

Date February 8, 2021

RESOLUTION SETTING HEARING ON REQUEST FROM JERRY'S HOMES, INC. FOR APPROVAL OF A 2ND AMENDMENT TO THE PEARL LAKE PUD CONCEPTUAL PLAN TO ALLOW REVISION OF THE STREET LAYOUT, CHANGE THE PROPERTY ON THE EAST ARMY POST ROAD FRONTAGE TO LARGE-LOT ONE HOUSEHOLD LOTS, AND TO REDUCE THE MINIMUM LOT SIZES FOR PROPERTY LOCATED AT 3009 EAST PAYTON AVENUE AND IN THE VICINITY OF THE 3001 BLOCK OF EAST PAYTON AVENUE

WHEREAS, on January 21, 2021, the City Plan and Zoning Commission voted 14-0 to **APPROVE** a request from Jerry's Homes, Inc. (owner), represented by Jay Cowan (officer), to review and approve a 2nd Amendment to the Pearl Lake PUD Conceptual Plan on the property located at 3009 East Payton Avenue and in the vicinity of the 3100 block of East Payton Avenue ("Property") to allow revision to the street layout, change the property on the East Army Post Road frontage to large-lot One Household lots from previously approved Townhomes, and reduce the minimum lot sizes for specified lots to have a minimum 70-foot width and minimum 9,600-square foot area. Additional property is owned by Janet Bainter and City of Des Moines; and

WHEREAS, the Property is legally described as follows:

THE SOUTHWEST FRACTIONAL ¼ OF THE SOUTHWEST ¼ OF SECTION 30, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINS 37.200 ACRES.

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

1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed 2nd Amendment to the Pearl Lake PUD Conceptual Plan is to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposal, shall be held at 5:00 p.m. on February 22, 2021, by electronic means to encourage and maintain social distancing to curb the spread of COVID19 in the community, without public access to the meeting location.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code. The City Clerk is instructed to provide this notice including information about participation in the electronic meeting as indicated above.

.....
Date February 8, 2021

MOVED BY _____ TO ADOPT.

FORM APPROVED: Judy K. Parks-Kruse
Judy K. Parks-Kruse
Assistant City Attorney (ZON2020-00160)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

Mayor

CERTIFICATE

I, P. Kay Cmelik, 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

Date February 8, 2021

Agenda Item 27

Roll Call # _____

February 2, 2021

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their January 21, 2021 meeting, the following action was taken regarding a request from Jerry's Homes, Inc. (owner) represented by Jay Cowan (officer), for review and approval of a 2nd Amendment to the Pearl Lake PUD Conceptual Plan, on property located at 3009 East Payton Avenue and in the vicinity of the 3001 block of East Payton Avenue, to allow revision to the street layout, change the property on the East Army Post Road frontage to large-lot One House Hold lots from previously approved Townhomes, and reduce the minimum lot sizes for specified lots to have a minimum 70-foot width and minimum 9,600-square foot area. Additional subject property is owned by Janet Bainter and City of Des Moines.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 14-0 as follows:

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
Francis Boggus	X			
Dory Briles	X			
Abby Chungath	X			
Kayla Berkson	X			
Jann Freed	X			
Johnny Alcivar	X			
Lisa Howard	X			
Carolyn Jenison	X			
Greg Jones	X			
William Page	X			
Rocky Sposato	X			
Steve Wallace	X			
Greg Wattier	X			
Emily Webb	X			

APPROVAL of the requested amendment to the Pearl Lake Conceptual Plan subject to the following revisions:

1. Provision of a proposed water main extension of the existing Des Moines Water Work main to the west in East Army Post Road to serve the propose lots in Area "C".
2. Provision of a note that any dead-end street segments would provide for necessary temporary fire apparatus turnarounds as part of any Preliminary and Final Plat (ZON2020-00160)

Written Responses

- 1 in Favor
- 3 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. Provision of a proposed water main extension of the existing Des Moines Water Work main to the west in East Army Post Road to serve the propose lots in Area "C".
2. Provision of a note that any dead-end street segments would provide for necessary temporary fire apparatus turnarounds as part of any Preliminary and Final Plat

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** Allow development of the "Pearl Lake" Conceptual Plan which consists of 39 One Household Living lots. This would be a reduction from 50 lots in the approved Conceptual Plan. The proposed amendment would also eliminate 15 Rowhouse type dwellings in Area "C" from the approved Plan affected by floodplain revisions and replaces them with three (3) large One Household Living lots that would exceed 20,000 square feet each.

