

Date November 5, 2012

WHEREAS, on October 22, 2012, by Roll Call No. 12-1611, the City Council duly resolved to consider a proposal from Conlin Properties, Inc. (purchaser) represented by James Conlin (officer) to rezone certain property located in the vicinity of 3710 Hubbell Avenue from the C-2 General Retail and Highway Oriented Commercial District and R1-80 One-Family Residential District to the PUD Planned Unit Development District classification, to approve the proposed PUD Conceptual Plan for such property, and that such proposal be set down for hearing on November 5, 2012, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of the hearing was published in the Des Moines Register on October 25, 2012, as provided by law, setting forth the time and place for hearing on the proposed amendment to the Zoning Ordinance; and,

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the property located in the vicinity of 3710 Hubbell Avenue, more fully described as follows (the "Property"):

(except the South 20 feet for road easement) the East 15 acres of the West 30 acres lying North of Hubbell Avenue and the West 82.5 feet of the South 264 feet of the East 10 acres lying North of Hubbell Avenue, Southeast ¼, Southeast ¼, Section 20, Township 79 North, Range 23 West of the 5<sup>th</sup> P.M., all now included in and forming a part of the City of Des Moines, Polk County, Iowa

from the C-2 General Retail and Highway Oriented Commercial District and R1-80 One-Family Residential District classifications to the PUD Planned Unit Development District classification; and,

WHEREAS, the Plan and Zoning Commission has recommended that the proposed rezoning and PUD conceptual plan be approved, subject to the conditions identified below; and,

WHEREAS, in accordance with the notice those interested in the proposed rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council.

Date..... November 5, 2012

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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 rezoning and PUD Conceptual Plan are hereby overruled, the hearing is closed, and the proposed rezoning is hereby APPROVED.

2. The proposed rezoning and PUD Conceptual Plan are hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan, subject to the conditions identified below.

3. The 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 following conditions, and subject to the Community Development Director finding that such conditions have been satisfied by the amendments to the plan:

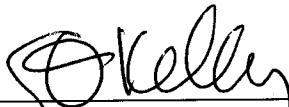
- a. The notes regarding the buffer be revised to state the buffers along the north and east property lines will include a 20-foot wide buffer containing a 6-foot tall solid wood fence, at least 4 overstory trees, and a mix of at least 8 additional evergreen, ornamental, or overstory trees.
- b. The note regarding the required traffic study shall be clarified to state that the traffic study will include trip generation and distribution estimates for the proposed development, including analysis of the impact on the surrounding street system. The layout of the PUD conceptual Plan is preliminary only and, based on the findings of the traffic study, driveway locations may be required to be altered, and turn lanes and/or traffic signals may be required. If the Development Plan is significantly different than the PUD Conceptual Plan, the PUD Conceptual Plan may have to be amended.
- c. The 30-foot building setback line along Hubbell shall be shifted 15 feet to accommodate the demonstrated 15 feet of future Hubbell Avenue right-of-way.
- d. Provision of the following note: In accordance with IFC Section 508.5.1; where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided (Exception: R-3, U & sprinklered buildings shall be no more than 600 feet from a hydrant).

Date November 5, 2012

- e. The PUD Conceptual Plan shall indicate that vinyl shall not be a permitted material for the proposed horizontal overlap siding.
- f. The PUD Conceptual Plan shall indicate that all balconies on the multiple-family residential structures shall be constructed with predominantly metal materials.
- g. The PUD Conceptual Plan shall include the elevations for all facades of the multiple-family residential structures to the satisfaction of the Planning Director.
- h. The PUD Conceptual Plan shall include a typical elevation of a two-family dwelling to the satisfaction of the Planning Director. The elevations shall include brick and siding materials compatible with the proposed elevation for the one-family dwellings.
- i. The PUD Conceptual Plan shall include conceptual elevations of the proposed accessory structures (clubhouse, fitness center, computer center, etc.) to the satisfaction of the Planning Director. The elevations shall include brick and siding materials compatible with the primary structures.

MOVED by \_\_\_\_\_ to adopt and approve the rezoning and Conceptual Plan, subject to final passage of the rezoning ordinance.

FORM APPROVED:

  
 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

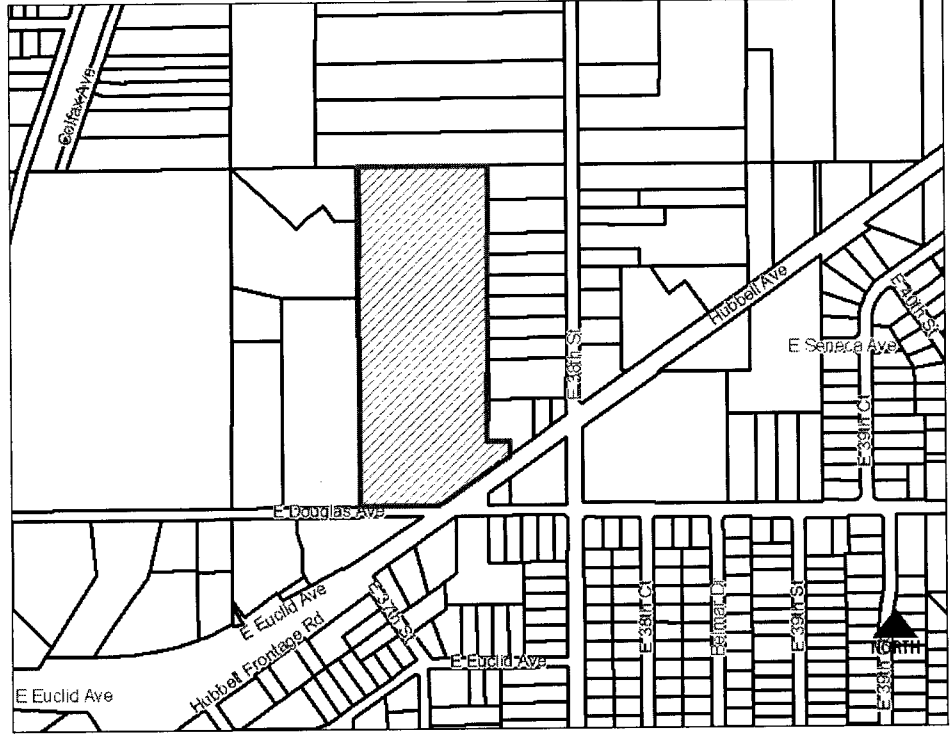
\_\_\_\_\_ City Clerk

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Request from Conlin Properties, Inc.(purchaser) represented by James Conlin (officer) to rezone property located at 3710 Hubbell Avenue. The subject property is owned by Foods, Inc.				File #	
				ZON2012-00172	
<b>Description of Action</b>	Approval to rezone from "C-2" General Retail and Highway Oriented Commercial District and "R1-80" One-Family Residential District to "PUD" Planned Unit Development and for review and approval of a PUD Conceptual Plan for a 60 units within a three-story senior living multiple-family dwelling, 164 units within five three-story multiple-family dwellings, and 30 units within one-story two-family dwellings, for a total of 254 residential dwelling units.				
<b>2020 Community Character Plan</b>	Medium-Density Residential and Commercial: Auto-Oriented Small-Scale Strip Development				
<b>Horizon 2035 Transportation Plan</b>	Hubbell Avenue from East Euclid Avenue to East 38 <sup>th</sup> Street to widen from 4 lanes undivided to 4 lanes divided				
<b>Current Zoning District</b>	"R1-80" One-Family Residential District and "C-2" General Retail and Highway Oriented Commercial District				
<b>Proposed Zoning District</b>	"PUD" Planned Unit Development				
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	1	7			
Outside Area					
<b>Plan and Zoning Commission Action</b>	Approval	8-1-1	<b>Required 6/7 Vote of the City Council</b>	Yes	N/A
	Denial			No	

