



**Date** February 20, 2023

**RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM LANGWORTHY ENTERPRISES XIII, LLC TO AMEND PLANDSM CREATING OUR TOMORROW PLAN FUTURE LAND USE CLASSIFICATION AND TO REZONE THE PROPERTY LOCATED AT 1327 13<sup>TH</sup> STREET TO ALLOW THE USE OF THE PROPERTY FOR MULTI-HOUSEHOLD USE WITH UP TO 6 DWELLING UNITS**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on January 19, 2023, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from Langworthy Enterprises XIII, LLC, represented by Daniel E. Langworthy (officer), for the proposed rezoning to Limited “NX2” Mixed Use District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Low-Medium Density Residential; and

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on January 19, 2023, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from Langworthy Enterprises XIII, LLC, represented by Daniel E. Langworthy (officer), to revise the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low-Medium Density Residential to High Density Residential; and

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on January 19, 2023, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from Langworthy Enterprises XIII, LLC, represented by Daniel E. Langworthy (officer), to rezone the Property from “N5” Neighborhood District to Limited “NX2” Mixed Use District, to allow use of the property for a multiple-household use with up to 6 dwelling units, subject to the following conditions:

1. Any use of the Property for a multiple-household residential use shall not exceed six (6) dwelling units; and
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; and
3. Any use of the Property for a multiple-household residential use shall be in compliance with all applicable Building, Fire, and Rental Codes.

**WHEREAS**, the Property is legally described as follows:

THE NORTH 10 FEET OF LOT 18, ALL OF LOT 19, AND THE SOUTH 9.6 FEET OF LOT 20 IN FIELD'S SUBDIVISION OF WEST HALF OF BLOCK 3 SUMMIT PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.



**Roll Call Number**

**Agenda Item Number**

47

.....  
**Date** February 20, 2023

**WHEREAS**, on February 6, 2023, by Roll Call No. 23-0156, it was duly resolved by the City Council that the request for approval of the proposed amendment and rezoning be set down for hearing on February 20, 2023, at 5:00 p.m., at the City Council Chambers; 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 proposals; and

**WHEREAS**, in accordance with said notice, those interested in said proposals, 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 and rezoning are hereby overruled, and the hearing is closed.
2. The proposed amendment to PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification for the Property from Low-Medium Density Residential to High Density Residential is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from “N5” Neighborhood District to Limited “NX2” Neighborhood Mix District, to allow the use of the property for a multiple-household use with up to 6 dwelling units, subject to the conditions set forth above, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.



**Roll Call Number**

.....

**Agenda Item Number**

47

**Date** February 20, 2023

MOVED BY \_\_\_\_\_ TO ADOPT. SECOND BY \_\_\_\_\_.

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill  
Assistant City Attorney

(COMP-2022-000004; ZONG-2022-000101)

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

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

**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.

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



Date February 20, 2023

Agenda Item 47

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

January 31, 2023

Communication from the City Plan and Zoning Commission advising that at their January 19, 2023 meeting, the following action was taken regarding a request from Langworthy Enterprises XIII, LLC (owner), represented by Daniel E. Langworthy (officer) to rezone property located at 1327 13<sup>th</sup> Street from “N5” Neighborhood District to “NX2” Mixed Use District, to allow use of the property for a multiple-household use with up to 6 dwelling units (addition of a 6<sup>th</sup> dwelling unit within the basement of an existing 5-unit apartment building).

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 14-0 as follows.

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dan Drendel	X			
Leah Rudolphi	X			
Carol Maher	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			
Katie Gillette	X			

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

Part B) PlanDSM: Creating Our Tomorrow Comprehensive Plan be amended to revise the future land use designation from Low-Medium Density Residential to High Density Residential.



Part C) Approval of the request to rezone the property from “N5” Neighborhood District to “NX2” Neighborhood Mix District, 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 not exceed six (6) 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.
3. Any use of the Property for a multiple-household residential use shall be in compliance with all applicable Building, Fire, and Rental Codes.

#### Written Responses

0 in Favor

0 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-Medium Density Residential.

Part B) Staff recommends that PlanDSM: Creating Our Tomorrow Comprehensive Plan be amended to revise the future land use designation from Low-Medium Density Residential to High Density Residential.

