



Roll Call Number

.....

Agenda Item Number

64

Date October 23, 2023

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM OLEN HOMME (OWNER) FOR THE FOLLOWING REGARDING PROPERTY LOCATED AT 972 26TH STREET, TO AMEND PLANDSM CREATING OUR TOMORROW PLAN TO REVISE THE FUTURE LAND USE CLASSIFICATION FROM LOW DENSITY RESIDENTIAL TO LOW-MEDIUM DENSITY RESIDENTIAL, AND TO REZONE THE PROPERTY FROM “N5” NEIGHBORHOOD DISTRICT TO LIMITED “N5-2” NEIGHBORHOOD DISTRICT, TO ALLOW REUSE OF THE EXISTING STRUCTURE FOR A TWO-HOUSEHOLD (DUPLEX) RESIDENTIAL USE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 7, 2023, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from Olen Homme (owner), for the proposed rezoning from “N5” Neighborhood District to Limited “N5-2” Neighborhood District be found not in conformance with the 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 7, 2023, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from Olen Homme (owner), to amend the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low Density Residential to Low-Medium Density Residential; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on September 7, 2023, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from Olen Homme (owner), to rezone the Property from “N5” Neighborhood District to Limited “N5-2” Neighborhood District, to allow reuse of the existing structure for a two-household (duplex) residential use, subject to the following condition:

1. Any use of the property for a two-household (duplex) residential use shall be subject to the site and the building being brought into conformance with all applicable site and design regulations of Chapter 135 of the Municipal Code.; and

WHEREAS, the Property is legally described as follows:

LOT 238 IN UNIVERSITY LAND COMPANY'S FIRST ADDITION TO THE CITY OF DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.; and

WHEREAS, on October 2, 2023, by Roll Call No. 23-1320, 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 October 23, 2023, at 5:00 p.m., at the City Council Chambers; and



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64

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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 Density Residential to Low-Medium Density Residential is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from “N5” Neighborhood District to Limited “N5-2” Neighborhood District, to allow reuse of the existing structure for a two-household (duplex) residential use, subject to the conditions set forth above, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY _____ TO ADOPT. SECOND BY _____.

FORM APPROVED:

/s/ Chas M. Cahill
Chas M. Cahill
Assistant City Attorney

(COMP-2023-000026) (ZONG-2023-000045)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
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 October 23, 2023
 Agenda Item 64
 Roll Call # _____

September 12, 2023

Communication from the City Plan and Zoning Commission advising that at their September 7, 2023 meeting, the following action was taken regarding a request from Olen Homme (owner) to rezone property located at 972 26th Street from "N5" Neighborhood District to "N5-2" Neighborhood District, to allow reuse of the existing structure for a two-household (duplex) residential use.

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus	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				
Rick Trower	X				

APPROVAL of Part A) The requested "N5-2" District be found not in conformance with the existing PlanDSM future land use designation of Low Density Residential.

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

Part C) Approval of the request to rezone the property from "N5" Neighborhood District to "N5-2" Neighborhood District, subject to the site and the building being brought into conformance with all applicable site and design regulations of Chapter 135 of the Municipal Code.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested "N5-2" 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.

Part C) Staff recommends approval of the request to rezone the property from "N5" Neighborhood District to "N5-2" Neighborhood District, subject to the site and the building being brought into conformance with all applicable site and design regulations of Chapter 135 of the Municipal Code.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The subject property contains a 2-story dwelling which was built circa 1900. It was converted from a single-household use to a multiple household use at an unknown date. The property suffered a fire in 2022. It has since lost its legal non-conforming rights to function as a multiple-household dwelling as it has been vacant for more than 6 months. The applicant is proposing to rezone the property to allow reuse of the dwelling as a duplex (2-unit) dwelling.

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:** 7,920 square feet (0.182 acres).
3. **Existing Zoning (site):** "N5" Neighborhood District.
4. **Existing Land Use (site):** The subject property contains a two-story converted dwelling, a 22-foot by 52-foot (1,144-square foot) detached garage in the rear yard and a 12-foot by 18-foot (216-square foot) detached metal garage in the rear yard.
5. **Adjacent Land Use and Zoning:**
 - North** – "N5"; Use is low-density residential.
 - South** – "N5"; Use is low-density residential.
 - East** – "N5"; Uses are low-density residential and Interstate 235 right-of-way.
 - West** – "N5"; Uses are low-density residential and Interstate 235 right-of-way.
6. **General Neighborhood/Area Land Uses:** The subject property is located on the west side of 26th Street south of the intersection with School Street. The surrounding area consists predominantly of low-density residential uses.

