



Date October 23, 2023

RESOLUTION SETTING PUBLIC HEARING REGARDING REQUEST FROM 621-625 OVID, LLC (OWNER), REPRESENTED BY CLARISSA CORTEZ (OFFICER) FOR THE FOLLOWING REGARDING PROPERTY LOCATED IN THE VICINITY OF 621 OVID AVENUE, TO AMEND PLANDSM CREATING OUR TOMORROW PLAN TO REVISE THE FUTURE LAND USE CLASSIFICATION FROM LOW DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL, AND TO REZONE THE PROPERTY FROM “N5” RESIDENTIAL DISTRICT TO LIMITED “NX2” MIXED USE DISTRICT, TO ALLOW A 3RD DWELLING UNIT WITHIN EACH OF TWO (2) EXISTING DUPLEX STRUCTURE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 5, 2023, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from 621-625 Ovid, LLC (owner), represented by Clarissa Cortez (officer), for the proposed rezoning from “N5” Neighborhood District to Limited “NX2” Neighborhood Mix 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 October 5, 2023, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from 621-625 Ovid, LLC (owner), represented by Clarissa Cortez (officer), to amend the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low Density Residential to High Density Residential; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on October 5, 2023, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from 621-625 Ovid, LLC (owner), represented by Clarissa Cortez (officer), to rezone the Property from “N5” Neighborhood District to Limited “NX2” Neighborhood Mix District, to allow a 3rd dwelling unit within each of two (2) existing duplex structures, subject to the condition that no building shall contain more than three (3) dwelling units.

WHEREAS, the Property is legally described as follows:

THE EAST 37.5 FEET OF LOT 21, BLOCK 4, OAK PARK, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND ALL DRIVEWAY EASEMENT RIGHTS OVER ADJOINING PROPERTY AS SET FORTH IN EASEMENT RECORDED IN BOOK 4433 PAGE 257 OF THE POLK COUNTY, IOWA RECORDS;

AND



Roll Call Number

Agenda Item Number

31

Date October 23, 2023

THE EAST 1/2 OF LOT 20 AND THE WEST 12 1/2 FEET OF LOT 21 IN BLOCK 4 IN OAK PARK, 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 City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on November 6, 2023, at which time the City Council will hear both those who oppose and those who favor the proposals.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED BY _____ TO ADOPT. SECOND BY _____.

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill
Assistant City Attorney

(COMP-2023-000034) (ZONG-2023-000055)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
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

October 16, 2023

Communication from the City Plan and Zoning Commission advising that at their October 5, 2023 meeting, the following action was taken regarding a request from 621-625 Ovid, LLC (owner), represented by Clarissa Cortez (officer), to rezone two (2) parcels located in the vicinity of 621 Ovid Avenue from “N5” Residential District to “NX2” Mixed Use District, to allow a 3rd dwelling unit within each of two (2) existing duplex structure.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 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 “NX2” 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 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, subject to no building containing more than three (3) dwelling units.

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 approval of the request to amend PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from 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, subject to no building containing more than three (3) dwelling units.

STAFF REPORT TO THE PLANNING COMMISSION

1. **Purpose of Request:** The subject property contains two parcels with an existing 2-story duplex in each. The applicant is proposing to add a third unit to each building. The applicant is proposing to rezone the property to the “NX2” District, which would allow the use of the basement to create an additional dwelling unit in each building. The “NX2” Neighborhood Mix District could allow for the property to be used for nine or more units.

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:** 9,912 square feet (0.23 acres).
3. **Existing Zoning (site):** “N5” Neighborhood District.
4. **Existing Land Use (site):** The subject property contains two (2) 2-story buildings with a shared semi-paved driveway between the two parcels and parking area in the back adjoining the east/west alleyway to the north of the subject property.
5. **Adjacent Land Use and Zoning:**
 - North** – “N5”; Uses are one-household residential.
 - South** – “N5”; Uses are one-household residential.
 - East** – “N5”; Uses are one-household residential and multiple household residential.
 - West** – “N5”; Uses are multiple-household residential.
6. **General Neighborhood/Area Land Uses:** The subject property is located along Ovid Avenue within a block west of 6th Avenue. It is immediately adjacent to the 6th Avenue/Euclid Avenue Neighborhood Node. The surrounding area includes a mix of small scale commercial and multiple-household residential along 6th Avenue and a mix of different scaled residential uses in the neighborhood.