Part C) Staff recommends approval of the request to rezone the property from “N5” Neighborhood District to “NX2” Neighborhood Mix District, 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 not exceed six (6) 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.
3. Any use of the Property for a multiple-household residential use shall be in compliance with all applicable Building, Fire, and Rental Codes.

### **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 building with up to 6 dwelling units. The existing building currently contains 5 dwelling units, including 2 units on the first floor 2 units on the second floor, and 1 unit in the basement. The applicant is proposing to add a dwelling unit in the basement by converting existing storage space.

Any future construction or redevelopment of the subject property, including the addition of a dwelling unit, must comply with all applicable Building Codes and site plan and design regulations contained in the Planning and Design Ordinance (Chapter 135 of City Code).

**2. Size of Site:** 0.17 acres (7,434 square feet).

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

**4. Existing Land Use (site):** The site currently houses a building structure that functions as a multiple-household use with five (5) dwelling units.

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

**North** – "N5"; Use is an apartment building with 3 dwelling units.

**South** – "N5"; Use is a one-household residential.

**East** – "N5"; Uses are one-household and two-household residential.

**West** – "N5"; Uses are 13<sup>th</sup> Street and one-household residential.

**6. General Neighborhood/Area Land Uses:** The subject property is located along the east side of 13<sup>th</sup> Street between University Avenue and Forest Avenue. The surrounding area includes mostly one-household uses, with a few scattered two-household and small-scale multiple-household uses.

**7. Applicable Recognized Neighborhood(s):** The subject property is located in the King Irving Neighborhood Association. All neighborhood associations were notified of the January 19, 2023, public hearing by emailing of the Preliminary Agenda on January 3, 2023 and by emailing of the Final Agenda on January 13, 2023. Additionally, separate notifications of the hearing for this specific item were mailed on December 30, 2022 (20 days prior to the public hearing) and January 9, 2023 (10 days prior to the public hearing) to the King Irving Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

All 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 King Irving Neighborhood mailings were sent to Margaret Wright, 1537 12th Street, Des Moines, IA 50314.

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

**8. Relevant Zoning History:** None.



9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** The property is designated as Low-Medium Density Residential, which allows a maximum net density of 12 dwelling units per acre. The proposed six (6) dwelling units on a 0.17-acre parcel represents a net density of 35.29 dwelling units per acre.
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-Medium Density Residential” to “High Density Residential”. Plan DSM describes these designations as follows:

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

*High Density Residential: Areas developed with primarily higher intensity multi-family housing with a minimum density over 17 dwelling units per net acre.*

The subject parcel is currently zoned “N5” 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.”

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 believes that the proposed High Density Residential designation is appropriate for this general area, given that it supports Plan DSM’s Land Use Goal #2, which is to “Direct new growth and redevelopment to areas with existing infrastructure and nodes and corridors based on proximity to transit, shopping, services, and public amenities.” Furthermore, Land Use Goal #13 states, “Encourage high-density housing in identified nodes and along corridors that provide convenient access to public transit, public amenities and services, schools and open space, and are in close proximity to job centers.”

The subject property is in a walkable neighborhood and is within a quarter mile of University Avenue. Additionally, it is located along a DART transit route that runs along 13<sup>th</sup> Street and in close proximity to a DART transit route that runs



along University Avenue. There is direct access to transit amenities with a bus stop within 250 feet of the subject property at the intersection of 13<sup>th</sup> Street and Carpenter Avenue.

- 2. Building Code Requirements:** Adding a dwelling unit will require this building to be provided with an automatic fire sprinkler system in accordance with Chapter 9 of the International Building Code and in accordance with Chapters 26 and 46 of Des Moines Municipal Code. 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.

## **SUMMARY OF DISCUSSION**

Emily Webb advised item #8 could be moved to the consent agenda. No one was present or requested to speak.

Francis Boggus made a motion to move item #8 to consent.

## **COMMISSION ACTION:**

Francis Boggus 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-Medium Density Residential.

Part B) PlanDSM: Creating Our Tomorrow Comprehensive Plan be amended to revise the future land use designation from Low-Medium Density Residential to High Density Residential.

Part C) Approval of the request to rezone the property from "N5" Neighborhood District to "NX2" Neighborhood Mix District, 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 not exceed six (6) 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.
3. Any use of the Property for a multiple-household residential use shall be in compliance with all applicable Building, Fire, and Rental Codes.

