



Roll Call Number

21-0495

Agenda Item Number

39

Date March 22, 2021

RESOLUTION HOLDING HEARING ON REQUEST FROM HILLTOP HOUSING, LLC (OWNER) TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND APPROVE A 1ST AMENDMENT TO THE “HILLTOP APARTMENTS” LEGACY PUD CONCEPTUAL PLAN FOR PROPERTY LOCATED AT 3722 & 3726 HUBBELL AVENUE AND 3680 & 3688 KENNEDY DRIVE

WHEREAS, on March 8, 2021, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing on February 18, its members voted 14-0 to **APPROVE** a request from Hilltop Housing, LLC (owner), represented by J.B. Conlin (officer), to review and approve amendment of the PlanDSM Creating our Tomorrow comprehensive plan future land use classification from Medium Density Residential within a Community Node to High Density Residential within a Community Node, and to review and approve a 1st Amendment to the “Hilltop Apartments” Legacy PUD Conceptual Plan on the property located at 3722 and 3726 Hubbell Avenue and 3680 and 3688 Kennedy Drive (“Property”), to allow construction of two 42-unit household dwellings in place of the approved dwelling units within a 30-unit household dwelling, a 36-unit household dwelling, and several two-household dwellings. The amendment would not alter the total number of dwelling units (254) allowed within the development. Additional property owners include Hilltop Senior, LP; Hilltop I, LP; and Hilltop II, LP. The recommendation is subject to the following conditions:

1. Provision of a note to state that any “thru-wall air condition unit” shall be designed and colored to blend with the building; and
2. Sheets 2 and 3 of the PUD Conceptual Plan shall be revised to demonstrate the existing sidewalks along Hubbell Avenue, as well as the existing shelter for the transit stop; and
3. The proposed north/south sidewalk extending through the eastern portion of the site be extended southerly to the east/west sidewalk that provides a connection the public sidewalk along Hubbell Avenue; and
4. The notes on Sheet 2 pertaining to the landscape buffer shall be clarified to state that the proposed 6-foot tall fence shall be 100 % opaque; and
5. The note on Sheet 1 pertaining to landscaping shall be revised to state that the site will be landscaped in accordance with the landscaping regulations applicable in the ‘NX3’ District; and
6. The note on Sheet 1 pertaining to signage shall be revised to state that any signage shall be in accordance with signage regulations applicable in the ‘NX3’ District; and

WHEREAS, the Property is legally described as follows:

THE EAST 15 ACRES OF THE WEST 30 ACRES OF THE SOUTHEAST 1/3 OF THE SOUTHEAST ¼ OF SECTION 20; LYING NORTH OF AVENUE FREDERICK HUBBELL; IN TOWNSHIP 70 NORTH, RANGE 23 WEST OF THE 5TH P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA, EXCEPT LEGALLY ESTABLISHED HIGHWAYS. CONTAINING 14.62 ACRES.

WHEREAS, on March 8, 2021, by Roll Call No. 21-0373, it was duly resolved by the City Council that the request to amend the land use designation and approve a 1st Amendment to the Legacy PUD Conceptual Plan be set down for hearing on March 22, 2021 at 5:00 P.M., by electronic means in accordance with the Governor’s



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and Mayor's Proclamations and to encourage and maintain social distancing to curb the spread of COVID 19 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 land use amendment and Legacy PUD Conceptual Plan amendment; and

WHEREAS, in accordance with said notice, those interested in said proposed land use amendment and Legacy 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 amendment to the Legacy PUD Conceptual Plan "Hilltop Apartments" are hereby overruled, and the hearing is closed.
2. The proposed amendment to the PlanDSM: Creating Our Tomorrow Plan for the property locally known as 3722 and 3726 Hubbell Avenue and 3680 and 3688 Kennedy Drive to High Density Residential within a Community Node is hereby approved.
3. The proposed amendment to the Legacy PUD Conceptual Plan "Hilltop Apartments", 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, subject to the conditions stated above.

MOVED BY Westergaard TO ADOPT.

FORM APPROVED:

Judy K. Parks-Kruse
Judy K. Parks-Kruse
Assistant City Attorney

(21-2021-4.04)
(ZON2020-00011)

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

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.

MOTION CARRIED APPROVED
J. M. Franklin Cownie
Mayor

P. Kay Cmelik
City Clerk