



Date December 4, 2023

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM PROFESSOR HOLDINGS, LLC (OWNER), REPRESENTED BY HUA SUN (OFFICER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED AT 1315 YORK STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on November 2, 2023, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Professor Holdings, LLC (Owner), represented by Hua Sun, for the proposed rezoning from “N3c” Residential District to “N3c-4” Residential District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Low Density Residential within a Neighborhood Node; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on November 2, 2023, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Professor Holdings, LLC (Owner), represented by Hua Sun, for the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low Density Residential within a Neighborhood Node to Medium Density Residential within a Neighborhood Node; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on November 2, 2023, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Professor Holdings, LLC (Owner), represented by Hua Sun, to rezone the Property from “N3c” Residential District to “N3c-4” Residential District to allow expansion of the existing off-street parking area; and

WHEREAS, the Property is legally described as follows:

LOT 395 IN POLK AND HUBBELL’S ADDITION TO CAPITAL PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.; and

WHEREAS, on November 20, 2023, by Roll Call No. 23-1612, 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 December 4, 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.

Date December 4, 2023

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 within a Neighborhood Node to Medium Density Residential within a Neighborhood Node is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from “N3c” Residential District to “N3c-4” Residential District to allow expansion of the existing off-street parking area, 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

(ZONG-2023-000060)(COMP-2023-000037)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
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 December 4, 2023

Agenda Item 31

Roll Call # _____

November 14, 2023

Communication from the City Plan and Zoning Commission advising that at their November 2, 2023 meeting, the following action was taken regarding a request from Professor Holdings, LLC (owner), represented by Hua Sun (officer), the property located at 1315 York Street from “N3c” Residential District to “N3c-4” Residential District, to allow expansion of the existing off-street parking area.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 13-0 as follows.

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus	X				
Leah Rudolphi	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 “N3c-4” District be found not in conformance with the existing PlanDSM future land use designation of Low Density Residential.

Part B) Approval of the request to amend PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Low Density Residential within a Neighborhood Node to Medium Density Residential within a Neighborhood Node.

Part C) Approval of the request to rezone the property from “N3c” Residential District to “N3c-4” Residential District.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested “N3c-4” District be found not in conformance with the existing PlanDSM future land use designation of Low Density Residential.

Part B) Staff recommends approval of the request to amend PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Low Density Residential within a Neighborhood Node to Medium Density Residential within a Neighborhood Node.

Part C) Staff recommends approval of the request to rezone the property from “N3c” Residential District to “N3c-4” Residential District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing interior building remodeling work and renovations for an existing 3-family (triplex) dwelling unit. In addition to these improvements, the applicant has expanded the use of the site by increasing the paved parking area in the backyard. The requested rezoning and a future site plan are required to allow the expansion of this use on the property.

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:** 7,681.9 square feet (0.18 acres).
3. **Existing Zoning (site):** “N3c” Neighborhood District.
4. **Existing Land Use (site):** The subject property contains an existing 1,664 square feet, 3-story building with a paved driveway running from the street to the alleyway. The backyard has been paved to provide additional off-street parking area.

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

North – “N3c”; Uses are one-household residential.

South – “N3c”; Uses are one-household residential.

East – “NX1”; Uses are a small retail store.

West – “N3c”; Uses are one-household residential.

6. **General Neighborhood/Area Land Uses:** The subject property is located on York Street within a block west of East 14th Street. It is located within the East University Avenue and East 14th Street Neighborhood Node. The surrounding area along the two major transportation corridors includes a mix of small scale commercial and neighborhood amenities as well as public and institutional facilities.

- 7. Applicable Recognized Neighborhood(s):** The subject property is located in the Capitol Park Neighborhood Association and within 250 feet of the Martin Luther King, Jr Park Neighborhood Association. All neighborhood associations were notified of the public hearing by emailing of the Preliminary Agenda on September 29, 2023 and of the Final Agenda on October 13, 2023. Additionally, separate notifications of the hearing for this specific item were mailed on September 29, 2023 (20 days prior to the public hearing) and October 9, 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 Development Division on the date of the mailing. The Capitol Park Neighborhood mailings were sent to Dena Bennet, 1371 East 9th, Des Moines, Iowa 50316. The Martin Luther King Jr Park Neighborhood mailings were sent to Charice Williams, 1234 East 18th Street, Des Moines, Iowa 50316.

The applicant can 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 three (3) dwelling units on the 0.18-acre parcel represent a net density of 16.6 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 of the property be amended from “Low Density Residential” within a Neighborhood Node to “Medium Density Residential” within a Neighborhood Node. 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.

Neighborhood Node: These nodes are the smallest in size and offer services that provide for basic daily needs of the local population in the surrounding neighborhood. May include restaurants, shops and smaller scale businesses. Residential development including low-medium and medium densities may occur.

The subject parcel is currently zoned “N3c” Neighborhood District. The Zoning Ordinance describes this district as, “intended to preserve the scale and character of residential neighborhoods developed predominantly in the cottage or worker cottage style pursuant to House C building type in section 135-2.15 of this code.”

