



Date April 18, 2022

**RESOLUTION HOLDING HEARING ON REQUEST FROM PPDSM, LLC, TO AMEND
PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY
LOCATED AT 2404 WESTOVER BOULEVARD**

WHEREAS, on April 4, 2022, by Roll Call No. 22-0531, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on March 17, 2022, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from PPDSM, LLC (Owner), represented by Adam Sieren (Officer) to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property located at 2404 Westover Boulevard (“Property”) from Low Density Residential to Neighborhood Mixed Use to allow rezoning to ‘RX1’ Mixed Use District to allow development of a 5-unit townhome; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on March 17, 2022, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from PPDSM LLC (Owner), represented by Adam Sieren (Officer), to rezone the Property from ‘N3b’ Neighborhood District to ‘RX1’ Mixed Use District for the above-stated purpose; and

WHEREAS, on April 4, 2022, by Roll Call No. 22-0531, it was duly resolved by the City Council that the request to amend PlanDSM and to rezone the Property be set down for hearing on April 18, 2022 at 5:00 P.M., in the 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 amendment to PlanDSM and proposed rezoning; and

WHEREAS, in accordance with said notice, those interested in said proposed amendment to PlanDSM and 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; and

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property locally known as 2404 Westover Boulevard, legally described as:

EX BEG SE COR OF N 48F LT 12 THN W 5.44F N 78.81F NE 71.44F TO NE COR OF S 102F LT 11 S 150F TO POB- E 142F S 102F LOT 11 & N 48F E 142F LOT 12 WESTOVER.

from ‘N3b’ Neighborhood District to ‘RX1’ Mixed Use District.

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 to PlanDSM and proposed rezoning of the Property to ‘MX3’ Mixed Use District are hereby overruled, and the hearing is closed.
2. The proposed amendment to PlanDSM: Creating Our Tomorrow Plan to revise the future land use

Date April 18, 2022

classification for the Property from Low Density Residential to Neighborhood Mixed Use is hereby approved.

3. The proposed rezoning of the Property, as legally described above, to 'RX1' Mixed Use District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY _____ TO ADOPT; SECOND. BY _____.

APPROVED AS TO FORM:

Judy K. Parks-Kruse
 Judy K. Parks-Kruse
 Assistant City Attorney

(ZON2022-000015; ZON2022-000016)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

CERTIFICATE

I, P. Kay Cmelik, 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 April 18, 2022
 Agenda Item 52
 Roll Call # _____

March 29, 2022

Communication from the City Plan and Zoning Commission advising that at their March 17, 2022 meeting, the following action was taken regarding a request from PPDSM, LLC (owner), represented by Adam Sieren (officer) to rezone property located at 2404 Westover Boulevard from “N3b” Neighborhood District to “RX1” Mixed-Use District, to allow development of a 5-unit townhome.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dan Drendel	X			
Leah Rudolphi	X			
Dory Briles				X
Abby Chungath				X
Kayla Berkson	X			
Chris Draper	X			
Jann Freed	X			
Todd Garner				X
Johnny Alcivar	X			
Lisa Howard				X
Carolyn Jenison	X			
William Page	X			
Andrew Lorentzen				X
Emily Webb	X			

APPROVAL of Part A) The requested “RX1” 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 the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Low Density Residential to Neighborhood Mixed Use.

Part C) Approval of the request to rezone the property from “N3b” Neighborhood District to “RX1” Mixed-Use District. (ZONG-2022-000015)

Written Responses

1 in Favor

4 in opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested “RX1” 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 the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Low Density Residential to Neighborhood Mixed Use.

