



Date August 5, 2024

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM S&S HOMEBUILDERS, LLC (OWNER), REPRESENTED BY NICK STEPHENSON (OFFICER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE THE PROPERTY LOCATED AT 902 AND 908 31ST STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 20, 2024, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from S&S Homebuilders, LLC (Owner), represented by Nick Stephenson (Officer), for the proposed rezoning from “N5” Neighborhood District to “NX1” 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 June 20, 2024, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from S&S Homebuilders, LLC (Owner), represented by Nick Stephenson (Officer), for revising 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 June 20, 2024, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from S&S Homebuilders, LLC (Owner), represented by Nick Stephenson (Officer), to rezone the Property from “N5” Neighborhood District to “NX1” Neighborhood Mix District, to allow the construction of a residential Row Building; and

WHEREAS, the Property is legally described as follows:

THE SOUTH 42 2/3 FEET OF LOT FIVE (5), BLOCK TWO (2) IN PLEASANT VIEW, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT THE EAST 16 FEET THEREOF. AND AN EASEMENT FOR DRIVEWAY PURPOSES ON THE NORTH 3 2/3 FEET OF LOT 5 (EXCEPT THE EAST 16 FEET) AND THE SOUTH 7 FEET OF LOT 4, BLOCK 2, PLEASANT VIEW.

AND

A PARCEL OF LAND IN LOT SIX (6), BLOCK TWO (2) IN PLEASANT VIEW, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:



Roll Call Number

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Date August 5, 2024

COMMENCING AT THE SW CORNER OF SAID LOT 6; THENCE N00°03'23"E, 30.37 FEET ON THE WEST LINE OF SAID LOT 6, TO THE POINT OF BEGINNING; THENCE CONTINUING N 00°03'23"E, 15.96 FEET ON SAID WEST LINE TO THE NW CORNER OF SAID LOT 6; THENCE N 89°54'49"E, 129.00 FEET ON THE NORTH LINE OF SAID LOT 6 TO THE EXISTING WESTERLY RIGHT OF WAY LINE OF 31ST STREET; THENCE S 00°03'23"W 2. 75 FEET ON SAID EXISTING WESTERLY RIGHT OF WAY LINE; THENCE S 08°10'05"W, 30.88 FEET; THENCE S 84°12'43"W, 75.02 FEET; THENCE N 23°15'43"W, 28.88 FEET; THENCE S 87°19'57"W, 38.63 FEET TO THE POINT OF BEGINNING.; and

WHEREAS, on July 15, 2024, by Roll Call No. 24-0960, 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 August 5, 2024, 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 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 "NX1" Neighborhood Mix District, to allow the construction of a residential Row Building, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.



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MOVED BY _____ TO ADOPT. SECOND BY _____.

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill
Assistant City Attorney

(ZONG-2024-000017) (COMP-2024-000014)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
SIMONSON				
VOSS				
COLEMAN				
WESTERGAARD				
MANDELBAUM				
GATTO				
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

June 24, 2024

Communication from the City Plan and Zoning Commission advising that at their June 20, 2024 meeting, the following action was taken on request from S&S Homebuilders, LLC (owner), represented by Nick Stephenson (officer), for the following regarding a parcel located at 902 and 908 31st Street:

- A) Determination as to whether the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.
- B) Amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification of the property from Low Density Residential to Low-Medium Density Residential.
- C) Rezone property from “N5” Neighborhood District to “NX1” Neighborhood Mix District, to allow the construction of a residential Row Building.

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				
Abby Chungath					X
Kayla Berkson	X				
Chris Draper	X				
Laura Kessel	X				
Todd Garner	X				X
Johnny Alcivar					
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 proposed rezoning be found not in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan, which designates the property as Low Density Residential.

Part B) Approval of the request to amend the PlanDSM future land use designation from Low Density Residential to Low-Medium Density Residential.

Part C) Approval of the rezoning of the property from "N5" Neighborhood District to "NX1" Neighborhood Mix District.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed rezoning be found not in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan, which designates the property as Low Density Residential.

Part B) Staff recommends approval of the request to amend the PlanDSM future land use designation from Low Density Residential to Low-Medium Density Residential.

Part C) Staff recommends approval of the rezoning of the property from "N5" Neighborhood District to "NX1" Neighborhood Mix District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

- 1. Purpose of Request:** The applicant is proposing to construct a Row Building type dwelling comprising two (2) units. The proposed dwellings would front 31st Street and have vehicular access via Crocker Street.