The applicant is proposing to rezone the parcel to the “N3c-4” District. The Zoning Ordinance describes this district as, “intended to preserve the scale and character of residential neighborhoods developed predominantly in the cottage or worker cottage style pursuant to House C building type in section 135-2.15 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 section 134-3.1.2.”

The subject property is located in a traditional walkable neighborhood and within close proximity to East 14th Street corridor. It is located within 250 feet from a DART transit route and bus stop. It is also located within a Neighborhood Node centered on the intersection of East University Avenue and East 14th Street where medium density housing options are allowed. Staff believes the use of the property as a 3-plex buildings supports Land Use Goal #2 which states, “Direct new growth and redevelopment to areas with existing infrastructure and nodes and corridors based on proximity to transit, shopping, services, and public amenities.” and Land Use Objective #23 which states, “Create opportunities for a mixture of land uses within neighborhoods including mixed use centers, diverse housing products, recreational opportunities, public spaces, and schools.”

2. **Building 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 where parking is provided, an accessible route from accessible parking to an accessible entrance, accessible means of egress, and accessible routes throughout the building. This building requires protection by an automatic sprinkler system throughout the entire building in accordance with chapter 9 of the International Building Code and Des Moines Municipal Code Chapters 26 and 46.
3. **Planning and Design Ordinance:** Any development must comply with all applicable site plan and design regulations of the 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. Given the amount of paving in the rear yard, it is possible that design alternatives may be required with the site plan.

SUMMARY OF DISCUSSION

Abby Chungath asked if any member of the public or commission desired to speak on the item. No one requested to speak.

Rick Trower noted the parking lot has already been expanded.

COMMISSION ACTION:

Emily Webb made a motion for:

Part A) The requested "N3c-4" District be found not in conformance with the existing PlanDSM future land use designation of Low Density Residential.

Part B) Approval of the request to amend PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Low Density Residential within a Neighborhood Node to Medium Density Residential within a Neighborhood Node.

Part C) Approval of the request to rezone the property from "N3c" Residential District to "N3c-4" Residential District.

