



Date October 21, 2024

RESOLUTION SETTING PUBLIC HEARING REGARDING REQUEST FROM JC AM GROUP, LLC (OWNER), REPRESENTED BY JOHN CHENG (OFFICER), FOR PROPERTY LOCATED AT 1419 PENNSYLVANIA AVENUE, TO REZONE THE PROPERTY FROM “N3C” NEIGHBORHOOD DISTRICT TO LIMITED “N3C-2” NEIGHBORHOOD DISTRICT, TO ALLOW REUSE OF THE EXISTING STRUCTURE FOR A DUPLEX USE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 3, 2024, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from JC AM Group, LLC (Owner), represented by John Cheng (Officer), for property located at 1419 Pennsylvania Avenue, for the proposed rezoning from “N3c” Neighborhood District to Limited “N3c-2” Neighborhood District be found 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 3, 2024, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from JC AM Group, LLC (Owner), represented by John Cheng (Officer), for property located at 1419 Pennsylvania Avenue, to rezone the property from “N3c” Neighborhood District to Limited “N3c-2” Neighborhood District, to allow reuse of the existing structure for a duplex use, subject to the following conditions:

1. The site shall be brought into conformance with the Maximum Impervious Area requirements of Chapter 135 to the satisfaction of the Planning and Design Administrator.; and
2. Any driveway in the front yard shall taper to meet the width of the drive approach at the public sidewalk, and in no case shall measure more than 16 feet in width, at any point within the front yard.; and

WHEREAS, the Property is legally described as follows:

LOT 13 IN CAPITAL PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF 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 rezoning is to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposal, shall be held at City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on November 4, 2024, at which time the City Council will hear both those who oppose and those who favor the proposal.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the



Roll Call Number

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Agenda Item Number

23

Date October 21, 2024

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

(ZONG-2024-000029)

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

Date October 21, 2024

Agenda Item 23

Roll Call # _____

October 7, 2024

Communication from the City Plan and Zoning Commission advising that at their October 3, 2024 meeting, the following action was taken on a request JC AM Group, LLC (owner), represented by John Cheng (officer), for the following regarding property located at 1419 Pennsylvania Avenue.

- A) Determination as to whether the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.
- B) Rezone property from “N3c” Neighborhood District to “N3c-2” Neighborhood District, to allow reuse of the existing structure for a duplex use.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 as follows.

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus	X				
Leah Rudolphi	X				
Kayla Berkson	X				
Chris Draper	X				
Laura Kessel	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				
Jane Rongerude	X				

Approval of Part A) proposed rezoning to “N3c-2” Neighborhood District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Low Density Residential.

Part B) Approval of rezoning the subject property from “N3c” Neighborhood District to “N3c-2” Neighborhood District subject to the following conditions:

1. The site shall be brought into conformance with the Maximum Impervious Area requirements of Chapter 135 to the satisfaction of the Planning and Design Administrator.
2. Any driveway in the front yard shall taper to meet the width of the drive approach at the public sidewalk, and in no case shall measure more than 16 feet in width, at any point within the front yard

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed rezoning to “N3c-2” Neighborhood District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Low Density Residential.

Part B) Staff recommends approval of rezoning the subject property from “N3c” Neighborhood District to “N3c-2” Neighborhood District subject to the following conditions:

1. The site shall be brought into conformance with the Maximum Impervious Area requirements of Chapter 135 to the satisfaction of the Planning and Design Administrator.
2. Any driveway in the front yard shall taper to meet the width of the drive approach at the public sidewalk, and in no case shall measure more than 16 feet in width, at any point within the front yard.

STAFF REPORT TO THE PLANNING COMMISSION

GENERAL INFORMATION

1. **Purpose of Request:** The proposed rezoning is necessary for the existing house to be occupied as a duplex. The applicant is proposing to add a second unit within the existing residential structure and has completed renovations to allow the additional dwelling unit. The subject property is currently zoned “N3c” District which only allows one-household dwelling unit. Since the property does not have any records of legal non-conforming zoning rights, it can only be used for a one-household dwelling unless it is rezoned.

Additionally, the applicant has expanded the paved driveway within the front yard to create off-street parking spaces. The property has access through an alley to the east. The back yard is currently fenced off from the alley and fully graveled.

2. **Size of Site:** 50 feet by 215 feet (10,831 square feet or 0.25 acre).
3. **Existing Zoning (site):** “N3c” Neighborhood District.
4. **Existing Land Use (site):** The property contains a one-household residential structure with a paved front yard and a fully semi-pervious backyard with a detached accessory

structure.

5. Adjacent Land Use and Zoning:

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

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

East – “N3c-4”; Use are multiple-household residential.

West – “NX2”; Use are multiple-household residential.

6. General Neighborhood/Area Land Uses: The subject property is located along Pennsylvania Avenue in an area that contains a mix of residential uses and densities, as well as public and institutional uses.

