

Date..... January 10, 2011

WHEREAS, on December 20, 2010, by Roll Call No. 10-2080, the City Council of the City of Des Moines duly resolved that a public hearing be held on January 10, 2011, at 5:00 p.m. in the Council Chambers at City Hall, to consider a proposal from Jerry's Homes represented by Jeffrey Grubb (officer), to amend the approved "PUD" Planned Unit Development District Conceptual Plan for Pearl Lake located in the vicinity of 3009 East Payton Avenue, to allow revision to the street layout and reduction in single-family lot sizes without an increase in number of residential units; and,

WHEREAS, due notice of the hearing was published in the Des Moines Register on December 29, 2010, 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 the 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 the proposed amendments to the approved "PUD" Conceptual Plan for the property in the vicinity of 3009 East Payton Avenue more specifically described below are hereby overruled and the hearing is closed.

The Southwest fractional 1/4 of the Southwest 1/4 of Section 30, Township 78 North, Range 23 West of the 5<sup>th</sup> P.M., City of Des Moines, Polk County, Iowa and described as follows:

Beginning at the Northwest corner of said Southwest fractional 1/4 of Southwest 1/4; thence South 87° (Degrees) 23' (Minutes) 13" (Seconds) East, 1224.68 feet to the Northeast corner of said Southwest fractional 1/4 of Southwest 1/4; thence South 0° 01' 06" West, 1321.43 feet to the Southeast corner of said Southwest fractional 1/4 of Southwest 1/4; thence North 87° 23' 44" West, 1229.90 feet to the Southwest corner of said Section 30; thence North 0° 15' 58" East, 1321.37 feet to the Point of Beginning and continuing 37.2 Acres (1,620,556 S.F.) more or less. Property subject to any and all easements of record, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Date..... January 10, 2011

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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.

1. Addition of a note requiring compliance with tree protection and mitigation requirements in the City Code as part of any preliminary plat, grading plan, or development plan review.
2. Revision to plan to update existing contours based on alterations to the site for the regional storm water basin.
3. Addition of a note requiring that any grading required to achieve the minimum 65.00 lowest building opening elevation for lots within FIRM flood hazard areas should be verified at the grading or plat review stage to not to reduce the design capacity of the City regional storm water basin.
4. Removal of the references to the drainage basin area as a City of Des Moines Park, and leaving reference to City owned open space and storm water drainage area.
5. Indication of public sanitary sewer easements necessary on Lots 15 and 25 and storm sewer easement on Lots 12 and 13.
6. Provision of fencing standards as follows:
  - (a) Black vinyl-clad chain link is the only fencing material permitted.
  - (b) The maximum height of fencing allowed in a side or rear yard is five-feet (5').
  - (c) Fencing is prohibited within any front yard and within access easements to detention basins or trails.
  - (d) If fencing is placed in an easement that prohibits access, the city will remove the fence to gain access. Replacement of the fence is the responsibility of the homeowner.
  - (e) Wood privacy screens up to six-feet (6') in height are permitted when located outside of the required setbacks for a principal structure, outside of conservation easements and when adjoining private patios or decks outside the required front yard.
  - (f) All other fencing or screening is subject to the review and approval of the Planning Director.

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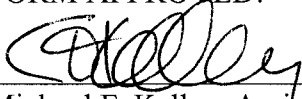
7. Revision to require the following standards for Areas "A" & "B":

- (a) Minimum building floor areas for single-family residential shall be as follows
  - (1) Single-story (ranch) 1,200 square feet, excluding basements.
  - (2) Two-story 1,400 square feet, excluding basements.
- (b) The front elevation of each single-family home constructed excluding windows and doors must consist of 1/3 to 1/2 stone or brick masonry.
- (c) The front elevation of each single-family home constructed must contain one of the following:
  - (1) Shutters on each side of each window; or
  - (2) Window trim not less than 4" in width.
- (d) The exterior of each single-family home must be of masonry (brick or stone) and/or vinyl, cedar, cementboard, or hardi-board siding. If vinyl siding is selected, it must be greater than 40 mills thick.
- (e) The roof on any home constructed shall be of architectural type shingles or cedar shakes.

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.

FORM APPROVED:

Moved by \_\_\_\_\_ to adopt.



