

Date June 14, 2021

RESOLUTION SETTING HEARING ON REQUEST FROM ON POINT INVESTMENTS, LLC (OWNER) TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED AT 2406 WOODLAND AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on May 20, 2021, its members voted 10-1 in support of a motion to recommend **APPROVAL** of a request from On Point Investments, LLC (Owner), represented by Jennifer Echterling (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 2406 Woodland Avenue (“Property”) from Low Density Residential in a Neighborhood Node to Medium Density Residential in a Neighborhood Node to allow rezoning to ‘N5-2’ Neighborhood District to allow the use of the property for a Two Household Living dwelling; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on May 20, 2021, its members voted 10-1 in support of a motion to recommend **APPROVAL** of a request from On Point Investments, LLC (Owner), represented by Jennifer Echterling (officer), to rezone the Property from ‘N5’ Neighborhood District to ‘N5-2’ Neighborhood District for the above-stated purpose; and

WHEREAS, the Property is legally described as follows:

LOT 24 IN INGERSOLL PLACE, AND THE NORTH ½ OF VACATED EW ALLEY LYING SOUTH OF AND ADJOINING LOT 24, INGERSOLL PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed amendment to the comprehensive plan future land use designation and proposed rezoning are to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposals, shall be held at 5:00 p.m. on June 28, 2021, 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.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section



Roll Call Number

Agenda Item Number

25

Date June 14, 2021

414.4 of the Iowa Code. The City Clerk is instructed to provide this notice including information about participation in the electronic meeting as indicated above.

MOVED BY _____ TO ADOPT.

FORM APPROVED: Judy K Parks-Kruse
Judy K. Parks-Kruse
Assistant City Attorney

(21-2021-4.14)
(ZON2021-00047)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
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



Date June 14, 2021
Agenda Item _____
Roll Call # _____

June 8, 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 20, 2021 meeting, the following action was taken regarding a request from On Point Investments, LLC (owner) represented by Jennifer Echterling (officer) to rezone property located at 2406 Woodland Avenue from "N5" Neighborhood District to "N5-2" Neighborhood District, to allow use of the property for a Two Household Living dwelling.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
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 Part A) The proposed rezoning to "N5-2" District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of "Low Density Residential."



Part B) **Approval** of an amendment to the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential to Medium Density Residential.

Part C) **Approval** of rezoning the subject property from “N5” Neighborhood District to “N5-2” Neighborhood District. (ZON2021-00047)

Written Responses

5 in Favor

2 in opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed rezoning to “N5-2” District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of “Low Density Residential.”

Part B) Staff recommends approval of an amendment to the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential to Medium Density Residential.

Part C) Staff recommends approval of rezoning the subject property from “N5” Neighborhood District to “N5-2” Neighborhood District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed rezoning would allow use of the property for a two-household dwelling. The property is currently only allowed to be used for a one-household dwelling since it lost legal non-conforming rights since the previous four-plex was vacant for a period longer than one year.

2. **Size of Site:** 7,000 square feet.

3. **Existing Zoning (site):** “N5” Neighborhood District.

4. **Existing Land Use (site):** The property includes a vacant building that was originally constructed as a one-household dwelling, but later converted to four (4) dwelling units.

5. Adjacent Land Use and Zoning:

North – “N5”; Use is a commercial office building.

South – “N5”; Use is a one-household dwelling.

East – “N5”; Use is a one-household dwelling.

West – “N5”; Use is a vacant lot with a detached garage.

6. **General Neighborhood/Area Land Uses:** The subject property is located along the south side of Woodland Avenue just to the southwest of Woodland Cemetery in an area that contains a mix of residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is in the Woodland Heights Organization Neighborhood. The association was notified of the Commission meeting by mailing of the Preliminary Agenda on April 30, 2021 and the Final Agenda on May 14, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on April 30, 2021 (20 days prior to the hearing) and on May 10, 2021 (10 days prior to the hearing) to the neighborhood association and the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the requested design alternative.

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 Woodland Heights Organization notices were mailed to Phil Kreznor, 808 25th Street, Des Moines, IA 50312.

The applicant mailed the required neighborhood outreach letter and will be available to provide a summary of those communications at the hearing.

8. **Relevant Zoning History:** N/A.
9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Low Density Residential within a Neighborhood Node.
10. **Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, 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 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.

II. ADDITIONAL APPLICABLE INFORMATION

1. **PlanDSM Creating Our Tomorrow:** The subject property is designated as “Low-Density Residential” on the Future Land Use Map. Plan DSM describes this designation as follows:

Low-Density Residential: Areas developed with primarily single family and two family residential units with up to 6 dwelling units per net acre.

The applicant is proposing to rezone the property from “N5” Neighborhood District to “N5-2” Neighborhood District. The “N5-2” District allows for one- and two-household dwellings that are in accordance with “House D” building types. The proposed two (2) dwelling units on a 7,000-square foot lot represent a new density of 12.45 units per acre. Therefore, the rezoning requires that the future land use designation be amended to Medium Density Residential. Plan DSM describes this designation as follows:

Medium Density Residential: Areas developed with primarily single family, duplex, and small multi-family residential units with up to 17 dwelling units per net acre.

2. **Planning and Design Ordinance:** Any development must comply with all applicable site plan and design regulations of the Planning and Design Ordinance (Chapter 135 of City Code). The proposed "N5-2" District allows for one- and two-household dwellings that are in accordance with the "House D" building type. The provisions for this building type is contained in City Code Section 135-2.16. Any deviation from these requirements would be subject to the consideration of any necessary future Type 1 or Type 2 Design Alternative(s).
3. **Staff Rationale:** The proposed rezoning would allow use of the subject property to be renovated for use as a two-household dwelling. The property was previously used as a 4-unit residential conversion. However, the property has sat vacant and lost legal non-conforming rights. Therefore, unless the property is rezoned, it can only be used a one-household residential use.