Any future construction or change in use must comply with all applicable site plan and design regulations of the Planning and Design Ordinance (City Code Chapter 135). Furthermore, a Site Plan and building elevations would be required for any future development before the property can be legally occupied by the proposed use.

- 2. Size of Site:** 0.212 Acres (9,235 square feet).
- 3. Existing Zoning (site):** "N5" Neighborhood Mix District.
- 4. Existing Land Use (site):** The subject property consists of one undeveloped parcel. The parcel is currently vacant.

5. Adjacent Land Use and Zoning:

North – “N5” & “P2”; Uses are low-density residential and assembly (religious).

South – “N5”; Uses are State of Iowa right-of-way (Interstate 235), state-owned undeveloped/detention basin land, and low-density residential.

East – “N5”; Uses are low-density residential.

West- “N5”, Uses are low-density residential

- 6. General Neighborhood/Area Land Uses:** The subject property is located on the northwest corner of the intersection of 31st Street and the Interstate 235 interchange. Crocker Street terminates just west of the interchange. The 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 North of Grand and Woodland Heights Neighborhood Associations. All neighborhood associations were notified of the June 20, 2024, public hearing by emailing of the Preliminary Agenda on May 31, 2024, and by mailing of the Final Agenda on June 14, 2024. Additionally, separate notifications of the hearing for this specific item were mailed on May 31, 2024 (20 days prior to the public hearing) and June 10, 2024 (10 days prior to the public hearing) to the Drake Neighborhood Association, the North of Grand Neighborhood Association, the Woodland Heights 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 Services Department on the date of the mailing. The Drake Neighborhood mailings were sent to Courtney Ackerson. The North of Grand Neighborhood mailings were sent to Marshall James. The Woodland Heights Neighborhood mailings were sent to Cameron Gale.

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

- 8. Relevant Zoning History:** NA.

- 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 0.212-acre parcel represent a net density of 9.43 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 has requested the property be rezoned to “NX1” Neighborhood Mix District to allow construction of a two (2)-unit residential building.

PlanDSM designates the subject property as “Low Density Residential”. The proposed “NX1” Neighborhood Mix District is not consistent with this land use designation, which PlanDSM describes 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.

In order for the proposed rezoning to “NX1” District to be in conformance with PlanDSM, the future land use designation must be amended to “Low-Medium Density Residential”. PlanDSM describes this designation 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.

The Zoning Ordinance states that the “NX1” District is intended for a mix of single- and smaller-scaled multiple-household uses and building forms to preserve the scale and character of the existing neighborhood while allowing for new infill housing.

The subject property is located in a relatively dense and walkable neighborhood and on a corner lot on a busier neighborhood street. It is located on a DART transit route and is 0.2 mile from a current DART transit route stop. The subject property is located 0.2 mile from a Community Node centered on the intersection of 35th Street and Ingersoll Avenue, 0.5 mile from a Community Node centered on the intersection of University Avenue and 42nd Street, 0.5 mile from a Neighborhood Node centered on the intersection of 31st Street and Forest Avenue, and 0.6 mile from a Neighborhood Node centered on the intersection of 42nd Street and Chamberlain Avenue. Staff believe the use of the property for a two (2)-unit residential dwelling 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”.

2. **Access and Traffic Circulation:** Given the unique location of the subject property at the interchange with Interstate 235, driveway access would not be allowed from 31st Street. The subject property would be required to orient vehicular access via Crocker Street. The current site sketch from the applicant indicates this orientation would be used. Staff notes that there would likely be enough room for one (1) shared driveway access via Crocker Street.

- 3. Planning and Design Ordinance:** Any construction or change in use must comply with all applicable site plan and design regulations of the Planning and Design Ordinance (City Code Chapter 135).

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

Todd Garner made a motion for approval for the following:

Part A) The proposed rezoning be found not in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan, which designates the property as Low Density Residential.

Part B) Approval of the request to amend the PlanDSM future land use designation from Low Density Residential to Low-Medium Density Residential.

Part C) Approval of the rezoning of the property from “N5” Neighborhood District to “NX1” Neighborhood Mix District.