The proposed amendment would also revise the street layout to remove a cul-de-sac from the approved Plan to avoid land which has become designated as floodplain by the Federal Insurance Rate Maps. There would be six (6) lots proposed that would have a minimum 70-foot lot width rather than the minimum standard of 80 feet wide. There would be three (3) lots that would be less than the minimum 10,000 square feet in area.

2. **Size of Site:** 37.2 acres
3. **Existing Zoning (site):** Pearl Lake Legacy "PUD" Planned Unit Development.
4. **Existing Land Use (site):** Undeveloped agricultural land, a One Household Living dwelling, and a regional storm water management basin.

5. Adjacent Land Use and Zoning:

North – “N2b”, Uses are One Household Living dwellings.

South – Three Lakes Estates Phase II Legacy “PUD”, Uses approved for development by the Three Lakes Estates Phase II Conceptual Plan include One and Two Household Living dwelling and Row townhouse development. Property is currently partially developed with additional undeveloped land and regional storm water management basin.

East – “N2b”, Uses are agricultural and timber land.

West – “NX1” and “F”, Uses are agricultural and timber land.

6. **General Neighborhood/Area Land Uses:** The surrounding property is generally agricultural or planned low to medium-density residential use.

7. **Applicable Recognized Neighborhood(s):** The subject property is in the Easter Lake Area Neighborhood. The neighborhood association was notified of the hearing by mailing of the Preliminary Agenda on January 7, 2021 and by mailing of the Final Agenda on January 15, 2021. Additionally, separate notifications of the hearing for this specific item were mailed December 30, 2020 (22 days prior to the hearing due to New Year Holiday) and January 11, 2021 (10 days prior to the hearing) to the Easter Lake Area Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division on the date of the mailing. The Easter Lake Area Neighborhood Association notices were mailed to Jim Bollard, 4007 SE 26th Street, Des Moines, IA 50320.

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.

A 1st Amendment to the “PUD” Conceptual Plan was approved on January 10, 2011 by the City Council, which allowed revision to the street layout and reduction in One Household lot sizes without an increase in number of residential units.

9. **Plan DSM Creating Our Tomorrow:** Low Density Residential, Low-Medium Density Residential, and Park/Open Space with Development Control Zone overlay.

10. **Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the application, accompanying evidence and Conceptual Plan shall be considered by the Plan and Zoning commission at a public hearing. The Commission shall review the conformity of the proposed development with the standards of the City Code and with recognized principles of civic design, land use planning, and landscape architecture. At the conclusion of the hearing, the Commission may vote to recommend either approval or disapproval of the amended

"PUD" Conceptual Plan as submitted, or to recommend that the developer amend the plan or request to preserve the intent and purpose of this chapter to promote public health, safety, morals and general welfare. The recommendations of the Commission shall be referred 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 would require mitigation under federal regulations.

There are mature trees in the vicinity of the existing One Household Living dwelling and around the fence line perimeters of the overall development. The developer will be required to comply with the tree protection 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 were recently update in 2019. Several of the approved lots in the existing Conceptual Plan are within the existing FIRM boundaries for flood hazard. The impetus for revising the lot and street layout with the proposed amendment was to avoid the updated flood hazard 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.
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.

The submitted Conceptual Plan amendment does not indicate how water mains would be extended to serve the lots in Area "C". Des Moines Water Works has commented that the water main to the west in the north part of the East Army Post Road Right-Of-Way would need to be extended to serve this area. Approval of any Conceptual Plan amendment shall require such revision to comply with this comment.

5. **Landscaping & Buffering:** The applicant is proposing street trees along all street frontages. 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.
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.

7. Urban Design: The typical elevations for One Household Living dwellings of the approved Conceptual Plan were originally approved to be compatible with the Easter Lake New Town Plan concept to allow for contemporary development at the time. These were updated to include specific design standards with the 1st Amendment in 2011.