Motion passed: 14-0

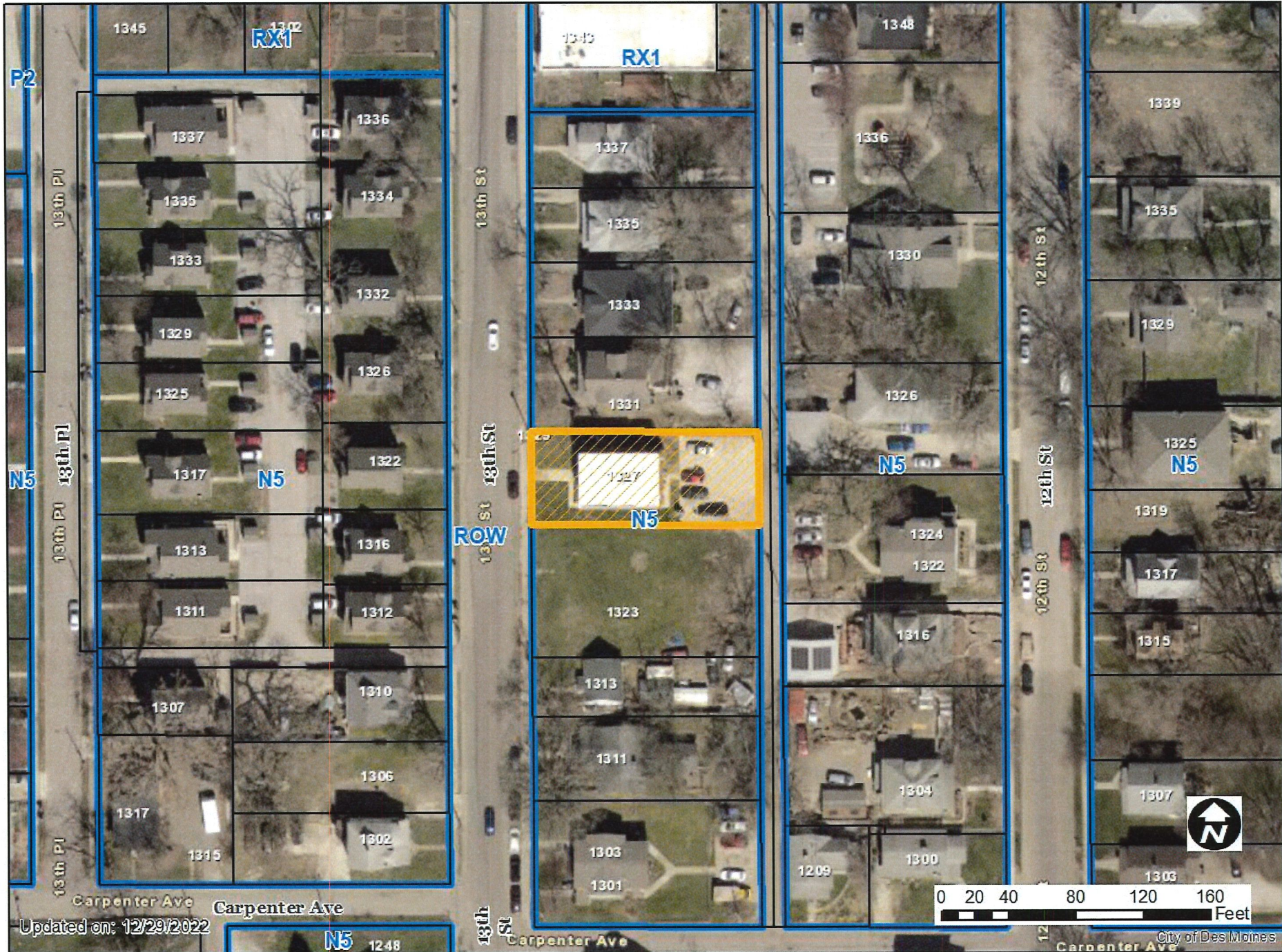
Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jason Van Essen", with a long horizontal flourish extending to the right.

