

.....
Date September 12, 2022

RESOLUTION SETTING PUBLIC HEARING REGARDING REQUEST FROM ZACHARY FINCH AND CHERYL FINCH (OWNERS) FOR THE FOLLOWING REGARDING PROPERTY LOCATED AT 3125 KINGMAN BOULEVARD: TO AMEND PLANDSM CREATING OUR TOMORROW PLAN TO REVISE THE FUTURE LAND USE CLASSIFICATION FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL, AND TO REZONE THE PROPERTY FROM “N5-4” NEIGHBORHOOD DISTRICT TO “NX2” NEIGHBORHOOD MIX DISTRICT TO ALLOW THE USE OF THE PROPERTY FOR A MULTIPLE-HOUSEHOLD USE WITH UP TO 8 DWELLING UNITS

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 1, 2022, its members voted 12-1 in support of a motion to recommend **DENIAL** of a request from Zachary Finch and Cheryl Finch (Owners), for the proposed rezoning from “N5-4” Neighborhood District to “NX2” Neighborhood Mix District be found not in conformance with the current PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Low Density Residential; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 1, 2022, its members voted 12-1 in support of a motion to recommend **DENIAL** of a request from Zachary Finch and Cheryl Finch to amend the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low Density Residential to Medium Density Residential; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on September 1, 2022, its members voted 12-1 in support of a motion to recommend **DENIAL** of a request from Zachary Finch and Cheryl Finch, to rezone the Property from “N5-4” Neighborhood District to “NX2” Neighborhood Mix District, to allow the use of the property for a multiple-household use with up to 8 dwelling units; and

WHEREAS, the Property is legally described as follows:

The South 197.5 feet of the East 1/2 of Lot 9 and the South 197.5 feet of Lot 10 in J.B. Locke’s Subdivision, 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 amendments to PlanDSM Creating Our Tomorrow comprehensive Plan 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 Council

 **Roll Call Number**

Agenda Item Number

35

Date September 12, 2022

Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on October 3, 2022, at which time the City Council will hear both those who oppose and those who favor the proposals.

- 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 414.4 of the Iowa Code.

MOVED BY _____ TO ADOPT

SECONDED BY _____

FORM APPROVED:

/s/ Gary D. Goudelock Jr.
 Gary D. Goudelock Jr.
 Assistant City Attorney

(ZONG-2022-000072; ZONG-2022-000074)

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|----------|--------|
| COWNIE | | | | |
| BOESEN | | | | |
| GATTO | | | | |
| SHEUMAKER | | | | |
| MANDELBAUM | | | | |
| VOSS | | | | |
| WESTERGAARD | | | | |
| TOTAL | | | | |
| MOTION CARRIED | | | APPROVED | |

CERTIFICATE

I, LAURA BAUMGARTNER, 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



Date September 12, 2022
 Agenda Item 35
 Roll Call # _____

September 6, 2022

Communication from the City Plan and Zoning Commission advising that at their September 1, 2022 meeting, the following action was taken regarding a request from Zachary Finch and Cheryl Finch (owners) to rezone property located at 3125 Kingman Boulevard from “N5-4” Neighborhood District to “NX2” Neighborhood Mix District, to allow use of the property for a multiple-household use with up to 8 dwelling units, where the existing structure has lost its previous non-conforming rights.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-1 as follows

| Commission Action: | Yes | Nays | Pass | Absent |
|--------------------|-----|------|------|--------|
| Francis Boggus | X | | | |
| Dan Drendel | X | | | |
| Leah Rudolphi | X | | | |
| Dory Briles | X | | | |
| Abby Chungath | X | | | |
| Kayla Berkson | X | | | |
| Chris Draper | X | | | |
| Todd Garner | X | | | |
| Johnny Alcivar | | X | | |
| Justyn Lewis | | | | X |
| Carolyn Jenison | X | | | |
| William Page | X | | | |
| Andrew Lorentzen | X | | | |
| Emily Webb | X | | | |

ARPROVAL of Part A) The requested “NX2” District be found **not** in conformance with the existing PlanDSM future land use designation of Low Density Residential.

Part B) **DENIAL** of the request to amend the PlanDSM Creating Our Tomorrow Comprehensive Plan to revise the future land use classification of the property from Low Density Residential to Medium Density Residential.

Part C) **DENIAL** of the request to rezone the property from “N5-4” Neighborhood District to “NX2” Neighborhood Mix District.

Written Responses

0 in Favor

11 in opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested “NX2” District be found not in conformance with the existing PlanDSM future land use designation of Low Density Residential.

Part B) Staff recommends that PlanDSM: Creating Our Tomorrow Comprehensive Plan be amended to revise the future land use designation from Low Density Residential to Low-Medium Density Residential. The requested Medium Density Residential would not be appropriate for this property.

Part C) Staff recommends approval of the request to rezone the property from “N5-4” Neighborhood District to “NX2” Neighborhood Mix District, only so long as the property owner agrees to the following conditions of approval:

1. Any use of the Property for a multiple-household residential use shall be limited to six (6) or fewer dwelling units.
2. Any use of the Property for a multiple-household residential use shall be in accordance with a Site Plan approved pursuant to all applicable standards of Des Moines Municipal Code Chapter 135.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to amend the land use plan and rezone the subject property to “NX2” District in order to allow use of the property for a multiple-household use with up to 8 dwelling units. The existing structure previously contained 8 dwelling units but has lost its previous non-conforming rights since it has been vacant for a period longer than 6 months. The building has had fire and has been determined to be a public nuisance.

Any future construction or redevelopment of the subject properties must comply with all applicable site plan and design regulations contained in the Planning and Design Ordinance (Chapter 135 of City Code).

2. **Size of Site:** 0.56 acres (24,704 square feet).
3. **Existing Zoning (site):** “N5-4” Neighborhood District.
4. **Existing Land Use (site):** The site currently houses a vacant structure that previously functioned as a multiple-household use with 8 dwelling units.
5. **Adjacent Land Use and Zoning:**

North – “N5-4”; Uses is a parking lot for an apartment building.

South – ‘N5-4”; Uses are Kingman Boulevard and a multi-household dwelling with 6 units.

East – “N5-4”; Use is an apartment building with 16 units.

West – “N5-4”; Use is an apartment building with 15 units.

- 6. General Neighborhood/Area Land Uses:** The subject property along the north side of Kingman Boulevard just to the west of its intersection with 31st Street. The surrounding area includes a mix of single-household, duplex, and multiple-household uses.
- 7. Applicable Recognized Neighborhood(s):** The subject property is located in the Drake Neighborhood Association. All neighborhood associations were notified of the September 1, 2022, public hearing by mailing of the Preliminary Agenda on August 12, 2022 and by mailing of the Final Agenda on August 26, 2022. Additionally, separate notifications of the hearing for this specific item were mailed on August 12, 2022 (20 days prior to the public hearing) and August 22, 2022 (10 days prior to the public hearing) to the Drake Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

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 Drake Neighborhood mailings were sent to Lori Calhoun, 2808 Cottage Grove Avenue, Des Moines, IA 50311.