THE VOTE: 13-0

Respectfully submitted,

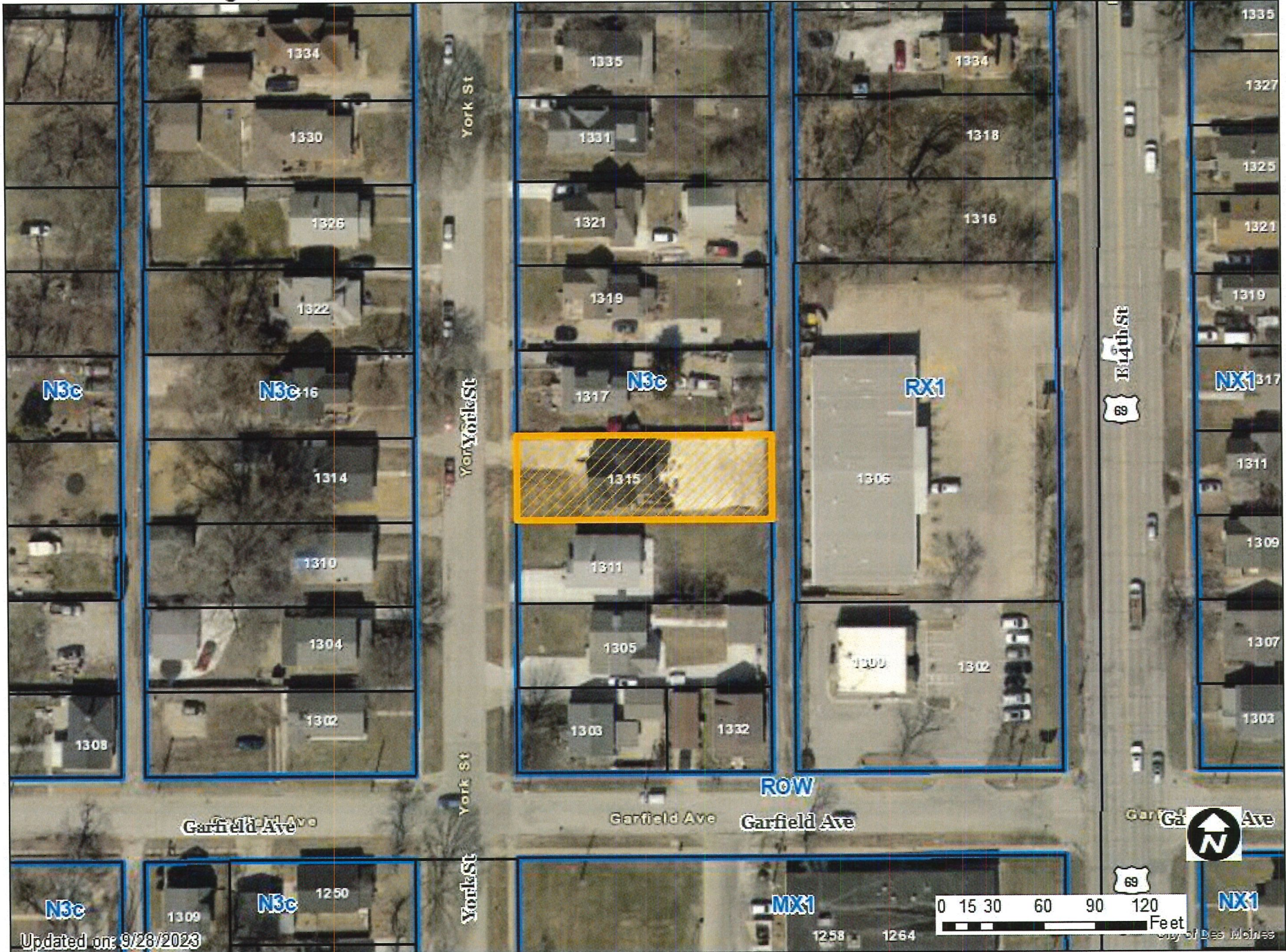


Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh

Professor Holdings, LLC, 1315 York Street

ZONG-2023-000060