7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Oak Park Neighborhood Association and within 250 feet of the Highland Park Neighborhood Association. All neighborhood associations were notified of the public hearing by emailing of the Preliminary Agenda on September 15, 2023 and of the Final Agenda on September 29, 2023. Additionally, separate notifications of the hearing for this specific item were mailed on September 15, 2023 (20 days prior to the public hearing) and September 25, 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 Oak Park Neighborhood mailings were sent to Sherri Rosener, 1206 Oak Park Avenue, Des Moines, Iowa 50313. The Highland Park Neighborhood mailings were sent to Sherri Rosener, 1206 Oak Park Avenue, Des Moines, Iowa 50313.

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 six (6) dwelling units on the 0.23-acre parcels represent a net density of 26.08 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” to “High 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.

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.”

The subject property is located in a relatively dense and walkable neighborhood and within close proximity to the 6th Avenue and Euclid Avenue mixed use corridor. It is located within 250 feet from a DART transit route and bus stop. A Neighborhood Node is centered on the intersection of 6th Avenue and Euclid Avenue. Staff believes the use of the property as two 3-plex buildings specifically 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.”

However, given the size and layout of the site, level of density, and vehicular traffic in the neighborhood, staff believes that any approval of the request should limit the use of the property to three (3) units in any building.

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 though out 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.

Additionally, this zoning district would require a lot tie and limited design alternatives may also be required for a combined site plan.

SUMMARY OF DISCUSSION

Sreyoshi Chakraborty presented the staff report and recommendation.

Johnny Alcivar asked why the recommendation is for “NX2” and not for “N5-4”.

Sreyoshi Chakraborty stated the applicant chose to go with “NX2” due to the greater flexibility on design guidelines the “NX2” District provides.

Jason Van Essen noted “NX2” would allow a Flat building type rather than a House Type D.

Abby Chungath asked what their available parking looks like.

Sreyoshi Chakraborty stated the existing garage would remain as a storage area so no parking would be available there. They do have enough space in the back to provide the 6 off-street parking spaces but will need to be cognizant of the impervious surface area provision.

Abby Chungath asked if they could be back for a Type 2 design alternative.

Sreyoshi Chakraborty stated that is a possibility, but they do have plenty of space to provide the 6 off-street parking spaces. It would all depend on the design and staying within the requirements of impervious area.

Abby Chungath asked if they could utilize on-street parking.

Jason Van Essen stated parking is eligible for administrative waiver and that any available on-street parking would be considered during such review.

Johnny Alcivar asked if parking arrangements can be made since the house to the east has more space in the back.

Jason Van Essen stated that will be reviewed during the site plan stage. If they were to remain separate, there would need to be cross access easements and a recorded parking agreement.

Dominique Lenox, 2131 NW 138th Street, Clive, IA, stated the basements of these houses mirror the footprint of the main floor, so they thought it would be a good opportunity to add additional living space. During their neighborhood meeting, there were concerns around trash collection and parking, which were past issues due to previous management of the property. They were able to soften those concerns during their conversation at the neighborhood meeting and let the neighbors know there will be more active management. They do have plenty of space to provide the required off-street parking spaces. The final design will be determined to suit both the property and ease of access for each tenant. Each unit would have all new plumbing, electrical, and HVAC systems. Foundation repair and new foundation flooring is currently being done.

Abby Chungath asked what the basements are currently used for.

Dominique Lenox stated previously it was used for laundry. Part of their redesign was providing laundry in each unit, so the only thing left in the basement are the utility panels. That access would be secured for management only.

Abby Chungath asked if they've considered radon mitigation for the basement.

Dominique Lenox stated if radon becomes an issue, they will provide mitigation.

CHAIRPERSON OPENED THE PUBLIC HEARING

No one was present or requested to speak.

