



Roll Call Number

Agenda Item Number

19

Date May 24, 2021

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING APPROVAL OF PRELIMINARY PLAT "PEARL LAKE" FOR PROPERTY LOCATED IN THE VICINITY OF 3100 BLOCK OF EAST PAYTON AVENUE

WHEREAS, on May 6, 2021, the City of Des Moines Plan and Zoning Commission voted 12-0 to APPROVE a request from Jerry's Homes, Inc. (owner), represented by Jay Cowan (officer), for approval of the Preliminary Plat "Pearl Lake" on 14.65 acres of property located in the vicinity of 3100 block of East Payton Avenue, to allow development of 39 single-household residential lots in accordance with the approved Pearl Lake Planned Unit Development (PUD) Conceptual Plan, subject to the following conditions:

- (1) compliance with all administrative review comments from the Development Services Department; and
(2) addition on the Landscaping/Tree Mitigation Sheet 9 of the note "Future street trees along E. Army Post Road are to be installed at such time as Lots 37-39 are developed."; and

WHEREAS, the final subdivision plat will be submitted for City Council approval when completed.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the attached communication from the City Plan and Zoning Commission is hereby received and filed.

MOVED BY _____ to receive and file.

FORM APPROVED:

/s/ Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

(13-2021-1.35)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, and 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



May 18, 2021

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their May 6, 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 the Preliminary Plat "Pearl Lake" on 14.65 acres of property in the vicinity of the 3100 block of East Payton Avenue for development of 39 one household residential lots. Additional property is owned by the City of Des Moines. (13-2021-1.35)

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 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 submitted Pearl Lake Preliminary Plat subject to the following revisions:

1. Compliance with all comments of the administrative review.

2. Addition on the Landscaping/Tree Mitigation Sheet 9, the note "future street trees along E Army Post Road are to be installed at such time as Lots 37-39 are developed."

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the submitted Pearl Lake Preliminary Plat subject to the following revisions:

1. Compliance with all comments of the administrative review.
2. Addition on the Landscaping/Tree Mitigation Sheet 9, the note "future street trees along E Army Post Road are to be installed at such time as Lots 37-39 are developed."

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 in accordance with the approved Conceptual Plan.
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 associations were notified of the public hearing by mailing of the Preliminary Agenda on April 16, 2021 and by mailing of the Final Agenda on April 30, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on April 26, 2021 (10 days prior to the public hearing) to the neighborhood association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the subject property.

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.

A 2nd Amendment to the PUD Conceptual Plan was approved on February 22, 2021 by Roll Call No. 21-0319 allowing 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, subject to the following conditions:

- A) 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".
- B) 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.

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 Commission shall determine if such Preliminary Plat conforms to the standards and requirements outlined in Chapter 354 of the Iowa Code, and the City Subdivision Ordinance and shall approve, conditionally approve or reject such plat within 45 days after the date of submission to the City Permit and Development Center. Unless the applicant agrees in writing to an extension of time, the Preliminary Plat shall be deemed approved if the Commission does not act within such 45-day period. The Commission's action for approval or conditional approval shall be null and void unless the final plat is submitted to the City Permit and Development Center within 270 days after the date of such action; provided, however, that the Permit and Development Administrator may grant, upon written request of the applicant, up to a 90-day extension for submittal of the final plat to the City Permit and Development Center.

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.

Calculations for tree removal indicate the requirement to plan 69 mitigation plantings to comply with the tree protection and mitigation requirements of the City Code based on the canopy removal method of 1 tree per 2,000 square feet of canopy removed. The tree planting schedule is shown on sheet 9 of the submitted Preliminary Plat.