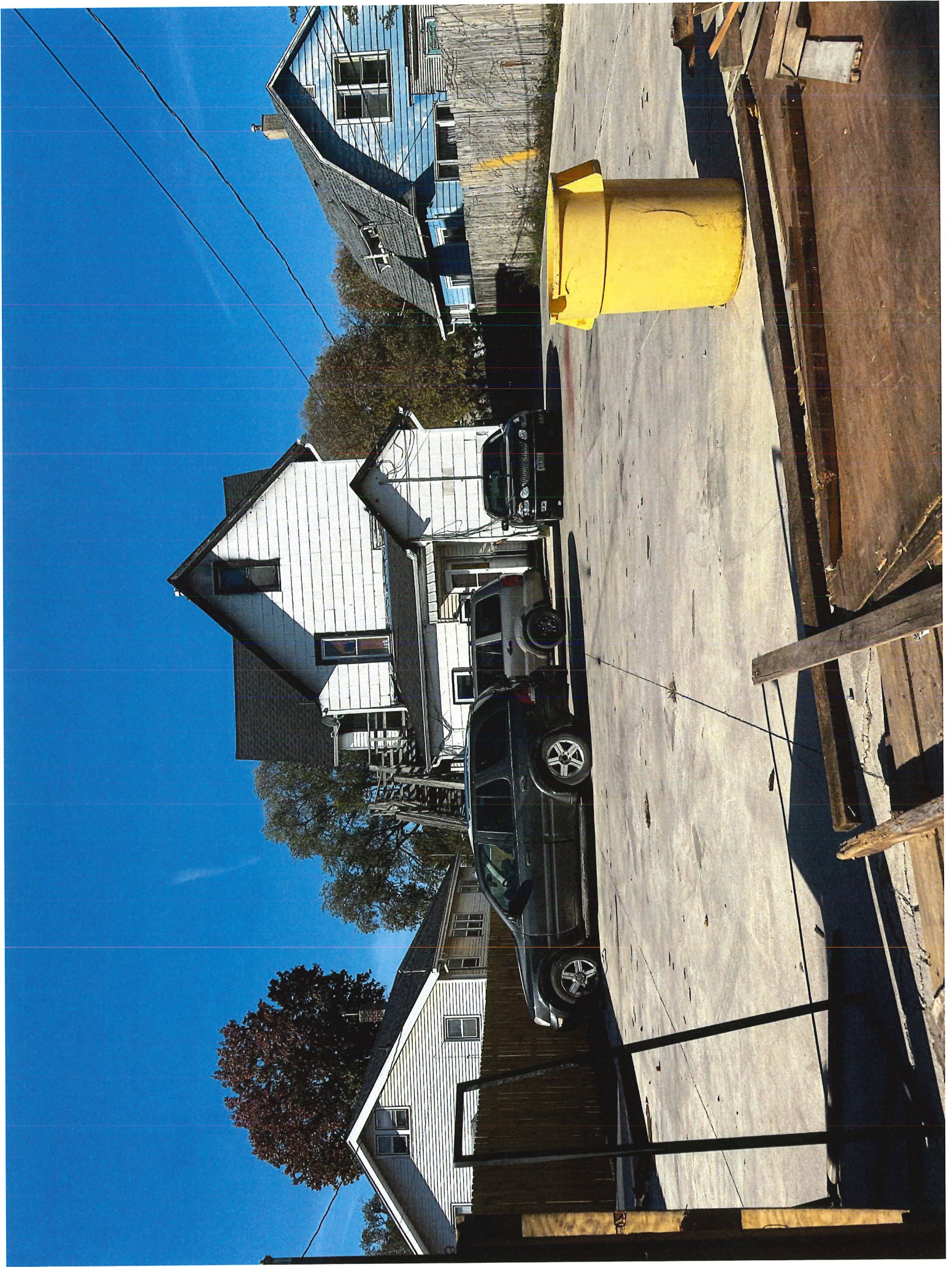
Updated on: 9/26/2023

1 inch = 75 feet



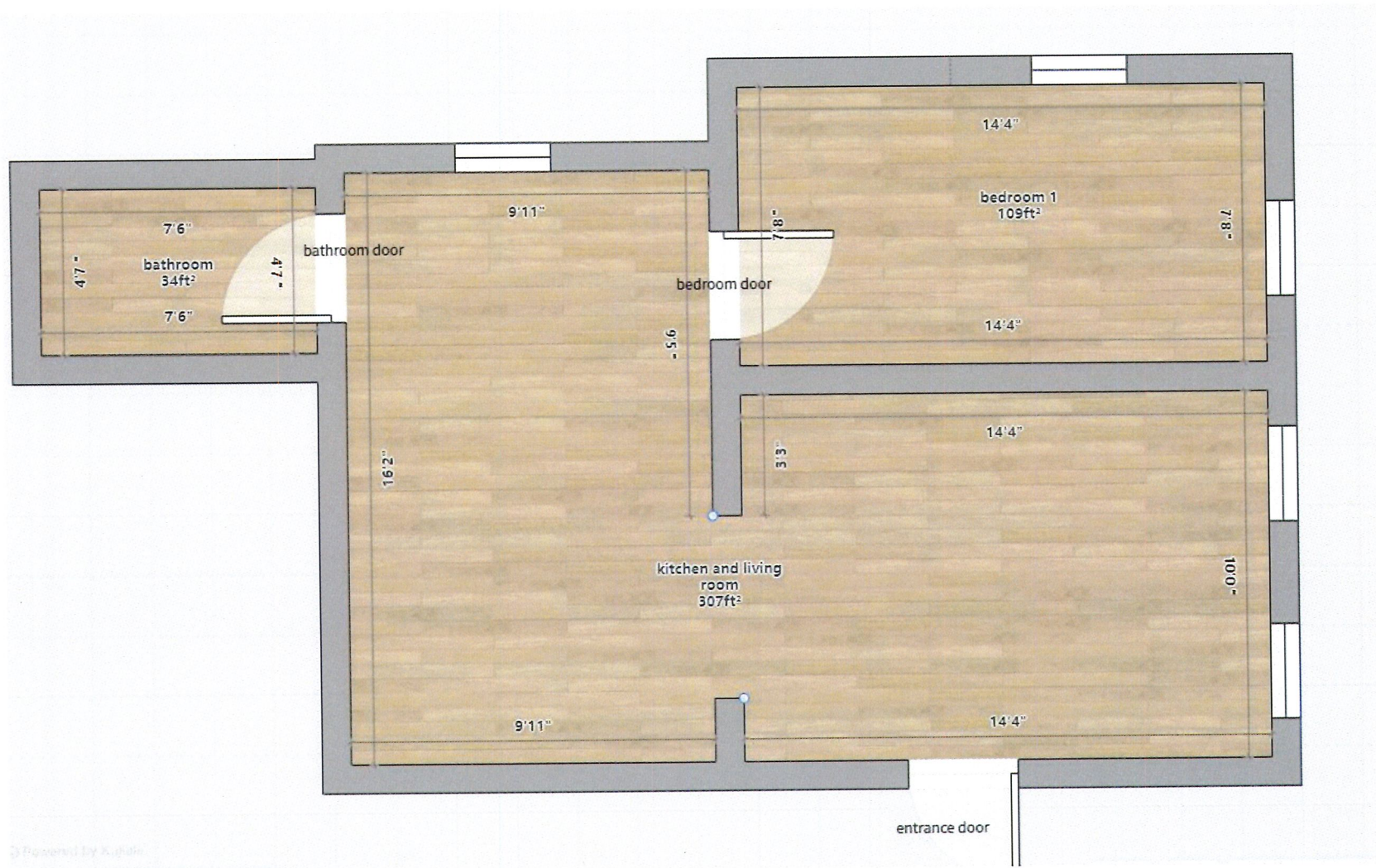






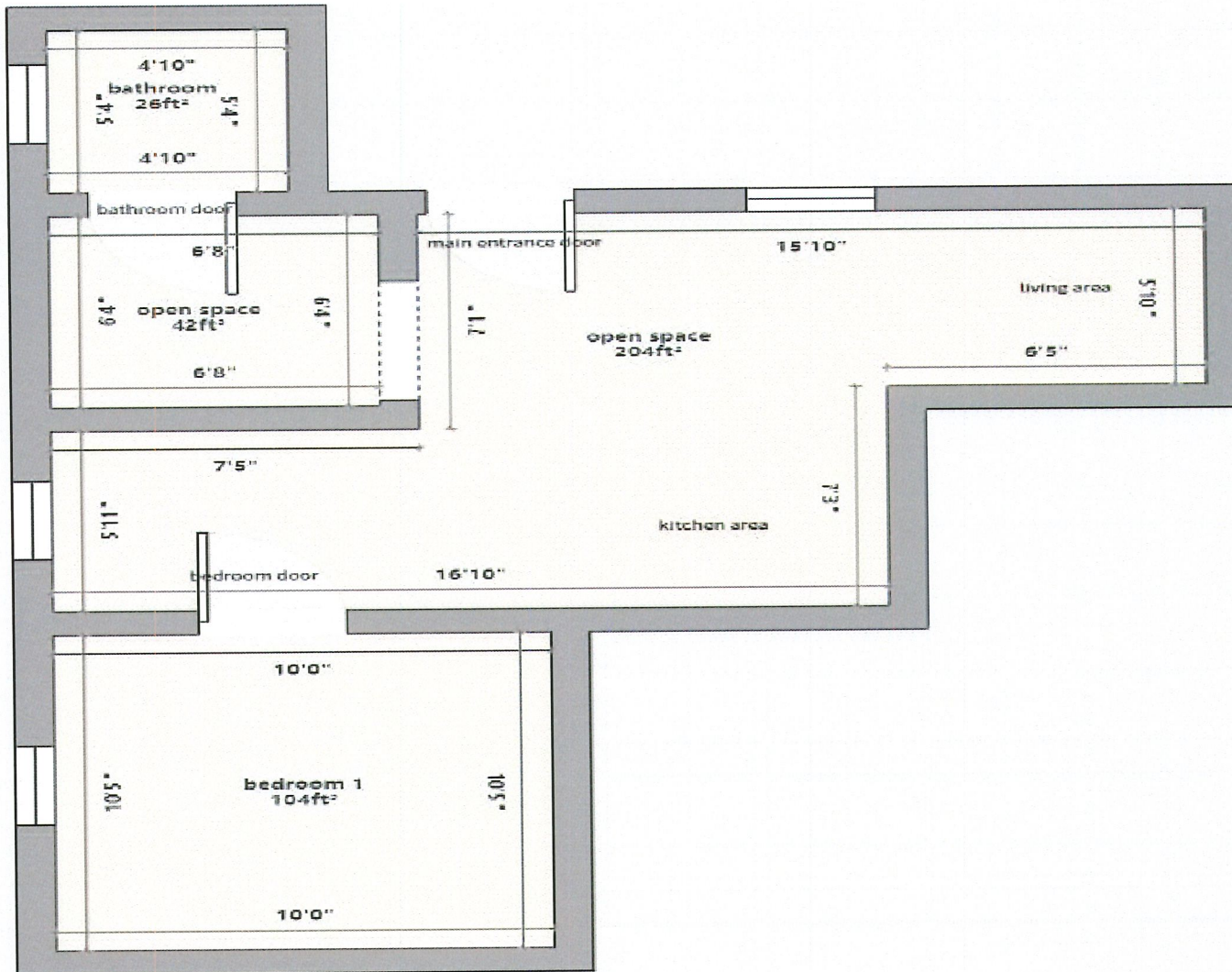
Unit 1 floor plan