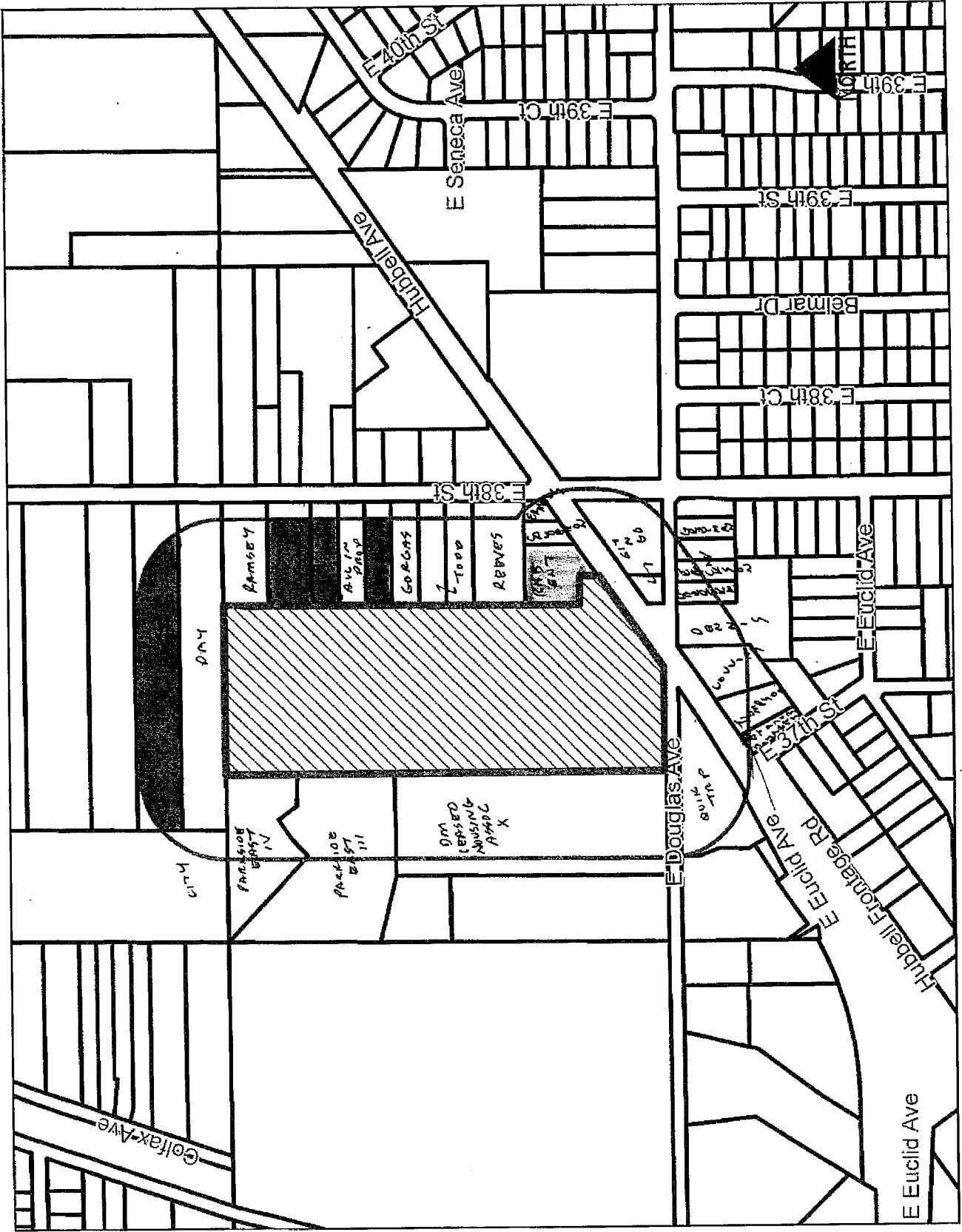
Conlin Properties - 3710 Hubbell Avenue

ZON2012-00172



ZON2012-00172

Conlin Properties - 3710 Hubbell Avenue



Date 11-5-12

Agenda Item 39

Roll Call # \_\_\_\_\_

October 19, 2012

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 October 18, 2012, the following action was taken regarding a request from Conlin Properties, Inc.(purchaser) represented by James Conlin (officer) to rezone property located at 3710 Hubbell Avenue from "C-2" General Retail and Highway Oriented Commercial District and "R1-80" One-Family Residential District to "PUD" Planned Unit Development District.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 8-1-1 as follows:

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Tim Fitzgerald	X			
Dann Flaherty	X			
John "Jack" Hilmes	X			
Ted Irvine	X			
Greg Jones	X			
William Page				X
Christine Pardee				X
Mike Simonson	X			
CJ Stephens	X			
Vicki Stogdill	X			

**APPROVAL** of Part A) to find the requested rezoning is in conformance with the Des Moines' 2020 Community Character Plan future land use designations of Commercial: Auto-Oriented Small-Scale Strip Development and Medium Density Residential; Part B) to approve the proposed rezoning from "C-2" General Retail and Highway Oriented Commercial District and "R1-80" One-Family Residential District to "PUD" Planned Unit Development District; and Part C) to approve the proposed PUD Conceptual Plan for Hilltop Apartments, subject to the following revisions: (ZON2012-00172)

1. The notes regarding the buffer be revised to state the buffers along the north and east property lines will include a 20-foot wide buffer containing a 6-foot tall solid wood fence, at least 4 overstory trees, and a mix of at least 8 additional evergreen, ornamental, or overstory trees.



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

2. The note regarding the required traffic study shall be clarified to state that the traffic study will include trip generation and distribution estimates for the proposed development, including analysis of the impact on the surrounding street system. The layout of the PUD Conceptual Plan is preliminary only and, based on the findings of the traffic study, driveway locations may be required to be altered, and turn lanes and/or traffic signals may be required. If the Development Plan is significantly different than the PUD Conceptual Plan, the PUD Conceptual Plan may have to be amended.
3. The 30-foot building setback line along Hubbell shall be shifted 15 feet to accommodate the demonstrated 15 feet of future Hubbell Avenue right-of-way.
4. Provision of the following note: In accordance with IFC Section 508.5.1; where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided (Exception: R-3, U & sprinklered buildings shall be no more than 600 feet from a hydrant).
5. The PUD Conceptual Plan shall indicate that vinyl shall not be a permitted material for the proposed horizontal overlap siding.
6. The PUD Conceptual Plan shall indicate that all balconies on the multiple-family residential structures shall be constructed with predominantly metal materials.
7. The PUD Conceptual Plan shall include the elevations for all facades of the multiple-family residential structures to the satisfaction of the Planning Director.
8. The PUD Conceptual Plan shall include a typical elevation of a two-family dwelling to the satisfaction of the Planning Director. The elevations shall include brick and siding materials compatible with the proposed elevation for the one-family dwellings.
9. The PUD Conceptual Plan shall include conceptual elevations of the proposed accessory structures (clubhouse, fitness center, computer center, etc) to the satisfaction of the Planning Director. The elevations shall include brick and siding materials compatible with the primary structures.