THE VOTE 11-0

Respectfully submitted,

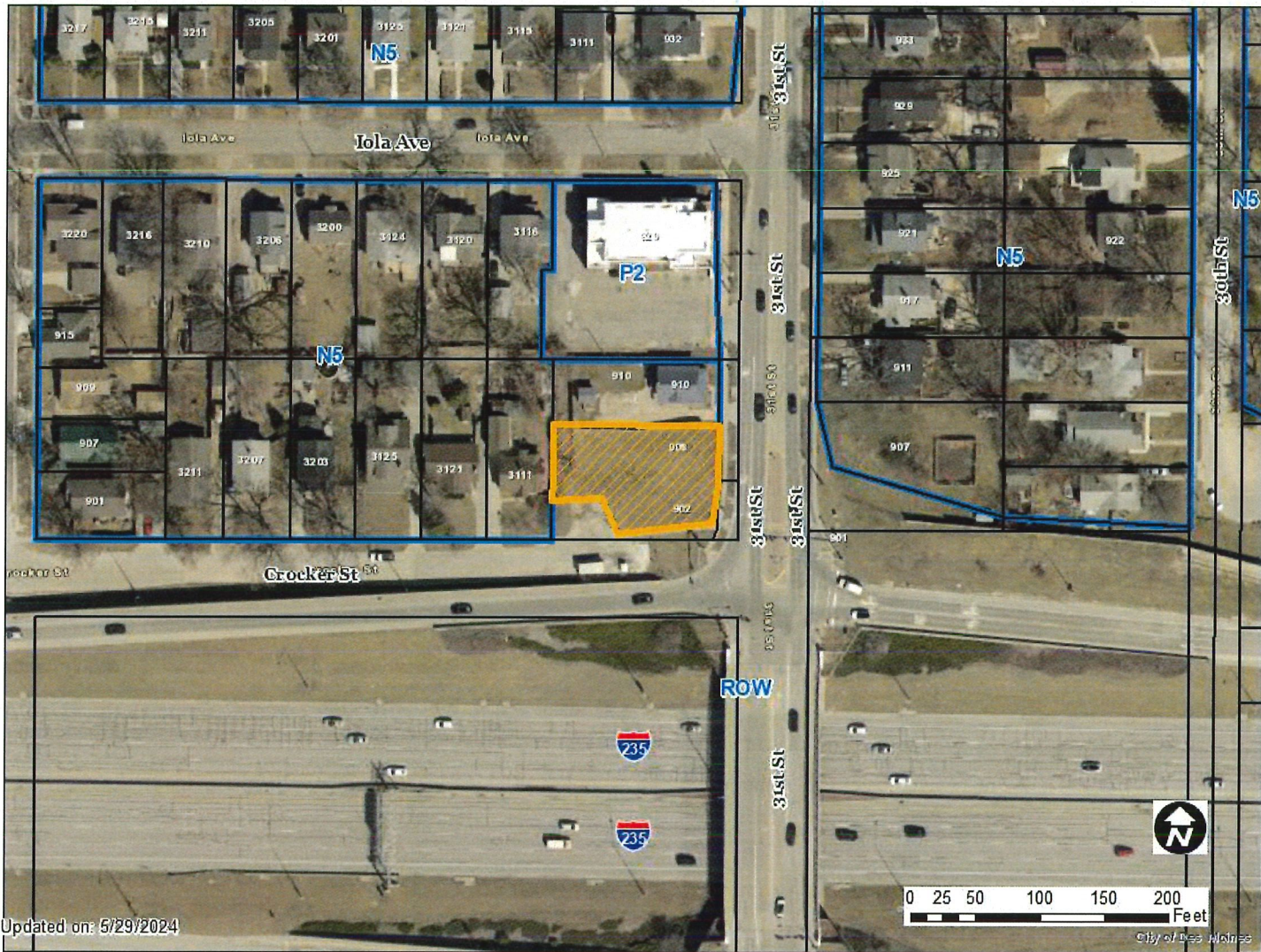


Planning & Urban Design Administrator

JMV:mrw

S&S Homebuilders LLC Vicinity of 902 31st Street and 908 31st Street

ZONG-2024-000017



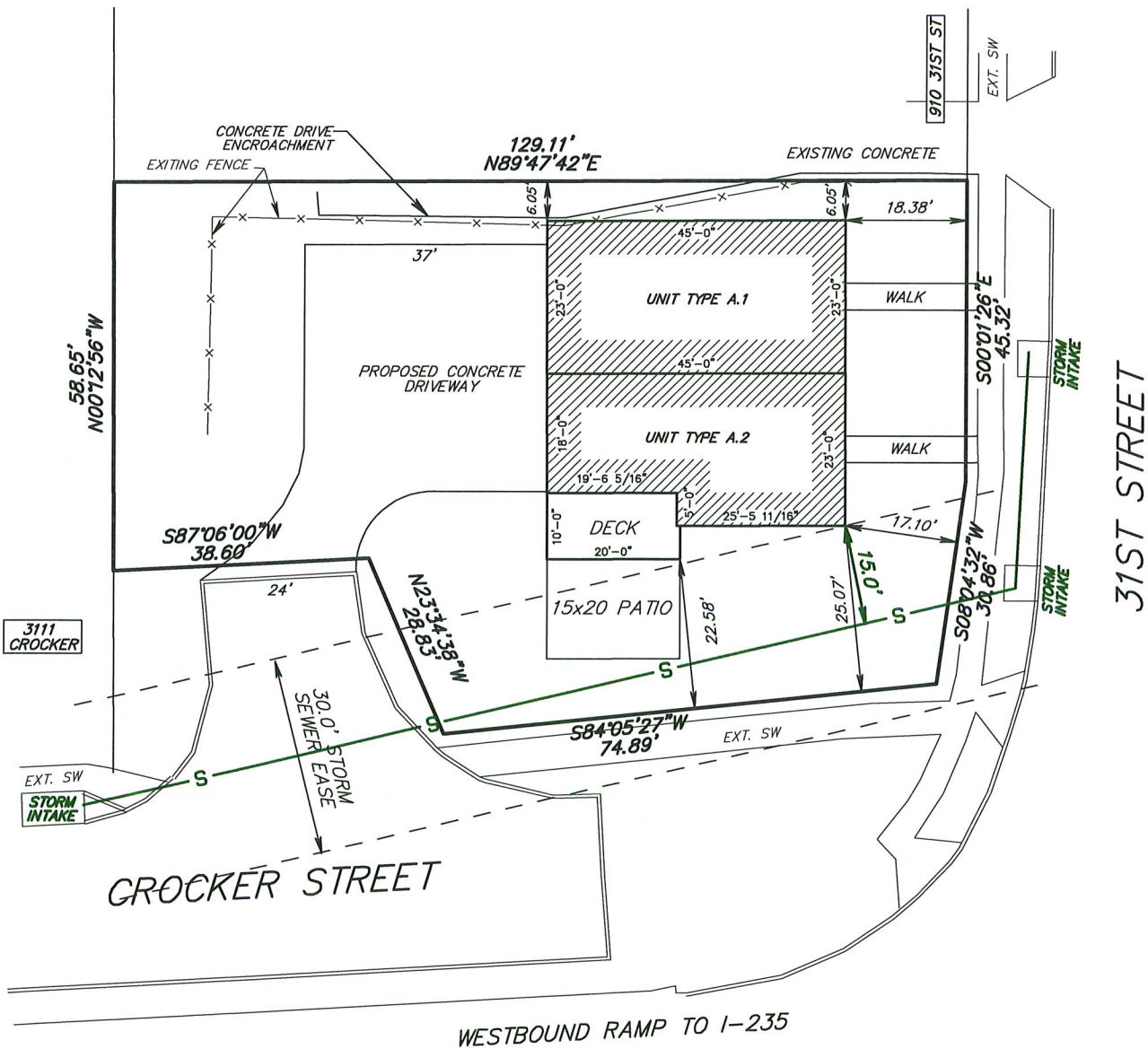
Updated on: 5/29/2024

1 inch = 98 feet

SITE PLAN S & S HOMEBUILDERS, LLC

DESCRIPTION:

-EX E 16F- S 42 2/3F LOT 5 & COM SW COR THN N
30.37F TO POB THN N 15.96F E 129F S 2.75F SW
30.88F SW 75.02F NW 28.88F W 38.63F TO POB LOT 6
BLK 2 PLEASANT VIEW



REVISED JUN 17, 2024
DATE: OCT 12 2023
SCALE: 1"=25'









Neighborhood Meeting Summary

Location: 902 31st St, Des Moines IA 50312

On Monday June 3rd from 3-4PM I held the neighborhood meeting about the project I am proposing at the above address. We had 4 people show up that lived in the neighborhood and had concerns about water control and how the buildings would fit that neighborhood. After a good discussion they were all very happy with the proposed project as this lot has been a nuisance for a while now with over grown weeds and water flowing into neighbors yard. I have encouraged them to reach out with any other questions or concerns they have but haven't heard more from them yet.

Nick Stephenson, S & S Homebuilders

A handwritten signature in blue ink, appearing to read "Nick Stephenson".