One bed-one bath, Unit size: 450 sf, located on the ground floor



Unit 2 floor plan (no floor plan change proposed)

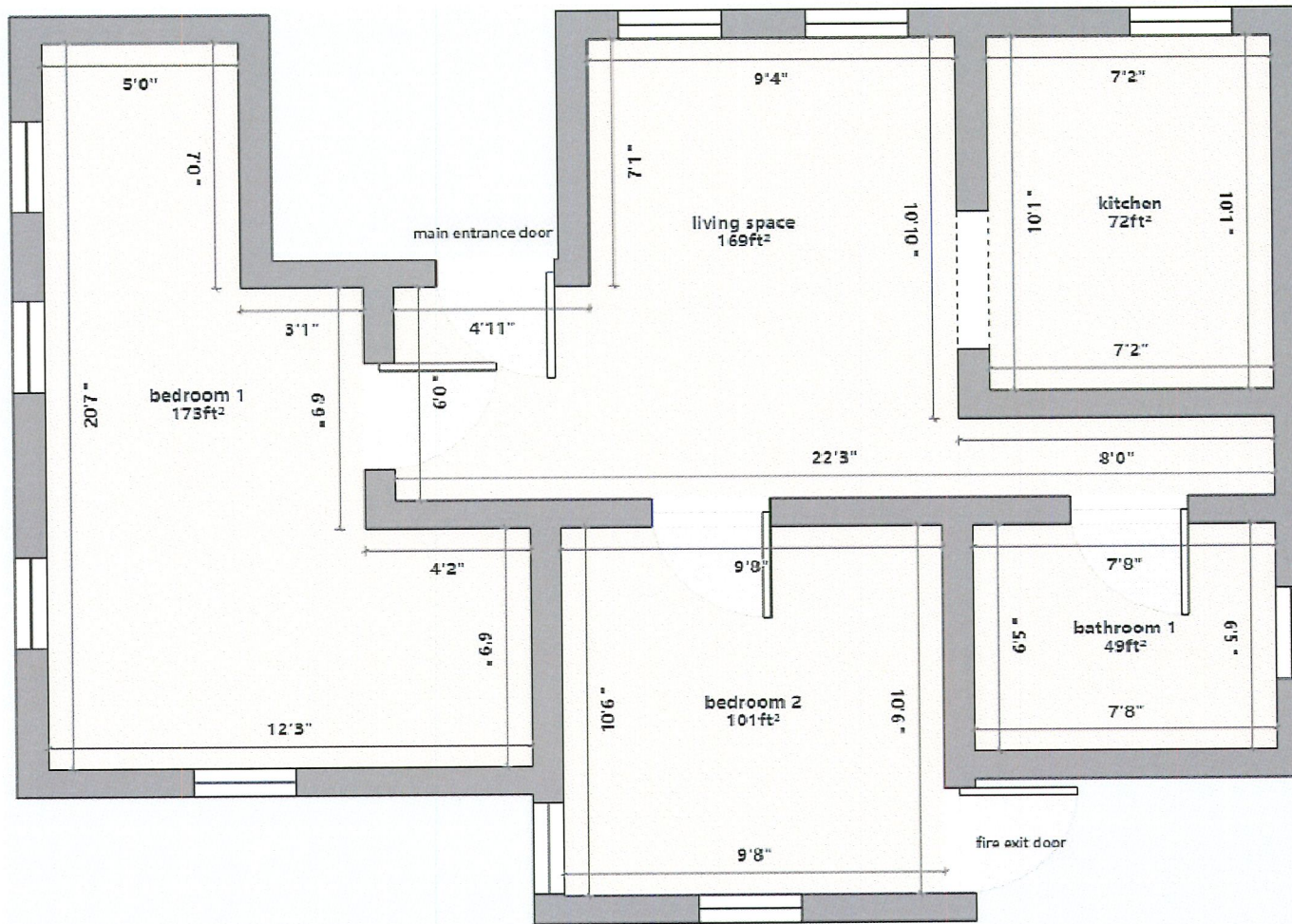
One bed-one bath, Unit size: 376 sf, located on the ground floor