## **STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Part A) Staff recommends that the Commission find the proposed rezoning is in conformance with the Des Moines' 2020 Community Character Plan future land use designations of Commercial: Auto-Oriented Small-Scale Strip Development and Medium Density Residential.

Part B) Staff recommends approval of the proposed rezoning from "C-2" General Retail and Highway Oriented Commercial District and "R1-80" One-Family Residential District to "PUD" Planned Unit Development District.

Part C) Staff recommends approval of the proposed PUD Conceptual Plan for Hilltop Apartments, subject to the following revisions:

- 39
1. The notes regarding the buffer be revised to state the buffers along the north and east property lines will include a 20-foot wide buffer containing a 6-foot tall solid wood fence, at least 4 overstory trees, and a mix of at least 8 additional evergreen, ornamental, or overstory trees.
  2. The note regarding the required traffic study shall be clarified to state that the traffic study will include trip generation and distribution estimates for the proposed development, including analysis of the impact on the surrounding street system. The layout of the PUD Conceptual Plan is preliminary only and, based on the findings of the traffic study, driveway locations may be required to be altered, and turn lanes and/or traffic signals may be required. If the Development Plan is significantly different than the PUD Conceptual Plan, the PUD Conceptual Plan may have to amended.
  3. The 30-foot building setback line along Hubbell shall be shifted 15 feet to accommodate the demonstrated 15 feet of future Hubbell Avenue right-of-way.
  4. Provision of the following note: In accordance with IFC Section 508.5.1; where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided (Exception: R-3, U & sprinklered buildings shall be no more than 600 feet from a hydrant).
  5. The PUD Conceptual Plan shall indicate that vinyl shall not be a permitted material for the proposed horizontal overlap siding.
  6. The PUD Conceptual Plan shall indicate that all balconies on the multiple-family residential structures shall be constructed with predominantly metal materials.
  7. The PUD Conceptual Plan shall include the elevations for all facades of the multiple-family residential structures to the satisfaction of the Planning Director.
  8. The PUD Conceptual Plan shall include a typical elevation of a two-family dwelling to the satisfaction of the Planning Director. The elevations shall include brick and siding materials compatible with the proposed elevation for the one-family dwellings.
  9. The PUD Conceptual Plan shall include conceptual elevations of the proposed accessory structures (clubhouse, fitness center, computer center, etc) to the satisfaction of the Planning Director. The elevations shall include brick and siding materials compatible with the primary structures.

#### Written Responses

- 1 In Favor
- 7 In Opposition

#### **STAFF REPORT**

##### **I. GENERAL INFORMATION**

1. **Purpose of Request:** The proposed rezoning would allow redevelopment of the site with up to 254 residential dwelling units. The proposed PUD Conceptual Plan includes



60 dwelling units designated for seniors within a 3-story multiple-family residential building oriented toward Hubbell Avenue and approximately 164 dwelling units within five (5) 3-story multiple-family residential buildings located to the north (rear) of the proposed 60-unit building. The PUD Conceptual Plan also includes up to 30 dwelling units within one-family or two-family dwellings along the eastern perimeter of the site to provide a transition between the proposed multiple-family residential structures and the existing one- and two-family dwellings adjacent to the east. The PUD Conceptual Plan includes a statement that if one-family dwellings are constructed rather than two-family dwellings, the number of dwelling units in this area would decrease from 30 dwelling units to 24 dwelling units, and that those 6 additional dwellings units would be provided within the multiple-family residential structures.

The proposed 254 dwelling units on the 636,847 square feet (14.62 acres) represents 17.4 dwelling units per acre (1 dwelling unit per 2,507 square feet of lot area). The PUD Conceptual Plan also includes 441 parking spaces throughout the site (1.73 spaces per dwelling unit).

**2. Size of Site:** 14.62 acres.

**3. Existing Zoning (site):** "C-2" General Retail and Highway Oriented Commercial District and "R1-80" One-Family Residential District.

**4. Existing Land Use (site):** Vacant parcel that previously contained a Dahl's grocery store demolished in 2005.

**5. Adjacent Land Use and Zoning:**

**North** – "R1-80" & "U-1", Uses include a single-family dwelling and floodplain along Four Mile Creek.

**South** – "C-2", Uses across Hubbell Avenue and East Douglas Avenue include a gas station/convenience store (QuikTrip), a photo copy business (Copy Center), a convenience store (Git-n-Go), and a drive-up restaurant (Sandwiches by Reca).

**East** - "C-2" & "R-2", Uses include a car wash, six (6) two-family dwellings (12 dwelling units), and three (3) single-family dwellings.