Part C) Staff recommends approval of the request to rezone the property from “N3b” Neighborhood District to “RX1” Mixed-Use District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to rezone the subject property to “RX1” District, which would allow redevelopment of the site into 5 townhomes. 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:** 0.47 acres (20,940 square feet).
3. **Existing Zoning (site):** “N3b” Neighborhood District.
4. **Existing Land Use (site):** The site is currently a vacant lot. It previously contained a one-household dwelling unit.
5. **Adjacent Land Use and Zoning:**
 - North** – “N3b”; Uses are single-household residential.
 - South** – “RX1”; Use is a laundromat.
 - East** – “RX1”; Uses are a funeral home with a large parking lot.
 - West** – “RX1”; Use is undeveloped land.
6. **General Neighborhood/Area Land Uses:** The subject property is located just northwest off the intersection of Hickman Road and Westover Boulevard. The surrounding area includes commercial uses along Hickman Road and a low-density residential neighborhood to the north.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Merle Hay Neighborhood Association. All neighborhood associations were notified of the March 17, 2022, public hearing by mailing of the Preliminary Agenda on February 25, 2022 and by mailing of the Final Agenda on March 11, 2022. Additionally, separate

notifications of the hearing for this specific item were mailed on February 25, 2022 (20 days prior to the public hearing) and March 7, 2022 (10 days prior to the public hearing) to the Merle Hay 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 Development Division on the date of the mailing. The Merle Hay Neighborhood mailings were sent to Chris Morse, 3517 52nd Street, Des Moines, IA 50310.

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: The southern portion of the property is designated as Neighborhood Mixed Use and the northern portion of the property is designated as 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 applicant is requesting that the future land use designation for the northern portion of the property be amended from "Low Density Residential" to "Neighborhood Mixed Use". 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.

Neighborhood Mixed Use: Small scale mixed use development typically located at the intersections of collector and/or arterial streets and along transportation corridors. Non-residential development is designed to serve the immediate neighborhood and include small retail, offices, restaurants, and service oriented development. Low-medium density residential (up to 12 units per acre) may be included in mixed use development.

The subject parcel is currently zoned "N3b" District. The Zoning Ordinance describes this district as, "intended to preserve the scale and character of residential neighborhoods developed predominantly during the 1950s through 1970s typically in the ranch, split-level, or cottage style pursuant to House B building type in section 135- 2.14 of this code and House C in section 135- 2.15 of this code."

The applicant is proposing to rezone the parcel to the “RX1” District. The Zoning Ordinance describes this district as, “intended for transitional areas between MX districts and N districts, providing for residential and office buildings at a scale and intensity appropriate for corridors adjacent to low-scale neighborhoods.”

Staff believes the proposed amendment to the comprehensive plan is appropriate, as the subject property is located just to the north of the major Hickman Road corridor. Low-medium density residential uses are appropriate in such areas with mixed use development and serves as opportunities for infill housing and other similar scale uses.

The proposed Neighborhood Mixed Use designation would allow a maximum density of 12 units per acre. Therefore, the 0.47-acre subject property would be allowed to have a maximum of five (5) dwelling units.

2. **Grading & Storm Water Management:** Any grading is subject to an approved grading permit and soil erosion control plan, as well as a Stormwater Pollution Protection Plan (SWPPP) approved by the Iowa DNR.
3. **Nature Features:** The subject property contains a mature tree and scrub trees. Any development of the site must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.
4. **Utilities:** Public storm sewer does not front the property. Public sanitary sewer and water are available along Westover Boulevard.
5. **Urban Design:** If rezoned to “RX1” District, any multiple-household residential use would need to be constructed in accordance with either the Flat A, Flat B, or Row House building type. The conceptual sketch submitted with the application indicates that the applicant is proposing a Row House building type with five (5) dwelling units. Each unit is conceptually designed to be 2 stories in height and have a rear attached 2-car garage.

Staff believes that the subject site would be an appropriate location for Row House development given the proximity to a major arterial corridor, the Merle Hay Neighborhood, available amenities, and existing mixed uses including commercial and residential.

6. **Traffic/Street System:** The submitted site sketch indicates one 5-unit townhome building situated off a common drive with one access located on Westover Boulevard.

Staff notes that a minimum 5-foot-wide sidewalk along all street frontages of the subject property is required.