Jason Van Essen, AICP  
Planning & Urban Design Administrator

JMV:tjh





1 inch = 76 feet





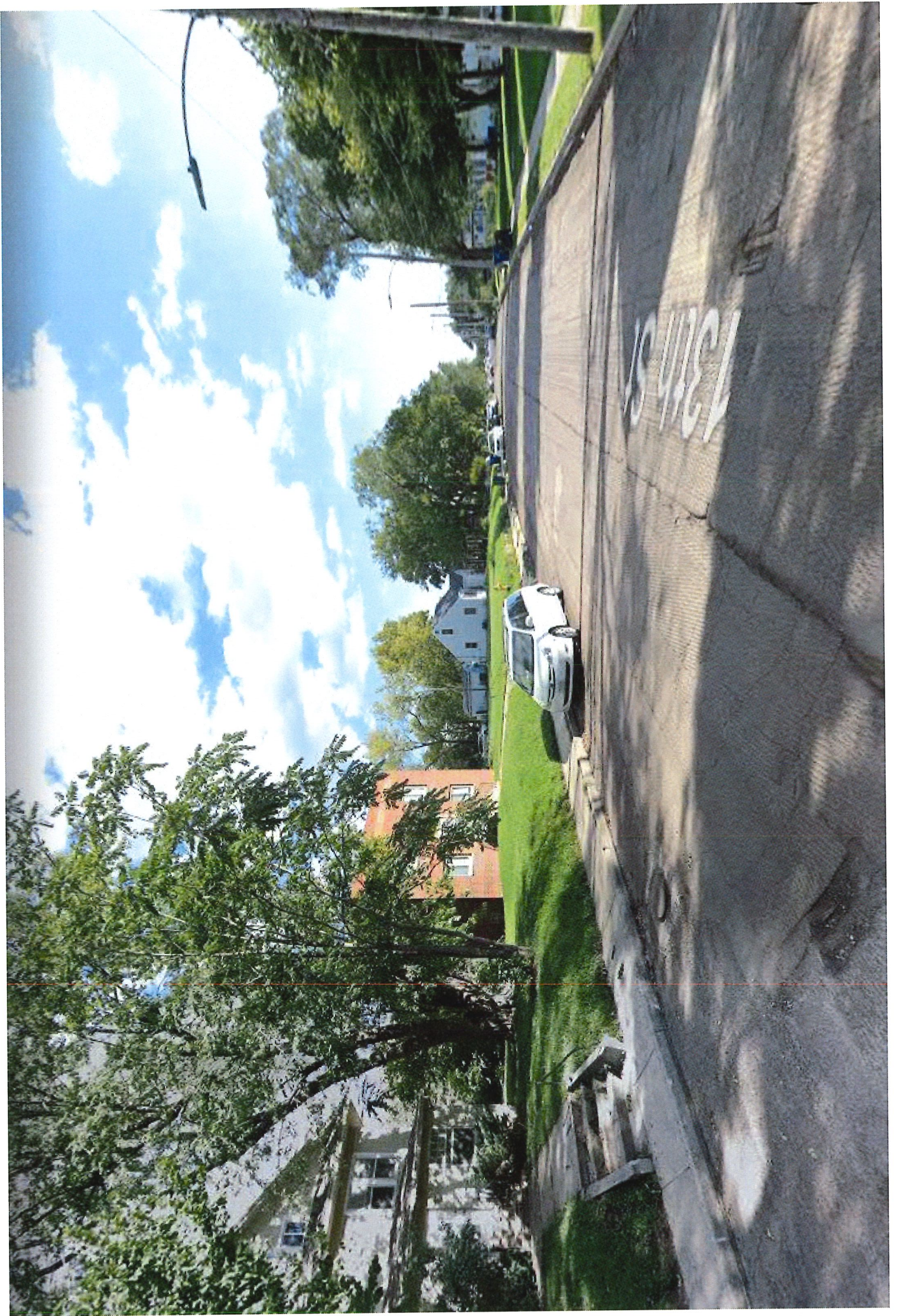










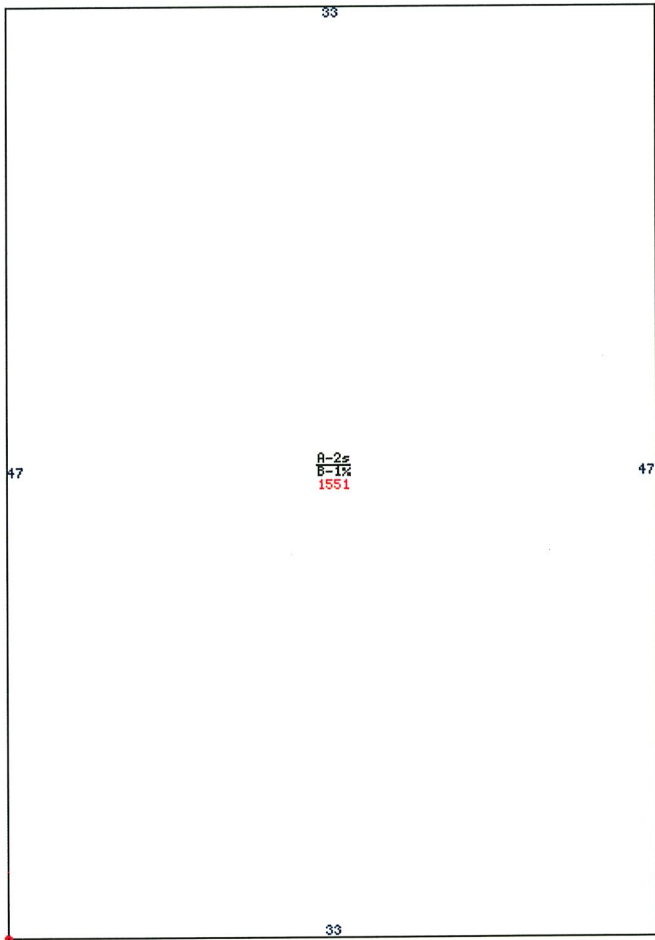




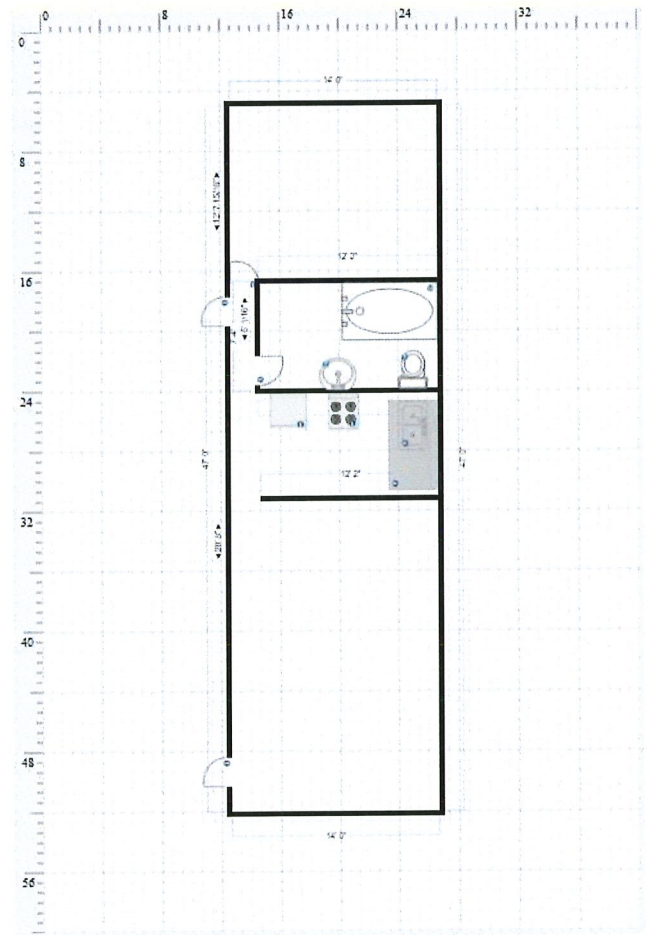
**Summary:**

The property located at 1327 13th St. is a 5-unit building with 2 units on the 2nd floor, 2 units on the 1st floor, and 1 unit in the basement. The proposal for this property is to take the storage area in the basement, which is against the south wall of the property, and convert that into a unit. All the existing units have the same floor plan due to the apartment building being built for purpose, rather than a conversion (south wall units mirror the north wall units). The plan is to covert the storage area to the same specifications as the other units in the building.

