

★ **Roll Call Number**

26-0459

Agenda Item Number

41

Date April 6, 2026

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM KENT LEHS (OWNER), FOR PROPERTY LOCATED AT 3820 11TH STREET, TO REZONE THE PROPERTY FROM “N5” NEIGHBORHOOD DISTRICT TO “NX2” NEIGHBORHOOD MIX DISTRICT, TO ALLOW THE CONVERSION OF AN EXISTING ONE-HOUSEHOLD RESIDENTIAL BUILDING TO A GROUP LIVING USE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on March 5, 2026, its members voted 6-5-1 in support of a motion to recommend **DENIAL** of a request from Kent Lehs (Owner), for property located at 3820 11th Street, to rezone the property “N5” Neighborhood District to “NX2” Neighborhood Mix District, to allow the conversion of an existing one-household residential building to a Group Living use and determined the requested rezoning is not in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan; and

WHEREAS, the Property is legally described as follows:

THE NORTH ½ OF LOT 6 IN PETERSON’S ADDITION TO OAK PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

WHEREAS, on March 23, 2026, by Roll Call No. 26-0372, 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 April 6, 2026, 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 proposed rezoning; and

WHEREAS, in accordance with said notice, those interested in said proposed rezoning, 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 rezoning of the Property are hereby overruled, and the hearing is closed.

Alternative A

MOVED by Westergaard to **DENY** the proposed rezoning. Second by Gatto.

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Alternative B

MOVED by _____ to continue the public hearing until April 20, 2026, at 5:00 p.m. in the Council Chambers, 1200 Locust Street, Des Moines, Iowa, and to direct the City Manager and Legal Department to prepare the necessary legislation to **APPROVE** the requested rezoning for Property from "N5" Neighborhood District to "NX2" Neighborhood Mix District, to allow the conversion of an existing one-household residential building to a Group Living use, and determining the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.

Second by _____

(NOTE – APPROVAL REQUIRES SIX VOTES DUE TO OPPOSITION OF GREATER THAN 20% OF RELEVANT PROPERTY OWNERS AND DUE TO THE PLAN & ZONING COMMISSION RECOMMENDING DENIAL)

FORM APPROVED:

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

(ZONG-2026-000003)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
SIMONSON	✓			
VOSS	✓			
BARRON	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

Connie Boesen 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.

Laura Baumgartner City Clerk