7. Applicable Recognized Neighborhood(s): The subject property is in the Capitol Park Neighborhood. All recognized Neighborhood Associations were notified of the public hearing by email of the Preliminary Agenda on September 13, 2024, and Final Agenda on September 27, 2024. Additionally, an official public notice of the hearing for this specific item was mailed on September 13, 2024 (20 days before the hearing), and on September 23, 2024 (10 days before the hearing), to any Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site or adjacent to the site. All Neighborhood Association mailings are sent to the primary contact designated by the recognized Neighborhood Association on file with the City of Des Moines’ Neighborhood Services Department.

The applicant is required to hold a neighborhood outreach meeting prior to the public hearing and can provide a summary of such at the hearing.

8. Relevant Zoning History: None.

9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation: Low Density Residential.

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 subject property has a future land use designation of “Low Density Residential”. Plan DSM describes the designation 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.

The subject property is currently zoned “N3c” 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-2” 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 “-2” extension, the maximum number of household units permitted per lot is two, pursuant to section 134-3.1.2.”

Staff believes that given the character and diversity of residential uses in this neighborhood and along the Pennsylvania Avenue corridor, a two-household residential use is appropriate in this location so long as the applicant complies with the conditions of approval.

- 2. Planning and Design Ordinance:** Much of the front yard and the perimeter around the house was recently paved. The entirety of the rear yard of the subject property is semi-pervious including gravel and overgrown vegetation. The backyard also includes an accessory building. The Planning and Design Ordinance allows no more than 55% of the site to be impervious and covered by buildings and pavement pursuant to Chapter 135-2.15.3. An additional 15% of semi-pervious surfaces are allowed which can include materials such as pervious pavers, permeable asphalt, permeable concrete, and gravel. Additionally, no more than 25% of the front yard shall be used for driveway and off-street parking purposes from a paved access. The property appears to have exceeded 25% of the minimum pavement allowed in a front yard. Furthermore, the semi-pervious surface in the backyard is over the maximum 15% that is allowed. Excess hard surface increases stormwater runoff and negatively impacts the visual character of a property and the surrounding area. Staff believes that no more than 55% and an additional 15% of the property should consist of impervious surfaces (buildings & pavement) and semi-pervious surfaces respectively and that any excess pavement and gravel should be removed. Some level of relief could be granted through the Design Alternative process if found to be warranted.

SUMMARY OF DISCUSSION

Bert Drost presented staff report and recommendations.

Chris Draper asked about the permeability of the backyard gravel and what changes would need to be made.

Jason Van Essen stated that for this house type, they could have 55% impervious surface and an additional 15% semi-impervious, which would be the gravel. Regardless of impervious totals, only 25% of the front yard can be impervious. He believed that the backyard currently has 30% gravel which is twice as much as they are allowed. The front yard is excessive with the amount of concrete and will need to be removed, which would better reflect the character of the neighborhood.

Chris Draper asked if it is a duplex, where are they to park.

Jason Van Essen stated they could park in the driveway, which connects to the rear yard and can also access the rear yard from the alley.

CHAIRPERSON OPENED PUBLIC HEARING

Jenny Williams, 248 56th Street, stated John Cheng had purchased the property two years ago and is converting the basement to a second unit. They are willing to change the concrete, gravel and landscaping to conform with city code. They have had positive feedback from neighbors. They wish to use this as a duplex for rent.

CHAIRPERSON CLOSED PUBLIC HEARING

COMMISSION ACTION

Will Page wanted confirmation that the property could not be used for commercial uses. Noted how the amount of concrete in the front yard was not in character with the rest of the neighborhood and how it appeared to be a parking lot rather than a driveway.

Johnny Alcivar explained that the property is not zoned or being rezoned for commercial use. The applicant has agreed to make changes with the concrete in the front yard as a zoning condition.

Chris Draper made motion for approval of the following:

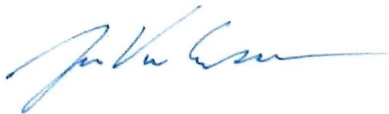
Part A) The proposed rezoning to "N3c-2" Neighborhood District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Low Density Residential.

Part B) Approval of rezoning the subject property from "N3c" Neighborhood District to "N3c-2" Neighborhood District subject to the following conditions:

1. The site shall be brought into conformance with the Maximum Impervious Area requirements of Chapter 135 to the satisfaction of the Planning and Design Administrator.
2. Any driveway in the front yard shall taper to meet the width of the drive approach at the public sidewalk, and in no case shall measure more than 16 feet in width, at any point within the front yard.