A two-household residential dwelling would fill a need identified in PlanDSM to provide medium density, missing middle housing. The location of the subject property along Woodland Avenue within a neighborhood node lends itself to this type of use.

SUMMARY OF DISCUSSION

Kyle Larson presented the staff report and recommendation.

Will Page asked what would happen if this request were denied?

Jason Van Essen stated the commission's recommendation will be forwarded to City Council. If Council agreed to move forward with denial, the applicant would have two paths to take. One would be to use the property for a single-household dwelling and the other would be to seek a use variance from the Zoning Board of Adjustment.

Mitch Coluzzi 2421 High Street, presented an electronic slide show to the commission.

CHAIRPERSON OPENED THE PUBLIC HEARING

Lyla Dozer 741 27th Street, stated the Woodland Heights Organization has three major concerns about the proposed rezoning. The current parking and traffic problems due to high density and no on street parking. They are concerned about the exceptions needed for front yard parking that does not meet the character of the neighborhood. They believe if an upzonig was to occur, more developers would come along asking for the same. Within Woodland Heights, they already have many large apartments, duplexes and quad conversions. The area is currently at 64% rental and needs more home ownership opportunities. They fear the neighborhood would be ruined by more middle housing.

Mitch Coluzzi stated traffic and parking along Woodland is an issue and has been an issue with this property, along with the current condition. This is his attempt to solve the problems associated with this property but still maintain a level of feasibility.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Will Page asked if the rezoning is approved, will the site plan come through the commission for review?

Jason Van Essen stated he would anticipate that it will. In glancing at the site sketch, he would expect some Type 2 Design Alternatives would be needed for parking. Without doing a full a full review, he cannot fully guarantee they would come before the commission.

Will Page asked if the Neighborhood Association will have the opportunity to comment on it?

Jason Van Essen stated they would send out 10-day notices just like any other site plan cases with type 2 relief.

Greg Wattier stated he would be in support of this request as the applicant is attempting to make progress in the neighborhood and has a proven track record of improving properties.

COMMISSION ACTION:

Emil Webb made a motion for:

Part A) The proposed rezoning to "N5-2" District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of "Low Density Residential."

Part B) **Approval** of an amendment to the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential to Medium Density Residential.

Part C) **Approval** of rezoning the subject property from "N5" Neighborhood District to "N5-2" Neighborhood District.

Motion passed: 10-1

Respectfully submitted,



Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh

Request from On Point Investments, LLC (owner) represented by Jennifer Echterling (officer) for property located at 2406 Woodland Avenue.				File # 21-2021-4.14	
Description of Action	Amendment to the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Low Density Residential in a Neighborhood Node to Medium Density Residential in a Neighborhood Node.				
PlanDSM Future Land Use	Current: Low Density Residential in a Neighborhood Node. Proposed: Medium Density Residential in a Neighborhood Node.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"N5" Neighborhood District.				
Proposed Zoning District	"N5-2" Neighborhood District.				
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	X

On Point Investments, LLC, 2406 Woodland Avenue

21-2021-4.14



1 inch = 90 feet

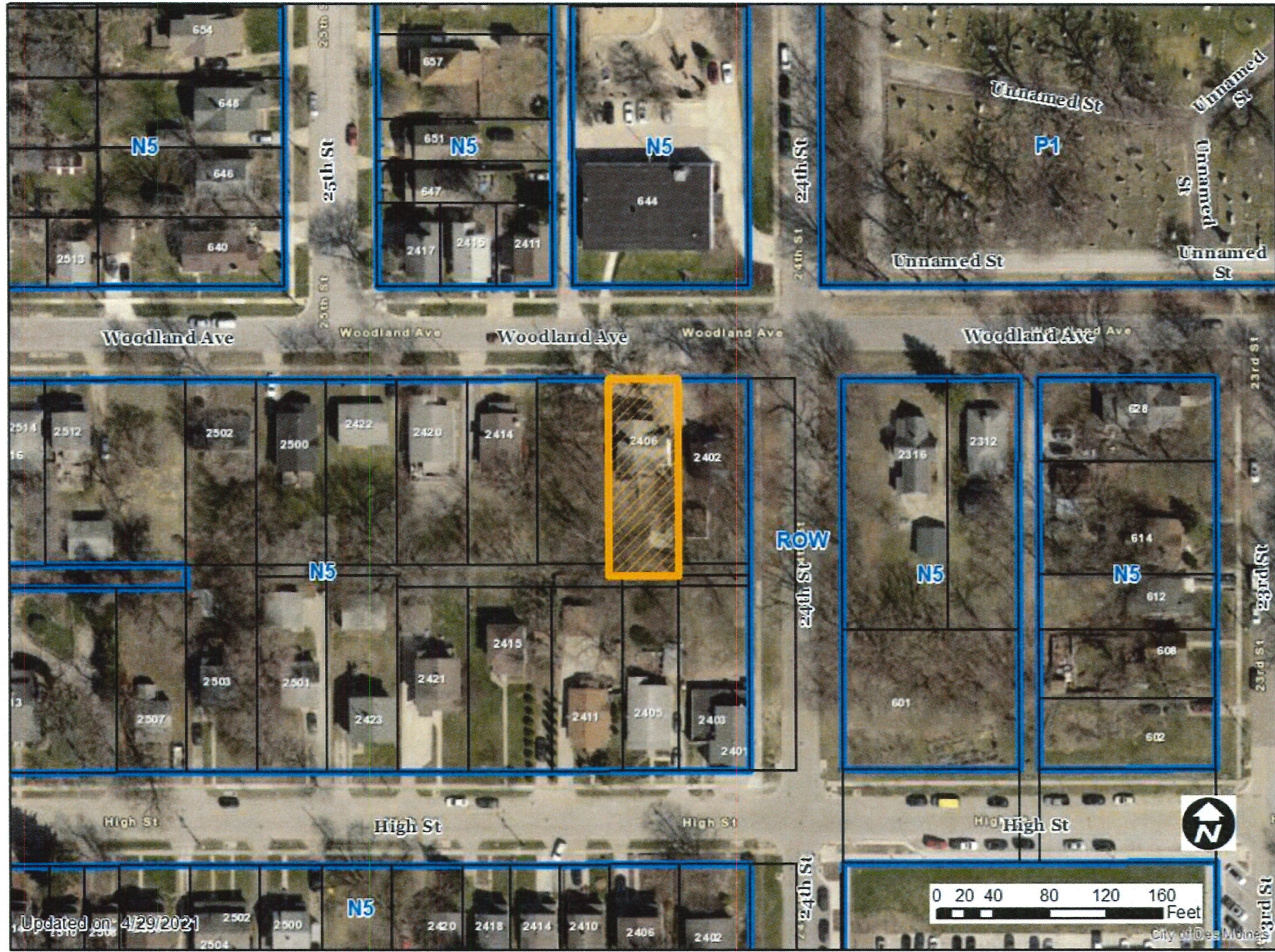
Request from On Point Investments, LLC (owner) represented by Jennifer Echterling (officer) for property located at 2406 Woodland Avenue.				File #	
				ZON2021-00047	
Description of Action	Rezone property from "N5" Neighborhood District to "N5-2" Neighborhood District, to allow use of the property for a Two Household Living dwelling.				
PlanDSM Future Land Use	Current: Low Density Residential in a Neighborhood Node. Proposed: Medium Density Residential in a Neighborhood Node.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"N5" Neighborhood District.				
Proposed Zoning District	"N5-2" Neighborhood District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Outside Area (200 feet)	5	2			
Within Subject Property					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