The applicant will provide a summary of the neighborhood meeting at the public hearing.

- 8. Relevant Zoning History:** The subject property previously contained a legal non-conforming use with 8 dwelling units in the “N5-4” District. As a result of vacancy for a period long than 6 months, the property has lost the legal non-conforming status and does not conform to what is allowed in the zoning district.
- 9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** The property is designated as Low Density Residential.
- 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 applicant is requesting that the future land use designation for the property be amended from “Low Density

Residential” to “Medium Density Residential”. Plan DSM describes these designations 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.

Medium Density Residential: Areas developed with mix of single family, two family and multi-family residential up to 17 dwelling units per net acre.

The subject parcel is currently zoned “N5-4” District. The Zoning Ordinance describes this district as, “intended to preserve the scale and character of neighborhoods developed with a mix of bungalow and two-story houses, predominantly in the Victorian, Revival, and Arts and Crafts styles pursuant to House D building type in section 135-2.16 of this code.” For N districts locations labeled with a “-4” extension, the maximum number of household units permitted per lot is four, pursuant to City Code Section 134-3.1.2.

The applicant is proposing to rezone the parcel to the “NX2” District. The Zoning Ordinance describes this district as, “intended for a mix of single-household houses with appropriately scaled and detailed multiple-household building types in the same neighborhood.”

Staff does not believe that the proposed Medium Density Residential designation is appropriate for this site since this designation allows for density up to 17 dwelling units per net acre. Therefore, the 0.56-acre subject property would be allowed to have a maximum of nine (9) dwelling units. Staff believes that a maximum of 9 dwelling units within this property and the existing Flat building type would not fit the character of this area and could be detrimental to the health, safety and well-being of those residing in the building within the subject property and those in the surrounding neighborhood. Staff believes that this designation is better placed along significant corridors, such as University Avenue, 31st Street, and 42nd Street.

However, Staff would be supportive of revising the future land use designation to Low-Medium Density Residential. Plan DSM describes this designation as follows:

Low-Medium Density Residential: Areas developed with mix of single family, duplex, and small multi-family residential up to 12 dwelling units per net acre.

Since this designation allows for density up to 12 dwelling units per net acre, the 0.56-acre subject property would be allowed to have a maximum of six (6) dwelling units. This Low-Medium Density Residential designation is appropriate in areas such as this that contain a diversity of housing options and serves as opportunities for infill housing and other similar scale uses. The property is within a walkable neighborhood with close proximity to other amenities. There is a DART transit route and bus stop within 250 feet of the subject property along 31st Street.

- 2. Building Code Requirements:** This structure has been determined to be a public nuisance. Permits are required for repairs, but permits will not stay any legal action.

This building may require protection by an automatic sprinkler system in accordance with Chapter 9 of the International Building Code and Des Moines Municipal Code Chapters 26 and 46.

Building and site work must comply with accessibility requirements of the ANSI A117.1 standard for accessibility, International Building Code and International Existing Building Code. These codes require accessible parking, an accessible route from accessible parking to an accessible entrance, accessible means of egress, and accessible routes throughout the building.

- 3. Planning and Design Ordinance Requirements:** Any development must comply with all applicable site plan and design regulations of the City's Planning and Design Ordinance. Should the rezoning be approved, the applicant would be required to prepare a Site Plan and building elevations for review before the property can be occupied by the proposed use. This Site Plan will ensure that all requirements, including those pertaining to off-street parking, landscaping, screening, and stormwater management, are satisfied. If the property is rezoned to the requested "NX2" District, the Site Plan would likely be reviewed against either "Flat" Building Type or the "House D" Building Type.

Should the requested rezoning be denied, the existing "N5-4" Neighborhood District zoning regulations would allow for a maximum of 4 dwelling units only long as the site complies with all applicable site plan and design regulations of the City's Planning and Design Ordinance.

SUMMARY OF DISCUSSION

Bert Drost presented staff report and recommendation.

Emily Webb asked if the neighbors are opposed to the applicant's request or the staff recommendation.

Bert Drost stated the public notice received by surrounding neighbors stated the rezoning would allow up to 8 dwelling units, they wouldn't be aware of staff's recommendation to limit the rezoning to 6 dwelling units.

Jason Van Essen stated regardless of the number of units, a site plan will be required, and the site will need to be brought into conformance with the current standards.

Andrew Lorentzen asked if the adjoining properties are in conformance with the current zoning.

Bert Drost stated both properties are zoned N5-4, which would only allow 4 dwellings units. They are considered legal non-conforming uses and remain until there is a change of use, or the building is vacant for an extended period.

Andrew Lorentzen asked what the parking requirement would be.

Bert Drost stated 1 parking space per dwelling unit.

Abby Chungath asked if the parking area is shared with adjacent properties.

Bert Drost replied no.

Johnny Alcivar asked for the number of units on the adjacent properties.

Bert Drost stated 16 immediately to the east and 15 immediately to the west.

Trevor Radosevich, 303 North B Street, Indianola, IA stated the site will be brought into conformance with current standards and the applicant would agree with city staff's recommendation.

Abby Chungath asked if the applicant agrees to the recommendation for 6 dwelling units.

Trevor Radosevich stated yes.

CHAIRPERSON OPEN THE PUBLIC HEARING

Carol Maher, 701 Polk Boulevard stated she is disappointed that the recommendation is for less density given the current housing crisis and would recommend 8 units as proposed.

Lyle Erikson, 3219 Kingman Boulevard stated he disagrees with the proposed density and recommends the property only have 4 units.

Del Brink, 3103 Kingman Boulevard read submitted letter verbatim.

Ben Frambach, 1058 31st Street stated he moved into the neighborhood in 2019 and has witnessed nothing but trouble come from 3125 Kingman Boulevard. Homeowners in the area are investing in their property because they care about the neighborhood. He believes 4 units is the appropriate amount for this property.

Chris Draper asked how many units are at 3120 Kingman Boulevard.

Jason Van Essen stated 5 units according to the Polk County Assessors website but that doesn't always match the rental code records.

Emily Webb asked what would happen if this request were denied by the commission.

Bert Drost stated the current zoning allows 4 units by right. If they have 3 or more units a site plan would be required.

Jason Van Essen stated the Plan and Zoning Commission formulates a recommendation to City Council who will then make the final decision.