Notification of Neighborhood Meeting



Nick Stephenson
1401 50th St #105
West Des Moines IA 50266
515-508-9087
nick.stephenson@cbdsm.com

05/14/2024

Dear Property Owner:

Please be advised that a formal application has been submitted to the City of Des Moines seeking approval of a rezoning for the following described property:

902 31st St, Des Moines IA 50312

The petitioner is asking the City of Des Moines to approve this application to allow the development of 2 brownstone style homes on the described property. These homes will be designed to fit the aesthetics of the neighborhood. The design will be modern with comparable appliances and finishes, thus adding value to an established yet developing community.

In compliance with the rezoning requirements, a Neighborhood Information Meeting will be held to provide you an opportunity to become fully aware of our development intentions and to allow you to ask questions and provide feedback. The Neighborhood Information Meeting will be held on the time, date, and place listed below:

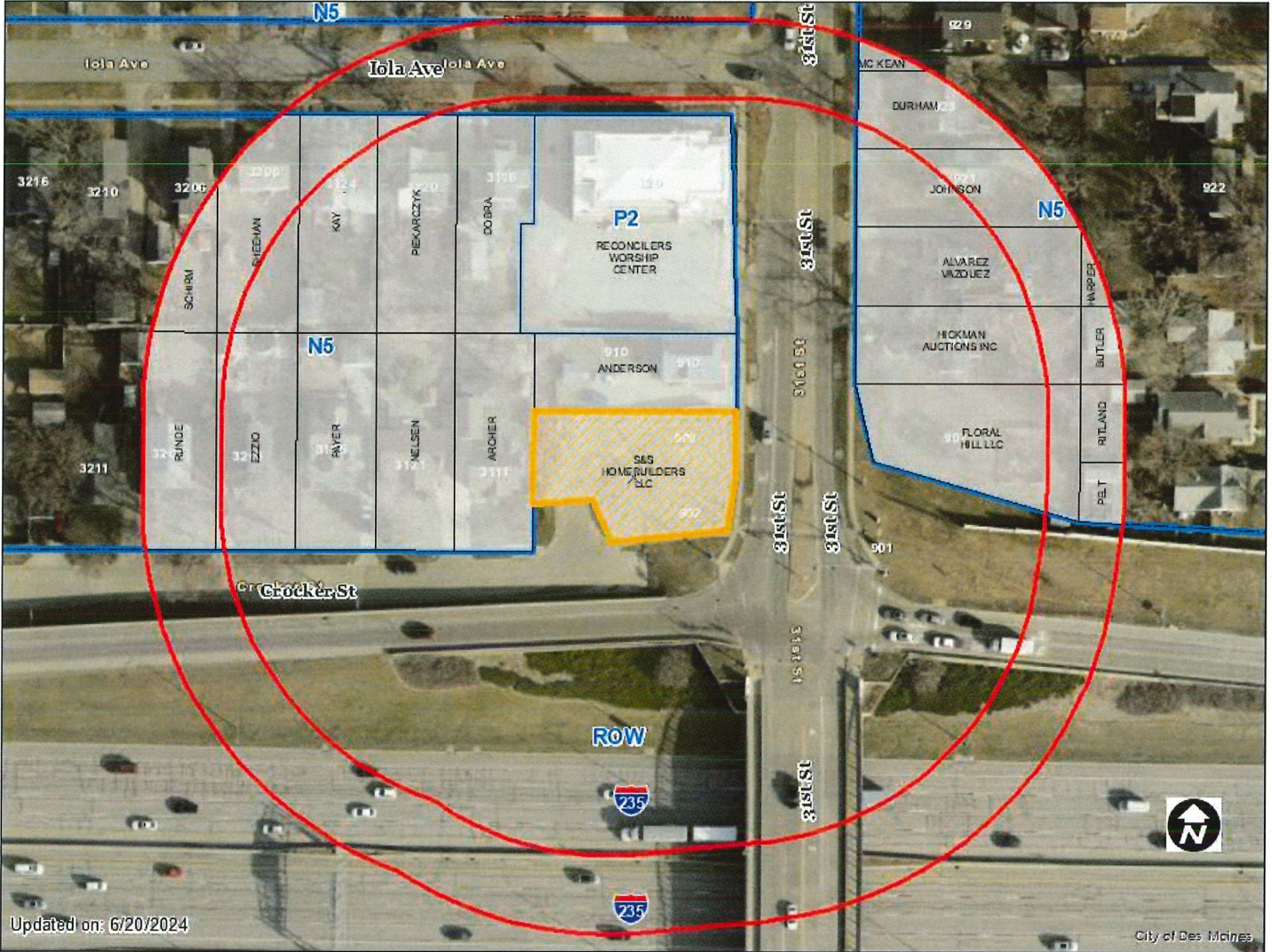
902 31st St, Des Moines IA Monday June 3rd 2024 3-4pm