Michael F. Kelley, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

MOTION CARRIED

APPROVED

**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.

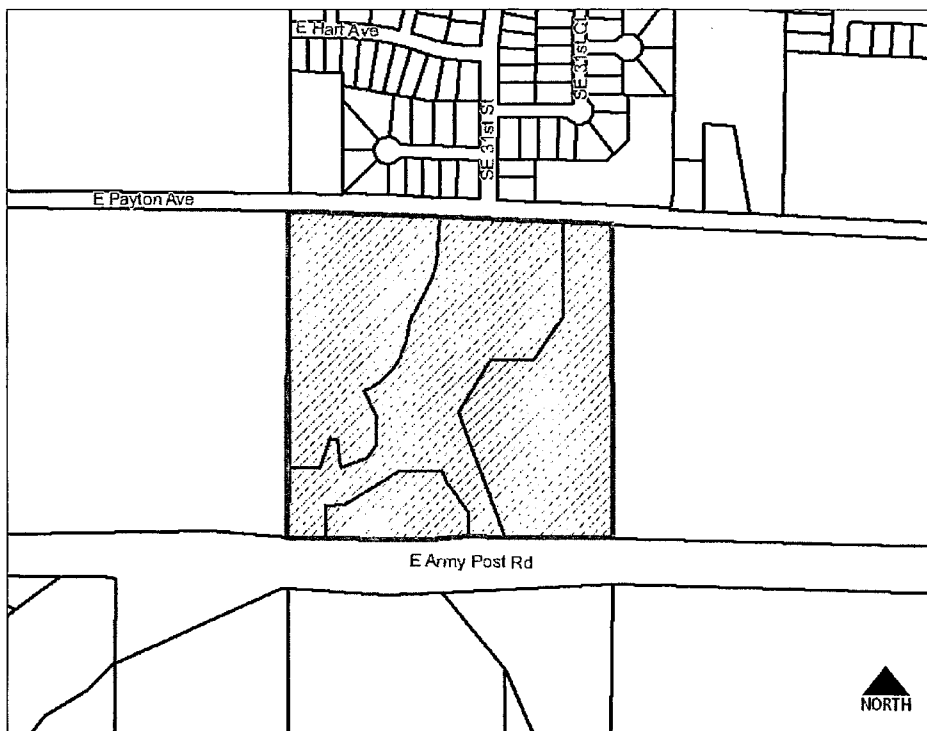
\_\_\_\_\_  
Mayor

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

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Request from Jerry's Homes represented by Jeffrey Grubb (officer) for review and approval of an amendment to the Pearl Lake PUD Conceptual Plan on property located at 3009 East Payton Avenue, to allow revision to the street layout and reduction in single-family lot sizes without an increase in number of residential units.				File # ZON2010-00216	
<b>Description of Action</b>	Review and approval of an amendment to the Pearl Lake PUD Conceptual Plan to allow revision to the street layout and reduction in single-family lot sizes without an increase in number of residential units.				
<b>2020 Community Character Plan</b>	Easter Lake New Town: Village Development-Low/Medium Density Residential, General Development Zone-Low Density Residential, Park/Open Space-Public, Neighborhood Activity Zone, Bike Trail				
<b>Horizon 2035 Transportation Plan</b>	No Planned Improvements				
<b>Current Zoning District</b>	"PUD" Planned Unit Development				
<b>Proposed Zoning District</b>	"PUD" Planned Unit Development				
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	0	2			
Outside Area					
<b>Plan and Zoning Commission Action</b>	Approval	12-0	<b>Required 6/7 Vote of the City Council</b>	Yes	
	Denial			No	X

Pearl Lake PUD 1st Amendment to Conceptual Plan - 3009 E Payton Ave ZON2010-00216



Date \_\_\_\_\_  
 Agenda Item 2450  
 Roll Call # \_\_\_\_\_

December 7, 2010

Honorable Mayor and City Council  
 City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held December 2, 2010, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 12-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus				X
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Dann Flaherty	X			
John "Jack" Hilmes	X			
Joel Huston	X			
Ted Irvine	X			
Greg Jones	X			
Jim Martin	X			
Brian Millard	X			
William Page	X			
Mike Simonson	X			
Kent Sovern				X



CITY PLAN AND ZONING COMMISSION  
 ARMORY BUILDING  
 602 ROBERT D. RAY DRIVE  
 DES MOINES, IOWA 50309 -1881  
 (515) 283-4182

ALL-AMERICA CITY  
 1949, 1976, 1981  
 2003

**APPROVAL** of a request from Jerry's Homes represented by Jeffrey Grubb (officer) to amend the Pearl Lake PUD Conceptual Plan on property located at 3009 East Payton Avenue, to allow revision to the street layout and reduction in single-family lot sizes without an increase in number of residential units subject to the following revisions: ZON2010-00216

1. Addition of a note requiring compliance with tree protection and mitigation requirements in the City Code as part of any preliminary plat, grading plan, or development plan review.
2. Revision to plan to update existing contours based on alterations to the site for the regional storm water basin.
3. Addition of a note requiring that any grading required to achieve the minimum 65.00 lowest building opening elevation for lots within FIRM flood hazard areas should be verified at the grading or plat review stage to not to reduce the design capacity of the City regional storm water basin.