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 updated 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. Per the conditions of the PUD Conceptual Plan as amended, future public sanitary sewer and Des Moines Water Works main extensions to serve Lots 37-39 are shown.
5. **Landscaping & Buffering:** The applicant is proposing street trees along all street frontages. The planting schedule provides for 6 species to be used to diversify the tree plantings. There is an indication of future street tree plantings with the improvement of East Army Post Road. Staff recommends that these be planting with the final platting of the lots with a revision to the Plat to add the note "Future street trees along East Army Post Road are to be installed at such time as Lots 37-39 are developed."
6. **Traffic/Street System:** The Preliminary Plat proposes 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. Proposed street cross sections are consistent with the MoveDSM Plan configurations. Per the PUD Conceptual Plan approval in conformance with Fire Code, temporary turnarounds and easements are indicated onto adjoining property for the termini of these streets.

SUMMARY OF DISCUSSION

Erik Lundy presented staff report and recommendation.

James Cowan 3600 Westown Parkway, representing Jerry's Homes stated they have no further comments and will address City Staff's recommendations accordingly.

CHAIRPERSON OPENED THE PUBLIC HEARING

Roger Hall 3009 Payton Avenue, stated he wanted to address the utilities tied into the proposed public improvements under Item #2 in the general notes of the conceptual plan as they haven't had any feedback since the prior meeting.

Erik Lundy stated he knows this was brought up during the conceptual plan stage. The plat does show a sanitary easement to the property but isn't sure what Roger is expecting.

Roger Hall stated based on how the note reads, he believes they will be connected.

James Cowan stated there needs to be an explanation of what the difference between a conceptual PUD and the approved PUD is because the language is different. The approved PUD does show the sanitary sewer with a 15-foot stub into the property being provided.

Erik Lundy stated there was an amendment to the PUD that allowed the parcel to be cut out and remain with the existing house and provide sanitary sewer with no assurance of actual connection.

Jason Van Essen stated it is typical for a developer to extend infrastructure to the end of their development but atypical for the developer to make a connection to someone else's house.

Dory Briles stated that wouldn't be germane to the commission's action.

Jason Van Essen stated that's correct, City staff believes this proposal meets code and the intent of the PUD.

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

Greg Jones made a motion for approval of the submitted Pearl Lake Preliminary Plat subject to the following revisions:

1. Compliance with all comments of the administrative review.
2. Addition on the Landscaping/Tree Mitigation Sheet 9, the note "future street trees along E Army Post Road are to be installed at such time as Lots 37-39 are developed."