On Point Investments, LLC, 2406 Woodland Avenue

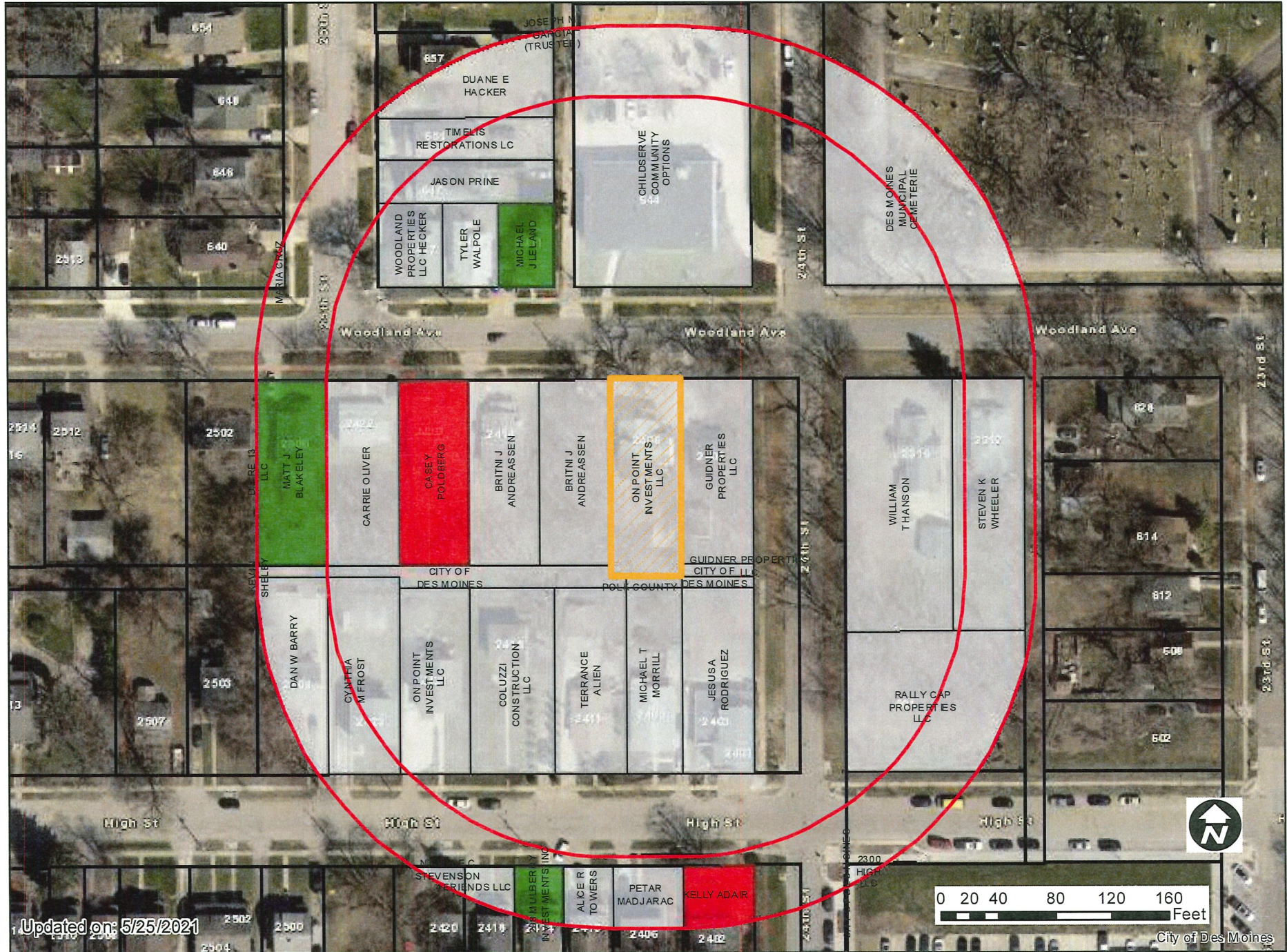
ZON2021-00047



25



1 inch = 90 feet



1 inch = 90 feet

Item: ZON2021-00047

Date: 5-11-21

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: Matt Blakeley

Name: Matt Blakeley

Address: 2500 Woodland

Staff Use Only

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

Item: ZON2021-00047 Date: May 11, 2020

Please mark one of the following

- I am in favor of the request
- I am not in favor of the request

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
MAY 14 2021

Signature: _____
Name: Jennifer Echterling
Address: 648 26th St, Des Moines

Reason for opposing or approving this request may be listed below:
Reverting down to a duplex brings in
more families

Item: ZON2021-00047 Date: 5-10-2021

Please mark one of the following

- I am in favor of the request
- I am not in favor of the request

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
MAY 14 2021

Signature: _____
Name: LING WONG
Address: 2626 THORNTON AVE.

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

Item: ZON2021-00047

Date: 5-12-21

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: _____

Name: _____

Address: _____

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