THE VOTE 12-0 (Will page was not able to vote due to technical difficulties)

Respectfully submitted,



Jason Van Essen
Planning & Urban Design Administrator

JMV:mrw

JC AM Group, LL 1419 Pennsylvania Avenue

ZONG-2024-000029



Updated on: 9/11/2024

City of Des Moines









From: [郑杰](#)
To: [Chakraborty, Sreyoshi](#); [John Cheng](#); [郑杰](#)
Subject: Re: Neighborhood meeting summary
Date: Saturday, September 14, 2024 4:49:13 PM
Attachments: [image001.png](#)

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.

The meeting was attended by 12 members of the Capitol Park Neighborhood Association, including President Dena Bennett and Treasurer Jon Hanson, as well as John Cheng and two people assisting him, Jenny Williams and David Miller. Williams and Miller explained to the members Mr. Cheng's intended plans for his property at [1419 Pennsylvania Avenue](#), indicating that the house was being used as a duplex when Mr. Cheng purchased it and said that he would like to continue improving the property and to continue its use as a duplex, and was asking for a zoning variance to legally maintain it as a duplex. Ms. Williams explained the background check process potential renters would be subject to in order to lease one of the units. The members were also assured that Mr. Cheng had no intention of operating a bed and breakfast at the location. The only concern, expressed by two members, was the possibility of concrete exceeding the specifications of maximum impermeable surface established by city code. Mr. Cheng agreed that he would not exceed the maximum percentage allowed and would remove excess material that might exist now. The vote among the meeting attendees was unanimous in favor of allowing the variance.

It also should be noted that, of the other Capitol Park Association members whom Ms. Williams contacted by mail and invited to call her with concerns and questions, but who did not attend the meeting, none have, to date, contacted her.

Thank you
John cheng

Chakraborty, Sreyoshi <SChakraborty@dmgov.org>於 2024年9月13日 週五, 上午8:53寫道:

Sorry about that. Yes, you are on track to go before the Commission on Oct 3. Thank you!

SREYOSHI CHAKRABORTY, AICP (She/Her) | CITY OF DES MOINES

Senior City Planner | Development Services

Office: 515-283-4749 Cell: 515-975-6820

[dsm.city](#) | [602 Robert D. Ray Drive](#) | Des Moines, Iowa 50309

From: [Capitol Park](#)
To: [Chakraborty, Sreyoshi](#)
Subject: Rezoning of 1419 Pennsylvania Ave.
Date: Wednesday, September 25, 2024 3:58:21 PM

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 Sreyoshi,

Mr. John Cheng of JC AM Group visited Capitol Park Neighbors for our September meeting to discuss his proposed changes to 1419 Pennsylvania Avenue. Mr. Cheng explained to us that the home on this property is already being used as a duplex but that the property is not currently zoned for such usage.

We support having a duplex at this location provided that the site is updated to conform with all relevant city requirements, especially with regard to the amount of concrete on the property. Mr. Cheng indicated that he was willing to remove some of the concrete in order to come into compliance.

Barring any new information or changes to the plan that was presented to us, we support Mr. Cheng's proposal. His proposal passed with a voice vote of all members present at our September meeting.

Please share this email at the zoning public meeting, and feel free to contact us with any further questions or concerns on this matter. Thank you for your time.

Sincerely,

Dena Bennett
Chair



From: [Matthew Gibbs](#)
To: [Chakraborty, Sreyoshi](#)
Subject: 1419 Penn Ave variance
Date: Thursday, September 19, 2024 3:26:26 PM

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.

Hello Sreyoshi,

I received the attached letter and would like to comment. I'm totally in favor of the variance for the above listed property. I am the owner of 1418 E 9th St in Des Moines, which is a 4 unit multi family conversion.

In my opinion, due to the extreme lack of affordable housing in the city of Des Moines, single family zoning should be COMPLETELY eliminated in the city of Des Moines.

The headlines have made it quite clear that the city council is struggling to get housing for the unsheltered in our community. Changing the single family zoning rules in the city would eliminate the NIMBY excuses that prevails in this and many other cities.

Des Moines is an amazing city that I hope to continue to invest in. If we can eliminate NIMBY and replace with YIMBY (yes in my back yard), then Des Moines can set a fine example for the future with creative solutions for our housing needs.

Thank you for your time
Matthew Gibbs

Item: ZONG-2024-000029

Date: 9-26-2024

Please mark one of the following:

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

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

OCT 1 2024

Titleholder Signature: JC AM Group LLC

Name/Business: _____

Impacted Address: 1419 Pennsylvania Ave

Comments: _____

Item: ZONG-2024-000029

Date: 10-1-2024

Please mark one of the following:

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

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
OCT 9 2024

Titleholder Signature: Margaret Cummings

Name/Business: Margaret Cummings

Impacted Address: 1413 Pennsylvania Ave. DSM, IA 50316

Comments: _____

JC AM Group, LL 1419 Pennsylvania Avenue

ZONG-2024-000029