Motion passed: 12-0

Respectfully submitted,



Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh

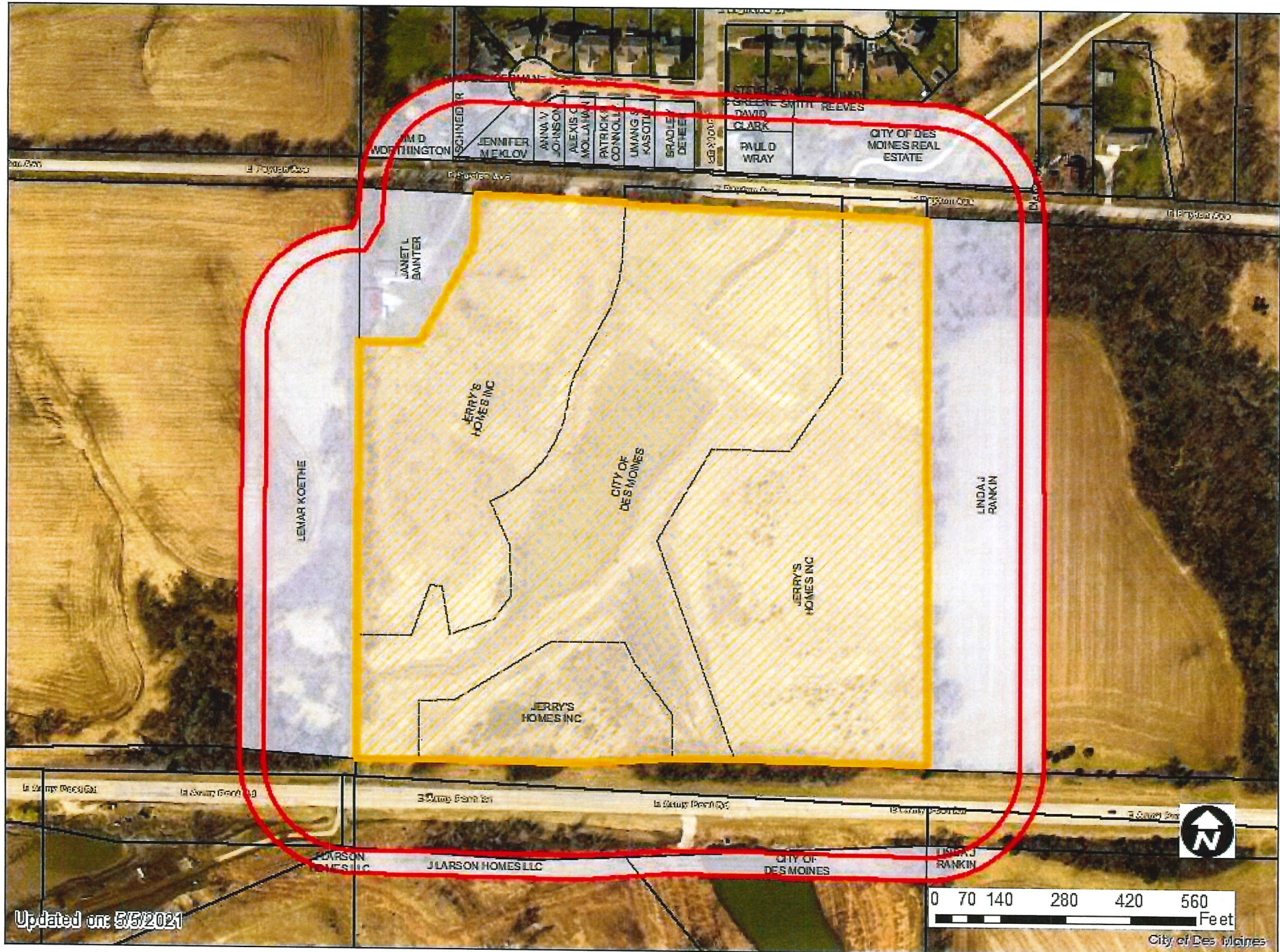
Request from Jerry's Homes, Inc. (owner) represented by Jay Cowan (officer) for review and approval of the Preliminary Plat "Pearl Lake" on 14.65 acres of property in the vicinity of the 3100 block of East Payton Avenue.			File #	
			13-2021-1.35	
Description of Action	Review and approval of the Preliminary Plat "Pearl Lake" on 14.65 acres for development of 39 one household residential lots. Additional property is owned by the City of Des Moines.			
Plan/DSM Future Land Use	Current: Low Density Residential, Low-Medium Density Residential and Parks and Open Space. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	Pearl Lake Legacy "PUD" Planned Unit Development.			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Outside Area (200 feet)	0	0		
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., Pearl Lake, Vicinity of 3100 block of East Payton Avenue