MAY 14 2021

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

Reduces current density of ^{from} ~~the~~ property (units)?
while re-occupying the home.

Item: ZON2021-00047

Date: 5-11-21

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: _____

Name: _____

Address: _____

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT

MAY 14 2021

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

Item: ZON2021-00047 Date: 5/13/21

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: Casey Polberg

Name: Casey Polberg

Address: 2420 Woodland Ave.

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

MAY 14 2021

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

It benefits them more than the homeowner's
in the area. I'd rather see it flipped
and sold to someone that would live there
permanently.

Item: ZON2021-00047

Date: May 15 2021

Please mark one of the following:

- I am in favor of the request
 I am not in favor of the request

Staff Use Only

Signature: Kelly W Adair

Name: KELLY ADAIR

Address: 2402 HIGH STREET

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

THIS WOULD BE 'SPOT ZONING'
WHICH I OPPOSE.

2406 Woodland Avenue

Rezoning Meeting



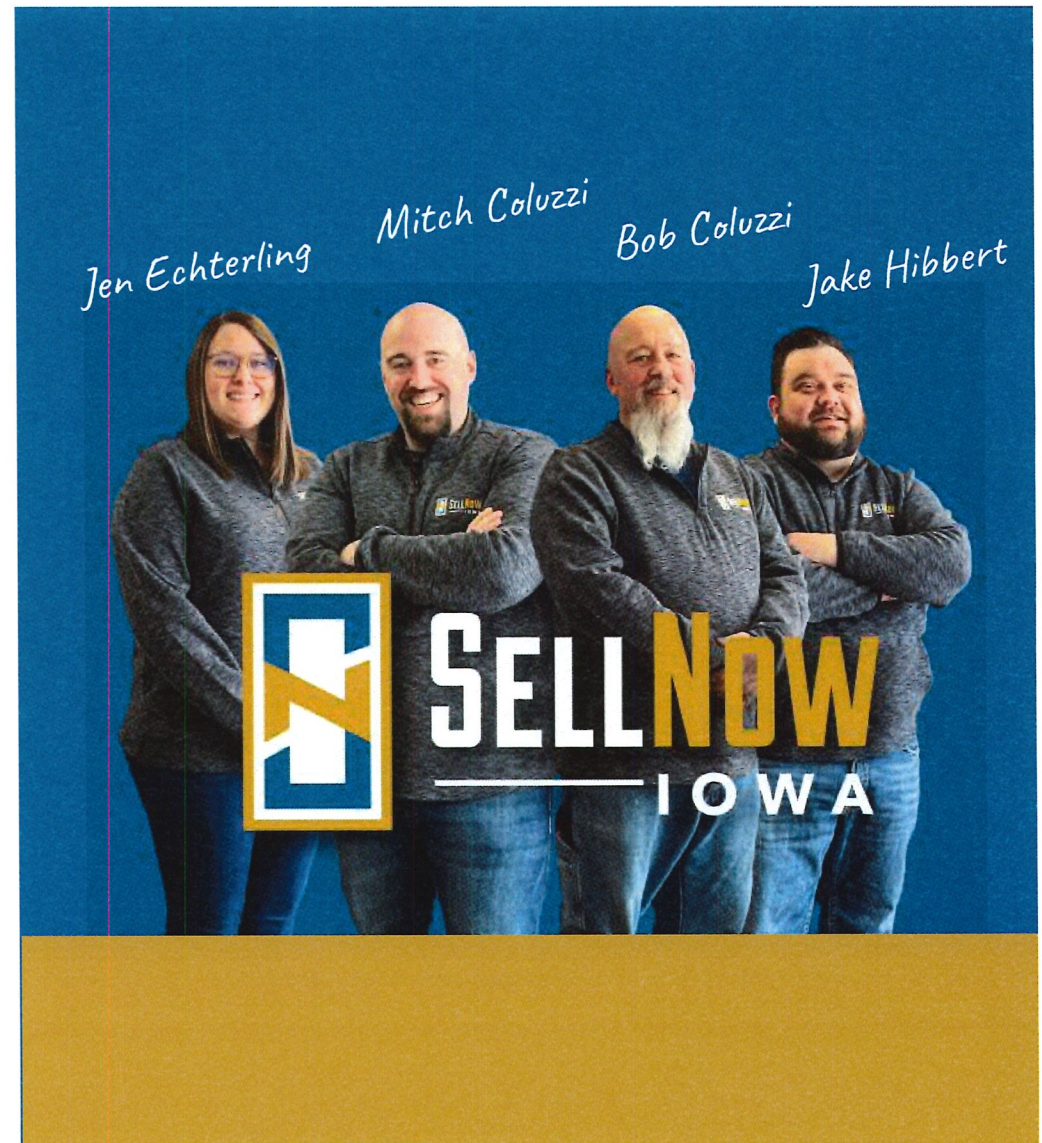
Who are we?