Bert Drost stated due to the percentage of opposition, it will take a super majority vote by City Council for approval.

Will Page asked what type of enforcement will take place to ensure the number of units is complied with.

Bert Drost stated any rental property is required to have a rental certificate and would be inspected every 2-3 years. They will also be required to bring the site into conformance before a certificate of occupancy is issued.

Jason Van Essen stated any work to the building would also need to comply with the Building Code and likely would trigger inspections by the Permit & Development Center.

Leah Rudolphi asked if a super majority vote from City Council is still required if the recommendation for 6 units is approved.

Bert Drost stated correct.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Andrew Lorentzen stated he would be inclined to reject the rezoning request given that the applicant's has not presented a case stronger than the case made against the request.

Emily Webb stated she agrees, and the applicant's absence tonight speaks loudly.

Dan Drendel stated he believes the current zoning would provide the best result for this renovation. There is a need for larger rental units with more than two bedrooms.

Chris Draper stated he doesn't want to enable an absentee landlord but would like to be clear on a reasonable and usable unit size that is needed within the community.

COMMISSION ACTION:

Dan Drendel made a motion for:

Part A) The requested "NX2" District be found not in conformance with the existing PlanDSM future land use designation of Low Density Residential.

Part B) Denial of the request to amend the PlanDSM Creating Our Tomorrow Comprehensive Plan to revise the future land use classification of the property from Low Density Residential to Medium Density Residential.

Part C) Denial of the request to rezone the property from "N5-4" Neighborhood District to "NX2" Neighborhood Mix District.