13-2021-1.35



1 inch = 274 feet

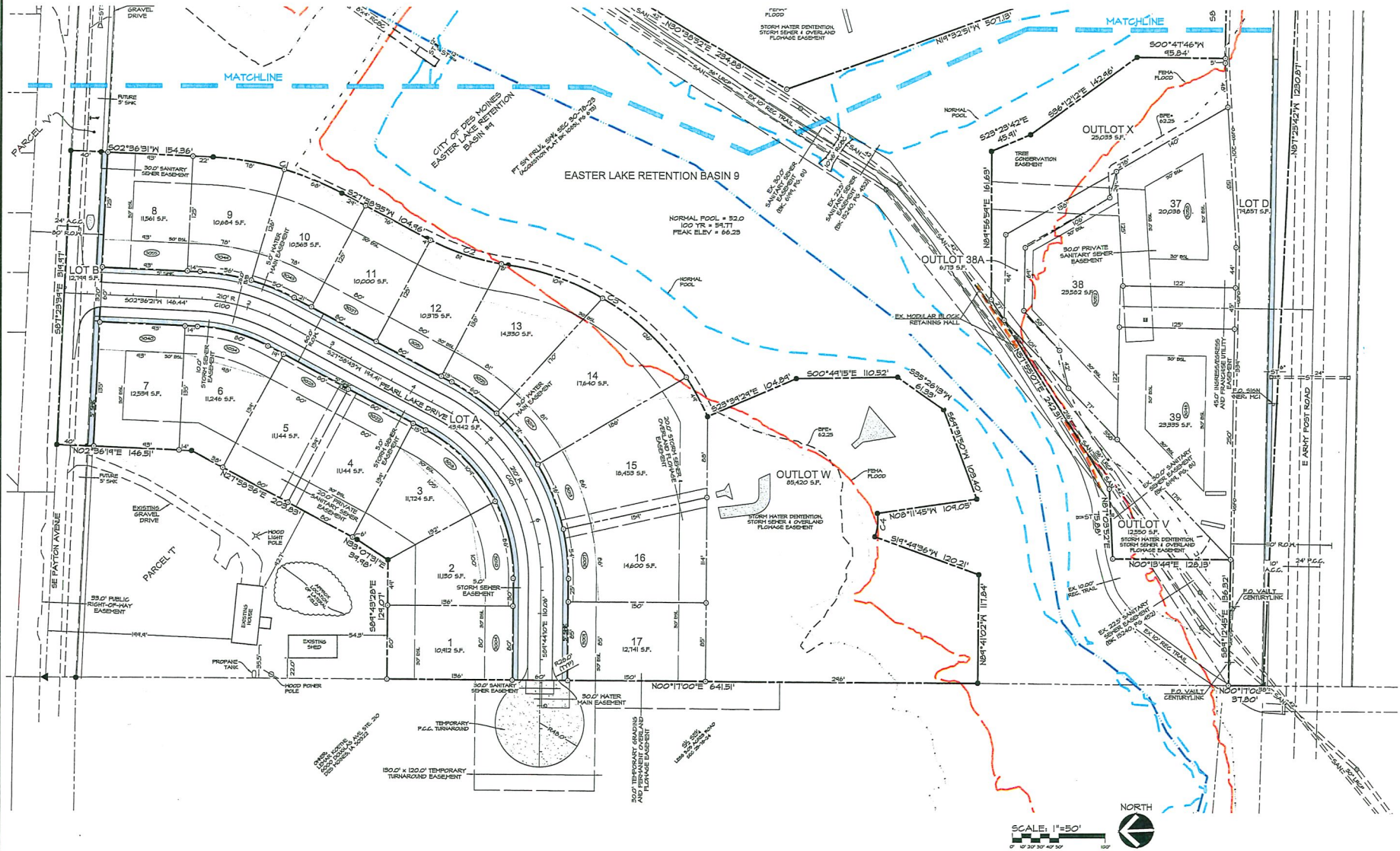


Updated on: 5/5/2021

1 inch = 274 feet

LOT CURVE DATA						
CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD	CH. BEARING
C1	18°39'24"	350.00'	76.04'	34.23'	11.41'	S04°23'15"W
C2	17°16'52"	210.00'	81.45'	42.09'	81.83'	S18°25'12"W
C3	25°47'56"	280.00'	126.04'	64.02'	124.88'	S49°11'55"W
C4	28°29'28"	53.00'	29.84'	18.14'	25.58'	N04°09'53"W

CENTERLINE CURVE DATA						
CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD	CH. BEARING
C100	025°22'22"	210.00'	49.00'	47.21'	42.24'	S15°11'32"W
C101	062°17'01"	210.00'	228.24'	126.84'	211.21'	S59°01'11"W