We believe in **healing the community** by restoring blighted properties.

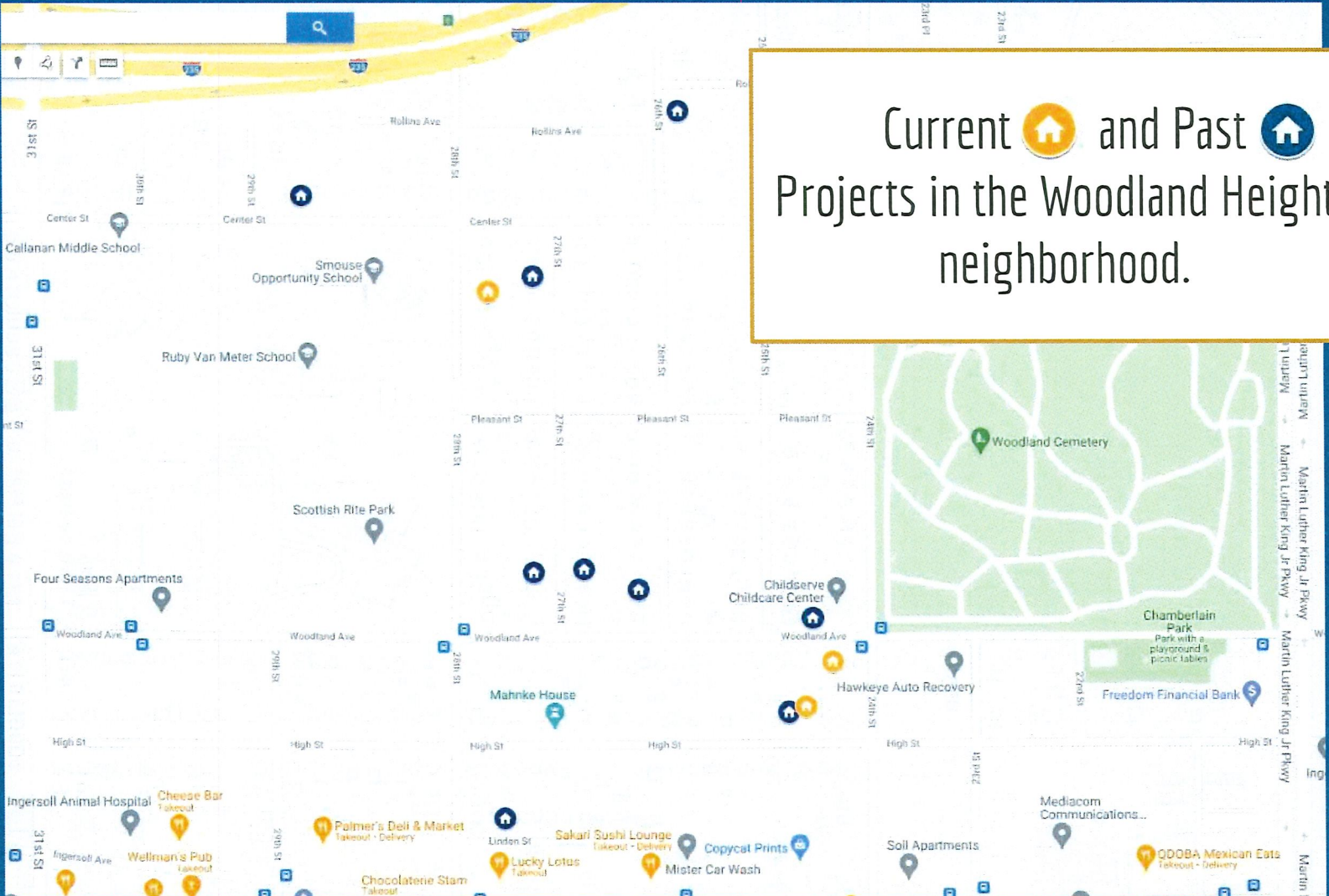
We have a track record of **quality restoration** in Woodland Heights.

Our vision is to bring being a neighbor back into neighborhoods. We recognize there is a gap of trust between communities and investors. **Our mission is to bridge that gap by providing quality housing.**