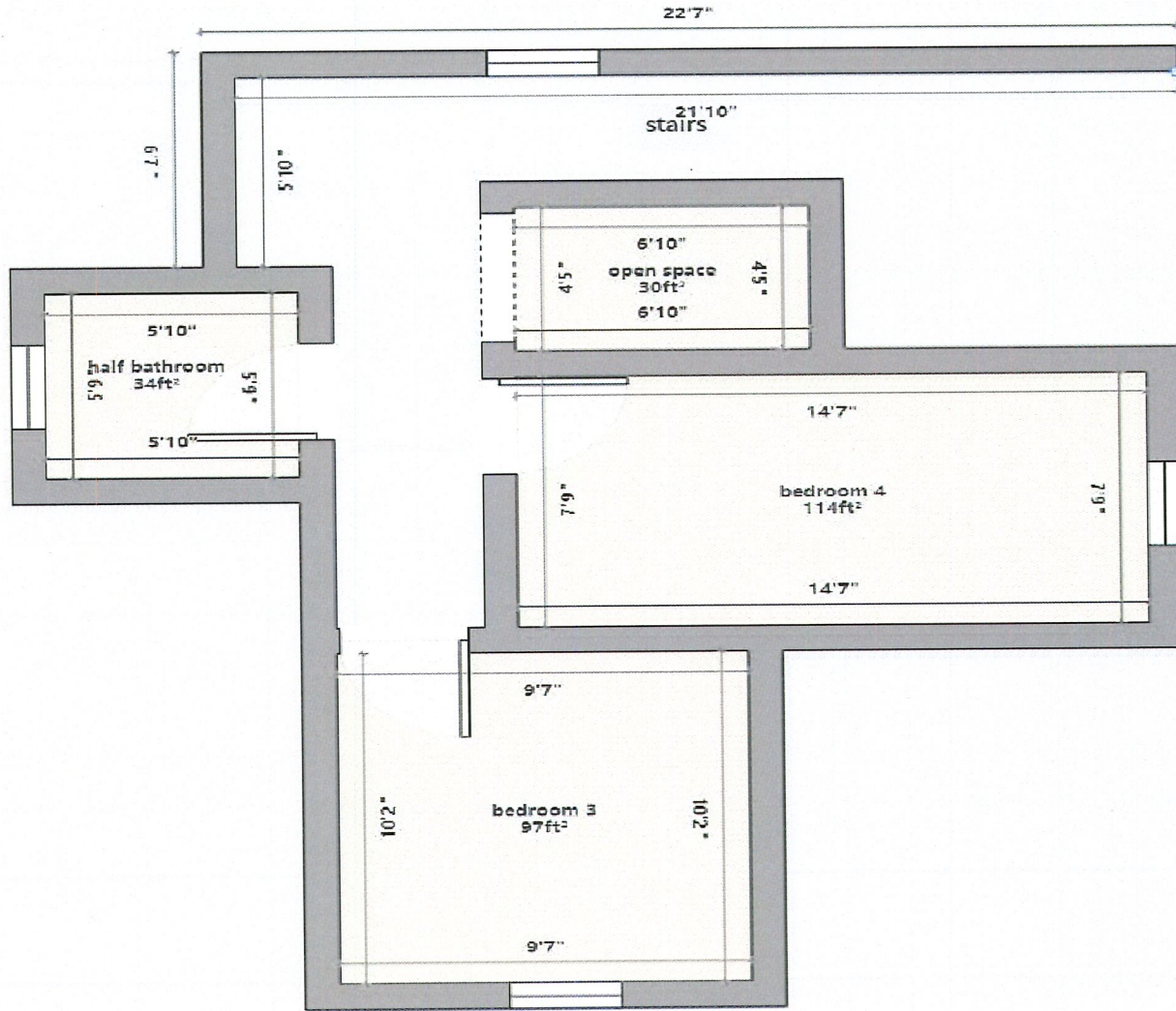
Unit 3 floor plan (no floor plan change proposed)