4. Removal of the references to the drainage basin area as a City of Des Moines Park, and leaving reference to City owned open space and storm water drainage area.
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  - (c) The front elevation of each single-family home constructed must contain one of the following:
    1. Shutters on each side of each window; or
    2. Window trim not less than 4" in width.
  - (d) The exterior of each single-family home must be of masonry (brick or stone) and/or vinyl, cedar, cementboard, or hardi-board siding. If vinyl siding is selected, it must be greater than 40 mills thick.
  - (e) The roof on any home constructed shall be of architectural type shingles or cedar shakes.

Written Responses

0 In Favor

2 In Opposition

## STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested amendment to the Pearl Lake Conceptual Plan subject to the following revisions:

1. Addition of a note requiring compliance with tree protection and mitigation requirements in the City Code as part of any preliminary plat, grading plan, or development plan review.
2. Revision to plan to update existing contours based on alterations to the site for the regional storm water basin.
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- (e) The roof on any home constructed shall be of architectural type shingles or cedar shakes.

## STAFF REPORT

### I. GENERAL INFORMATION

1. **Purpose of Request:** Allow development of the "Pearl Lake" Conceptual Plan that consists of 50 single-family residential lots and 17 row townhome units. The amendment seeks to preserve the existing single-family estate on a 1.5 acre parcel thereby revising the remaining Area "A" to allow for the same number of single-family lots available for development.

This causes additional lots to back onto to the existing storm water retention basin (always has water), removes development lots that front East Payton Avenue, and revises the street pattern to remove a cul-de-sac and shift the western circulation connection to the north. There is not a net increase in number of units or unit density.

2. **Size of Site:** 37.2 acres
3. **Existing Zoning (site):** "PUD" Planned Unit Development.
4. **Existing Land Use (site):** Undeveloped agricultural land, a single-family estate, and a regional storm water management basin.
5. **Adjacent Land Use and Zoning:**

North – ***"R1-80" & "R1-60", Uses are single-family residential.***

South - ***"PUD", Uses approved for development by the Three Lakes Estates Phase II Conceptual Plan include single-family and townhome development. Property is currently developed with undeveloped land and regional storm water management basin.***

East – ***"A-1", Uses are agricultural and timber land.***

West – ***"R1-80", Uses are agricultural and timber land.***



6. **General Neighborhood/Area Land Uses:** The surrounding property is generally agricultural or planned low-density residential use.
7. **Applicable Recognized Neighborhood(s):** Easter Lake Area Neighborhood.
8. **Relevant Zoning History:** The property was rezoned to “PUD” on September 10, 2001 by the City Council along with approval of the Pearl Lake Conceptual Plan.
9. **2020 Community Character Land Use Plan Designation:** Easter Lake New Town Plan Element, General Development Zone – Low Density Residential, Low-Medium Density Residential, and Park/Open Space.
10. **Applicable Regulations:** The Commission reviews all proposals to amend zoning boundaries or regulations within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in 414.3 of the Iowa Code. The Commission may make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

## **II. ADDITIONAL APPLICABLE INFORMATION**

1. **Natural Site Features:** The site is currently divided by a drainage basin that runs from the southwest to the northern portion of the site towards Easter Lake. Two tributaries drain into the basin from the southwest and south. There is a small delineated wetland at the south edge of the property that is required to be protected during grading operations. Otherwise, removal of the wetland will require mitigation under federal regulations.

There are mature trees in the vicinity of the existing single-family estate and around the fence line perimeters of the overall development. The developer will be required to protect mature trees on the site during construction except when necessary to remove for the required grading and construction as identified by a preliminary plat or grading plan. Removed trees shall be mitigated in accordance with the tree preservation and mitigation requirements of the City Code.