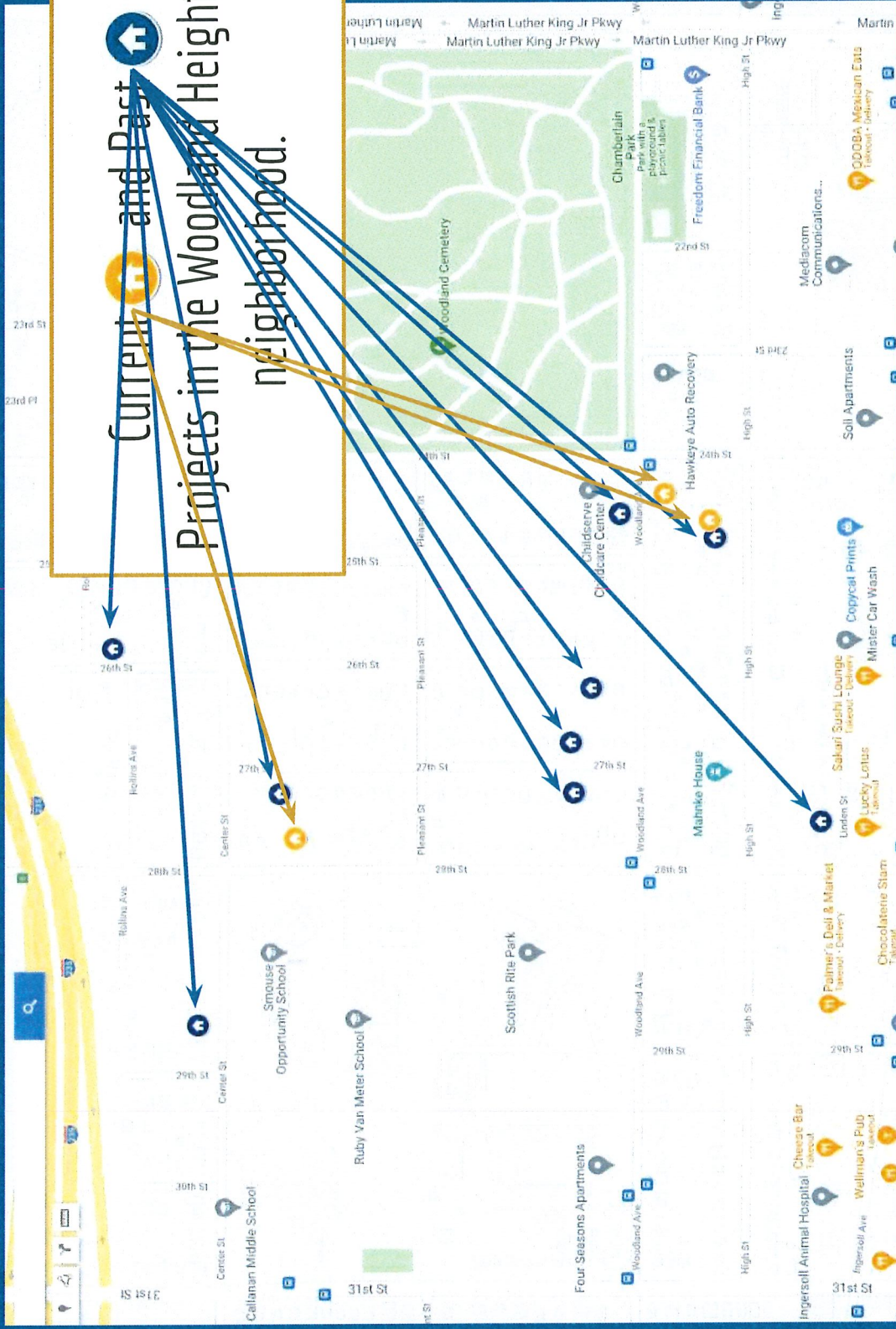
*We aren't like a neighbor,
we are your neighbor.*



Current 🏠 and Past 🏠
Projects in the Woodland Heights
neighborhood.



Current and Past Projects in the Woodland Heights Neighborhood.



Decision-Making Process

What's the best case?		What's the worst case?		What's the likely output?	
Are we helping?		Will it be appealing to most?		Is it a significant improvement?	
Will it cause harm to any?		What will objections be?		Are the objections reasonable?	
What problem(s) does the proposal solve?		What issues(s) does the proposal create?		What are the alternatives to the proposal?	
Does the proposal fit the city vision?		Does the proposal support the adjacent neighbors?		Does the proposal support the future occupants?	
Is this a quality solution?		Is it feasible right now?		Is it feasible later?	
How do we "feel" about the solution?		Is it profitable?		If not profitable, what's the motivation?	



2421 High Street



BEFORE

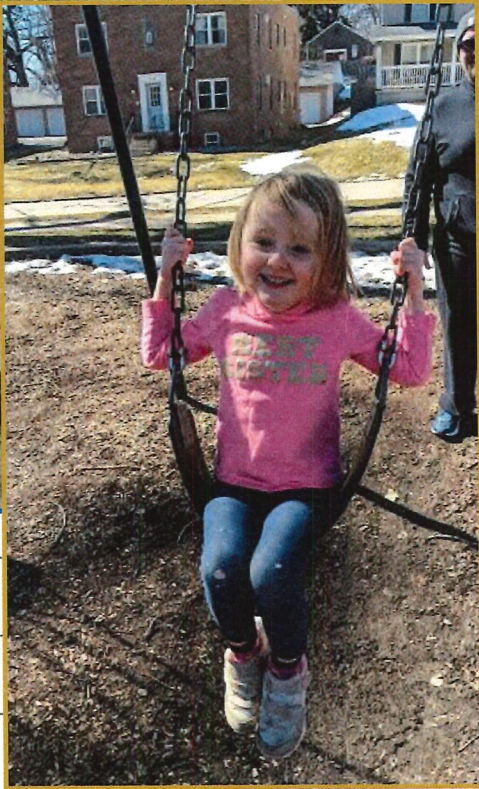


AFTER

Purchase Date	Price	Valuation
2014-01-22	\$83,000	\$225,000



2421 High Street



AFTER

		Valuation
	\$83,000	\$225,000



2727 Linden Street



BEFORE



AFTER

Purchase Date	Price	Valuation
2017-02-06	\$10,000	\$179,900



2411 Woodland Avenue

Remember that extensive fire damage?