Four bed-one and half bath, Unit size: 839 sf, located on the second and third floor

Lower level: 564 sf



Upper (attic) level: 275 sf



1315 York St neighborhood meeting report

By: Hua Sun, (Officer) of Professor Holdings LLC

On Oct 20th, 2023, the neighborhood meeting invitation letters were mailed to all relevant residents on the list provided by the city staff. The virtual zoom meeting was held at 6pm on Oct 28. Understanding that not everybody maybe available for the meeting at scheduled time, in the invitation letter, we also provide the email and phone number and encourage residents to contact me if desired.

Ashly Bough participated the zoom meeting and I explained to her my plan to renovate 1315 York St, and on concrete parking on the back side to provide tenants an option of off-street parking. She fully support my proposal. She expressed her frustration and said every time when she visited the property, it was almost impossible for her to find a street parking spot as it is always full. She also said that it is also not safe for street parking given how narrow the York Street is. With West side of the street almost always occupied by the parked vehicles, the street doesn't have enough space to allow for a safe passage of two-way traffic.

In light of this, Ashly expressed her full support of my proposal of expanding off-street parking on the back side of 1315 York St. Her supporting email is shown as appendix 1.

Capitol Park Neighborhood Association Board, who didn't participate the neighborhood meeting, sent me an email express their support of rezone the property from "N3c" to "N3c-4." Meanwhile, they do not support parking that covers the majority of the backyard. It is unclear about their rationale of opposite on backyard parking as it is not mentioned in the email. The email from Capitol Park Neighborhood Association Board is shown as appendix 2.

We wish the board will approve our proposal of the current backyard parking. Given that the property is a tri-plex, at least three parking spots are needed when the building renovation is complete. However, as explained earlier in the report, York St is very narrow and has been very crowded on its street parking. The situation become even worse during the winter time due to snow plowing activities.

Furthermore, street parking on York is on the Westside which means the tenants will have to cross the street in order to access to their residences. As explained earlier, with street almost always being occupied by the parked vehicles, it doesn't have enough space to allow for a safe passage of two-way traffic. That creates extra danger for the residents as vehicle could travel from both sides when they try to go across the street to get home. And street can be extremely slippery in winter.

The current concrete space on back is needed to accommodate four parking spots, which one of it an ADA stall. Furthermore, city code requires an enclosed trash enclosure which also needs space. Although we do not know the exact reason for Capitol Park's opposition on expanded concrete surface, we will work closely with the city to make sure a suitable landscape plan will be implanted to provide enough green coverage.

Appendix 1:

Ashly Baugh

Sat, Oct 28,
6:18 PM (19 hours
ago)

to me

Hi Hua, so nice to meet you on the meeting this evening. 100% in support of your parking development and excited to have you investing in the neighborhood. As I mentioned, I'm located in the Des Moines metro and I have great tenants across the street at 1316 and also know the owner of 1314 which is also a rental property. Please don't hesitate to reach out if you ever need anything. My number is 515-783-2625.

Hope your request gets approved quickly as parking is much needed in our neighborhood!

Appendix 2

Capitol Park <capitolparkdesmoines@gmail.com>

Fri, Oct 27,
10:23 AM (2 days
ago)

to schakraborty, me, Dena, Christopher, jon, Chelsea

Good Morning,

Recently we received a request to rezone the property from "N3c" to "N3c-4." As a neighborhood, we are fully in support of the 3 units that currently exist within this structure and hope that Hua Sun (officer) of Professor Holdings LLC, takes this opportunity to make capitol investments into the property and our neighborhood. While our board is in full support of the density at this property (3 Units), we are NOT in support of the expansion of parking that has occurred on the site with the pavement that covers the majority of the backyard. We would ask that Hua Sun (Progressor Holdings, LLC is held to the max surface area of a backyard at 25% and that the site is brought into full compliance under the zoning code.

Capitol Park Neighborhood Association Board

Appendix 3: Evidence of Invitation Letters Sent



From: [Capitol Park](#)
To: [Chakraborty, Sreyoshi](#); professorholdingsllc@gmail.com
Cc: [Dena Bennett](#); [Christopher Civitate](#); [jon hanson](#); [Chelsea Lepley](#)
Subject: [EXTERNAL]1315 York St
Date: Friday, October 27, 2023 10:28:13 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.