The subject site is located on Westover Boulevard within 135 feet of Hickman Road, which is currently served by a DART bus line. A bus stop is located in the right-of-way along Hickman Road at the intersection with Westover Boulevard.

The City's Traffic and Transportation Division has indicated that the proposed development will not necessitate any improvements to the surrounding public street. A

traffic study was not required with the rezoning application, as the proposal does not meet the threshold that necessitates a study.

- 7. 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 before the property can be occupied by the proposed use.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

Carolyn Jension made a motion for:

Part A) The requested "RX1" 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 the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Low Density Residential to Neighborhood Mixed Use.

Part C) Approval of the request to rezone the property from "N3b" Neighborhood District to "RX1" Mixed-Use District.

Motion passed: 10-0

Respectfully submitted,



Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh

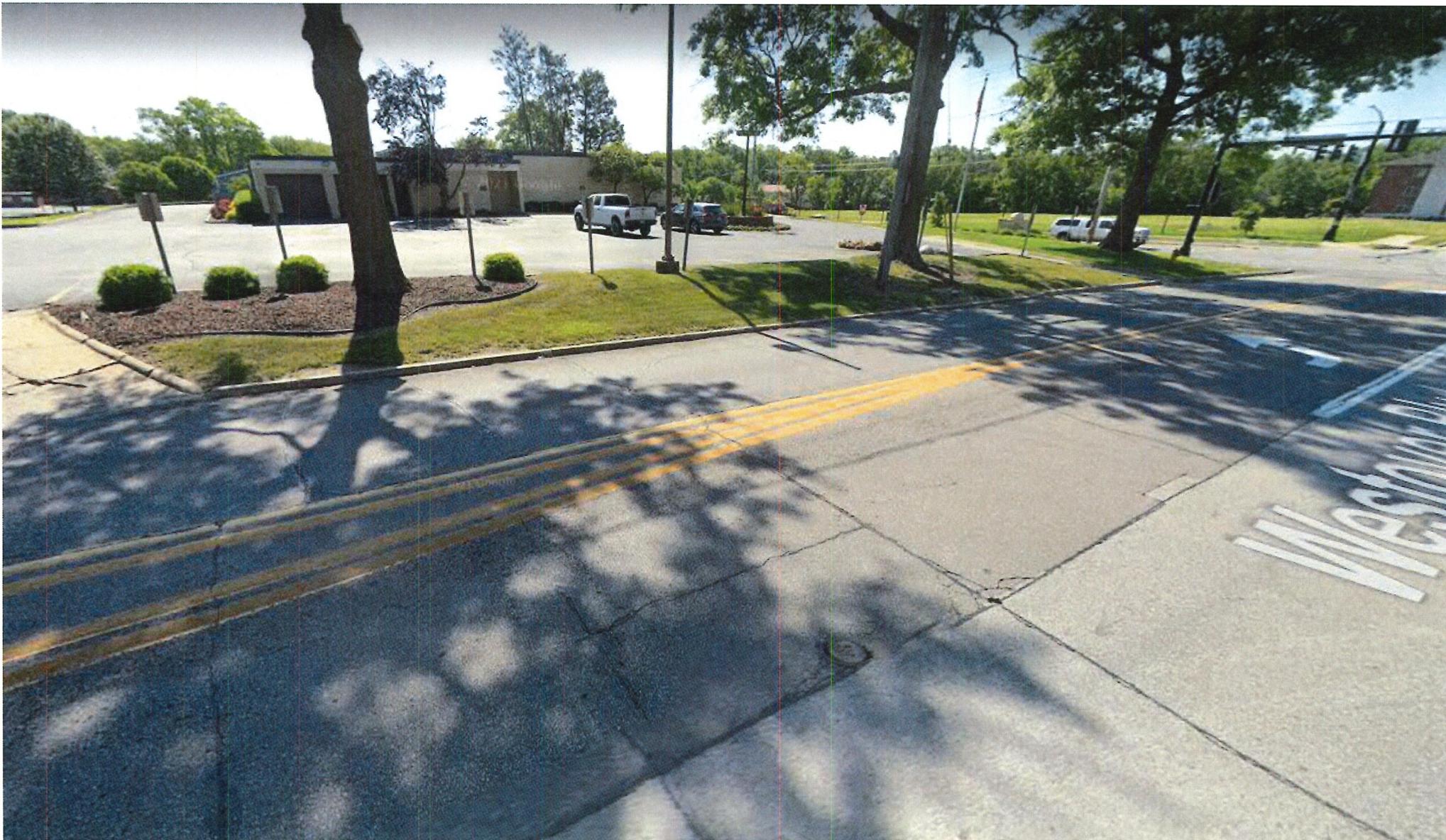


Updated on: 2/25/2022

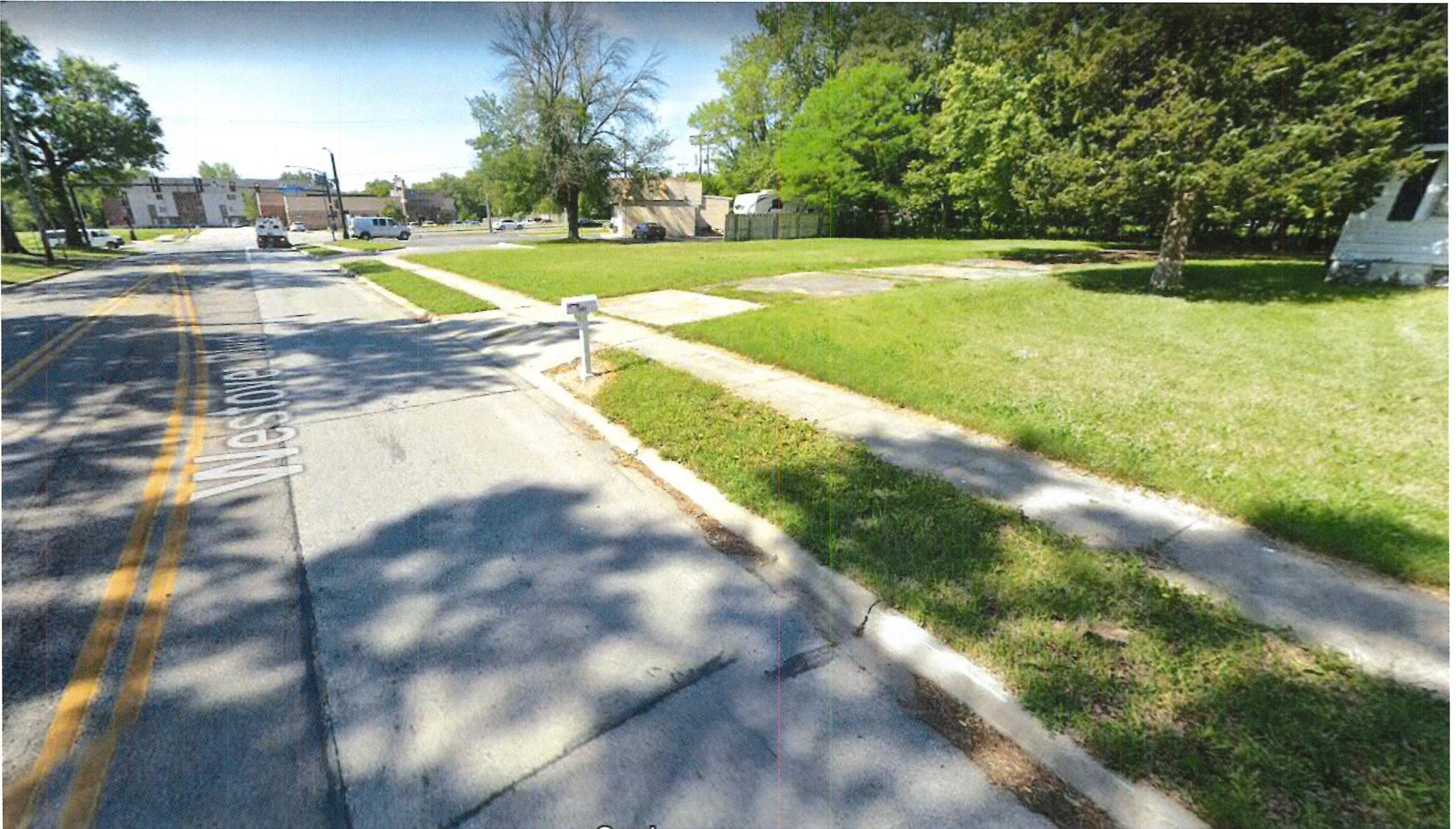
1 inch = 92 feet

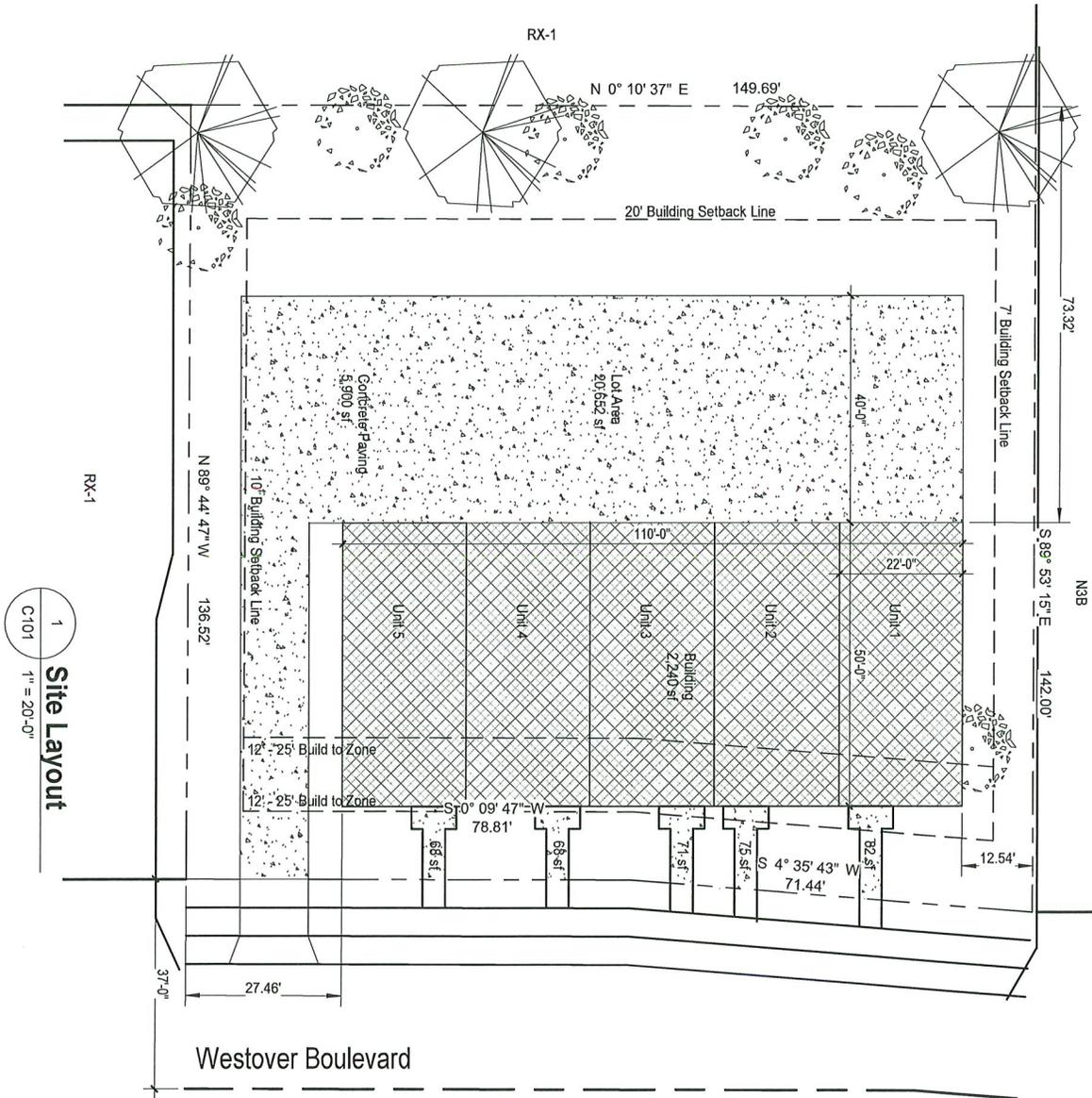