- 7. Applicable Recognized Neighborhood(s):** The subject property is located in the Drake Neighborhood Association and within 250 feet of the Woodland Heights Organization. All neighborhood associations were notified of the public hearing by emailing of the Preliminary Agenda on August 18, 2023 and of the Final Agenda on September 1, 2023. Additionally, separate notifications of the hearing for this specific item were mailed on August 18, 2023 (20 days prior to the public hearing) and August 28, 2023 (10 days prior to the public hearing) to the 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 Services Department on the date of the mailing. The Drake Neighborhood mailings were sent to Courtney Ackerson. The Woodland Heights Organization mailings were sent to Cameron Gale.

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:** Low Density Residential. This designation allows a maximum net density of 6 dwelling units per acre. The proposed two (2) dwelling units on a 0.182-acre parcel represent a net density of 11.0 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 Density Residential" to "Low-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.

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.

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 “N5-2” 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 house predominantly in the Victorian, Revival, and Arts and Crafts styles pursuant to House D building type in section 135-2.16 of this code. Two households per lot are permitted by right where district includes “-2” extension.”

Staff believes that the proposed Low-Medium Density Residential designation is appropriate for this general area, given that it supports PlanDSM’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 identifies the City’s priority to, “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. It is located a half-mile from two DART transit routes. A Neighborhood Node is centered on the intersection of University Avenue and 22nd Street.

- 2. 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 and approval 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 “N5-2” District, the Site Plan would likely be reviewed against a “House D” Building Type.

SUMMARY OF DISCUSSION

Abby Chungath advised item #11 could be moved to the consent agenda. No members of the public or Commission wished to speak.

Katie Gillette made a motion to move item #11 to the consent agenda.

COMMISSION ACTION:

Carolyn Jenison made a motion for:

Part A) The requested “N5-2” District be found not in conformance with the existing PlanDSM future land use designation of Low Density Residential.

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

Part C) Approval of the request to rezone the property from "N5" Neighborhood District to "N5-2" Neighborhood District, subject to the site and the building being brought into conformance with all applicable site and design regulations of Chapter 135 of the Municipal Code.