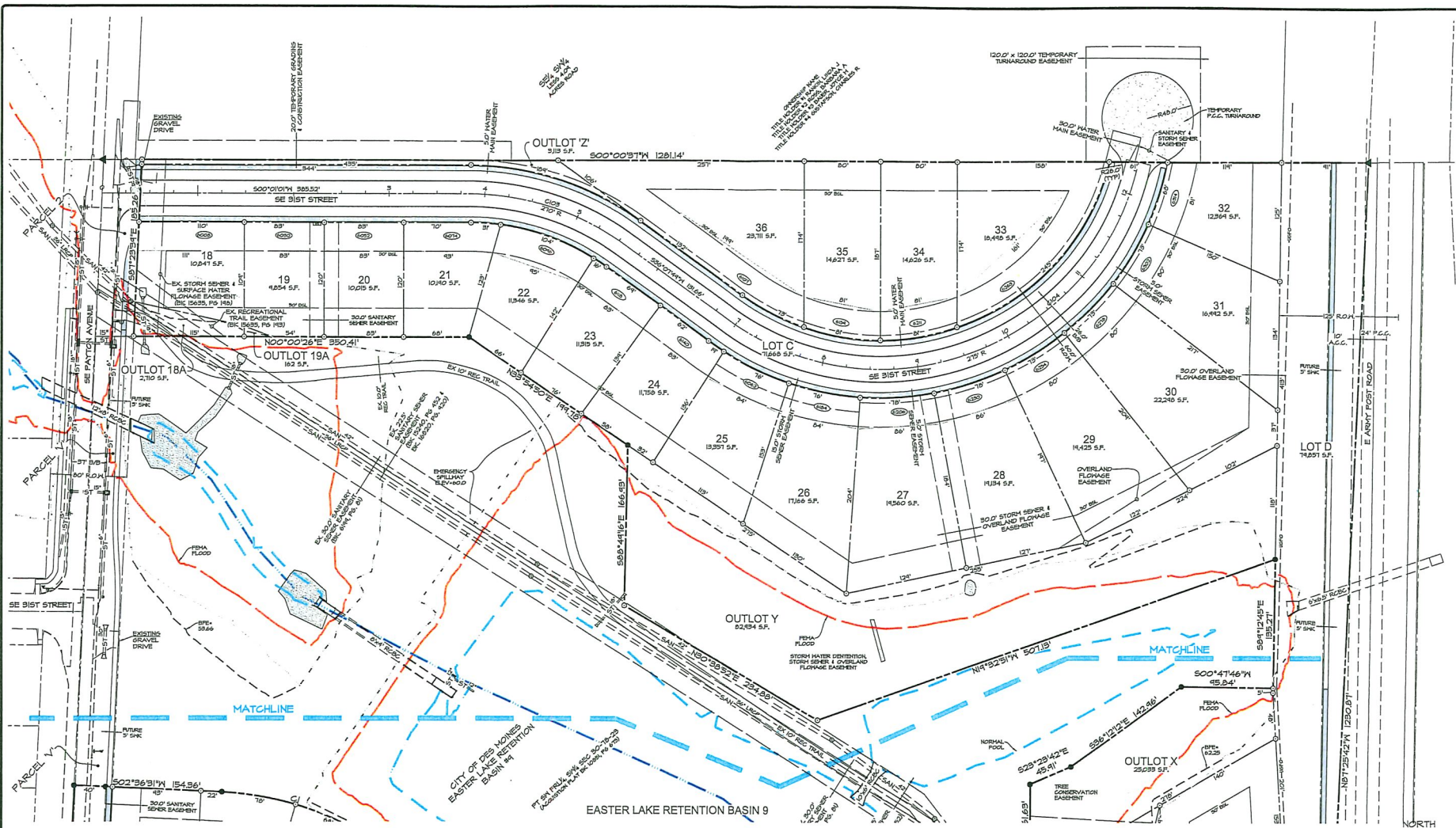
Civil Engineering Consultants, Inc.
 2408 84th Street, Unit 13, Des Moines, Iowa 50322
 515.276.4884 • Fax: 515.276.7084 • Email: cec@cec.com