2. **Floodplain:** Areas around the basin and tributaries are currently within the flood hazard area based on Federal Insurance Rate Maps (FIRM). These maps are also pending revisions that reduce and shift this area slightly.

Several proposed lots in the existing and proposed Conceptual Plan are within the existing and proposed FIRM boundaries for flood hazard. The construction of the regional storm water basin has altered the contour elevations so that the actual flooding elevation would be different than the proposed revisions to the FIRM.

The current Conceptual Plan proposed a 30-foot conservation easement to protect the sensitive elevation areas on lots backing up to the basin. Staff recommends that these also be similar conservation easements proposed for those lots proposed to back onto the basin in Area “A”. Any preliminary plat will require the developer to demonstrate how the design of the basin for storm water and flood protection will be preserved while

making the affected lots developable. No development should be approved in Area "A", "B" or "C" without a preliminary plat for these remaining development areas.

3. **Drainage/Grading:** The drainage for the site is proposed to be directed to the basin operated and maintained by the Storm Water utility for the City. The basin will provide storm water management for the subject development as well as adjacent developments within the same drainage shed south of East Payton Avenue.

The retention basin does not match the original concept laid out in the current approved Conceptual Plan due to modifications during engineering and construction. This will have a slight effect on the preliminary plats submitted for development. The grading of some properties may have to be altered to ensure the design capacity of the basin is preserved while keeping buildable portions of those lots protected from flooding.

4. **Utilities:** Sanitary Sewer service is provided to the site by a main that runs parallel to the drainage way. The Conceptual Plan proposes lateral sewers to serve the proposed development. These laterals are also extended to serve future adjoining development. All other utilities are generally available to the property and will be extended to serve the proposed development.

Engineering staff has indicated that the Conceptual Plan will need to be amended to show public sanitary sewer easements necessary on Lots 15 and 25, and public storm sewer easement on Lots 12 and 13.

5. **Landscaping & Buffering:** The applicant is proposing street trees along all street frontages. The townhome development has a conceptual landscaping that includes several overstory trees. A 30' conservation easement is provided along the rear yards of single-family lots proposed to adjoin the basin in Area "B". Staff recommends that this also be included on lots proposed to adjoin the basin in Area "A". This easement should be drafted and recorded with any approved preliminary plat to ensure that the intent for open space is met while preventing structures and other development near the riparian edge of the retention basin. The existing and proposed Conceptual Plan both prohibit opaque fencing within 25' of the right-of-way for lots that back up to Army Post Road. Staff recommends that the following be considered for an amendment to the plan regarding fencing:

Fencing shall be limited as follows:

- (a) Black vinyl-clad chain link is the only fencing material permitted.
- (b) The maximum height of fencing allowed in a side or rear yard is five-feet (5').
- (c) Fencing is prohibited within any front yard and within access easements to detention basins or trails.
- (d) If fencing is placed in an easement that prohibits access, the city will remove the fence to gain access. Replacement of the fence is the responsibility of the homeowner.
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- (f) All other fencing or screening is subject to the review and approval of the Planning Director.

- 6. Traffic/Street System:** The approved and proposed Conceptual Plan has proposed to dedicate all existing roadway easements for East Payton and Army Post Road. Two main circulation streets are proposed from the North off East Payton. Each extends to connect with future development to the east and west respectively. The proposed revision to Area "A" has shifted this connection to the north, but Traffic and Transportation staff has indicated that this will meet the same original intent for circulation to the west. The townhomes have two drive entrances connecting to East Army Post Road with the easternmost entrance aligning with a collector street proposed as part of Three Lakes Estates Phase II. This will likely be the future site of a signal.

The developer is identified to be responsible for the construction of recreational trails indicated on the Conceptual Plan. This would occur with respective phases as they are final platted.

- 7. 2020 Community Character Plan:** The Easter Lake New Town Plan Element of the Des Moines' 2020 Community Character Plan proposes a system of open space containing a retention basin as part of the Storm Water Master Plan. There are proposed trails that connect from East Payton to East Army Post Road through the accompanying green space around the basin. The surrounding development is proposed to be general development low-density residential and low-medium density development for the row townhomes portion.

The amended Conceptual Plan generally follows the Easter Lake New Town Plan. The majority of the development is proposed as single-family residential under "R1-80" standards in a pattern typical to current development practices. It should be noted that Lots 10, 11, 12, 21, 22, 26, 27, 28, & 29 in Areas "A" & "B" do not meet the minimum required 10,000 square foot lot minimums and the proposed area is listed directly on the lot. There is not an increase in density or number of units.

