Item 2007 00085

Date 7-26-07

I (am) (am not) in favor of the request.

(Circle One)

RECEIVED

Print Name Darlene H. Fini

JUL 23 2007

Signature Darlene H. Fini

COMMUNITY DEVELOPMENT DEPARTMENT

Address 4435 N.E. 38th Ave.

Reason for opposing or approving this request may be listed below:

*I am not in favor of any builded
putting up homes without garages.
What is that development going to look
like in a year or two, Where do you put
not only a car, but your lawn mower etc.
Also childrens larger toys.*

RECEIVED AFTER 7/19 PIZ meeting

Item 2007 00086

Date 7-18-07

I (am) (am not) in favor of the request.

(Circle One)

RECEIVED

Print Name PETER T. CARR

JUL 23 2007

Signature Peter T. Carr

COMMUNITY DEVELOPMENT DEPARTMENT

Address 3701 Brook Ridge Ct. # 302

Reason for opposing or approving this request may be listed below:

Betterment of Area.

RECEIVED AFTER 7/19 PIZ meeting

Item 2007 00086 Date 7/17/2007

I (am) (am not) in favor of the request.

RECEIVED

JUL 20 2007

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name Cary Stout

Signature [Handwritten Signature]

Address 5210 Meadow Wood Cir.

Reason for opposing or approving this request may be listed below:

It will reduce the value of my house by building duplexes so close.

RECEIVED AFTER 7/19 P.2 meeting

Item 2007 00086 Date July 18, 2007

I (am) (am not) in favor of the request.
(Circle One)

RECEIVED

JUL 20 2007

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name Katherine J. Lincoln

Signature [Handwritten Signature]

Address 3701 Brook Ridge Ct, #407
Des Moines, IA 50317

Reason for opposing or approving this request may be listed below:

I oppose the proposed building for mostly aesthetic reasons. I specifically moved out to Brook Run to enjoy a more relaxed, rural atmosphere. Working "in-town", I want to be able to enjoy country scenery away from my job. Since I moved to the edition in 2003, Brook Run has literally tripled in size to the south-west. The proposed building would gravely deteriorate view to the north and east (south of Target). The length of time that earth-moving/building equipment would be near by, the noise involved, and extra traffic on the road are other reasons I oppose the building. The dust caused by harvesting of the fields once a year, is a small price pay (and one I prefer to pay) over looking out to scenically enjoy more concrete.

RECEIVED AFTER 7/19 P.2 meeting

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Item 2007 00086

Date 7-14-07

I (am) (am not) in favor of the request.

(Circle One)

*I am neither
in favor of or
opposed to
this project.*

Print Name Wayne D STOFFERAHN

Signature Wayne D Stofferahn

Address 3707 Brook Ridge Court Unit 30

Reason for opposing or approving this request may be listed below:

- ① NE 38th Avenue will need to be improved and
Widen + Turning lanes to handle traffic
- ② I am opposed to any tax rebates for this project

RECEIVED

JUL 17 2007

COMMUNITY DEVELOPMENT
DEPARTMENT