DATE:	2021-04-06 - 2ND SUBMITTAL
DATE OF SUBMITTAL:	2021-02-09 - 1ST SUBMITTAL
DESIGNED BY:	DR
DRAWN BY:	DR

PEARL LAKE FLAT 1
 DES MOINES, IOWA
 WEST LOT DIMENSION PLAN

SHEET
 3
 4
 E-6526



CENTERLINE CURVE DATA

CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD	CH. BEARINGS
C103	056°06'41"	210.00'	110.18'	58.02'	167.58'	S16°10'42.54"
C104	155°34'31"	215.00'	141.11'	1215.06'	531.64'	S41°41'51"E



PLAT BY: CALE, INGHAM AND DEWANE ENGINEERS, INC. 11 AUTUMN CREST DRIVE, DES MOINES, IOWA 50319
 DATE: 02/01/2011
 DRAWN BY: J. L. HARRIS

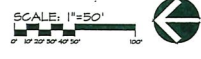
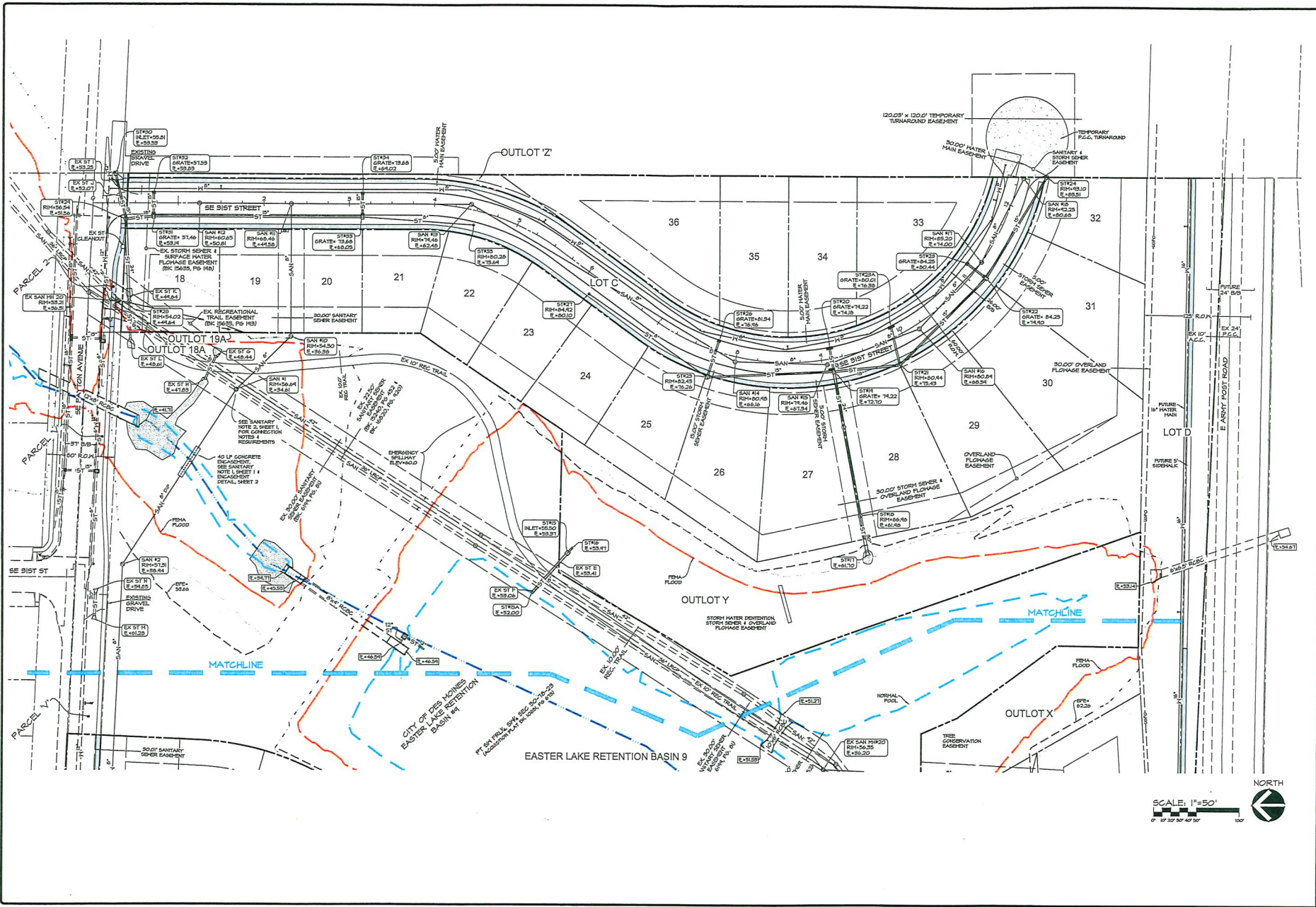
Civil Engineering Consultants, Inc.
 2400 86th Street, Unit 12, Des Moines, Iowa 50321
 515.276.6884 Fax: 515.276.7084 email@cecinc.com