Motion passed: 12-1

Respectfully submitted,

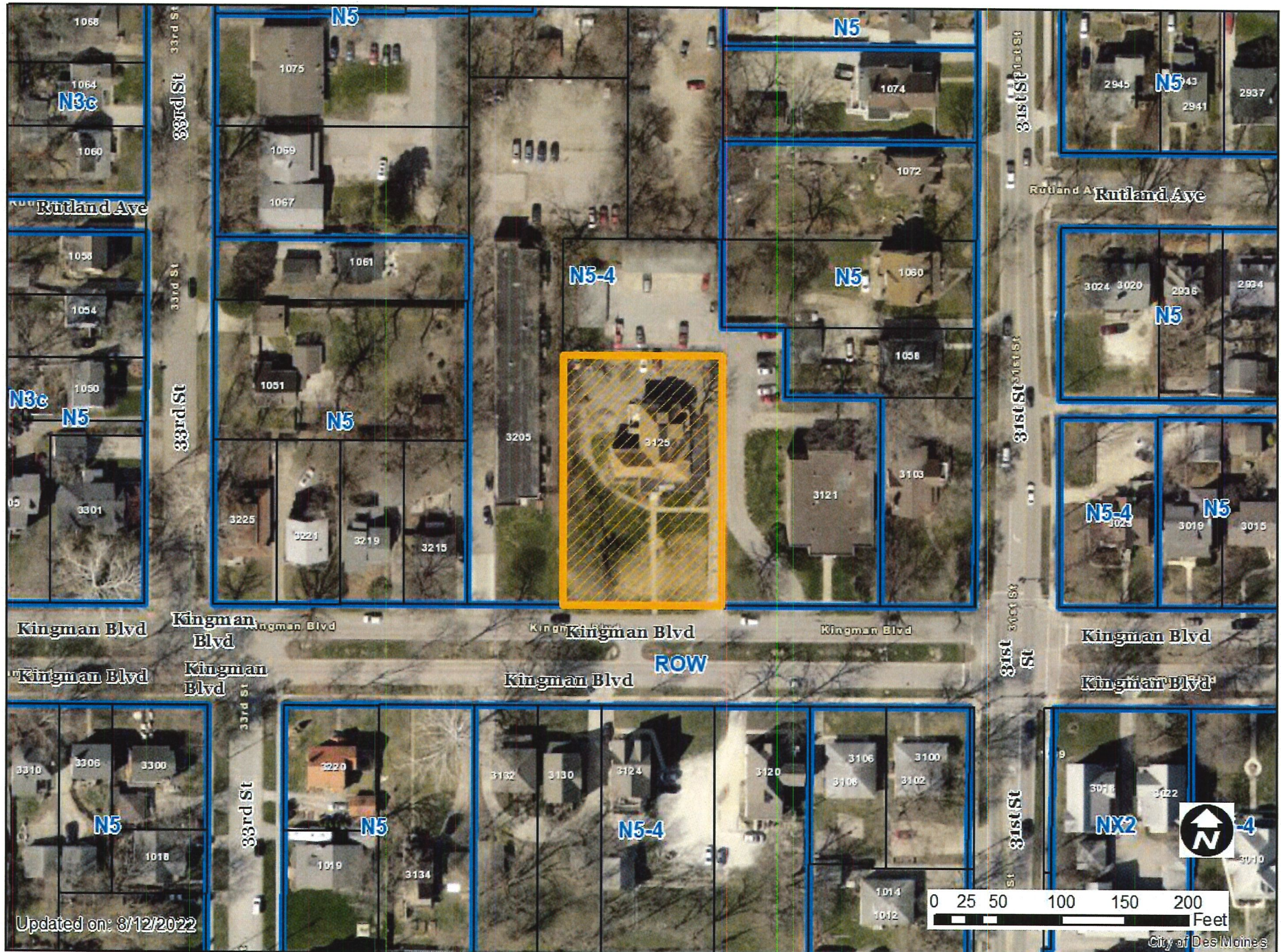


Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh

Zachary Finch and Cheryl Finch, 3125 Kingman Boulevard

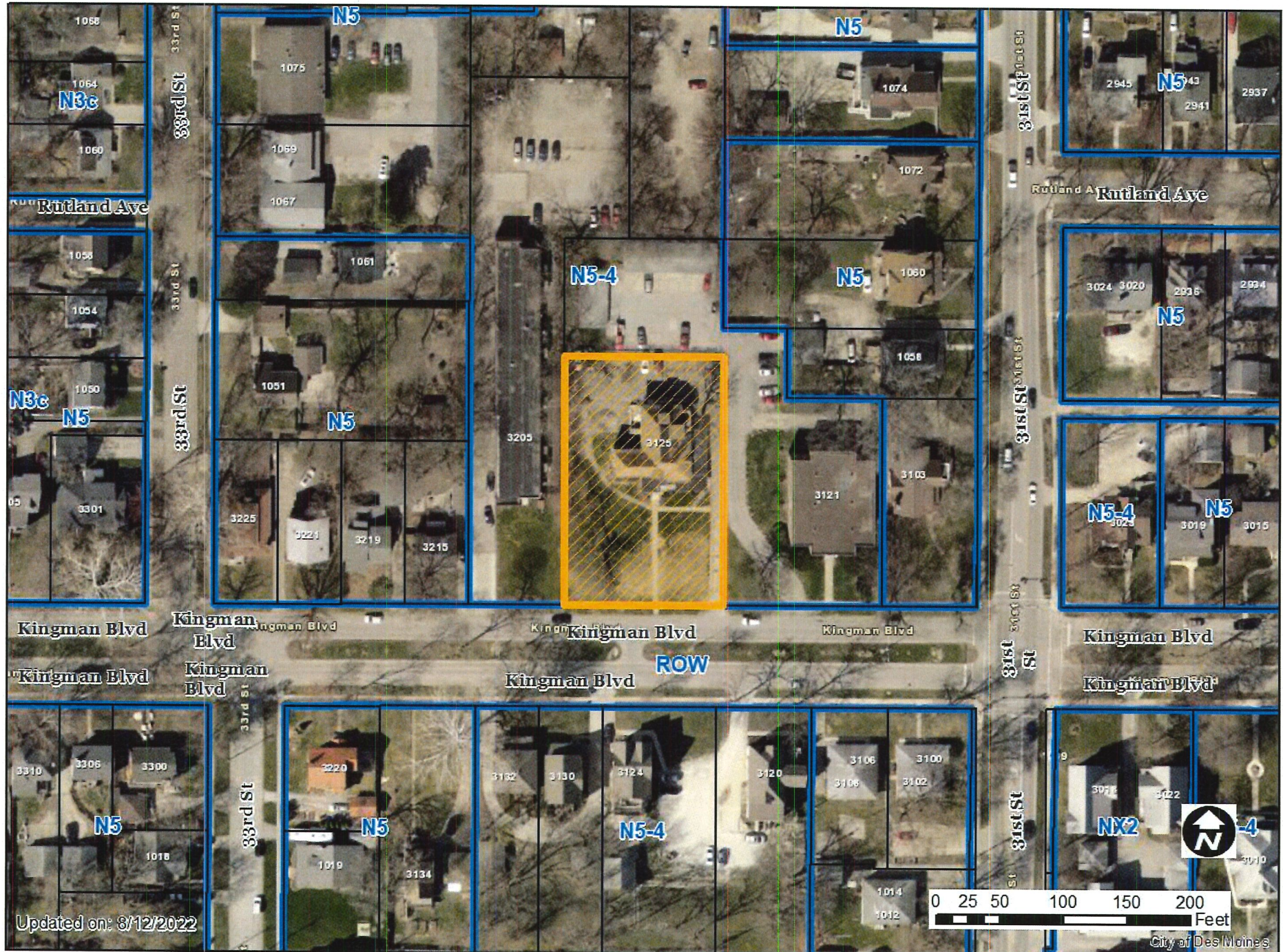
ZONG-2022-000072



1 inch = 100 feet

Zachary Finch and Cheryl Finch, 3125 Kingman Boulevard

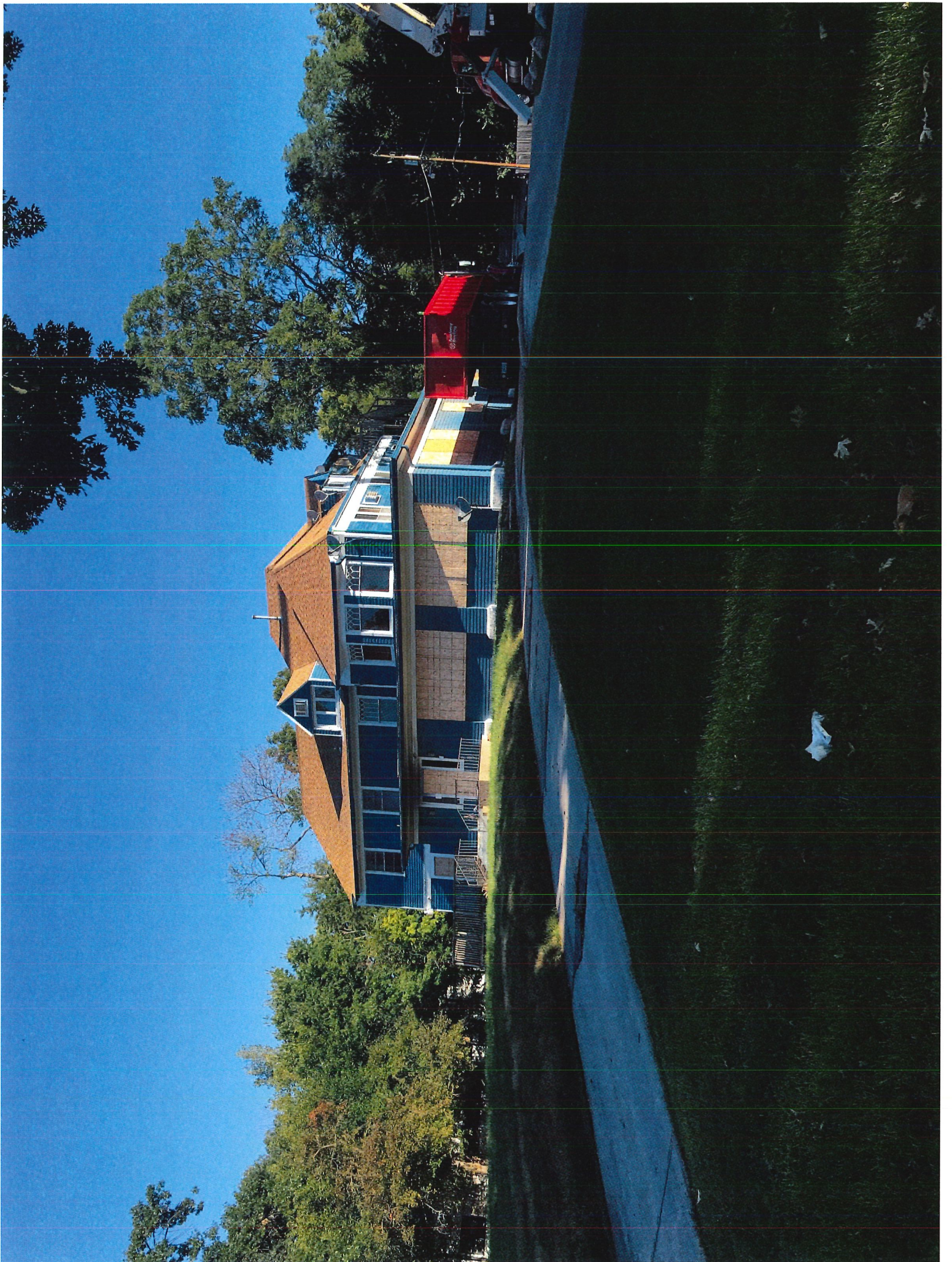
ZONG-2022-000074



Updated on: 8/12/2022

1 inch = 100 feet









From: [Zach Finch](#)
To: [Neighborhood Meeting](#)
Subject: 3125 Kingman Blvd Neighborhood Meeting
Date: Monday, August 29, 2022 8:49:24 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

1. A letter was sent to everyone on the list that the city provided me. The letter was sent out on August 19th. The meeting was held on August 26th, 12pm at 3125 Kingman Blvd.
2. Lori Calhoun, Lyle Erickson and Dana Frambach were in attendance.
3. We had an open conversation that mainly focused around past issues with the property and what work would be involved with the property rehab.
4. No specific changes were made.

