



Roll Call Number

09-023

Agenda Item Number

19

Date January 5, 2009

WHEREAS, on November 10, 2008 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 38th 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; and

WHEREAS, on December 22, 2008, by Roll Call No. 08-2225 it was duly resolved by the City Council to refer this item to the City Manager and the Legal Department to work with the developer on a process to require a garage to be built within a specific time frame and to continue further Council consideration until the January 5, 2009 meeting; and

WHEREAS, developer and City staff have met and discussed revisions to the proposed amended PUD Conceptual Plan including a substantial reduction in the number of lots with optional garages, an increase in lot width for certain lots, and the elimination of certain alleys; and

WHEREAS, developer is requesting a continuance of this matter until the January 26, 2009 City Council meeting in order to submit a drawing of the proposed revisions and allow City staff sufficient time to review and to make a recommendation to City Council.

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 $89^{\circ}37'24''$



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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, that consideration of the proposed Amendments to the PUD Conceptual Plan be continued to 5:00 p.m. on January 26, 2009 in Council Chambers at City Hall.

MOVED by Vlassis to continued to January 26, 2009.

FORM APPROVED:

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.

Y. M. Franklin Council Mayor

Diane Rauh City Clerk