- 8. Urban Design:** The typical elevations for single-family homes and townhomes of the approved Conceptual Plan were compatible with the Easter Lake New Town Plan concept to allow for contemporary development in the General Development Zone.

Because the developer has some slightly narrower lots proposed with the revision, some additional typical designs are proposed with the amendment for designs that would fit within these lots. The additional designs are not entirely compatible with the existing approved typical elevations for the single-family or townhomes. The primary difference is the lack the durable brick or stone material on the front elevations. Staff recommends that design standards similar to more recently approved PUD developments be adopted with the proposed amendment to resolve this difference and to ensure a level of design expected in PUDs. This would include the following:

- (a) Minimum building floor areas for single-family residential shall be as follows
  - 1. Single-story (ranch) 1,200 square feet, excluding basements.
  - 2. Two-story 1,400 square feet, excluding basements.

- (b) The front elevation of each single-family home constructed excluding windows and doors must consist of 1/3 to 1/2 stone or brick masonry.

- (c) The front elevation of each single-family home constructed must contain one of the following:
  - 1. Shutters on each side of each window; or
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- (e) The roof on any home constructed shall be of architectural type shingles or cedar shakes.

## **SUMMARY OF DISCUSSION**

Jason Van Essen presented the staff report and recommendation.

Dann Flaherty asked how deep the lots of the two smallest parcels are.

Jason Van Essen stated they are 123 feet deep.

JoAnne Corigliano asked if the quality of the homes will be the same but just on smaller lots.

Jason Van Essen stated the applicant indicated that there will not be a decrease in the quality of home just a little change in the layout.

Mike Ludwig stated the proposed design standards are more than on the original PUD as far as, a minimum design requirement.

Jeffrey Grubb, Jerry's Homes 3301 106<sup>th</sup> Circle, Urbandale stated the reason for the change is they would like to sell the property. To convey title to this family the applicant looked at surveying the property and determining where the septic field and driveway are located and making sure that everything was saleable.

Melissa Hills, Civil Engineering Consultants 2400 86<sup>th</sup> Street, Urbandale stated they surveyed the lateral field and wanted to set their boundary for the estate lot so there was enough of a setback from the lateral field to the garage and driveway for that lot to exist on its own. Then they worked with the remaining area to make those lots work. It made sense to just bring a street down the middle, getting them the same number of lots that they had previously but with smaller lot sizes.

Jeffrey Grubb commented that there are a few lot sizes throughout the original PUD that were under the 10,000 square feet. The applicant is in agreement with staff's recommendations and requirements and asks for the Commission's approval of staff recommendation.

## **CHAIRPERSON OPENED THE PUBLIC HEARING**

*There was no one to speak in opposition of applicant's request.*

## **CHAIRPERSON CLOSED THE PUBLIC HEARING**

## **COMMISSION ACTION:**

Mike Simonson moved staff recommendation to approve the requested amendment to the Pearl Lake Conceptual Plan subject to the following revisions:


1. Addition of a note requiring compliance with tree protection and mitigation requirements in the City Code as part of any preliminary plat, grading plan, or development plan review.
2. Revision to plan to update existing contours based on alterations to the site for the regional storm water basin.
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24 50

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- (e) The roof on any home constructed shall be of architectural type shingles or cedar shakes.

Motion passed 12-0.

Respectfully submitted,

  
Michael Ludwig, AICP  
Planning Administrator

MGL:clw

Attachment

Item 2010 00216 Date 11-26-10

I (am) (am not) in favor of the request.

(Circle One)

**RECEIVED**  
COMMUNITY DEVELOPMENT  
NOV 29 2010  
DEPARTMENT

Print Name John + Diana Reeves

Signature John + Diana Reeves

Address 3113 E. Highview Dr.

Reason for opposing or approving this request may be listed below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Item 2010 00216 Date \_\_\_\_\_

I (am) (am not) in favor of the request.

**RECEIVED**  
COMMUNITY DEVELOPMENT  
NOV 30 2010  
DEPARTMENT

Print Name Wm. Nathan Kubli

Signature Wm. Nathan Kubli

Address 3033 E Highview Dr

Reason for opposing or approving this request may be listed below:

Smaller lots can devalue homes -  
Smaller lots = smaller homes = cheaper homes  
I don't want to further devalue the homes of  
Easter Lake.

2450

