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**Date** March 10, 2025

**RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM PPDSM, LLC (OWNER), REPRESENTED BY ADAM SIEREN (OFFICER), TO REZONE THE PROPERTY LOCATED AT 2005 SOUTHWEST 9<sup>TH</sup> STREET FROM “N5” NEIGHBORHOOD DISTRICT TO LIMITED “N5-2” NEIGHBORHOOD DISTRICT, TO ALLOW REUSE OF THE EXISTING STRUCTURE FOR TWO-HOUSEHOLD RESIDENTIAL DWELLING (DUPLEX)**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on February 6, 2025, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from PPDSM, LLC (Owner), represented by Adam Sieren (Officer), for the proposed rezoning from “N5” Neighborhood District to Limited “N5-2” 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 further advised that at a public hearing held on February 6, 2025, its members voted 13-0 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 “N5” Neighborhood District to Limited “N5-2” Neighborhood District, to allow reuse of the existing structure for two-household residential dwelling (duplex), subject to the following conditions:

1. Any on-site parking shall be paved in accordance with Section 135-6.8.6 of the Des Moines Municipal Code.; and
2. Any use of the Property shall be in accordance with all applicable standards of Des Moines Municipal Code Chapter 135.; and

**WHEREAS**, the Property is legally described as follows:

**LOT 152 IN FIRST PLAT OF CLIFTON HEIGHTS, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.;** and

**WHEREAS**, on February 24, 2025, by Roll Call No. 25-0267, it was duly resolved by the City Council that the request for approval of the proposed rezoning be set down for hearing on March 10, 2025, 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 proposal, 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:

**Date** March 10, 2025

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 are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, from “N5” Neighborhood District to Limited “N5-2” Neighborhood District, to allow reuse of the existing structure for two-household residential dwelling (duplex), subject to the conditions set forth above, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY \_\_\_\_\_ TO ADOPT.

SECOND BY \_\_\_\_\_.

FORM APPROVED:

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

(ZONG-2024-000048)

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 March 10, 2025

Agenda Item 39

Roll Call # \_\_\_\_\_

February 10, 2025

Communication from the City Plan and Zoning Commission advising that at their February 6, 2025 meeting, the following action was taken on a request from PPDSM, LLC (owner), represented by Adam Sieren (officer), for the following regarding property located at 2005 Southwest 9<sup>th</sup> Street:

- A) Determination as to whether the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.
- B) Rezone property from “N5” Neighborhood District to “N5-2” Neighborhood District, to allow reuse of the existing structure for two-household residential dwelling (duplex).

**COMMISSION RECOMMENDATION: 13-0**

After public hearing, the members voted 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 the following:**

Part A) The requested “N5-2” District be found in conformance with the existing PlanDSM future land use designation of Low Density Residential.

Part B) The request to rezone the property from “N5” Neighborhood District to “N5-2” Neighborhood District subject to the following conditions:

1. Any on-site parking shall be paved in accordance with Section 135-6.8.6 of the Des Moines Municipal Code.
2. Any use of the Property shall be in accordance with all applicable standards of Des Moines Municipal Code Chapter 135.

**STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Part A) Staff recommends that the requested “N5-2” District be found in conformance with the existing PlanDSM future land use designation of Low Density Residential.

Part B) Staff recommends approval of the request to rezone the property from “N5” Neighborhood District to “N5-2” Neighborhood District subject to the following conditions:

1. Any on-site parking shall be paved in accordance with Section 135-6.8.6 of the Des Moines Municipal Code.
2. Any use of the Property shall be in accordance with all applicable standards of Des Moines Municipal Code Chapter 135.

**STAFF REPORT TO THE PLANNING COMMISSION**

**I. GENERAL INFORMATION**

1. **Purpose of Request:** The applicant is proposing to rezone the subject property to “N5-2” District to allow reuse of the existing structure for a two-household residential dwelling. The building formerly contained 2 dwelling units but has lost its previous non-conforming use rights since it had been vacant for a period longer than 6 months.

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:** 0.157 acres (6,838 square feet).
3. **Existing Zoning (site):** “N5” Neighborhood District.
4. **Existing Land Use (site):** The site currently houses a residential structure that previously functioned as a duplex.

## 5. **Adjacent Land Use and Zoning:**

**North** – “NX1”; Uses are one-household bi-attached residential units.

**South** – ‘N5”; Uses are one-household residential units.

**East** – “N5”; Uses are one-household residential units.

**West** – “P1”; Uses are Mac Rae Park.

6. **General Neighborhood/Area Land Uses:** The subject property is located at the southeast corner of the intersection of Southwest 9<sup>th</sup> Street and Hillside Avenue. The surrounding area includes a City Park and a mix of mostly one-household dwelling units, with scattered duplex and multiple-household uses.

