

★ Roll Call Number

08-2085

Agenda Item Number

46

Date November 24, 2008

WHEREAS, on November 10, by Roll Call No. 08-1963, it was duly resolved by the City Council that the application of Savannah Homes, Inc., to amend the approved Silver Leaf PUD Conceptual Plan for certain property owned by it and located in the vicinity of 5100 NE 38<sup>th</sup> Avenue, more fully described below, be set down for hearing on November 24, 2008, at 5:00 p.m., in the Council Chambers at City Hall; and

WHEREAS, due notice of said hearing was published in the Des Moines Register on November 17, 2008, as provided by law, setting forth the time and place for hearing on said proposed amendment to the approved PUD Conceptual Plan; and

WHEREAS, the Plan and Zoning Commission has recommended that the proposed amendment to the approved PUD Conceptual Plan be approved, subject to the conceptual plan being first amended as set forth in the attached letter from the Planning Administrator; and,

WHEREAS, in accordance with the published notice those interested in said 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 said proposed amendments to the approved PUD Conceptual Plan for the property in the vicinity of 5100 NE 38<sup>th</sup> Avenue, and more specifically described below, are hereby overruled and the hearing is closed.

Beginning at the south  $\frac{1}{4}$  corner of said section 22; thence north  $0^{\circ}09'40''$  east along the west line of said southeast  $\frac{1}{4}$ , a distance of 1327.07 feet to the northwest  $\frac{1}{4}$  of the south  $\frac{1}{2}$  of said southeast  $\frac{1}{4}$ ; thence continuing north  $0^{\circ}09'40''$  east along said west line, 66.00 feet; thence south  $26^{\circ}30'20''$  east, 73.53 feet to a point on the north line of said south  $\frac{1}{2}$  of the southeast  $\frac{1}{4}$ ; thence north  $89^{\circ}39'02''$  east along said north line, 1216.74 feet; thence south  $0^{\circ}22'00''$  west, 1342.89 feet to a point on the south line of said southeast  $\frac{1}{4}$ ; thence south  $89^{\circ}37'24''$  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

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

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3. 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 Coleman to continue to December 22, 2008 at 5:00 PM; refer to the City Manager and Legal to work with the developer on a process to require a garage to be built within a specific time frame.

FORM APPROVED:

[Signature]
Michael F. Kelley
Assistant City Attorney

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Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, HENSLEY, KIERNAN, MAHAFFEY, MEYER, VLASSIS, and TOTAL.

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.

[Signature] Mayor

[Signature] City Clerk