DATE: 2011-04-06 - 2ND SUBMITTAL
 DATE OF REVIEW: 2011-02-09 - 1ST SUBMITTAL
 DESIGNED BY: J. L. HARRIS
 DRAWN BY: J. L. HARRIS

PEARL LAKE PLAT I
 DES MOINES, IOWA
 EAST LOT DIMENSION PLAN

SHEET
 4
 OF
 9
 E-6590

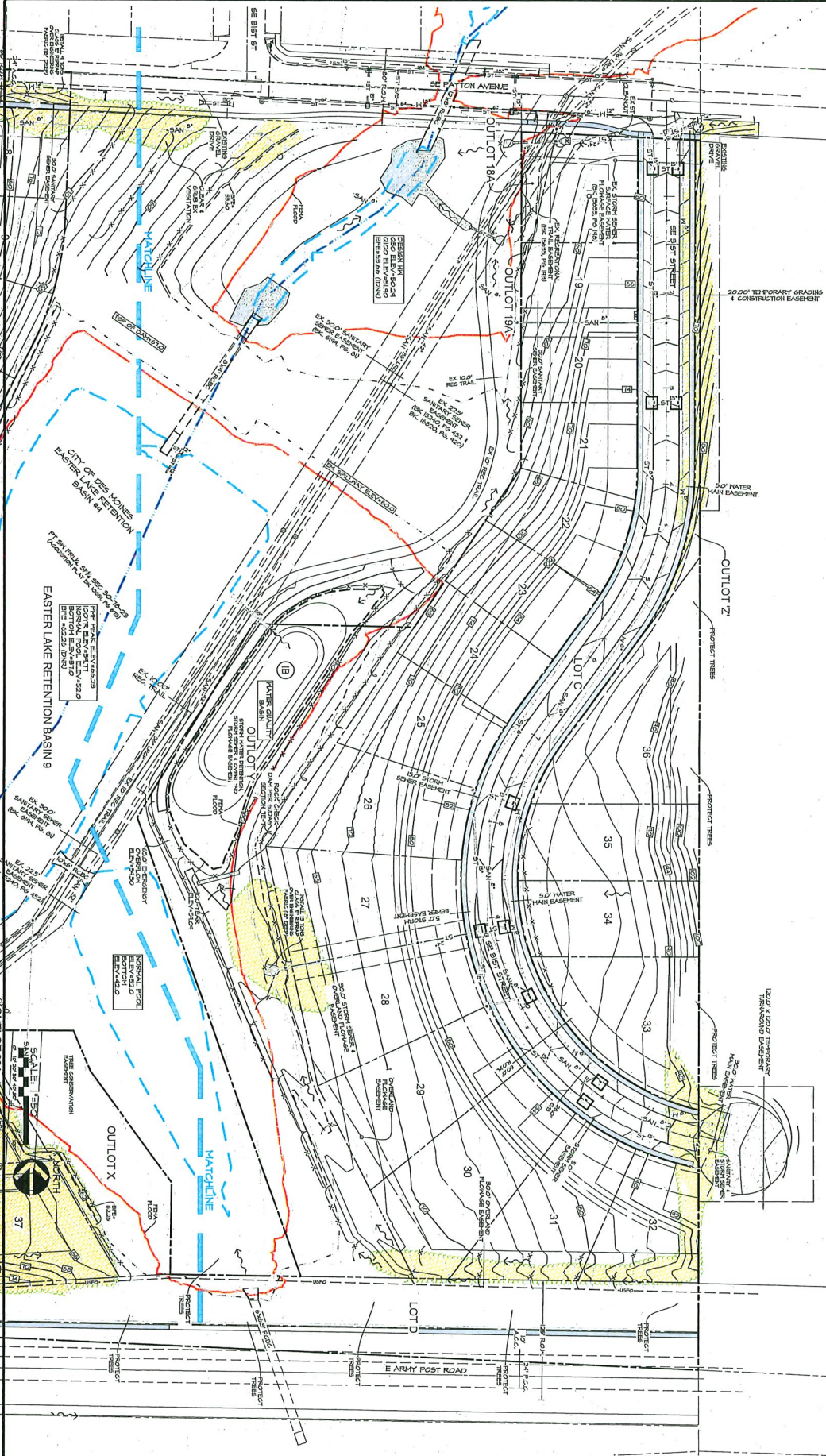


PEARL LAKE FLAT 1
DES MOINES, IOWA
EAST UTILITY PLAN

DATE: 2021-04-09 - 2ND SUBMITTAL
DATE OF SURVEY: 2021-02-05 - 1ST SUBMITTAL
DRAWN BY: J. W. BROWN
CHECKED BY: J. W. BROWN

CEC
Civil Engineering Consultants, Inc.
2405 86th Street, Unit 13, Des Moines, Iowa 50322
515.276.8684 • Fax: 515.276.7804 • email@cecinc.com

SHEET
6
1
E-6530



STORMWATER QUANTITY TABLE			
	IN DISCRETION BASIN	EAST INFILTRATION BASIN	SOUTH INFILTRATION BASIN
UNDESIGNED ROOFTOP AREA	6.81 AC	1.21 AC	2.22 AC
DESIGNED ROOFTOP VOLUME	353787 FT ³	64355 FT ³	130502 FT ³