7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Indianola Hills Neighborhood Association and within 250 feet of the Grays Lake Neighborhood Association. All neighborhood associations were notified of the February 6, 2025, public hearing by emailing of the Preliminary Agenda on January 17, 2025, and the Final Agenda on January 31, 2025. Additionally, separate notifications of the hearing for this specific item were mailed on January 17, 2025, (20 days prior to the public hearing) and January 27, 2025, (10 days prior to the public 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.

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.

8. **Relevant Zoning History:** The subject property previously contained a legal non-conforming use with 2 dwelling units in the “N5” District. As a result of vacancy for a period longer than 6 months, the property has lost its legal non-conforming status.

9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** 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 subject property is designated as “Low Density Residential” on the PlanDSM’s future land use map. PlanDSM 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 “N5” Neighborhood District. The Zoning Ordinance describes this district as, “intended to preserve the scale and character of neighborhoods developed with a mix of bungalow and two-story houses, predominantly in the Victorian, Revival, and Arts and Crafts styles pursuant to House D building type in section 135-2.16 of this code.”

The applicant is proposing to rezone the parcel to the “N5-2” Neighborhood District. For N district locations labeled with a “-2” extension, the maximum number of household units permitted per lot is two, pursuant to section 134-3.1.2 of the City Code. The proposed “N5-2” District is consistent with the Low Density Residential designation since it allows for duplex uses.

Staff believes that this location is suitable for a two-household dwelling (duplex) so long as the existing structure is maintained and conforms to City Code. The subject property is approximately 0.157 acres in size, which is slightly larger than a typical one-household use. Furthermore, the existing structure was previously converted to and operated as a two-household dwelling. However, it became vacant in 2021. A duplex is a more appropriate use given the location of the site and that the cost to restore the home to a one-household use is not economically reasonable.

- 2. Building Code Requirements** Building and site work must comply with accessibility requirements of the ANSI A117.1 standard for accessibility, International Building Code and International Existing Building Code. These codes may require accessible parking, an accessible route from accessible parking to an accessible entrance, accessible means of egress, and accessible routes throughout the building. This building structure may require protection by an automatic sprinkler system in accordance with Chapter 9 of the International Building Code and Des Moines Municipal Code Chapters 26 and 46.
- 3. Planning and Design Ordinance Requirements:** Any site improvements must comply with all applicable site plan and design regulations of the City’s Planning and Design Ordinance. Should the requested rezoning be denied, the existing “N5” Neighborhood District zoning regulations would allow for a maximum of one (1) dwelling unit and the existing structure would have to meet all applicable regulations of the City’s Planning and Design Ordinance.

## **SUMMARY OF DISCUSSION**

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

## **COMMISSION ACTION**

Carolyn Jenison made a motion for approval of the following:

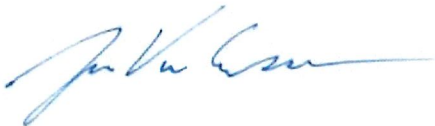
Part A) The requested "N5-2" District be found in conformance with the existing PlanDSM future land use designation of Low Density Residential.

Part B) The request to rezone the property from "N5" Neighborhood District to "N5-2" Neighborhood District subject to the following conditions:

1. Any on-site parking shall be paved in accordance with Section 135-6.8.6 of the Des Moines Municipal Code.
2. Any use of the Property shall be in accordance with all applicable standards of Des Moines Municipal Code Chapter 135.