Good Morning,

Recently we received a request to rezone the property from "N3c" to "N3c-4." As a neighborhood, we are fully in support of the 3 units that currently exist within this structure and hope that Hua Sun (officer) of Professor Holdings LLC, takes this opportunity to make capitol investments into the property and our neighborhood. While our board is in full support of the density at this property (3 Units), we are NOT in support of the expansion of parking that has occurred on the site with the pavement that covers the majority of the backyard. We would ask that Hua Sun (Progressor Holdings, LLC is held to the max surface area of a backyard at 25% and that the site is brought into full compliance under the zoning code.

Capitol Park Neighborhood Association Board

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Item: ZONG-2023-000060 Date: _____

Please mark one of the following:

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

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
OCT 16 2023

Titleholder Signature: 

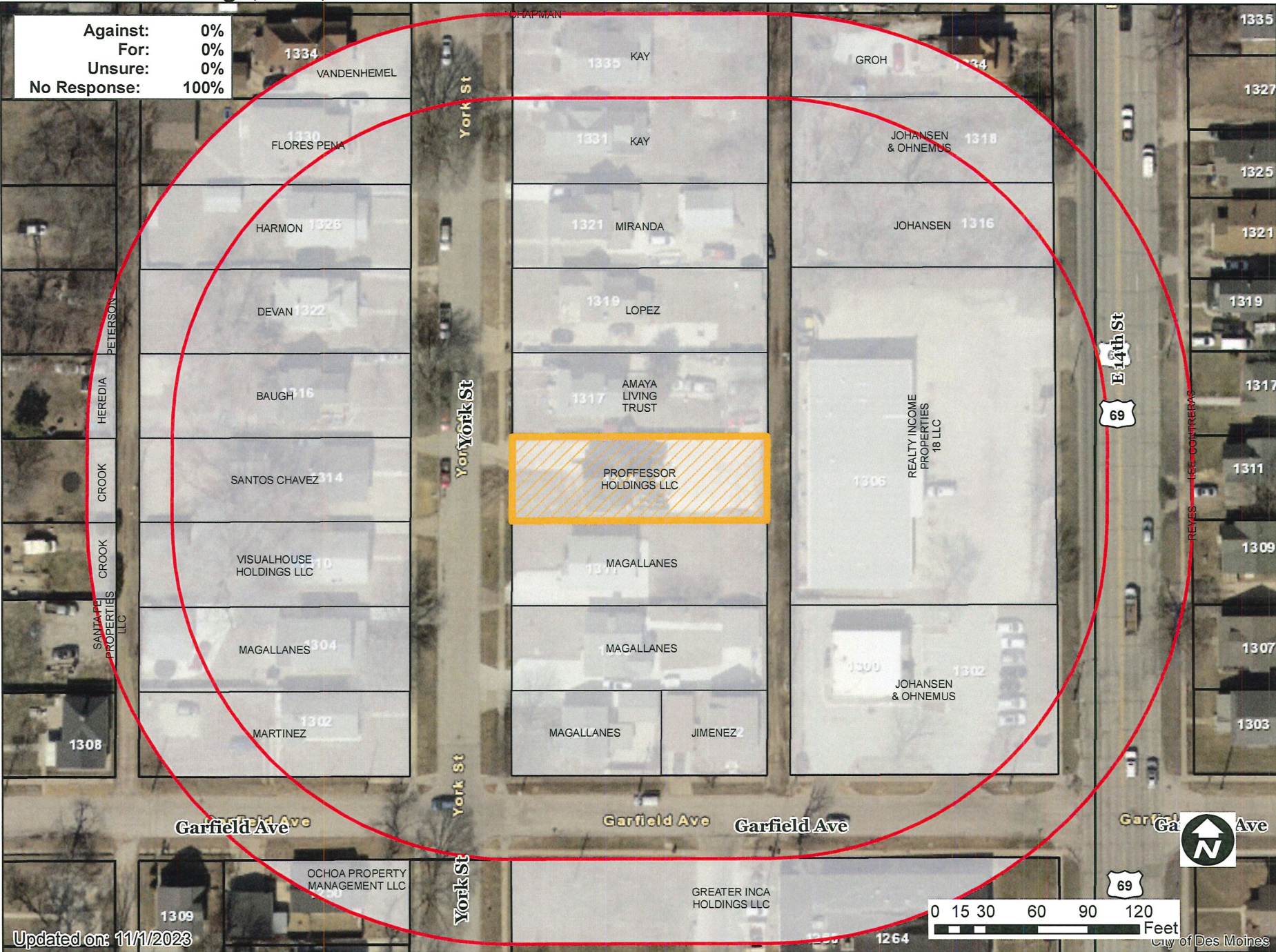
Name/Business: Hung Sam Professor Holdings LLC

Impacted Address: 1315 York St

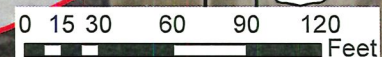
Comments: Expanded parking aims to reduce the
burden of street parking as the front
drive way space is very limited

Professor Holdings, LLC, 1315 York Street

ZONG-2023-000060



Updated on: 11/1/2023



1 inch = 75 feet



1 inch = 75 feet