



Roll Call Number

25-1443

Agenda Item Number

52C

Date October 20, 2025

RESOLUTION **REMANDING** THE APPLICATION FOR CERTIFICATE OF APPROPRIATENESS
FOR THE PROPERTY LOCATED AT 1917 CENTER STREET TO THE HISTORIC PRESERVATION
COMMISSION FOR RECONSIDERATION

WHEREAS, on August 20, 2025, the Historic Preservation Commission granted an Application from Colbert Properties for a Certificate of Appropriateness subject to conditions for the property located at 1917 Center Street in the Sherman Hill Historic Neighborhood District (Case Number CAHP-2025-000046). The Commission's decision allows for the construction of a new house and garage, subject to the following conditions:

1. Review and approval of the final design by the Planning and Urban Design Administrator.
2. Further study regarding building code compliance of the light well adjacent to the neighboring property.
3. Metal-clad windows are appropriate for use on this new construction project. Review and approval of the finalized window product by the Planning and Urban Design Administrator.
4. All construction shall be in accordance with all Building and Fire Codes, with issuance of any necessary permit by the City's Permit and Development Center.

WHEREAS, Matt Warner-Blankenship, on behalf of the Sherman Hill Association and concerned neighbors, has appealed the Commission's decision to the City Council pursuant to Section 15.459(3) of the Iowa Code and Section 58-31(f) of the Des Moines Municipal Code. He seeks to have the decision reversed or remanded for reconsideration; and

WHEREAS, on September 29, 2025, by Roll Call No. 25-1291, it was duly resolved by the City Council that the Appeal be set down for hearing on October 20, 2025 at 5:00 p.m. in Council Chambers; and

WHEREAS, due notice of the hearing was published in the Des Moines Register on October 8, 2025 and due notice was provided to the appellant and applicant; and

WHEREAS, in accordance with the notice, those interested in the issuance of the Certificate of Appropriateness, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council; and

WHEREAS, Section 15.459(3) of the Iowa Code and Section 58-31(f) of the Des Moines Municipal Code provides that on an appeal from action of the Historic Preservation Commission, "the city council shall consider whether the commission has exercised its powers and followed the guidelines established by law and ordinance and whether the commission's action was patently arbitrary or capricious."



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WHEREAS, in the Appeal, concerns were raised that (1) the Commission did not have all objections and related information during its initial review of the application, and 2. Commission member, York Taenzer, may have a conflict of interest that would prevent him from fully and impartially considering the item.; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

1. The public hearing on the appeal is hereby closed.
2. That pursuant to Iowa Code § 15.459(3) and City Code § 58-31(f), the City Council has considered whether the Historic Preservation Commission exercised its powers and followed the guidelines established by law and ordinance, and whether its action was patently arbitrary and capricious.
3. The City Council hereby REMANDS the Application to the Historic Preservation Commission for reconsideration, for the following reasons:

NOTE: Council may select from one or more of the following reasons, or state other reasons to remand.

- i. ~~Directs Commission Member, York Taenzer, to consult with the Legal Department to determine if an actual or apparent conflict of interest exists;~~
- ii. ~~Directs the Commission to consider additional evidence that was not presented to the Commission and direct Commission member, York Taenzer, to recuse himself from reconsideration of the Application;~~
- iii. Direct Commission member, York Taenzer, to recuse himself from reconsideration of the Application.
- iv. _____

(State other reasons here).



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(Council Communication No. 25-399)

Moved by Mandelbaum to remand the application to the Historic Preservation Commission for reconsideration and direct Commission Member York Taenzer to recuse himself from reconsideration of the application. Make sure the Neighborhood Association is notified of the meeting date and location.

APPROVED AS TO FORM: Second by Gatto.

Emily A. Duffy
Assistant City Attorney

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.

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

MOTION CARRIED

APPROVED

Connie Boesen

Mayor

Laura Baumgartner

City Clerk