**Existing Building:**

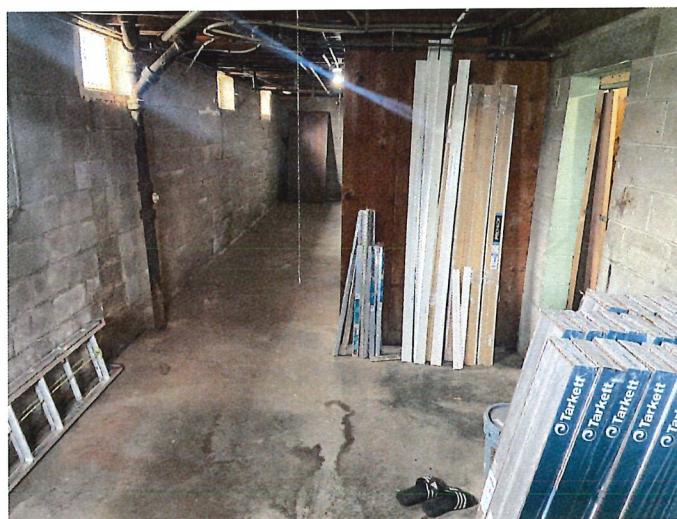
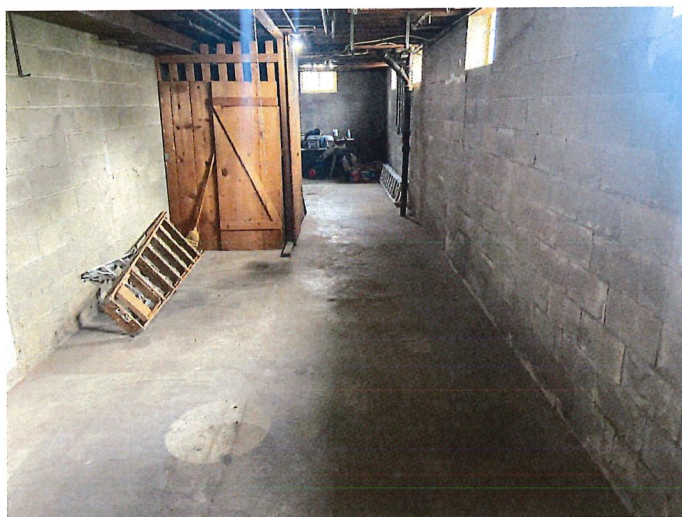


**Proposed Floor Plan:**

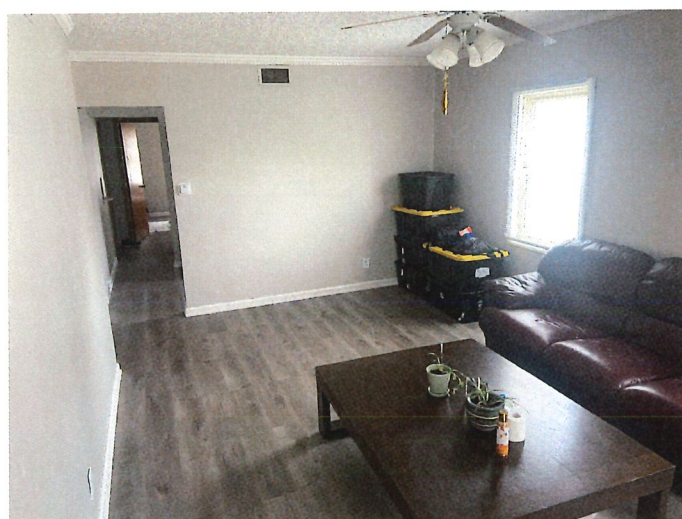




**Storage Area to be Converted:**



**Model Unit Floor Plans:**





Name

Address line 1

Address line 2

Dear Neighbor,

My name is Dan Langworthy, owner of the property located at 1327<sup>th</sup> 13<sup>th</sup> street. I have recently acquired this building and have been working to improve the quality of the property to help improve upon the neighborhood. Part of my improvement plan is to turn the basement storage area into an additional unit making the property a 6-unit building instead of a 5-unit building. This requires rezoning of my parcel. I want to clarify that this rezoning will only affect my parcel, not yours. I am holding a meeting through zoom to help answer any questions or concerns that you or our neighbors may have in regard to this rezoning process. The zoom meeting information can be found below:

**Topic:** Neighborhood Rezoning Meeting

**Time:** Jan 3, 2023, 11:00 AM Central Time (US and Canada)

<https://drake-edu.zoom.us/j/89170591564?pwd=UittdWtBM3IyT2R5UXIWMWZwMlV1UT09>

**Meeting ID:** 891 7059 1564

**Passcode:** 917600

This meeting is not required, but I am happy to help answer any questions that you may have during this time.