The 2nd Amendment design standards are proposed to be the same as the approved Conceptual Plan which mirrored approved PUD developments at the time of the approval in 2011. 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
 - 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, cement board, 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.

Staff does not recommend any revision to these design standards as part of the propose amendment.

SUMMARY OF DISCUSSION

Erik Lundy presented the staff report and recommendation.

Melissa Hills 2400 86th St. Urbandale, IA of Civil Engineering Consultants representing Jerry's Homes stated they agree with staff recommendation. They have added water connection on Army Post Road and sanitary sewer connection to the trunk of the South Parcel. They have also added temporary turnarounds to the plan as well. All lot sizes are 80-foot except 4 of them that are 76-feet wide. Regarding open space, the center space between developable parcels is a 12-acre pond and greenbelt with a recreational trail running through it. With the out lots not being developed because of flood plain, over half of the development is open space.

CHAIRPERSON OPENED THE PUBLIC HEARING

Roger Hall 3009 East Payton Avenue stated he sees that the plan requires him to be hooked up to city sewer.

Mike Ludwig asked for Mr. Hall to clarify what his concern is regarding the note.

Roger Hall stated the note states they are required to change to city sewer, today they are on septic and laterals.

Erik Lundy asked if that is something they don't want to happen?

Roger Hall asked if that would be additional cost to them.

Erik Lundy stated that would have been negotiated when the parcel was sold by Jerry's Homes to Mr. Hall.

Melissa Hills stated she isn't privy to what negotiations took place between Jerry's Homes and the resident.

Jay Cowen 3900 Westown Parkway, Ste.100, WDM stated these negotiations were done well before his time with Jerry's Homes and he would need to do some research. The services will be stubbed and made available but not be connected.

Mike Ludwig stated City staff expectation when this PUD was approved that the existing house and new houses would connect to city and urban services. This appears to be a private issue between the owner of that lot and the developer. All properties are within the existing PUD, with no proposed changes to the notes. Under normal circumstances, when a single-family house is within 300-feet of a sewer, it would be connected to sanitary sewer if existing septic fails.

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

Greg Jones made a motion for approval of the requested amendment to the Pearl Lake Conceptual Plan subject to the following revisions:

1. Provision of a proposed water main extension of the existing Des Moines Water Work main to the west in East Army Post Road to serve the propose lots in Area "C".
2. Provision of a note that any dead-end street segments would provide for necessary temporary fire apparatus turnarounds as part of any Preliminary and Final Plat