**West** – "PUD" & "R-3", Use is multiple-family residential with 240 dwelling units within 10 buildings.

**6. Applicable Recognized Neighborhood(s):** The subject property is within 250 feet of the Sheridan Gardens Neighborhood. This neighborhood was notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhoods on September 28, 2012. Additionally, separate notifications of the hearing for this specific item were mailed on September 28, 2012 (20 days prior) and October 8, 2012 (10 days prior to the scheduled hearing) to the Sheridan Gardens Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on October 12, 2012.

All agendas and notices are mailed to the primary contact person designated to the City of Des Moines Neighborhood Development Division by the recognized

neighborhood association. The Sheridan Gardens Neighborhood Association mailings were sent to Christine Larson, PO Box 17127, Des Moines, IA 50317.

The applicant held a neighborhood meeting on Wednesday, October 10, 2012. The applicant will be available to provide a summary of the meeting at the public hearing.

**7. Relevant Zoning History: NA.**

**8. 2020 Community Character Land Use Plan Designation: Commercial: Auto-Oriented Small-Scale Strip Development and Medium Density Residential.**

**9. 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 Chapter 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.

Any substantial change in a PUD Conceptual Plan shall be considered in the same manner as the original conceptual plan. However, any proposed change to the approved Conceptual Plan which (i) is disapproved by the plan and zoning commission or (ii) would increase the allowed number of dwelling units or the allowed square footage of commercial space and which is the subject of written protest filed with the city clerk duly signed by the owners of 20 percent or more of the property which is located within 200 feet of the exterior boundaries of the property proposed for change shall not become effective except by the favorable vote of at least four-fifths of all members of the council.

**II. ADDITIONAL APPLICABLE INFORMATION**

- 1. Natural Site Features:** The site includes significant vegetation within the rear portion of the site and along the east fence line. The PUD Conceptual Plan does not identify size or species of trees within these areas but states that the future PUD Development Plan would identify trees and be in accordance with the Chapter 10, Article 42 of the City Code (Tree Preservation & Mitigation Ordinance).
- 2. Drainage/Grading:** The PUD Conceptual Plan states that on-site stormwater management will be provided to conform to the City's Site Plan Ordinance policies as part of any PUD Development Plan. The PUD Conceptual Plan demonstrates two stormwater detention areas on the site.
- 3. Utilities:** The site area has access to necessary utilities to serve the development. There are sanitary sewer, storm sewer, and water lines within the adjacent East Douglas Avenue and Hubbell Avenue rights-of-way. The PUD Conceptual Plan states that the developer will be responsible for all costs associated with extending any public utilities required as part of any future PUD Development Plan or plat.
- 4. Landscaping & Buffering:** The PUD Conceptual Plan states that the development will generally be landscaped in accordance with the landscape requirements as applicable to the "R-3" District. In addition to these requirements, the PUD Conceptual Plan provides a buffer along the east and north site boundaries that includes a 6-foot tall

solid wood fence and 4 overstory trees and 8 evergreen trees per 100 lineal feet. In this instance, staff believes that given the topography in the area where some of the properties to the east are elevated above the site, it may be more appropriate to provide a mix of additional overstory and ornamental trees in place of the proposed evergreens. Therefore, staff recommends the notes regarding the buffer be revised to state the buffers along the north and east property lines will include a 20-foot wide buffer containing a 6-foot tall solid wood fence, at least 4 overstory trees, and a mix of at least 8 additional evergreen, ornamental, or overstory trees.

- 5. **Traffic/Street System:** The subject property is located at the corner of Hubbell Avenue and East Douglas Avenue. Hubbell Avenue is a major thoroughfare and has three DART bus routes with stops in close proximity. There is not a sidewalk along the south side of Hubbell Avenue connecting bus stops. Therefore, it may be necessary to construct a sidewalk along the south side of Hubbell Avenue (opposite the subject property) in the future.

The PUD Conceptual Plan proposes a drive approach from Hubbell Avenue, a drive approach from East Douglas Avenue, and an internal driveway connection at the north provided by an easement from the adjoin property. The Conceptual Plan includes 441 parking spaces throughout the site (1.73 spaces per dwelling unit).

The PUD Conceptual Plan states that a traffic study shall be submitted for review before a Development Plan will be reviewed and that the Development Plan shall reflect that traffic study regarding items such as driveway locations and the need for turn lanes or traffic control devices. Staff recommends that this note be clarified to state that the traffic study will include trip generation and distribution estimates for the proposed development, including analysis of the impact on the surrounding street system. Since the traffic study has not yet been conducted and submitted to the City's Traffic & Transportation Division, the developer is aware that the layout on the PUD Conceptual Plan is preliminary only and may be required to be altered based on the findings of the necessary traffic study. If the Development Plan is significantly different than the PUD Conceptual Plan, the PUD Conceptual Plan may have to be brought back to the Commission for an amendment.

The PUD Conceptual Plan provides 15 feet for future Hubbell Avenue right-of-way. It also indicates that sidewalks will be provided throughout the development and along Hubbell Avenue and East Douglas Avenue. (Note: The proposed 30-foot building setback line along Hubbell should be shifted 15 feet to accommodate the demonstrated 15 feet of future Hubbell Avenue right-of-way.)