UNDESIGNED PAVED AREA VOLUME	48311 FT ³	8422 FT ³	16920 FT ³
DESIGNED PAVED VOLUME	12502 FT ³	1522 FT ³	3071 FT ³
DESIGNED GRAVEL VOLUME	4236 FT ³	590 FT ³	1181 FT ³
DESIGNED SAND VOLUME	2088 FT ³	292 FT ³	584 FT ³
DESIGNED TOTAL VOLUME	50503 FT ³	7028 FT ³	14123 FT ³
DESIGNED PERCENT INFILTRATION	100%	100%	100%
DESIGNED INFILTRATION VOLUME	50503 FT ³	7028 FT ³	14123 FT ³
DESIGNED INFILTRATION RATE	1.00 IN/HR	1.00 IN/HR	1.00 IN/HR
DESIGNED INFILTRATION TIME	1.00 HR	1.00 HR	1.00 HR
DESIGNED INFILTRATION DEPTH	1.00 FT	1.00 FT	1.00 FT
DESIGNED INFILTRATION AREA	6.81 AC	1.21 AC	2.22 AC
DESIGNED INFILTRATION RATE	1.00 IN/HR	1.00 IN/HR	1.00 IN/HR
DESIGNED INFILTRATION TIME	1.00 HR	1.00 HR	1.00 HR
DESIGNED INFILTRATION DEPTH	1.00 FT	1.00 FT	1.00 FT
DESIGNED INFILTRATION AREA	6.81 AC	1.21 AC	2.22 AC