THE VOTE: 14-0

Respectfully submitted,



Bert Drost, AICP
Deputy Planning & Urban Design Administrator

BAD:tjh

Olen Homme, 972 26th Street

COMP-2023-000026



Updated on: 9/6/2023



1 inch = 78 feet



Updated on: 8/16/2023

1 inch = 78 feet

Network Sep 7, 2023 10:01:39 AM CDT

Local Sep 7, 2023 10:01:37 AM CDT

41°35'39.738"N -93°39'7.784"W

962 26th Street

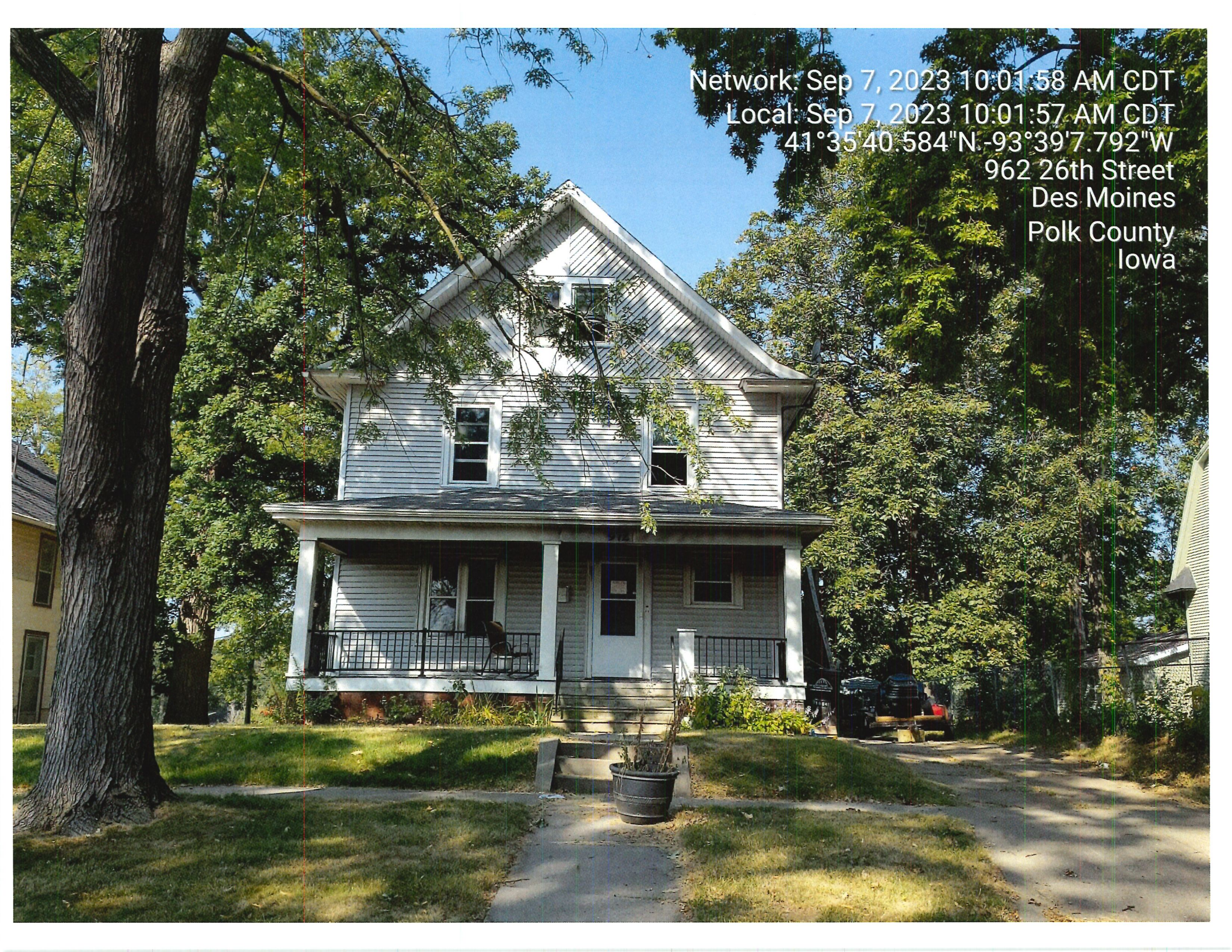
Des Moines

Polk County

Iowa



Network: Sep 7, 2023 10:01:58 AM CDT
Local: Sep 7, 2023 10:01:57 AM CDT
41°35'40.584"N -93°39'7.792"W
962 26th Street
Des Moines
Polk County
Iowa



Network: Sep 7, 2023 10:02:18 AM CDT
Local: Sep 7, 2023 10:02:17 AM CDT
41°35'40.933"N -93°39'7.707"W
972 26th Street
Des Moines
Polk County
Iowa



64

8/7/2023

Re: Project Narrative for Property at 972 26th St, Des Moines, IA 50312

To Whom it May concern:

This Application is for consideration to retain the current and historical layout for the property at: 972 26th St, Des Moines, IA 50312.

Legal Description: LOT 238 UNIVERSITY LAND COS 1ST ADDITION

I purchased the property on 4/22/202. Prior to my purchase, the property suffered a fire so was inhabitable. The previous owner had legal non-conforming rights within the zoning district and the property was/is currently configured for 2 dwelling units.

Our request would be to rezone the parcel to N5-2 and maintain the historical layout of the previous owner.

Thanks for your consideration,

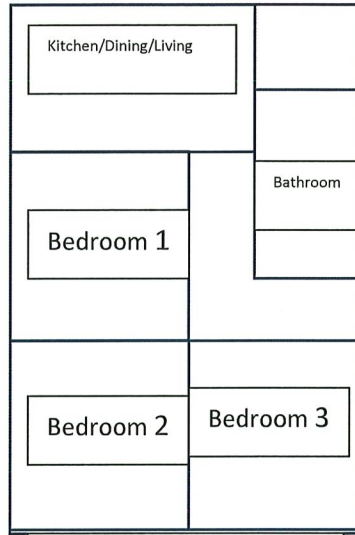


Olen Homme

8/7/2023



Unit 1 – Main Floor



Unit 2 – 2nd Floor

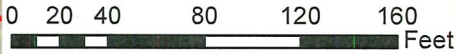
Olen Homme, 972 26th Street

ZONG-2023-000045



Against:	0%
For:	10.19%
Unsure:	0%
No Response:	89.81%

Updated on: 9/7/2023



City of Des Moines

1 inch = 77 feet

Item: ZONG-2023-000045

Date: 9/2/2023 64

Please mark one of the following:

- I support the request
- I am undecided
- I oppose the request

Staff Use Only

RECEIVED

COMMUNITY DEVELOPMENT

SEP 05 2023

Titleholder Signature: Talen

Name/Business: Talen Fisher

Impacted Address: 1001 27th St

Comments: _____

Item: ZONG-2023-000045

Date: 8-30-23

Please mark one of the following:

- I support the request
- I am undecided
- I oppose the request

Staff Use Only

RECEIVED

COMMUNITY DEVELOPMENT

SEP 05 2023

Titleholder Signature: Linda Glover

Name/Business: _____

Impacted Address: 946 - 26 DM La 50512

Comments: _____

Item: ZONG-2023-000045

Date: 8/30/23

Please mark one of the following:

I support the request

I am undecided

I oppose the request

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
SEP 05 2023

Titleholder Signature: *[Handwritten Signature]*

Name/Business:

Impacted Address: 960 26th STREET, DES MOINES IA 50312

Comments:

Item: ZONG-2023-000045

Date: 8/30/23

Please mark one of the following:

I support the request

I am undecided

I oppose the request

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
SEP 05 2023

Titleholder Signature: *[Handwritten Signature]*

Name/Business: Brittany Jansma (McAfee)

Impacted Address: 1006 26th St. Des Moines, IA 50311

Comments: I am concerned about the parking, and with a duplex likely will add more cars to an already crowded parking situation.

64



OLEN & JENNIFER HOMME

8/22/2023

Dear Neighbor:

We would like to invite you to a meeting to discuss the property at 972 26th St, Des Moines.

Who is requesting this meeting: Jennifer & Olen Homme – Property owners of 972 26th St, Des Moines 50312

What is the Purpose of the Meeting: Meeting to discuss the proposed rezoning of the property at 972 26th St. Property has historically been a multi-unit home. Property has been vacant for > 6 months, so new approval must be received from Zoning Board

Where the Meeting will be held:

Virtual zoom meeting: <https://us02web.zoom.us/j/81760142639> and if you don't have access to a computer you can call in:

Phone # Details: (US) +1 669-444-9171 Meeting ID: 81760142639

When the meeting will be held: Wednesday, August 30th from 6-6:30 pm

Why the meeting is being requested: To discuss plans for the property with the neighbors and allow for questions.

Recap of Meeting will be available upon request by emailing: jennhomme@gmail.com or calling 515-216-8413

Sincerely,

Olen & Jennifer Homme



Phone Log

Date of Call	8/26/23 0:00
Time of Call	1:18 PM
Date of Return Call	8/26/23
Time of Return Call	3:29 PM
Participants	Jennifer Homme, Linda Glover
Summary	Linda has been a neighbor of the property for many years. She has no problem with keeping the property as a multi unit home. She is excited for the home to be occupied. She is appreciaved of the efforts that Ole and I have made thus far.

Rezoning of 972 26th Street

2 messages

Ronald Everly <terrieron.everly@yahoo.com>
Reply-To: "terrieron.everly@yahoo.com" <terrieron.everly@yahoo.com>
To: "jennhomme@gmail.com" <jennhomme@gmail.com>

Mon, Aug 28, 2023 at 10:23 AM

Good morning,

We will not be able to attend the meeting scheduled for Wednesday August 30th about the rezoning of the property located at 972 26th street, Des Moines. We wanted to let you know that we have lived close to that address for 20 years and are ok with it being a multi unit home. It has always been well maintained.