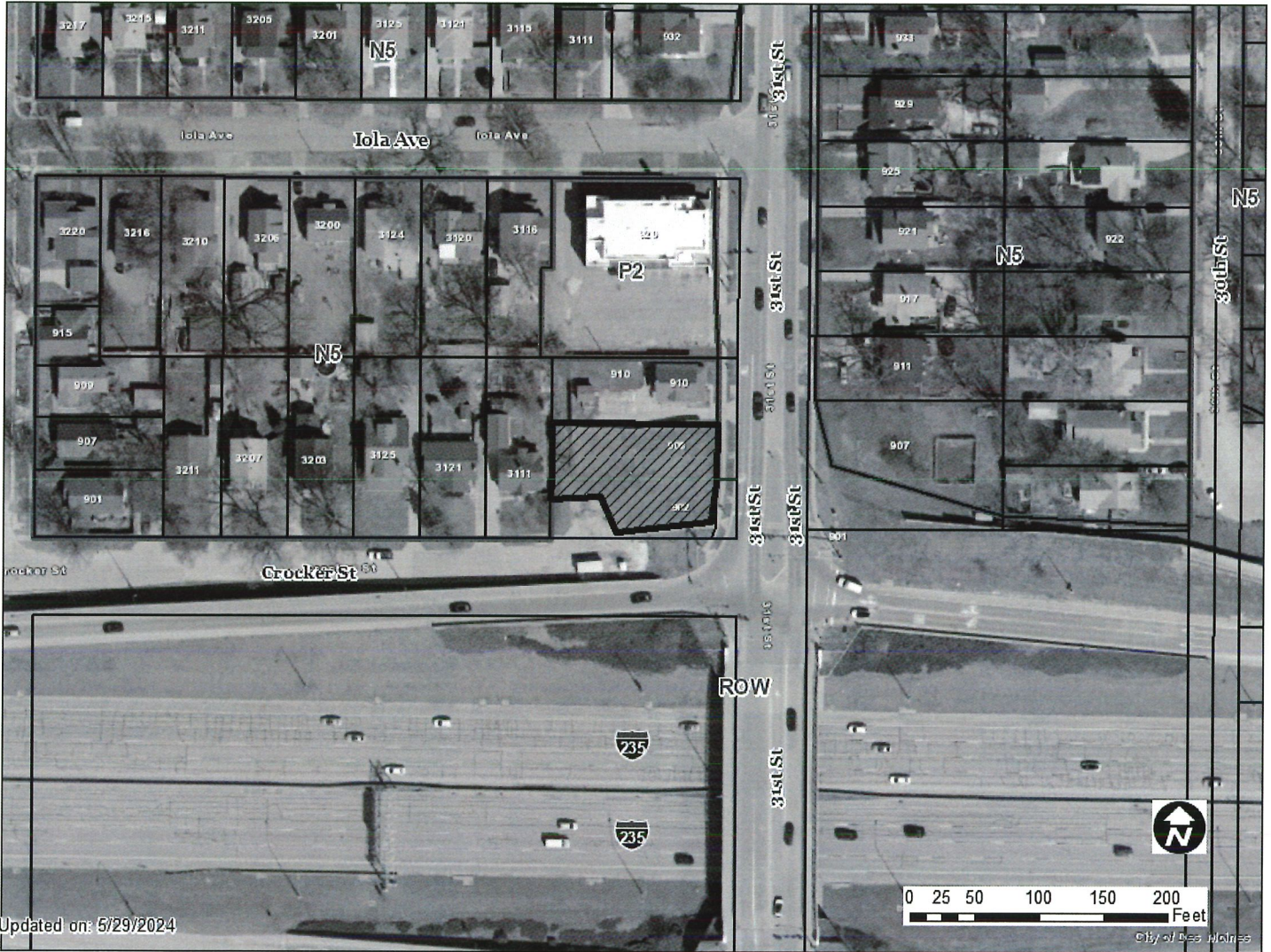
At this meeting, the petitioner will try to illustrate how the property will be developed and answer any questions. Should you have questions before the forum, don't hesitate to get in touch with me.

Sincerely,

S&S Homebuilders LLC Vicinity of 902 31st Street and 908 31st Street

ZONG-2024-000017





Updated on: 5/29/2024

1 inch = 98 feet