Purchase Date	Price	Valuation
2016-08-03	\$13,000	\$186,750



648 26th Street



BEFORE



AFTER

Purchase Date	Price	Valuation
2016-04-28	\$87,000	\$175,000



827 26th Street



BEFORE



AFTER

Purchase Date	Price	Valuation
2018-01-22	\$31,000	\$265,000



655 27th Street



BEFORE



AFTER

Purchase Date	Price	Valuation
2015-06-03	\$60,000	\$170,000



652 27th Street



BEFORE



AFTER

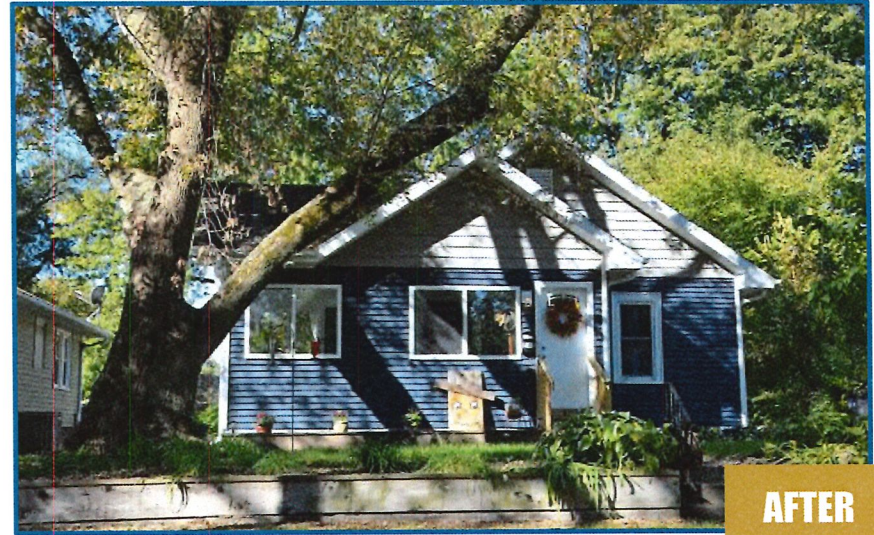
Purchase Date	Price	Valuation
2017-04-06	\$55,000	\$225,500



732 27th Street



BEFORE



AFTER

Purchase Date	Price	Valuation
2017-12-12	\$65,280	\$161,500



2839 Center St



BEFORE



AFTER

Purchase Date	Price	Valuation
2018-09-24	\$77,000	\$175,000



Upcoming Projects

2406 Woodland Ave
2415 High Street
729 28th Street



2406 Woodland Avenue

Property History

- Acquired 2014 as an existing 4-plex
- As an entity, we started exiting the rental holding space in 2019
- Intended to be fully vacated November 2019 to initiate renovations; occupant stayed over and leveraged pandemic to stall move-out
- 2020 COVID Eviction Moratorium compounded possession issue

Goal of Rezoning

- Downgrade utilization from 4-plex to two family
- Supports city initiatives to eliminate pass-through doorways
- Supports city initiatives to eliminate shared forced air systems
- Fill a necessary middle housing gap for members of our community (affordable, safe, 3 bedroom units)



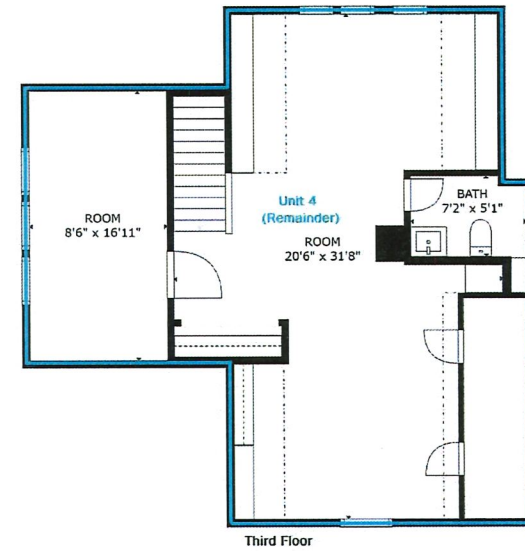
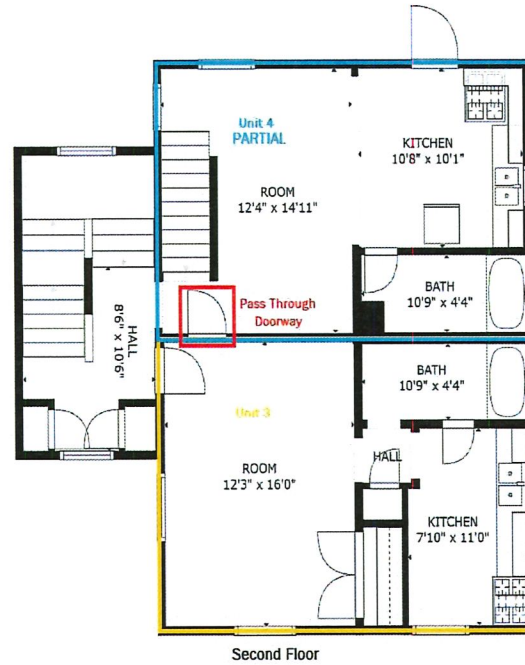
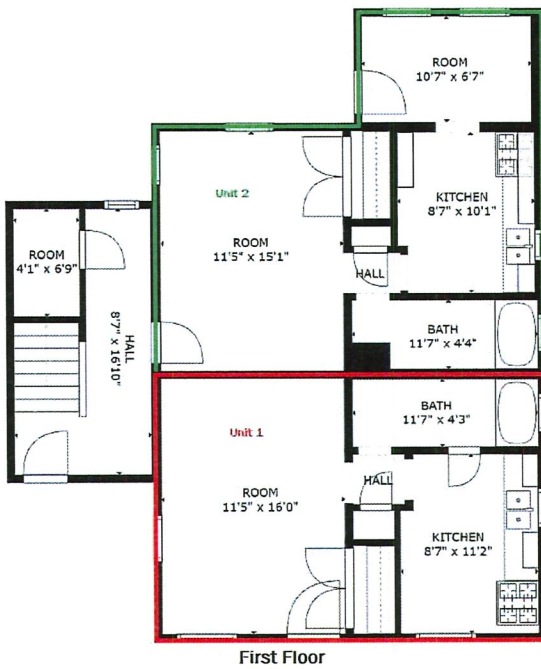
History and Goals