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

Francis Boggus made a motion for:

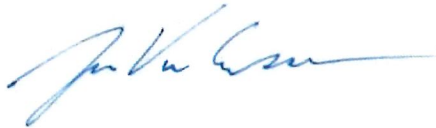
Part A) The requested "NX2" District be found not in conformance with the existing PlanDSM future land use designation of Low Density Residential.

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THE VOTE: 11-0

Respectfully submitted,

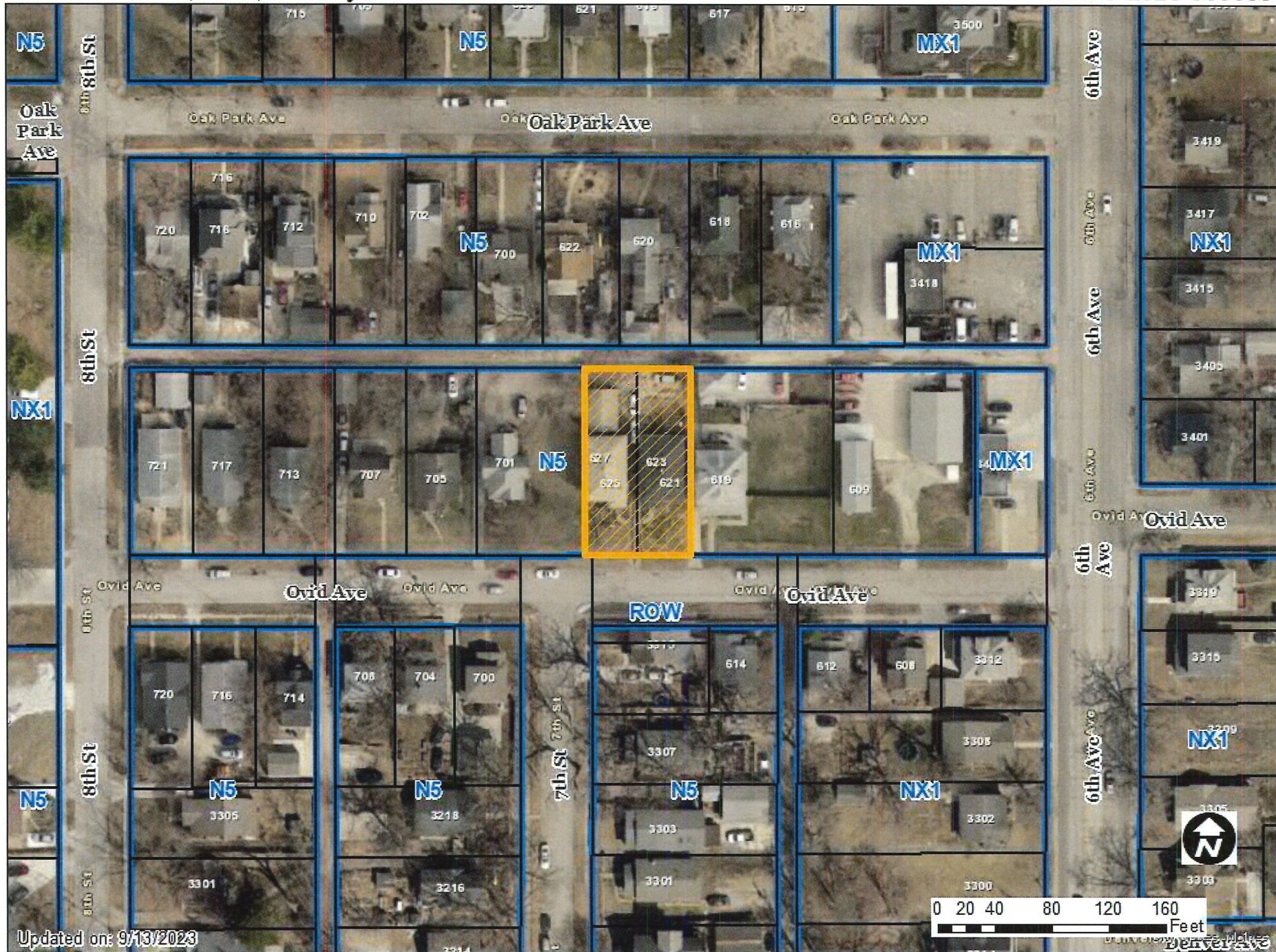


Jason Van Essen, AICP
