



Roll Call Number

15-1908

Agenda Item Number

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Date November 9, 2015

**RESOLUTION HOLDING 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; and

WHEREAS, on October 26, 2015, by Roll Call No.15- 1781, it was duly resolved by the City Council that the appeal be set down for hearing on November 9, 2015 at 5:00 P.M. in the Council Chamber at City Hall; and

WHEREAS, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said appeal; and

WHEREAS, in accordance with said notice, those interested in said appeal and the proposed site 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, Section 82-210 of the Des Moines Municipal Code provides that upon appeal from the Plan and Zoning Commission, a majority vote of the City Council shall be necessary to overturn the action of the Plan and Zoning Commission regarding a site plan.

(continued)

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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 and any statements of interested persons and arguments of counsel, any and all arguments and objections to the administrative decision by Community Development Department staff to deny an amendment to the Site Plan "Southridge Senior Lofts", and the Plan and Zoning Commissions determinations in relation thereto, from Miller Valentine Group (developer), represented by Michael Athan (officer), on real property owned by Macerich Southridge Mall LLC and locally known as 695 East Army Post Road, for development of multi-family housing to allow the developer to use an alternate Crane Board insulated vinyl siding in lieu of cement board siding as an exterior material, are hereby received, and the public hearing on the appeal and proposed amendment to the site plan is closed.

MOVED BY Gatto to ~~APPROVE / APPROVE WITH THE FOLLOWING STATED CONDITIONS / DENY~~ the proposed amendment to the Site Plan "Southridge Senior Lofts" as requested by Miller Valentine Group.

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	7			

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