



Roll Call Number

15-1781

Agenda Item Number

22

Date October 26, 2015

**RESOLUTION SCHEDULING PUBLIC HEARING ON APPEAL BY
MILLER VALENTINE GROUP OF THE DENIAL OF AN AMENDED
SITE PLAN "SOUTHRIDGE SENIOR LOFTS" AT
695 EAST ARMY POST ROAD**

WHEREAS, on September 23, 2015, Community Development staff administratively denied a site plan request from Miller Valentine Group (developer), represented by Michael Athan (officer), on real property locally known as 695 East Army Post Road, to amend the Site Plan "Southridge Senior Lofts" for development of a 4-story, 52-unit multiple-family dwelling, to allow the developer to use an alternate Crane Board insulated vinyl siding in lieu of cement board siding as an exterior material; and

WHEREAS, said administrative denial was based on staff's determination that the proposed amendment to the Site Plan to allow for the alternate siding is not consistent with the Plan and Zoning Commission's approval of the Site Plan on August 6, 2015, whereby cement board siding was required as an exterior material; and

WHEREAS, Municipal Code Section 82-208(c) provides that an affirmative vote of at least eight (8) Plan and Zoning Commission members shall be necessary to overturn or modify said administrative denial; and

WHEREAS, on October 15, 2015, the Plan and Zoning Commission considered an appeal by Miller Valentine Group of the administrative decision by Community Development staff to deny the site plan; and

WHEREAS, the Commission voted 12-1 on a motion to uphold the administrative decision by Community Development staff and deny the requested amendment to the "Southridge Senior Lofts" Site Plan; and

WHEREAS, Miller Valentine Group has timely appealed to the City Council pursuant to Municipal Code Section 82-210, seeking to have the administrative decision by Community Development staff and the determination of the Plan and Zoning Commission overturned.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa as follows:

1. The communication from the Plan and Zoning Commission is hereby received and filed.
2. The City Council shall consider the appeal by Miller Valentine Group at a public hearing to be held on November 9, 2015, at 5:00 p.m., in the Council Chambers.

(continued)



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- 3. The City Clerk is hereby authorized and directed to publish notice of said hearing in the form hereto attached, in accordance with §362.3 of the Iowa Code.

MOVED by Hensley to adopt.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(10-2016-7.07)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY				✓
MOORE	✓			
TOTAL	6			1

MOTION CARRIED

APPROVED

T. M. Franklin
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 Rauh

City Clerk