Zach Finch - Owner



515-207-5027 www.precisionphc.com

From: [Lori Calhoun](#)
To: [Chakraborty, Sreyoshi](#)
Subject: 3125 Kingman - Neighborhood Meeting
Date: Thursday, September 1, 2022 2:40:37 PM

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Sreyoshi -

I forgot one of our neighbors recapped the discussion with the owner to 3125 Kingman Blvd for the benefit of other interested neighbors who couldn't attend. I thought the recap might be helpful, since you didn't receive much detail from the property owner.

Here's an update from the informational meeting with the property manager today. I'm copying Lori and Dana who were also attendants in case I took some bad notes.

- Zach lives in Centerville, IA and his business partner lives in Indianola. He isn't sure yet whether they will manage the property themselves or whether they will hire a third party manager.
- It sounded like he's open to reducing the number of units, but he wants an 8-plex because he thinks it will be more profitable and easier to fill. He pointed at the rentals on either side of his and said he was concerned that he wouldn't be able to get higher rent in the middle of this block.
- He didn't know how many parking spaces would be required for eight units.
- He said the trash issues of the past were a management problem and not because the property had too many units. He said he wanted to build a dumpster enclosure.
- I specifically asked about problem escalation. How would we (as neighbors) work with him to resolve problems? He didn't have an answer. I asked how it works with his other properties. He said it really doesn't come up very often with his other properties.

I plan to vote "I am not in favor" and also attend the meeting on September 1. My concerns:

1. Zach didn't inspire much confidence because he doesn't have or didn't share a plan for areas of concern (e.g. parking, crime, doesn't know who will manage the property, etc.)
2. If the city rezones this to an 8-plex and he flips the house, we will be stuck with the new zoning for any future property owner.

I hope this helps!

Lori

From: [Lori Calhoun](#)
To: [Chakraborty, Sreyoshi](#)
Subject: 3125 Kingman Blvd
Date: Thursday, September 1, 2022 2:25:07 PM

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Ms. Chakraborty-

In regards to the property located at 3125 Kingman Blvd (ZONG-2022-000072), the Drake Neighborhood Association would vote no to the approval of zoning of an 8-plex (NX2). We met with the property owner and do not feel we have sufficient information to ensure a quality renovation to support an 8 plex at this time. Historically, the density in this building has been problematic.

We would agree to the city's recommendation of a low to mid density (up to six units) upon the successful approval of a site plan. We feel very strongly that limited density and strong property management is needed to maintain a quality level of living.

Thank you!

Lori Calhoun
President, Drake Neighborhood Association

From: [Lisa Collette](#)
To: [Chakraborty, Sreyoshi](#)
Cc: [Reggie Collette](#); [Voss, Carl B.](#); [Boesen, Connie S.](#); [Mandelbaum, Josh T.](#); [Del Brink](#); jstahl@gannet.com
Subject: 3125 Kingman Blvd DSM
Date: Thursday, August 18, 2022 11:34:46 AM

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Ms. Chakraborty,

Thank you for talking with me yesterday and helping me understand the difference between N5-4 and NX2 zoning requirements.

The Kingman House has been vacant since it caught on fire May 12th, 2021. I was under the impression that any structure left vacant, for any reason for more than 6 months would need to be removed or turned back to its original single family dwelling in the Kingman Historical Neighborhood so I was surprised to receive this notice to rezone.

The Kingman House has 11 electrical meters on its exterior and I believe it has operated as a 12 plex unofficially for many years. (A family member lived there 2015/2016)

It seems that this property has been operating outside of its approved zoning laws (N5-4), a maximum of 4 units, for too long. Please do not allow this property that is surrounded by other questionable rental properties to rezone to NX2 committing our neighborhood to even more rental units. Please help us in this neighborhood to stay on the path of decreasing population density and revitalizing our area. These zoning laws and regulations have been designed to help historic neighborhoods like this one turn around from neglect.

I'm not against anyone profiting from rentals or property. I'm pro low income property availability. Everyone deserves the opportunity to live well. There are several very nice and well managed rentals in our neighborhood. Help these established rentals stay at market rate by not allowing an overwhelming amount of available rentals. Drake has built a fantastic amount of excellent student housing that's taken the burden off of surrounding areas. There are so many great things happening here but making special allowances for a property that has been over populated, operated by disregarding zoning laws and has been poorly managed is not the best way to proceed. Des Moines IS a great place to live and I'm proud to live in this historic area. We've all made so much progress in the past 20 years in our neighborhood. Please help us continue by holding investment properties, out of town investors as well as management companies accountable to established zoning laws designed to protect the current, tax paying residents.

Our home is our investment as well.

I'm asking that you stay with current zoning laws, require the current owner to return The Kingman House back to its former single family dwelling status.

It is unfortunate that this structure burned. I believe it was classified as a nuisance property some time ago. I feel for the new owners. However, due diligence may have prevented them from purchasing a property that was not available for passive income.

The population burden in this area is too great already to make an exception for this property.

Thank you for taking time to hear me out.

Sincerely,
Lisa Collette

Sent from my iPhone
Lisa Collette

From: [Lisa Collette](#)
To: [Chakraborty, Sreyoshi](#)
Cc: [Reggie Collette](#); [Voss, Carl B.](#); [Boesen, Connie S.](#); [Mandelbaum, Josh T.](#)
Subject: 3125 Kingman Blvd
Date: Monday, August 22, 2022 7:58:13 AM

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Ms. Chakraborty,

I was out of town this weekend but received a letter from the Finch's regarding a meeting requiring the owner of 3125 Kingman to be available to answer questions, etc. from residents and property owners in the neighborhood. The meeting will be held this Friday at noon. I know I can't be in attendance as I'm sure many other home owners in the area work during the day and cannot attend. The majority of residents surrounding the property are tenants. It's doubtful they will attend.

The letter does not list any contact information for Mr. Finch other than a return mailing address. The internet has made locating email contact information easier but it seems intrusive to do so without invitation or permission from Mr. Finch.