Any future driveway along Hubbell Avenue must be approved by the Iowa Department of Transportation, who governs access on Hubbell Avenue. Furthermore, work in Hubbell Avenue right-of-way may also require a permit from the Iowa Department of Transportation.

- 6. **Fire Protection:** In accordance with IFC Section D105; buildings or portions of buildings exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. In accordance with IFC Section D105.2; fire apparatus access roads shall have a minimum unobstructed width of 26 feet. In accordance with IFC Section D105.3; at least one route shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be

positioned parallel to one entire side of the building. The PUD Conceptual Plan satisfies these requirements.

The PUD must also include the following note: In accordance with IFC Section 508.5.1; where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided (Exception: sprinklered buildings shall be no more than 600 feet from a hydrant).

- 7. Urban Design:** The Conceptual Plan demonstrates that the proposed multiple-family residential structures would be three stories in height. The buildings would be sided with brick materials on the entire first floors and on portions of the second and third floors. The balance of the buildings would be sided with 4-inch exposure horizontal overlap siding and shake-pattern siding, which could be wood, vinyl, cement board, or cement panel materials. Staff recommends that this note be revised to remove vinyl from the list of permitted materials. The elevations demonstrate the roof of each structure would have multiple gables to break up the long expanse.

The multiple-family residential buildings also include balconies constructed of treated wood, painted wood, or painted metal. Staff recommends that this note be revised to require all balconies to be constructed of metal materials rather than wood materials.

The submitted PUD Conceptual Plan only includes elevations of the front and side facades of the multiple-family structures. Staff recommends that the PUD Conceptual Plan include the elevations for all facades of the structures to the satisfaction of the Planning Director.

The PUD Conceptual Plan demonstrates that the proposed one-family and two-family structures would be sided with a brick wainscot on all facades, with the balance sided with 4-inch exposure horizontal overlap siding and shake-pattern siding. The submitted PUD Conceptual Plan only includes a typical elevation of a one-family dwelling. Staff recommends the PUD Conceptual Plan also include a typical elevation of a two-family dwelling to the satisfaction of the Planning Director.

The PUD Conceptual Plan must include conceptual elevations of the proposed accessory structures (clubhouse, fitness center, computer center, etc). The elevations should include brick and siding materials compatible with the primary structures.

The PUD Conceptual Plan states that all shingles shall be 30-year architectural shingles.

- 8. 2020 Community Character Plan:** The proposed rezoning is in conformance with the Des Moines' 2020 Community Character Plan future land use designations of Commercial: Auto-Oriented Small-Scale Strip Development and Medium Density Residential (up to 17 dwelling units per acre). The proposed 254 dwelling units on the 636,847 square feet (14.62 acres) represents 1 dwelling unit per 2,507 square feet of lot area.
- 9. Signage:** The submitted PUD Conceptual Plan states any signage shall be in accordance with the sign regulations as applicable to the "R-3" District, with the

exception that any freestanding sign on any parcel shall be a monument style sign with a masonry base that matches the primary structure on each parcel.

**10. Additional Information:** The PUD Conceptual Plan states that all trash containers will be screened by enclosures constructed with masonry walls and steel gates to match the primary structures.

Any fencing shall be in accordance with fence regulations as they apply to the "R-3" District, except that any chain link fence shall be black vinyl-clad.

All lighting fixtures on the site shall be down-directional sharp cut off and all lighting poles within parking areas shall be no taller than 20 feet and all lighting poles within pedestrian areas shall be no taller than 15 feet.

All utility meters shall be placed on building facades that do not face parking lots or streets.

## **SUMMARY OF DISCUSSION**

Erik Lundy presented staff report and recommendation.

Vicki Stogdill asked if this will be a low income housing project.

Erik Lundy stated he understands that it is the applicant's intention to get this approved in time to make application for low income housing tax credits through the State.

Vicki Stogdill stated the staff recommendation indicates senior living like there is an age requirement.

Erik Lundy noted the 60 unit building is designated as senior housing (Age 55 or older). Zoning cannot dictate or designate the income level of the occupant.

CJ Stephens asked if this project will be constructed in phases and if so which phase would be built first.

Erik Lundy deferred to the applicant.

Jim Conlin 319 7<sup>th</sup> Street, Suite 500, developer stated that they have been working with Dahl's for six years. This project is going to serve the very young to the retired people. There is a demand for this product. There will be phases which will be over a 2 or 3 year period. The first building will be the 60 unit senior building; the second will be the houses or duplexes; and the third will be two of the multi-family buildings. These will be the first multi-family buildings in this area that have been built with individual elevators in each building.