Layout

Exterior

Site Plan

2406 Woodland Avenue (Prior to March 30, 2021)



History and Goals

Existing Layout

Exterior

Site Plan



2406 Woodland Avenue

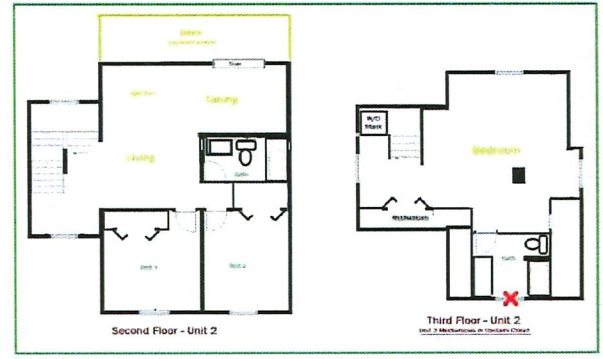
- Unit 1
 - First floor unit
 - 3 bed, 2 bath, in-unit laundry
- Unit 2
 - Second and Third floor unit
 - Two bedrooms second floor plus bath
 - Master Bed plus bath and laundry

Density Reduction / Building Permit issued 03/31/2021 with interior stud-out demolition initiated immediately thereafter by subcontractors.



PERMIT NUMBER: SLD2021-00657
 Address: 2406 WOODLAND AVE, DES MOINES, IA
 Project Name: DENSITY REDUCTION
 Status: Issued
 Applicant: ROBERT M COLLIARD
 Received: 3/29/2021
 Issued: 3/31/2021
 Case Description: Density reduction (4plex to Duplex); reconfiguration of 4 plex to comply with proposed pass-through layout and forced air systems. Mechanicals (separate permits) to be placed in basement AND 3rd floor. New interior layout, new egress windows, exterior siding, elimination of exterior stair case. / update smoke detectors and CO alarms throughout.

ACTIVITY	STATUS	DATE	DONE BY	NOTES
Application Received		3/29/2021	KUT	
Ready to Issue	Completed	3/30/2021	KUT	
Check for HAZARDOUS	Completed	3/30/2021	KUT	
Building Review	Completed	3/30/2021	KUT	
Issue Permit	Completed	3/31/2021	WICKHAM	



2406 Woodland Avenue



History and Goals

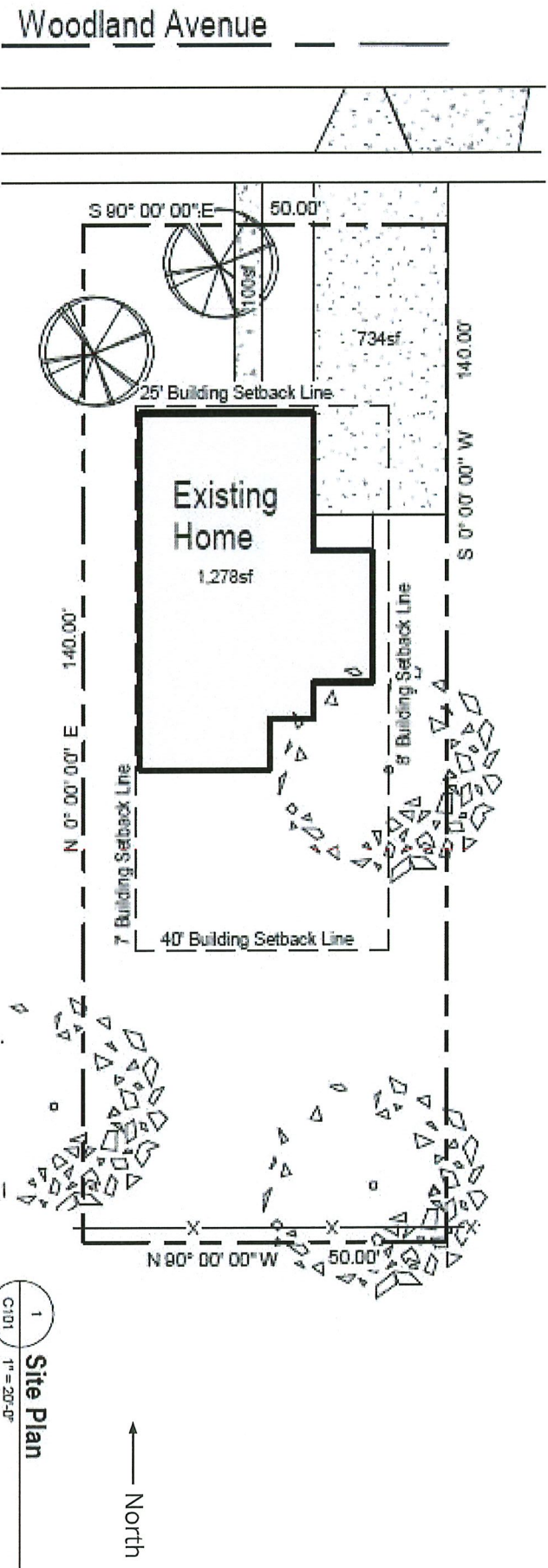
Layout

Exterior

Site Plan



2406 Woodland Avenue



1
C1101
Site Plan
1" = 20'-0"

North



History and Goals

Layout

Exterior

Site Plan

Woodland Heights

We live here. We work here.

