

★ **Roll Call Number**

08-1754

Agenda Item Number

32

Date October 13, 2008

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 18, 2008, its members voted 8-0 in support of a motion to recommend **APPROVAL** of a request from Savannah Homes, Inc. represented by Ted Grob (officer), Central Iowa Developers, LC (owners) to amend the Silver Leaf PUD Conceptual Plan for property located at 5100 NE 38th Avenue, to allow reconfiguration of the street, alley, and lot layout, including an increase in the number of lots from 131 to 158 subject to the following conditions:

1. Addition of a note stating that each builder/owner is responsible for lot maintenance, erosion control and adhering to all EPA and DNR standards.
2. One additional tree per two lots, which means 1 street tree per lot and 79 additional trees throughout the development.
3. Provision of a temporary turnaround for emergency apparatus on the north end of the north/south collector street.
4. The northernmost east/west street shall have a 26-foot back to back paved width.
5. Inclusion of a statement describing 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.
6. Revise the emergency fire access drive to indicate its width (min. 20 feet) and that it have a dustless surface (not gravel) such as recycled asphalt product.
7. Provision of the following unless waived in part or whole by the Plan and Zoning Commission:
 - a. Each single-family dwelling unit with street loaded access shall have a private garage, whether attached or detached, with rear loaded lots having an optional garage, thereby removing the note #5 on additional conditions.
 - b) The roof on any home constructed shall be of architectural type shingles or cedar shakes. Note #10 shall be revised to remove the ability to have standard asphalt shingles.
 - c) Remove the provision in note #11(f) allowing review by the Zoning Board of Adjustment.

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The subject property is 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 more specifically 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 s.f.), 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 meeting of the City Council at which the proposed rezoning is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on October 27, 2008, at which time the City Council will hear both those who oppose and those who favor the proposal.
2. 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.

(Continued)

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MOVED by Mahaffey to refer back to Plan and Zoning Commission to take another look at the optional garages in this project.

FORM APPROVED:



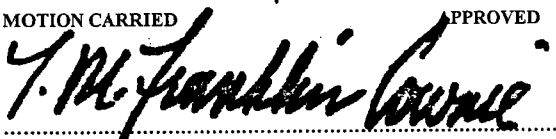
Michael F. Kelley
Assistant City Attorney

(ZON2008-00130)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

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.

Diane Fauh City Clerk