Doug Saltzgaver, Engineering Resource Group, 2413 Grand Avenue stated they have tried to use some good planning principals to provide transition density from single-family dwellings to the east. They have proposed large setbacks and single-family or duplex dwellings on the east edge of the property abutting existing single-family dwellings. The larger multi-family dwellings are on the western portion of the site such that the narrow portion of the buildings face the single-family residential. They will be putting in buffer

plantings and a six feet high fence that would go up on the high portion before they begin lowering the grades.

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Pearce Cody Simonson & Associates Architect 1018 Grand Avenue, Ames, Iowa described the buildings. There are three story wood frame buildings with elevators included and be accessible throughout all building types. At a minimum the first story will have modular masonry and above that very tight lap siding and up in the gables there will be a shake style siding. The narrow ends of the building face towards the single-family residential and the depth of the buildings is approximately 66 feet outside to outside.

### **CHAIRPERSON OPENED THE PUBLIC HEARING**

*The following spoke in opposition of the applicant's request:*

August Luthens, Attorney 2511 E. Tiffin stated that he is representing single-family dwelling owners Mr. and Mrs. Robert Mackie and Yvonne Victoria who live on E. 38<sup>th</sup> Street on the northeast portion of the proposed development. They are concerned about their privacy after 30 years. The row of trees that are at the boundary area that gives them extreme privacy will be eliminated by this project and replaced with a 6 feet board fence and planting some shrubs that will not survive for 20 years. This project takes away the meaning of living in a "R-1" residential area to having 300 to 500 people living in their backyard. Plus, north ¼ of this property where the applicant is asking to build a 30-plex is subject to flooding, which is back to back within 300 yards of Four-Mile Creek which is next to the flood plain. The other concern is having the value of their home decrease. They suggest that this part could be reconfigured so the north ¼ is vacant land or park for the development.

Ron Holt 4014 E. 38<sup>th</sup> stated he believes several corrections are necessary. Staff mentioned that all the houses along E. 38<sup>th</sup> north of Hubbell are duplexes, that is not true there are several single-family houses as well as duplexes, also staff stated that the problem intersection is at Hubbell and Euclid but Hubbell and E. Douglas is probably the worse intersection. The Des Moines Police Department had to be hired to work off duty because of the amount of calls they were having for the existing apartments. Also, a curfew had to be enforced for 10:00 p.m. This may be a sign that the same thing will happen with this new development. When the people in that complex cannot come out of their apartment and hang out they migrate north which is on my property and the neighbors property. This is private property that is very hard to enforce.

### **Rebuttal**

Jim Conlin stated that he has attended four neighborhood meetings, talked to all of the City Council members and Board of Supervisors, he believes he has unanimous support. They have cameras in all of their projects and that still did not stop the activity. These were some young people that did not live on the property or in the Sergeant Park property that were hanging out in the hallway and were offensive to anybody that would attempt to interact with them. Therefore, they did hire off duty police to eradicate the problem and those problem individuals moved on. They are working with DART attempting to do some type of transportation hub on Hubbell. At the applicant's expense they will construct some shelters which would be at their best interest as well as, the tenants and the entire area.

Christine Pardee asked what neighborhood association this project is located in.

Jim Conlin stated that this project is really not in any neighborhood association. They have invited and they have been going all around the east side to all of the neighborhood associations. If there is anybody who would like an explanation or for him to review the plan, he goes right to their house.

Christine Pardee asked then is it the applicant's sense that there are no opposition to this project.

Jim Conlin stated that he has had no opposition.

CJ Stephens asked if it is the applicant's intent to preserve what is identified as healthy vegetation which does provide a significant noise buffer to the people who have some concerns about this project.

Jim Conlin stated that they would have to ask their civil engineer to address that. His intentions are to abide by all rules and regulations. He believes that plant material enhances the site. They are cutting that area down six to eight foot so the people who live on E. 38<sup>th</sup> Street will only see the tops of the houses so the sound is going to be buffered in the dirt.

CJ Stephens stated that she believes that the people on E. 38<sup>th</sup> Street would rather see the trees instead of tops of houses.

Jim Conlin stated that they are not disturbing the trees along that buffer zone.

## **CHAIRPERSON CLOSED THE PUBLIC HEARING**

### **COMMISSION ACTION:**

Shirley Daniels moved staff recommendation Part A) to find the proposed rezoning is in conformance with the Des Moines' 2020 Community Character Plan future land use designations of Commercial: Auto-Oriented Small-Scale Strip Development and Medium Density Residential; Part B) to approve the requested rezoning from "C-2" General Retail and Highway Oriented Commercial District and "R1-80" One-Family Residential District to "PUD" Planned Unit Development District; and Part C) to approve the proposed PUD Conceptual Plan for Hilltop Apartments, subject to the following revisions:

1. The notes regarding the buffer be revised to state the buffers along the north and east property lines will include a 20-foot wide buffer containing a 6-foot tall solid wood fence, at least 4 overstory trees, and a mix of at least 8 additional evergreen, ornamental, or overstory trees.
2. The note regarding the required traffic study shall be clarified to state that the traffic study will include trip generation and distribution estimates for the proposed development, including analysis of the impact on the surrounding street system. The layout of the PUD Conceptual Plan is preliminary only and, based on the findings of the traffic study, driveway locations may be required to be altered, and turn lanes and/or traffic signals may be required. If the Development Plan is significantly different than the PUD Conceptual Plan, the PUD Conceptual Plan may have to amended.