Motion passed: 14-0

Respectfully submitted,



Michael Ludwig, AICP
Deputy Director of Development Services

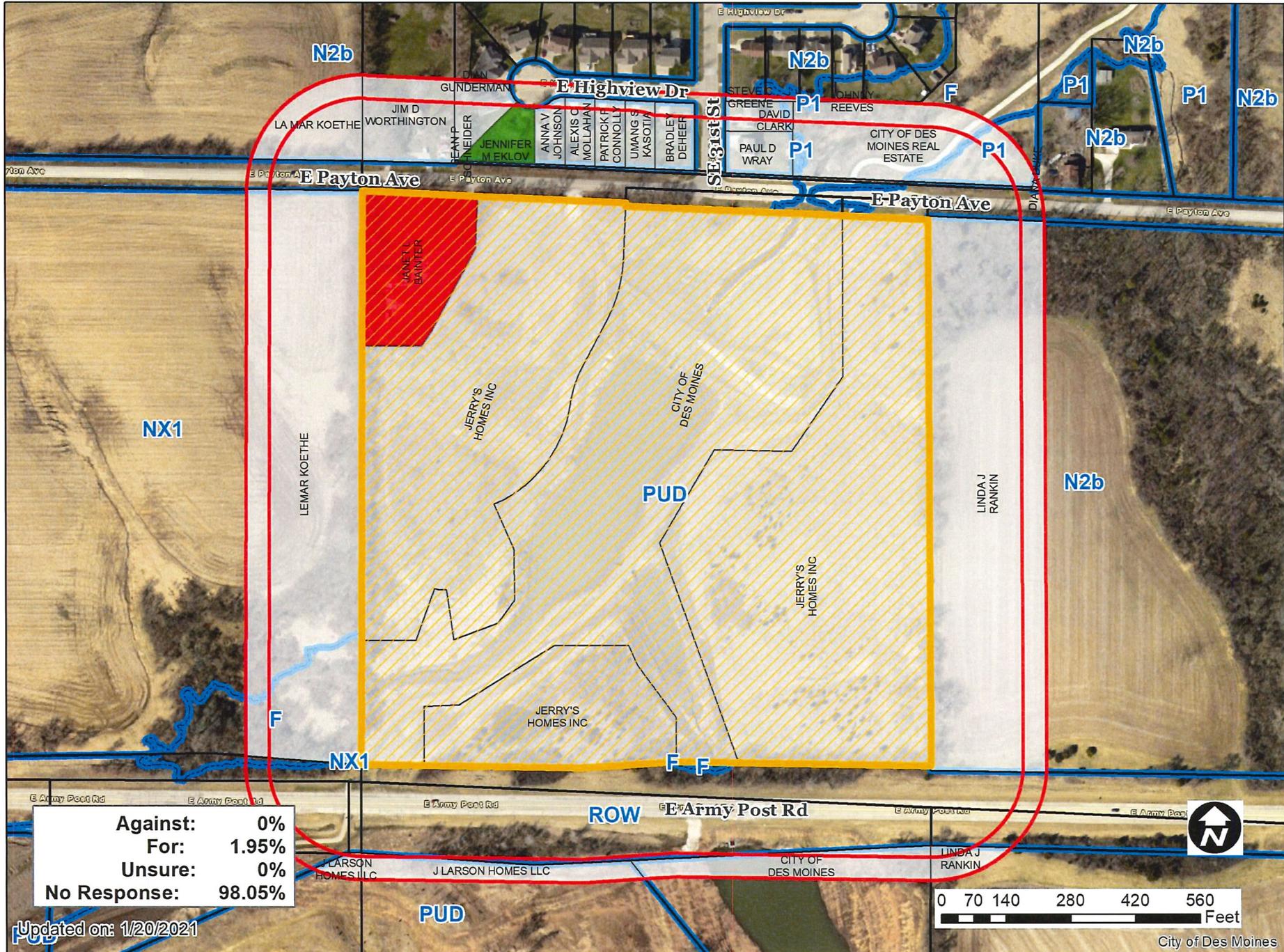
MGL:tjh

Jerry's Homes, Inc. (owner) represented by Jay Cowan (officer) for property located at 3009 East Payton Avenue and in the vicinity of the 3001 block of East Payton Avenue. Additional subject property is owned by Janet Bainter and City of Des Moines.		File # ZON2020-00160		
Description of Action	Review and approval of a 2 nd Amendment to the Pearl Lake PUD Conceptual Plan, to allow revision to the street layout, change the property on the East Army Post Road frontage to large-lot One House Hold lots from previously approved Townhomes, and reduce the minimum lot sizes for specified lots to have a minimum 70-foot width and minimum 9,600-square foot area.			
PlanDSM Future Land Use	Current: Low Density Residential, Low-Medium Density Residential, Park/Open Space, and Development Control Zone. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	Pearl Lake Legacy "PUD".			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Outside Area (200 feet)	1	3		
Within Subject Property				
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes
	Denial			No

Jerry's Homes, Inc., Vicinity of 3009 E. Payton Ave. & 3001 block of E. Payton Ave. ZON2020-00160



1 inch = 276 feet



Against:	0%
For:	1.95%
Unsure:	0%
No Response:	98.05%

Updated on: 1/20/2021

27

1 inch = 277 feet

Item: ZON2020-00160 Date: 1-13-21 27

Please mark one of the following

- I am in favor of the request
- I am not in favor of the request

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

JAN 19 2021

Signature: *Jennifer Reeves*
 Name: Jennifer Reeves
 Address: 3013 E Highview Dr

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

Item: ZON2020-00160 Date: 1/14/2021

Please mark one of the following

- I am in favor of the request
- I am not in favor of the request

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

JAN 19 2021

Signature: *Johnny Reeves*
 Name: Johnny Reeves
 Address: 3113 E. Highview Dr.