Would you be able to forward questions to the Finch's?

I'll include the few I have and hope that allows the Finch's time to respond by email.

If this property is not owner occupied, will you manage this yourself or hire a management company in the area?

What is the estimated time frame for work to be completed, whether you are allowed to rezone to NX2 or remain in zoning N5-4?

If rezoning is not permitted, will you convert the property to a 4-plex allowed in current zoning or single family dwelling?

How many units will be at market rate? Will any provide low income rent?

Thank you and my email can be shared with the Finch's or you can contact me directly.

Again, thanks for your time and help with this matter.

Lisa

Sent from my iPhone
Lisa Collette

From: [Del Brink](#)
To: [Chakraborty, Sreyoshi](#)
Cc: [Voss, Carl B.](#); [Boesen, Connie S.](#); [Mandelbaum, Josh T.](#)
Subject: 3125 Kingman Blvd zoning
Date: Friday, August 19, 2022 6:10:22 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Chakraborty,

I received a letter from your department earlier this week concerning the property at 3125 Kingman Boulevard. I decided to write immediately, voicing my opposition to this zoning request.

3125 Kingman Blvd. has been a source of trouble and crime for the past several years. At least two tenants from that property regularly used my lawn as their personal dog park. One tenant actually opened the gate to my fence, permitting her dogs to run around in my yard and use it to relieve themselves. When I first discovered the problem, I found about thirty piles of dog waste on my property. Even worse, one of the tenants broke into my garage and started numerous fires in February 2020. His intention was to burn down the structure. Much personal property was lost, and the garage doors melted. By going to the WOI (Channel 5) website, you can watch the news report on this incident and even see the damage done to my garage. Imagine my horror when I arrived home from work to discover the mess. I also witnessed numerous stops by the police on the property, although I am unaware of the nature of those visits. Why would anyone think zoning the property to eight units could alleviate these problems?

The neighborhood is already saturated with rental properties. To the west of me the first three buildings are rental units, including 3125. To the southwest of me the first five properties are rentals. To the southeast the first three properties are rentals. Directly to my east the first two properties are rentals. I can also see more to the south on 31st Street. Compounding this issue is the fact that not all the properties are full to capacity. The rental units on either side of 3125 always, always, always have empty units available for rent. The need for more rentals does not exist.

Invest DSM has been working diligently in the Drake neighborhood, helping homeowners to upgrade their homes and converting rental homes back into single-family units. Allowing the zoning request is contrary to the city's goal in lowering population density near Drake, rejuvenating a beleaguered neighborhood, and

upgrading property. This zoning change would only perpetuate problems instead of supporting the Invest DSM mission.

I have lived in the Drake neighborhood for nearly twenty years. I have watched the decline but, more recently, the improvement. I truly believe when investors from outside of Des Moines come into the city, hoping to make a quick buck, they have no investment in the neighborhood, just enough in their own property to make an easy profit. They will not supervise or manage. They will not be there when problems arise. Why would the city give special consideration to people who have owned the property for a month? I'm uncertain whether the property qualifies for the legal designation of nuisance property, but it definitely is one unofficially. Why would anyone support such a nuisance property that is nothing more than an eyesore?

Either tear down the old Kingman House or refurbish it into what it once was. Anything else is a slap in the face to the families of the Drake neighborhood.

Del Brink
3103 Kingman Boulevard

From: [Del Brink](#)
To: [Chakraborty, Sreyoshi](#)
Cc: [Boesen, Connie S.](#); [Mandelbaum, Josh T.](#); [Voss, Carl B.](#)
Subject: email followup
Date: Monday, August 22, 2022 6:54:20 AM
Attachments: [Doc Aug 21, 2022, 4.09.pdf](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Schakraborty,

I emailed you my concerns about the property at 3125 Kingman Blvd on Friday. On Saturday I received the attachment from Mr. Finch. I cannot attend the meeting that he scheduled because I work. I doubt few residents will be able to go. How conveniently inconvenient. I could say more, but I will reserve my comments for the meeting on September 1.

Del Brink
3103 Kingman Boulevard

From: [Del Brink](#)
To: [Chakraborty, Sreyoshi](#)
Subject: Re: email followup
Date: Tuesday, August 23, 2022 8:30:54 PM

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Actually, no, I do not want him to have my email address. He did not provide his email or phone number in his letter. He supplied no contact information whatsoever. He has scheduled his meeting during regular working hours to make it impossible for me to attend. I truly believe he is not operating in good faith. I do not trust him to have my email or phone number.

Will I be allowed to speak at the meeting on September 1? I have never attended a zoning meeting in my life and have no idea what the protocol is.

Since I first received the notification letter about the zoning request, I have had numerous sleepless nights. You have no idea how stressed this situation has made me. What I didn't tell you before is that I have had two home invasions, besides the garage break-in that I mentioned in an earlier email. One occurred while I was home--and the security system was on. I have had endless theft and even had gunshots fired from someone outside my kitchen window at the duplex across the street. I do not dare open my windows on the main floor because I don't want a third home break-in. Earlier this year a neighbor on 31st had gunshots fired into her home. The gunfire blew out a flat screen TV. And let us not forget Catherine Bobbitt, who was shot to death in her car with her daughter at her side on Kingman Boulevard in 2020. When does this insanity end? How many more times do I have to be in contact with Polk County Victim Services?

Del Brink
3103 Kingman Boulevard
On Tuesday, August 23, 2022 at 09:34:59 AM CDT, Chakraborty, Sreyoshi <schakraborty@dmgov.org> wrote:

Good Morning Del,

The applicant would like to reach out to you regarding your concerns. Is it okay if I shared with him your email address so he can contact you directly? Thanks!

Sreyoshi

From: Del Brink <brinkdl@yahoo.com>
Sent: Monday, August 22, 2022 6:54 AM
To: Chakraborty, Sreyoshi <schakraborty@dmgov.org>
Cc: Boesen, Connie S. <connieboesen@dmgov.org>; Mandelbaum, Josh T. <joshmandelbaum@dmgov.org>; Voss, Carl B. <carlvoss@dmgov.org>

Subject: email followup

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Schakraborty,

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Del Brink

3103 Kingman Boulevard

Within the past three years I have been the victim of arson, property damage, a home invasion, identity theft, and credit card fraud. Some of those crimes were directly connected to residents of 3125 Kingman Blvd. The others resulted from people who lived in similar rentals. In addition, I as a resident of the Drake neighborhood have dealt with random gunfire, unsupervised children from nearby multiplexes tossing footballs over traffic on Kingman, abandoned pets (don't even ask how many I've adopted), garbage, theft, and pet owners who actually opened my fence gate to allow their dogs to relieve themselves on my yard. I'm tired of being a victim. I'm tired of being in contact with the police and Polk County Victim Services. I vehemently oppose this request for rezoning. Rezoning 3125 will only exacerbate existing problems.