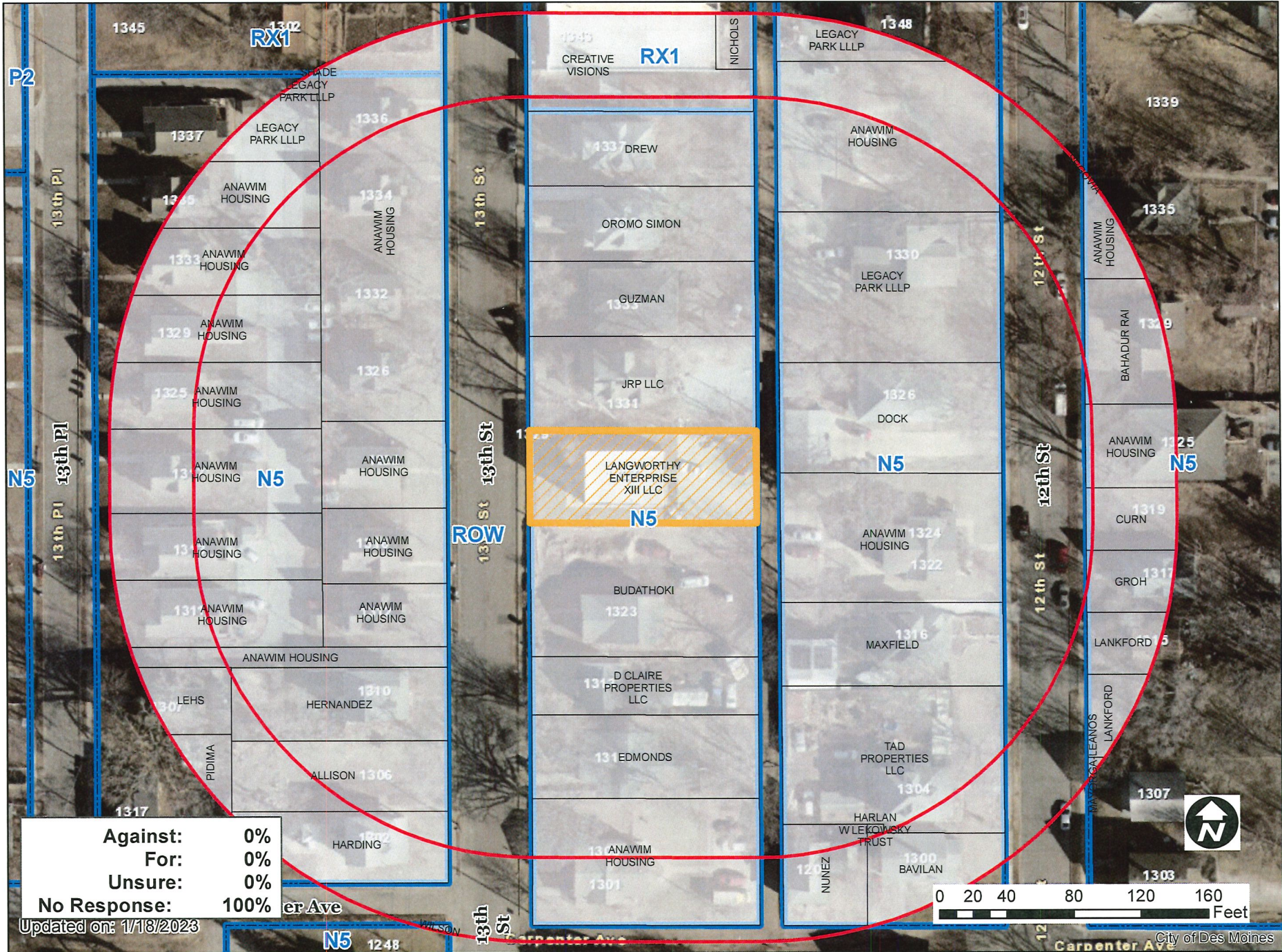
Thanks,

Dan Langworthy









Against:	0%
For:	0%
Unsure:	0%
No Response:	100%

Updated on: 1/18/2023

1 inch = 76 feet

City of Des Moines