1 Site Layout
C101 1" = 20'-0"

RX-1

SHEET: C101
 TITLE: Proposed Site Layout
 PROJECT NUMBER: 2201C
 2/6/2022 11:28:49 AM

Premier Construction
 Proposed Site Layout
Not For Construction
 2404 Westover Boulevard | Des Moines, Iowa 50322

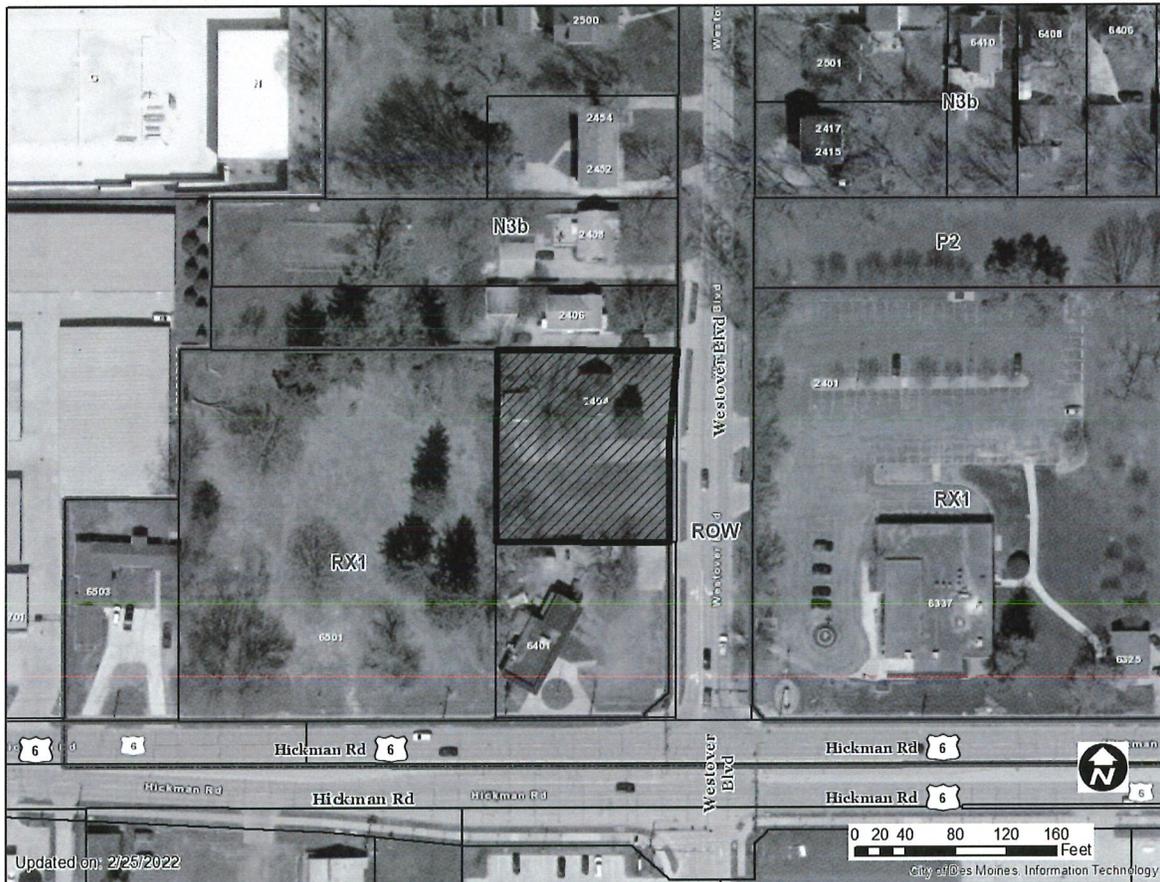
Creative Concepts
 Architecture, PLC
 3013 NE 158th Avenue | Cambridge, Iowa 50046
 515 250 1358
 matt@creativeconceptsarch.com



