

★ Roll Call Number

11-0056

Agenda Item Number

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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  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  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  $\frac{1}{4}$  of Southwest  $\frac{1}{4}$ ; thence South  $87^{\circ}$  (Degrees)  $23'$  (Minutes)  $13''$  (Seconds) East, 1224.68 feet to the Northeast corner of said Southwest fractional  $\frac{1}{4}$  of Southwest  $\frac{1}{4}$ ; thence South  $0^{\circ} 01' 06''$  West, 1321.43 feet to the Southeast corner of said Southwest fractional  $\frac{1}{4}$  of Southwest  $\frac{1}{4}$ ; thence North  $87^{\circ} 23' 44''$  West, 1229.90 feet to the Southwest corner of said Section 30; thence North  $0^{\circ} 15' 58''$  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.

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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:

*[Signature]*

Michael F. Kelley, Assistant City Attorney

Moved by *Meyer* to adopt.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

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.

*[Signature]*

City Clerk

MOTION CARRIED

APPROVED

*[Signature]*  
Mayor