## **THE VOTE 13-0**

Respectfully submitted,



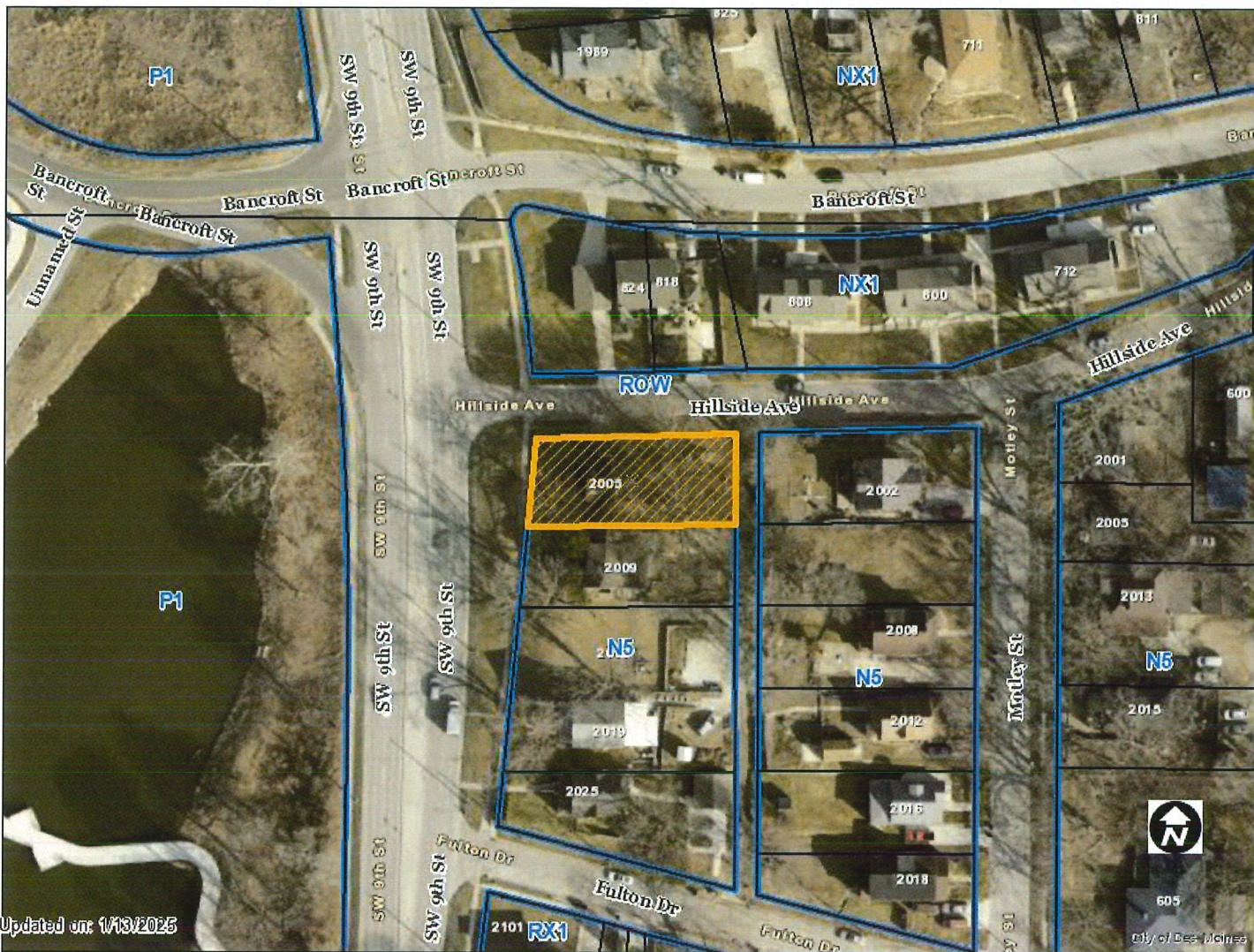
Jason Van Essen

Planning & Urban Design Administrator

JMV:mrw

PPDSM, LLC 2005 Southwest 9th Street

ZONG-2024-000048









Item: ZONG-2024-000048

Date: 1-31-25

Please mark one of the following:

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

Staff Use Only  
**RECEIVED**  
 COMMUNITY DEVELOPMENT  
 FEB 06

Titleholder Signature: \_\_\_\_\_

Name/Business: Indianola Hills Neighborhood Association

Impacted Address: Indianola Hills Neighborhood

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Item: ZONG-2024-000048

Date: 2-1-25

Please mark one of the following:

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

Staff Use Only  
**RECEIVED**  
COMMUNITY DEVELOPMENT  
FEB 06

Titleholder Signature: Carl Combs

Name/Business: COMBS RESIDENCE

Impacted Address: 2019 S.W. 9th St

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Item: ZONG-2024-000048

Date: \_\_\_\_\_

Please mark one of the following:

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

**RECEIVED**  
DEVELOPMENT SERVICES

FEB 10 2025

Titleholder Signature: \_\_\_\_\_

*Dedith P. Phillips*

Name/Business: \_\_\_\_\_

Impacted Address: \_\_\_\_\_

*2009 SW 9th Street  
Des Moines IA*

Comments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Item: ZONG-2024-000048

Date: 2-3-2025

Please mark one of the following:

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

Staff Use Only  
**RECEIVED**  
DEVELOPMENT SERVICES  
FEB 10 2025

Titleholder Signature: Phonda Ortals

Name/Business: Gray's Lake Neighborhood Assoc

Impacted Address: \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

