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**Date** February 9, 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 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; 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, on January 5, 2009 by Roll Call No. 09-023 the City Council continued the hearing on this matter until the January 26, 2009 City Council meeting to allow developer to submit a drawing of the proposed revisions and allow City staff sufficient time to review and to make a recommendation to City Council; and

WHEREAS, on January 26, 2009 by Roll Call No. 09-131 the City Council further continued the hearing until the February 9, 2009 City Council meeting at 5:00 p.m. and directed the City Manager to arrange a meeting between Council Member Mahaffey, the Neighborhood Association and the Developer. These parties met and discussed the proposed amendment to the approved Silver Leaf PUD Conceptual Plan on February 5, 2009; and

WHEREAS, in an effort to address concerns of the City Council and surrounding neighborhood, Savannah Homes (Ted Grob, President) has submitted a revised PUD Conceptual Plan for property at 5100 NE 38<sup>th</sup> Avenue. The revised plan includes the following:

- 130 single family detached lots and 19 paired housing lots (a reduction of 9 single-family detached lots from the proposal recommended by P&Z).

Date February 9, 2009

- Elimination of all but two private alleys (alleys only between Lots 1-8 and 43-50; and Lots 9-19 and 32-42).
- Increase in the width of all internal lots previously served by alleys to a minimum width of 55 feet.
- Reduction of the number of 50-foot wide detached single family lots with “optional garages allowed” from 96 to 18 lots (see lots 32-49). Optional garages would also be allowed on the 19 paired housing unit lots (see lots 1-19 – no change from approved concept).
- Reservation of the right to construct paired housing units or single-family detached dwellings with optional garages on Lots 8 and 9.

WHEREAS, in accordance with the published notice and roll calls continuing the date of the hearing, those interested in the proposed amendments, both for and against, have been given the opportunity to be heard with respect thereto and have presented their views to City Council; and

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

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

A. Upon due consideration of the facts and statements of interested persons and arguments of counsel, the objections to the proposed amendments to the approved Silver Leaf PUD Conceptual Plan are hereby overruled and the hearing is closed.

B. The proposed amendments to the Silver Leaf PUD Conceptual Plan are hereby APPROVED, subject to the revisions set forth above and well as the following additional conditions:

1. Addition of a note to sheet stating that each building/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 75 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.

Date February 9, 2009

5. Inclusion of a statement describing how a second public street connection to NE 38<sup>th</sup> Street 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. Each single-family dwelling unit with street loaded access shall have a private garage, whether attached or detached. Lots 1-19 and 32-49 on the PUD concept may have an optional garage.
8. 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.
9. Remove the provision in note #11 (f) allowing review by the Zoning Board of Adjustment.
10. Clarification on sheet 1 of 3 of the Concept Plan that 40' of right-of-way will be dedicated along Douglas Avenue (NE 38<sup>th</sup> Avenue).
11. Clarification on sheet 1 of 3 of the Concept Plan that the 2020 Community Character Land Use designations for the subject property are Low Density Residential and Low/Medium Density Residential.
12. Revision of the bulk regulations regarding rear loaded lots to reference only Lots 32-49 and Lots 8-9 (if not paired housing).

MOVED by \_\_\_\_\_ to \_\_\_\_\_

FORM APPROVED:

  
 Michael F. Kelley  
 Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
<b>TOTAL</b>				

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.

\_\_\_\_\_  
 City Clerk