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

Too much traffic. Enjoy the
nature walk. Love the openness
of the area.

Item: ZON2020-00160

Date: 01/13/21 27

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
JAN 19 2021

Signature: Janet Bainter

Name: JANET Bainter

Address: 3009 E. PAYTON AVE.

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

WE ARE NOT IN FAVOR OF REDUCING
LOT SIZES. WE ARE NOT IN FAVOR OF
SETTING HOMES SO CLOSE WE CAN NO LONGER
ENJOY PEARL LAKE VIEW.

Item: ZON2020-00160

Date: 1.13.21

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
JAN 19 2021

Signature: Andrew J Clayton

Name: Andrew J Clayton

Address: 3109 E Highview Dr. DSM

IA 50320

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

I enjoy the view without looking at houses.
I wish the city would make it a green space.

2ND AMENDMENT TO THE CONCEPTUAL PLAN
PEARL LAKE (PUD)
PLANNED UNIT DEVELOPMENT
 DES MOINES, IOWA

DEVELOPMENT SCHEDULE

PHASE 1 - AREA 'A' - 17 SINGLE FAMILY LOTS - AUG. 2021
 PHASE 2 - AREA 'B' - 18 SINGLE FAMILY LOTS - AUGUST 2022
 PHASE 3 - AREA 'C' - CANNOT BE DEVELOPED UNTIL WATER HAS
 BEEN EXTENDED ON ARMY POST ROAD
 CITY OWNED OPEN SPACE & STORM WATER DRAINAGE AREA - AREA 'D'

BENCHMARKS (CITY OF DES MOINES DATUM)

BH-1 HYDRANT SOUTH SIDE PATTON 1ST HYDRANT
 EAST OF BRIDGE OVER CREEK.
 ELEV. = 51640

ACREAGE SUMMARY (SEC. 30-7B-23)

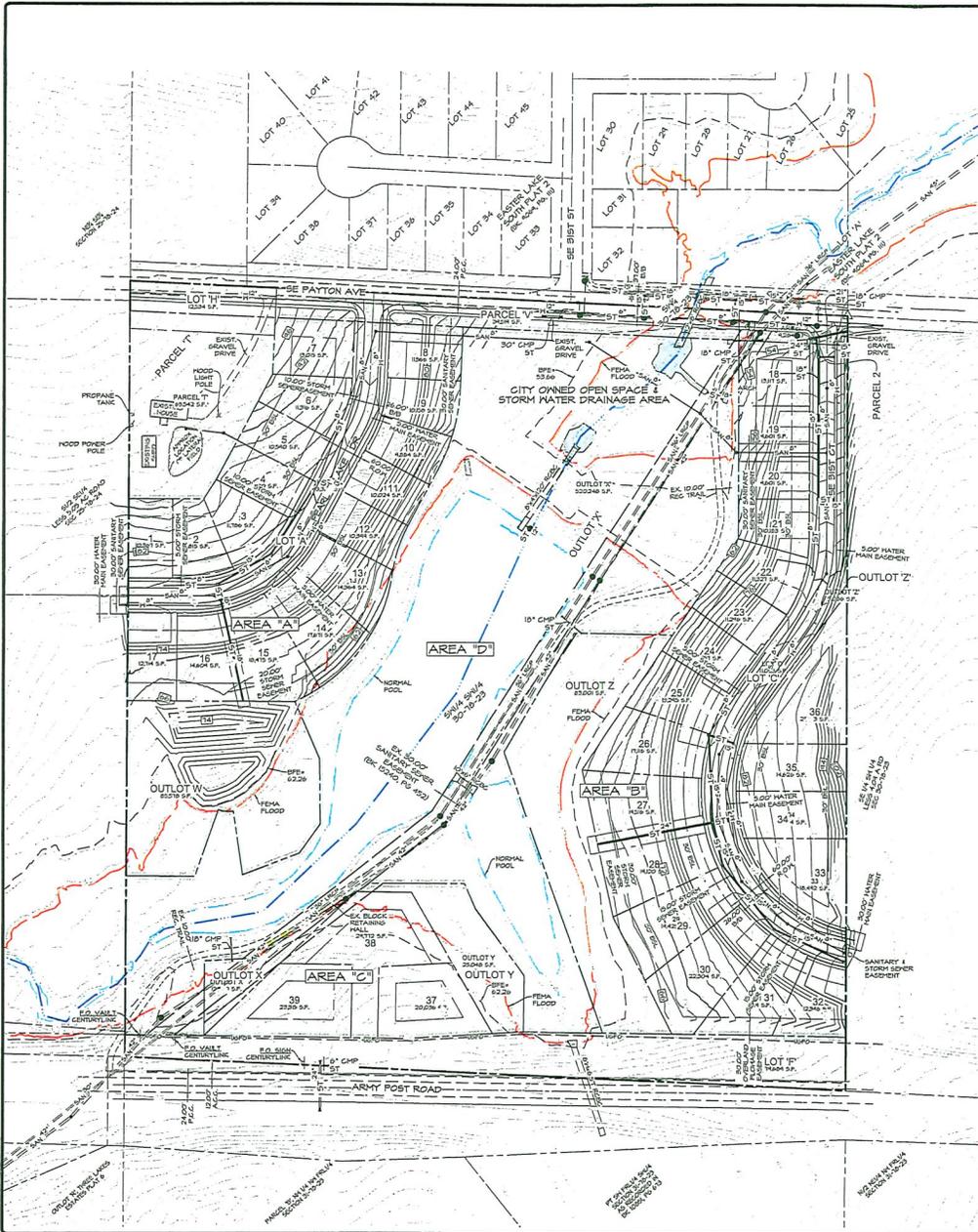
SINGLE FAMILY	19.09 AC.
R.O.H.	2.59 AC.
R.O.H (E. PATTON & E. ARMY POST)	3.24 AC.
CITY PARKS FOND	10.94 AC.
OUTLOT (AREA 'B')	4.80 AC.
PARCEL 'T'	1.00 AC.
TOTAL	31.00 AC.