3. The 30-foot building setback line along Hubbell shall be shifted 15 feet to accommodate the demonstrated 15 feet of future Hubbell Avenue right-of-way.
4. Provision of the following note: In accordance with IFC Section 508.5.1; where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided (Exception: R-3, U & sprinklered buildings shall be no more than 600 feet from a hydrant).
5. The PUD Conceptual Plan shall indicate that vinyl shall not be a permitted material for the proposed horizontal overlap siding.
6. The PUD Conceptual Plan shall indicate that all balconies on the multiple-family residential structures shall be constructed with predominantly metal materials.
7. The PUD Conceptual Plan shall include the elevations for all facades of the multiple-family residential structures to the satisfaction of the Planning Director.
8. The PUD Conceptual Plan shall include a typical elevation of a two-family dwelling to the satisfaction of the Planning Director. The elevations shall include brick and siding materials compatible with the proposed elevation for the one-family dwellings.
9. The PUD Conceptual Plan shall include conceptual elevations of the proposed accessory structures (clubhouse, fitness center, computer center, etc) to the satisfaction of the Planning Director. The elevations shall include brick and siding materials compatible with the primary structures.

Motion passed 8-1-1 (CJ Stephens voted in opposition and Mike Simonson abstained)

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:clw

Attachment



Item ZON2012-00172 corrected Date 10-12-2012

39

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

(Circle One)

SISTERS

Print Name DANA CLEMENT

Signature Dana Clement

Address 3703 HUBBELL AVE.  
DES MOINES IA.

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

THERE ARE TOO MANY APARTMENTS IN THE AREA -  
CRIME AROUND HERE IS AT AN ALL TIME HIGH - I  
ALSO OWN A RESIDENCE AROUND THE CORNER AND  
THE PEOPLE FROM THE APARTMENTS ON DOUGLAS HAVE  
BROKEN INTO MY GARAGES REPETITIVELY - DESTROYED  
MY PROPERTY AND HAD PARTIES IN MY BACKYARD.  
I HAVE LIVED AND OWN A BUSINESS IN THIS  
AREA FOR OVER 30 YEARS - I WONDER IF MR CONLIN  
WOULD LIKE TO LIVE CLOSE - BET NOT.

Item ZON2012-00172 Date 10-12-2012

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

(Circle One)

Chic Hair Design

Print Name Sheila Reeves

Signature Sheila Reeves

Address 3703 Hubbell Ave.  
Des Moines Iowa 50317

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

Please, No More!

Item ZON2012-00172 corrected Date 10-15-12

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

(Circle One)



Print Name Robert L Mackie

Signature Robert L Mackie

Address 3939 E 38<sup>th</sup> Street

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

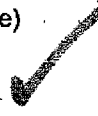
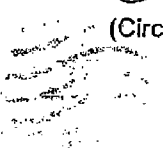
How many people with residential zoning would want to change  
My back door to PUD lot line is 200' I look right down on PUD  
Low Cost Housing will lower my Property Value

Traffic - 800+ people will create problems on double  
I am especially interested in buffer (maintaining tree line) at lot line  
Security - Worry about crime - More people/more bad apps

Item ZON2012-00172 corrected Date Oct 15, 2012

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

(Circle One)



Print Name Yvonne Victoria

Signature Yvonne Victoria

Address 1930 E 38th St. D.M. In

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

50317

The meeting held stated that the  
tree buffer would remain. This  
is very important to me as the  
large amount of additional people  
in area would create more noise and  
crime. The buffer would help-

Item ZON2012-00172 corrected Date \_\_\_\_\_

in favor of the request.

(Circle One)  
I still have?  
some questions?

Print Name Donald J. Reeves

Signature Donald J. Reeves

Address 38 38 E. 38 ST

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

My property value will go  
down I now have corner  
lot on three sides  
Am I wrong? please explain  
as I am not in the Real Estate Bus  
Thank you Don Reeves

Item ZON2012-00172 Date OCT 11 2012

I (am)  in favor of the request.

(Circle One)  
✓

Print Name John W Derrough

Signature John W Derrough

Address 2755 Skies Dr

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

Too many people for this already  
over crowded area! Traffic and crime  
would increase. Bad idea!

Item ZON2012-00172 Date 10/12/12 39

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

Print Name ROBERT BASSMAN  
Signature Robert Bassman  
Address 3764 Hubbell Ave

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

Improvement to neighborhood.  
Best use of land

Item ZON2012-00172 Date 10-10-12

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

Print Name RON HOW  
Signature Ron How  
Address 4014 E 38th St

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

Value of my property will devalue.  
Bring in low-life and low-income family  
Noise, traffic, garbage