



Roll Call Number

21-0319

Agenda Item Number

47

Date February 22, 2021

RESOLUTION HOLDING HEARING ON REQUEST FROM JERRY’S HOMES, INC. FOR APPROVAL OF A PROPOSED 2<sup>ND</sup> AMENDMENT TO THE PEARL LAKE PUD CONCEPTUAL PLAN FOR PROPERTY LOCATED AT 3009 EAST PAYTON AVENUE AND IN THE VICINITY OF THE 3001 BLOCK OF EAST PAYTON AVENUE

WHEREAS, on February 8, 2021, by Roll Call No. 21-0195, the City Council received a communication from the City Plan and Zoning Commission advising that the Commission voted 14-0 to APPROVE a request from Jerry’s Homes, Inc. (owner), represented by Jay Cowan (officer), to review and approve a 2<sup>nd</sup> 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 5<sup>TH</sup> P.M., CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINS 37.200 ACRES.

WHEREAS, on February 8, 2021, by Roll Call No. 21-0195, it was duly resolved by the City Council that the request for approval of the 2<sup>nd</sup> Amendment to the PUD Conceptual Plan be set down for hearing on February 22, 2021, at 5:00 p.m., 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; 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 proposed PUD Conceptual Plan Amendment; and

WHEREAS, in accordance with said notice, those interested in said proposed PUD Conceptual Plan, Amendment 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, and any and all statements of interested persons and arguments of counsel, any objections to the proposed 2<sup>nd</sup> Amendment to the Pearl Lake PUD Conceptual Plan are hereby overruled, and the hearing is closed.

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- 2. The proposed 2<sup>nd</sup> Amendment to the Pearl Lake PUD Conceptual Plan, as on file in the Community Development Department, is hereby found to be in conformance with PlanDSM: Creating Our Tomorrow Plan and is hereby approved as stated above.

Moved BY Gatto 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	7			

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.

J. M. Franke Cownie  
Mayor

P. Kay Cmelik

City Clerk