LANDSCAPING NOTE

1. THE DEVELOPER SHALL BE REQUIRED TO COMPLY WITH THE TREE PROTECTION AND MITIGATION REQUIREMENTS IN THE CITY CODE AS PART OF ANY PRELIMINARY PLAT, GRADING PLAN OR DEVELOPMENT PLAN REVIEW.

PROVISION OF FENCING STANDARDS

1. BLACK VINYL-GLAZED CHAIN LINK FENCE IS THE ONLY FENCING MATERIAL PERMITTED.
2. THE MAXIMUM HEIGHT OF FENCING ALLOWED IN A SIDE OR REAR YARD IS FIVE-FEET (5').
3. FENCING IS PROHIBITED WITHIN ANY FRONT YARD AND WITHIN ACCESS EASEMENTS TO DISTURB BASINS OR TRAILS.
4. 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.
5. HOOD PRIVACY SCREENS UP TO SIX-FEET (6') IN HEIGHT ARE PERMITTED WHEN LOCATED OUTSIDE OF THE REQUIRED SETBACKS FOR A PRINCIPLE STRUCTURE, OUTSIDE OF CONSERVATION EASEMENTS AND WHEN ADJOINING PRIVATE PATIOS OR DECKS OUTSIDE THE REQUIRED FRONT YARD.
6. ALL OTHER FENCING OR SCREENING IS SUBJECT TO THE REVIEW AND APPROVAL OF THE PLANNING DIRECTOR.



Civil Engineering Consultants, Inc.
 2400 86th Street, Unit 12 - Des Moines, Iowa 50322
 515.276.6858 - mail@cec.com



DATE:	NOV. 24, 2022
BY:	BY: MENT - 10242022
DATE OF SURVEY:	12/07/2020
BY:	BY: BT -
SCALE:	SCALE: 1" = 40'

PRELIMINARY
 PEARL LAKE - (PUD)
 PLANNED UNIT DEVELOPMENT
 DES MOINES, IOWA
 GRADING & UTILITY PLAN

SCALE: 1"=100'



SHEET
 9 of 2
 E-6550