What is the need for rezoning? The neighborhood is already high density. The apartment buildings on either side of 3125 are never at capacity. Signs advertising rentals are always posted. (I checked again this week.) Walk down Kingman, Cottage Grove, Brattleboro, or Rutland. On numerous streets the multiplex rentals heavily outnumber single-family homes. The need does not exist.

Has anyone from the zoning board spoken with Invest DSM? Would rezoning align with the plans of the city to survey and improve the neighborhoods? Does it align with the goals of Invest DSM? Rezoning seems contrary to what I know of the survey and the program.

Do you want safe neighborhoods? My neighbors and I have known historically where the drug houses are, where prostitution flourishes. Do your duty and maintain zoning. Those ordinances exist for a reason. If the city wants safe neighborhoods where families can thrive, do not allow special consideration to someone who lives out of town and will take his profits there. I have spoken with enough neighbors that I know residents have moved out of the neighborhood because of crime and safety issues.

I witnessed from my kitchen window some of the numerous times the police visited 3125 Kingman Boulevard. The building has been vacant for over a year, and the neighborhood has quieted down. Helping calm the area is the addition of single-family homes on the corner of 31st and Cottage Grove. But...if this special permission is granted, I guarantee crime and trouble will return. Think of the burden on the police, fire, and emergency services. Why should my tax dollars be drained by the recurring problems at one property?

Where do we draw the line? Rezoning this property sets a precedent. Only one person benefits, the applicant. The rest of us will have to live with the aftermath of the decision and serve as the de facto managers because I have learned from neighbors that the applicant has been deliberately vague about hiring a management company.

I oppose urban blight. I oppose the abandonment of families from the city to the suburbs because of safety concerns. I oppose this rezoning. I'm willing to stand up and make my voice heard, as uncomfortable as my speaking here tonight is for me. If anyone is so inclined, please stand with me.

Item: ZONG-2022-000072 Date: 8-27-22

Please mark one of the following

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

Staff Use Only

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COMMUNITY DEVELOPMENT

SEP 01 2022

Signature: [Handwritten Signature]

Name: Mike Hain

Address: 3215 Kingman Blvd.

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

Need a better plan for dealing with concerns
(e.g. crime) & more communication about who is
local management taking responsibility for
handling issues w/ the property.

Item: ZONG-2022-000072 Date: 8/30/22

Please mark one of the following

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

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COMMUNITY DEVELOPMENT

SEP 01 2022

Signature: [Handwritten Signature]

Name: Lori Calhoun

Address: 2808 Cottage Grove Ave
DSM, IA 50311

Reason for opposing or approving this request may be

As a representative of the Drake Neighborhood
the owner & interested neighbors on 8/26. We don't feel there is sufficient
information available to approve an Bplex at this time. No definitive
plans for a project this site does not provide confidence for a quality
renovation for a large # of units. We would like to see a site plan first.

Item: ZONG-2022-000072 Date: Aug. 26th 2022

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: Ben Frambach / Dana Frambach

Name: BEN FRAMBACH / DANA FRAMBACH

Address: 1058 31st

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COMMUNITY DEVELOPMENT
SEP 01 2022

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

Item: ZONG-2022-000072 Date: _____

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: Del Brink

Name: Del Brink

Address: 3103 Kingman Blvd

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COMMUNITY DEVELOPMENT
AUG 30 2022

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

1. Property has been traditionally a source of crime.
2. Neighborhood already has high density.
3. Applicant is absentee, lacks a plan.
4. Contradicts the goals of Invest DSM.

Item: ZONG-2022-000072 Date: 8-29-2022

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: Jane Romp

Name: Jane Romp

Address: 1060 31st St.

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COMMUNITY DEVELOPMENT
SEP 01 2022

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

The neighborhood is changing
& putting an 8 unit apt. would
NOT be beneficial.

Item: ZONG-2022-000072 Date: 8-30-2022

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: Lisa R Collette

Name: LISA R Collette

Address: 1080 31st St

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COMMUNITY DEVELOPMENT
AUG 30 2022

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

- Current zoning already allows 4-plex.
- Area is saturated with rental property.
- Neighborhood is undergoing efforts to DECREASE population density.

Item: ZONG-2022-000072 Date: 8/26/22

Please mark one of the following

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

Signature: Betsy McCarty
 Name: Betsy McCarty
 Address: 3225 Kingman Blvd
DSM 50311

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 COMMUNITY DEVELOPMENT
 AUG 30 2022

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

lower density is better for this block - already high w/ apartment next door. Already issues w/ parking + this building doesn't have much space for parking. Also concerned w/ new owners lack of planning on managing the property.

Item: ZONG-2022-000072 Date: 08-24-22

Please mark one of the following

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

Signature: Jamie Johnson
 Name: Jamie Johnson
 Address: 3134 Kingman Blvd

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 AUG 30 2022

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

Residential neighborhood. The apartments next door already bring a lot of traffic & chaos.

Item: ZONG-2022-000072

Date: 29/Aug/22

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature:

Name:

Address:

Andrea M. Cummings
Andrea M. Cummings
1172 31st Street

Staff Use Only

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COMMUNITY DEVELOPMENT

AUG 31 2022

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

The community is supposed to be decreasing rental property sizes & converting buildings back to single family homes.

Item: ZONG-2022-000072

Date: 8-26-2022

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature:

Name:

Address:

Lyle Erickson
Lyle Erickson
3219 Kingman

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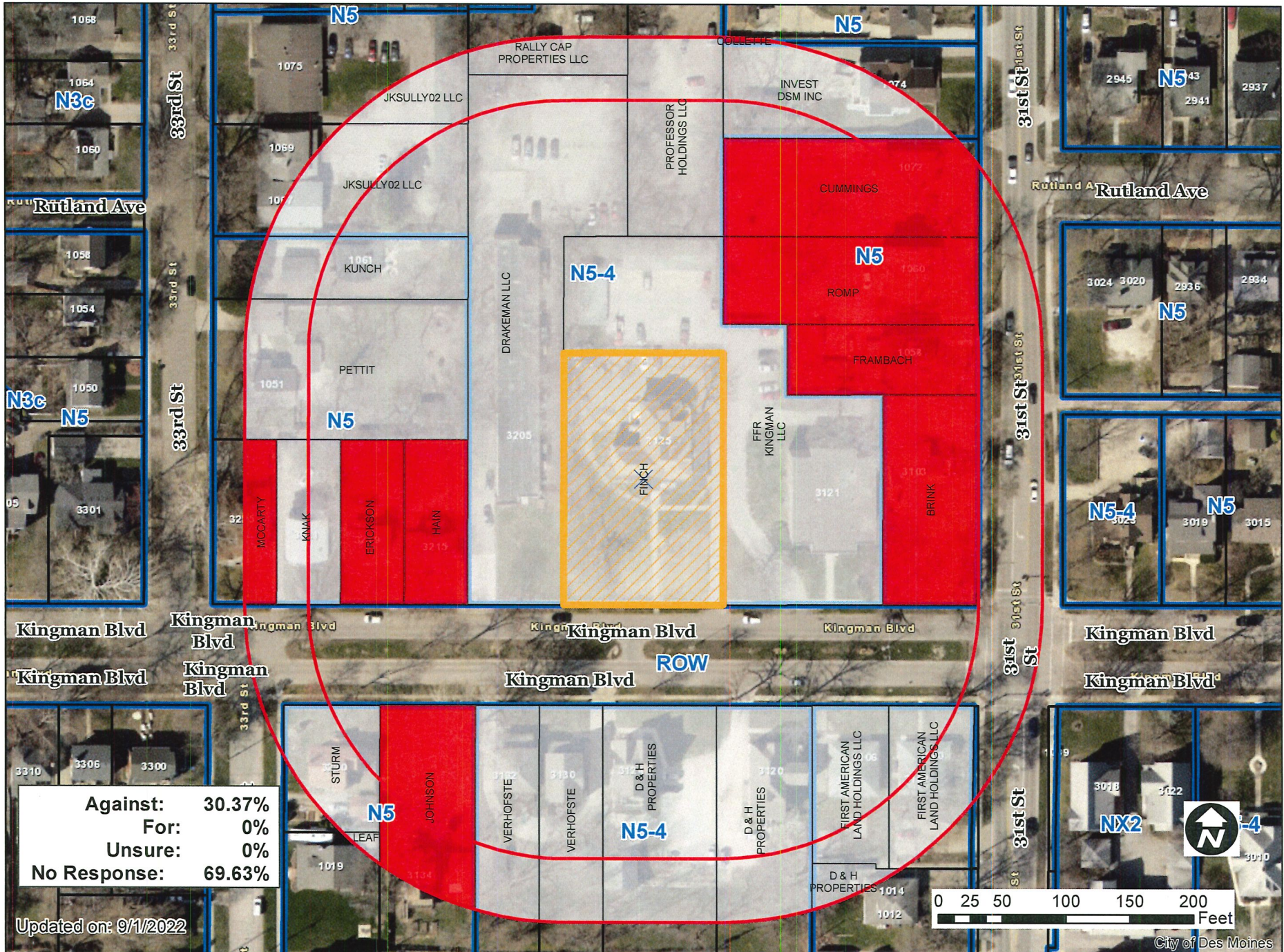
AUG 30 2022

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

① In the informational meeting on 8/26, property owner was unable to share/tell who will manage property ② I believe lower density is better for this block

Zachary Finch and Cheryl Finch, 3125 Kingman Boulevard

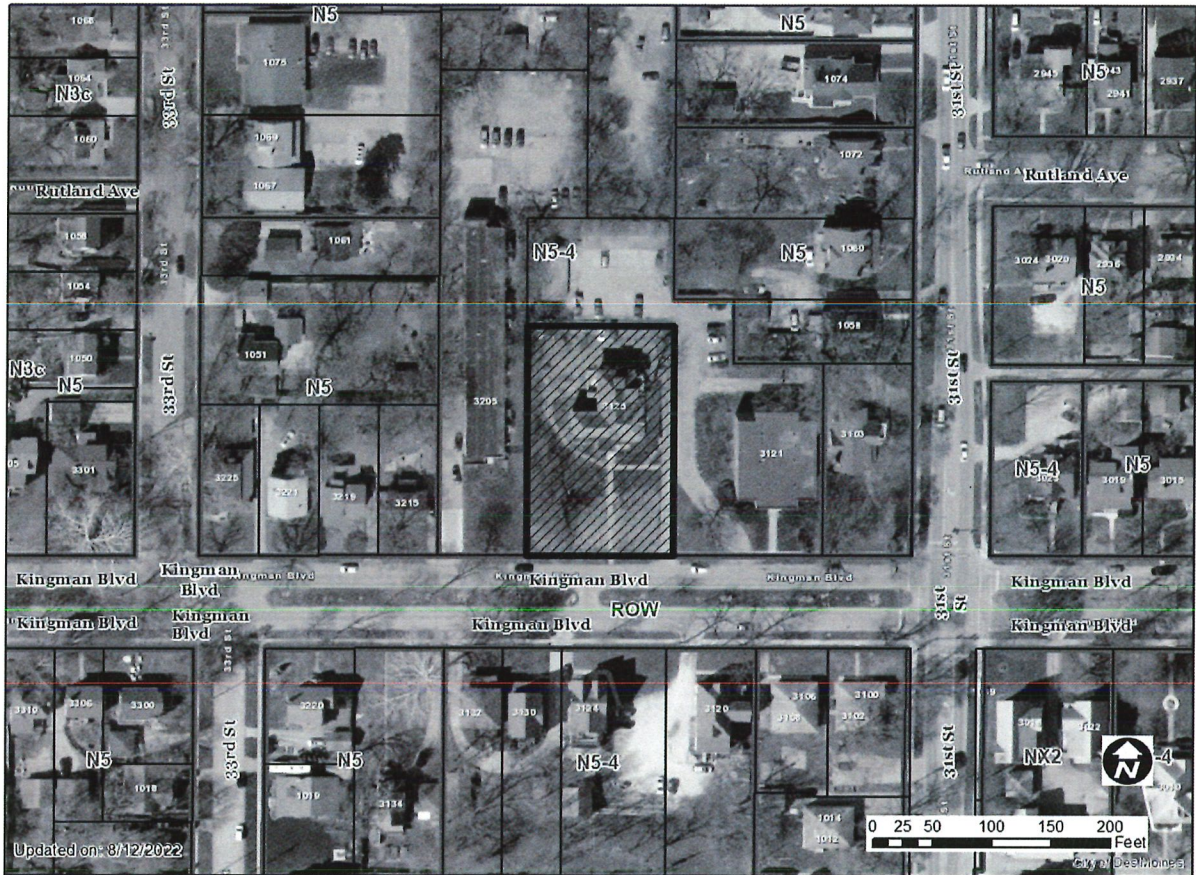
ZONG-2022-000072



1 inch = 100 feet

Zachary Finch and Cheryl Finch, 3125 Kingman Boulevard

ZONG-2022-000072



1 inch = 100 feet