Planning & Urban Design Administrator

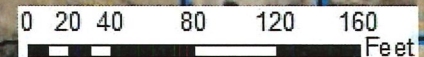
JMV:tjh

621-625 Ovid, LLC, Vicinity of 621 Ovid Avenue

ZONG-2023-000055



Updated on: 9/13/2023



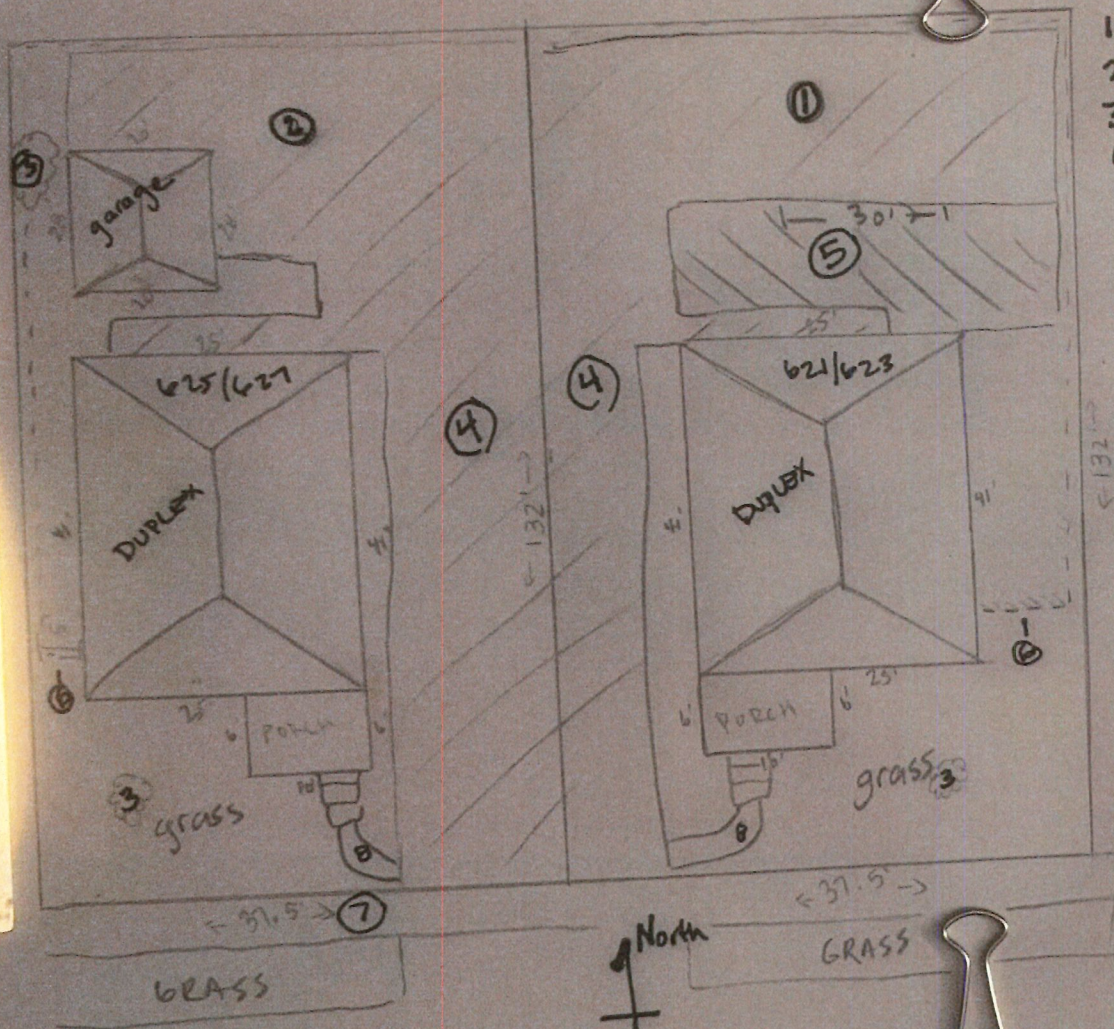
1 inch = 89 feet











1. 600 parcel: 7924 27207019
2. 600 parcel: 7924 27207018
3. shade Trees
4. EXISTING Paved Drive/parking
5. Proposed NEW paved parking
6. EXISTING FENCE
7. SIDEWALK
8. STAIRS TO porch/sidewalk PAVED