Thank you,
Ron and Terrie Everly

[Sent from Yahoo Mail on Android](#)

Jennifer Homme <jennhomme@gmail.com>
To: "terrieron.everly@yahoo.com" <terrieron.everly@yahoo.com>

Mon, Aug 28, 2023 at 2:25 PM

Hi Ronald -

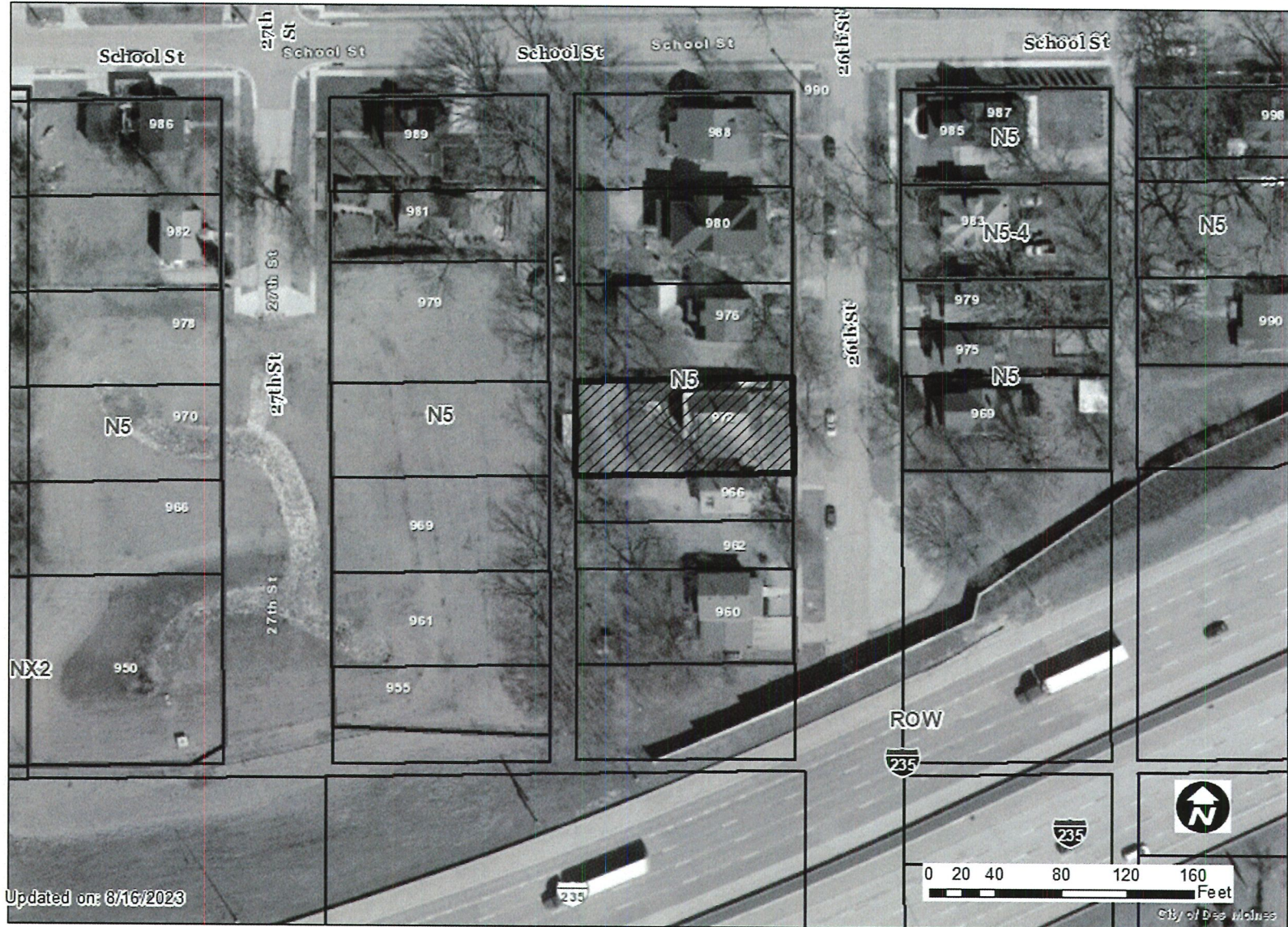
Thank you for reaching out. We appreciate your support.

Have a great week!

Thanks,
Jennifer Homme
[Quoted text hidden]

Olen Homme, 972 26th Street

ZONG-2023-000045



Updated on: 8/16/2023

1 inch = 78 feet