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PPDSM, LLC, 2404 Westover Boulevard

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1 inch = 92 feet

Chakraborty, Sreyoshi

From: adamsieren <adamsieren@yahoo.com>
Sent: Friday, March 11, 2022 9:56 AM
To: Chakraborty, Sreyoshi; Hall, Tyler J.
Subject: RE: ZONG-2022-000015 and 000016 - 2404 Westover

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.

Meeting notes -Thursday, March 10th.

Margaret Nelson attended the meeting. She is the owner of the home directly to the north of the subject property. She has been in the home since 1952. She didn't express too many concerns other than she would rather not have a privacy fence put up right along her driveway. I told her we could plant some trees to screen the rear drive from her home and she seemed content with that offer.

The neighborhood president was there as well and didn't have any concerns.

The ward council woman was in attendance and she didn't voice any concerns as well.

Let me know if you have any questions, thanks!

Adam

*** This email/reply was sent by mobile phone. Please excuse spelling, lack of punctuation, and brevity. ***

Adam Sieren | Owner | Sales/Estimating
Premier Construction Services
[\(515\) 669-4905](tel:5156694905)
adam@premierconstructiondm.com
www.premierconstructiondm.com

----- Original message -----

From: "Chakraborty, Sreyoshi" <SChakraborty@dmgov.org>
Date: 3/11/22 9:34 AM (GMT-06:00)
To: adamsieren <adamsieren@yahoo.com>, "Hall, Tyler J." <TJHall@dmgov.org>
Subject: RE: ZONG-2022-000015 and 000016 - 2404 Westover

Good Morning Adam,

Thanks for the update. If you could send me a very short summary of what was discussed and/or any questions or topics that came up during your meeting, before the P&Z meeting then I can include it in the staff presentation.

Item: ZONG-2022-000015

Date: 3-9-2022 52

Please mark one of the following

- I am in favor of the request
- I am not in favor of the request

Signature: *Donald Towers*

Name: Donald Towers

Address: 1108 Boone ST Sheldahl IA

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

MAR 16 2022

Reason for opposing or approving this request may be listed below:

Item: ZONG-2022-000015

Date: 3/8/22

Please mark one of the following

- I am in favor of the request
- I am not in favor of the request

Signature: *Lynn Heuss*

Name: Lynn Heuss

Address: 2408 Westover Blvd.

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

MAR 11 2022

Reason for opposing or approving this request may be listed below:

Too many rentals already in the neighborhood.
Many are poorly managed.

Item: ZONG-2022-000015 Date: 3/7/22 52

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
MAR 11 2022

Signature: _____

Name: Jason Schwaninger

Address: _____

Reason for opposing or approving this request may be listed below:

Item: ZONG-2022-000015 Date: 3/8/22

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
MAR 14 2022

Signature: _____

Name: Virgil Hochstetler

Address: 6401 Hickman Rd

Reason for opposing or approving this request may be listed below:

It would devalue my corner lot. It
would eliminate the desirability for
someone to purchase the entire
corner & empty lot to our west

Item: ZONG-2022-000015

Date: _____

Please mark one of the following

- I am in favor of the request
- I am not in favor of the request

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

MAR 16 2022

Signature: Margaret A Nelson

Name: Margaret A Nelson

Address: 2406 Westover Blvd

Reason for opposing or approving this request may be listed below:

I live next door to property listed for zoning change - my biggest concern is the distance between my property & the new dwelling - also if fencing is going to be next to my driveway - Thank you,