From: [Maggie Lenox](#)
To: [Clarissa Cortez](#); [Neighborhood Meeting](#)
Subject: 621 623 625 627 Ovid Rezone Request Neighborhood Meeting
Date: Sunday, September 24, 2023 1:20:39 PM
Attachments: [Community Meeting .pptx](#)

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.

Hi there. I've attached the meeting notice we sent to the list of neighbors you provided. The notices were mailed 9/14/23. The meeting was held at Slow Down on 6th in Highland Park from 6-7pm this past Friday 9/22. 12 neighbors attended and were consistently engaged in the discussion. I've attached a photo of the meeting and a copy of the PowerPoint we provided for viewing.

The project plan and the work already completed were well received. The group in attendance seemed grateful to observe the positive changes after a long history of conflict associated with the properties.

Folks wanted reassurance that the properties would be well managed and maintained, which we were able to confidently provide, as we intend to remain involved. Their other main concerns centered around parking and trash receptacles. We could like to discuss the possibility of a serviced dumpster within the fenced in area behind the house to eliminate the need for 12 individual trash containers. We would also like to review options for parking, hoping to minimize the impact on the neighbors.

Please let us know if you need further information. Thanks so much!



NEIGHBORHOOD MEETING

September 22, 2023

6-7pm

Slow Down Coffee

3613 6th Ave.

Des Moines, IA 50313

This is an open forum neighborhood meeting to discuss the potential rezoning of the properties at 621, 623, 625 and 627 Ovid in the Oak Park Neighborhood of Des Moines. Rezoning is being requested to allow the units to be converted from duplexes to triplexes.

Maggie Lenox
Owner, Pivot Homes

ZONG-2023-000055

Item: _____ Date: Sept 27, 2023

Please mark one of the following:

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

Staff Use Only
RECEIVED
 COMMUNITY DEVELOPMENT
 SEP 29 2023

Titleholder Signature: Jon Peterson

Name/Business: A. Highland Park Fit

Impacted Address: 3420 6th Ave

Comments: L

ZONG-2023-000055

Item: _____ Date: 9-27-2023

Please mark one of the following:

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

Staff Use Only
RECEIVED
 COMMUNITY DEVELOPMENT
 OCT 02 2023

Titleholder Signature: William Witter

Name/Business: WILLIAM WITTER

Impacted Address: 622 OAK PARK AVE

Comments: THERE HAS BEEN A GREAT DEAL OF IMPROVEMENT TO THE PROPERTIES ALREADY AND ADDING A 3RD UNIT WILL NOT HURT THE AREA INVOLVED.

ZONG-2023-000055

Item: _____

Date: _____

Please mark one of the following:

I support the request

I am undecided

I oppose the request

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
SEP 28 2023

Titleholder Signature: Belinda J Parlee

Name/Business: Belinda L Parlee

Impacted Address: 608 Ovid Ave

Comments: The buildings are too small for additional people-parking-trash. Odds of getting six good tenants are low. Property has a history of bad tenants for last 17+ years. We don't need more apartments.

ZONG-2023-000055

Item: _____

Date: 9/27/2023

Please mark one of the following:

I support the request

I am undecided

I oppose the request

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
OCT 02 2023

Titleholder Signature: Dustin R Withers

Name/Business: Dustin R Withers

Impacted Address: 700 Ovid Ave

Comments: I Do Not Support As there IS Not Enough Room for trash, Parking And Common Space for that many tenants. Do Not Approve Please
Dustin Withers

ZONG-2023-000055

Item: _____

Date: 9-27-23

Please mark one of the following:

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

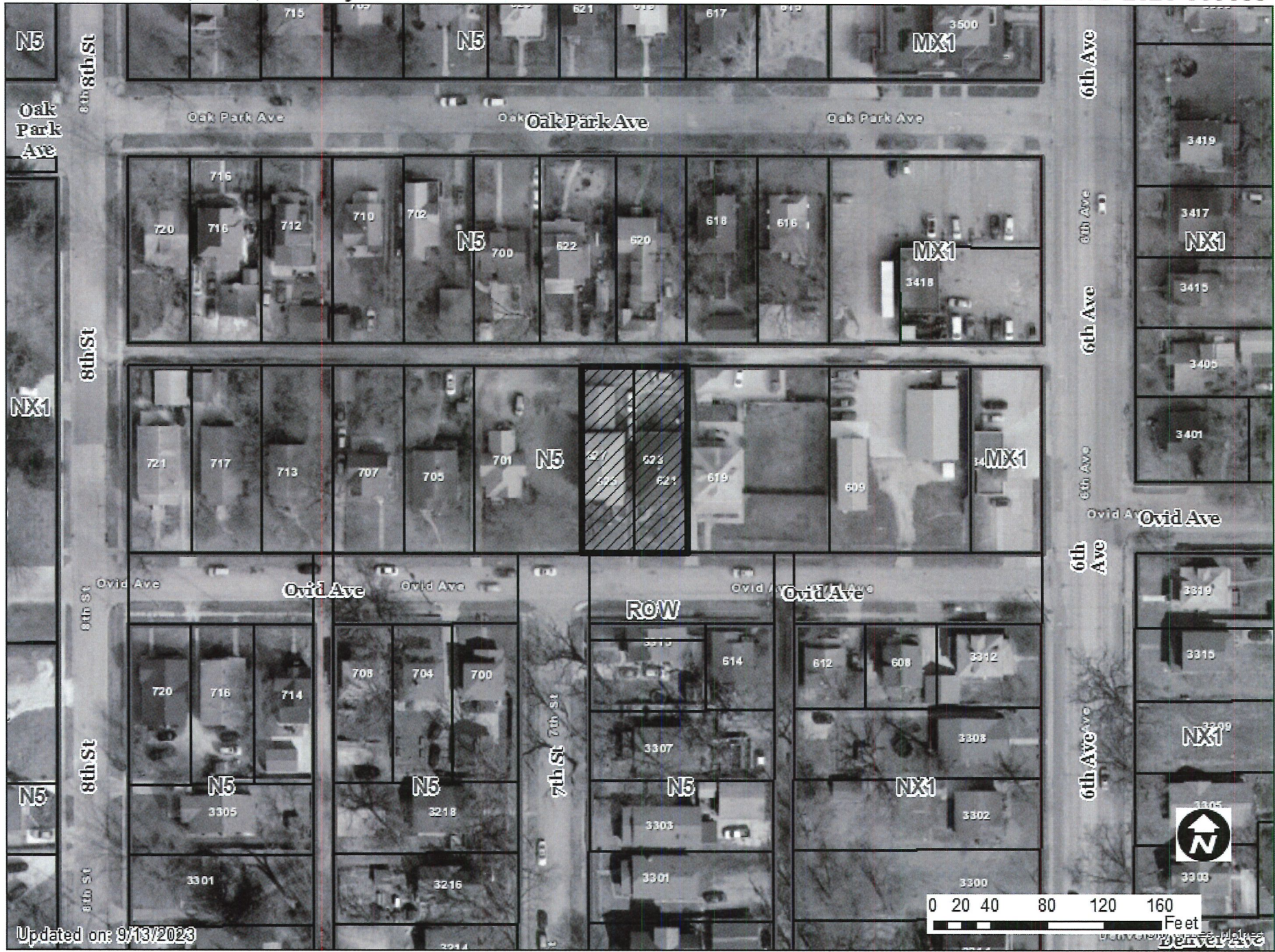
Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
OCT 02 2023

Titleholder Signature: Evelyn Lambert

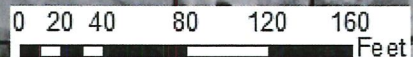
Name/Business: _____

Impacted Address: 3303 7th

Comments: _____



Updated on: 9/13/2023



1 inch = 89 feet