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Date April 21, 2025

RESOLUTION SETTING PUBLIC HEARING REGARDING REQUEST FROM JOSE ROSALIO MACIAS (OWNER), TO REZONE THE PROPERTY LOCATED IN THE VICINITY OF 6120 INDIANOLA AVENUE (GEO PARCEL # 782426477015) FROM “N1A” NEIGHBORHOOD DISTRICT TO LIMITED “N1A-2” NEIGHBORHOOD DISTRICT, TO ALLOW THE DEVELOPMENT OF THE PROPERTY FOR A TWO-HOUSEHOLD (DUPLEX) RESIDENTIAL USE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 3, 2025, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Jose Rosalio Macias (Owner), for the proposed rezoning from “N1a” Neighborhood District to Limited “N1a-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 April 3, 2025, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Jose Rosalio Macias (Owner), to rezone the Property located in the vicinity of 6120 Indianola Avenue from “N1a” Neighborhood District to Limited “N1a-2” Neighborhood District, to allow the development of the property for a two-household (duplex) residential use, subject to the following conditions:

1. Any driveway and parking area should be paved.
2. Any driveway shall be accessed via East Leland Avenue.; and

WHEREAS, the Property is legally described as follows:

THE EAST 200 FEET OF LOT 92 IN NEW HOPE PLAT 2, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE 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 May 5, 2025, at which time the City Council will hear both those who oppose and those who favor the proposal.

Date April 21, 2025

- That the City Clerk is hereby authorized and directed to cause notice of said proposal in the 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-2025-000002)

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 April 21, 2025
 Agenda Item 25
 Roll Call # _____

April 10, 2025

Communication from the City Plan and Zoning Commission advising that at their April 3, 2025 meeting, the following action was taken on request from Jose Rosalio Macias (owner), for the following regarding a property located in the vicinity of 6120 Indianola Avenue (geo parcel # 782426477015):

- A) Determination as to whether the requested rezoning is in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan.
- B) Rezone the property from “N1a” Neighborhood District to “N1a-2” Neighborhood District, to allow the development of the property for a two-household (duplex) residential use.

COMMISSION RECOMMENDATION: 10-0

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 “N1a-2” District be found in conformance with the existing PlanDSM future land use designation of Low Density Residential.

Part B) Rezone the property from “N1a” Neighborhood District to “N1a-2” Neighborhood District, subject to following conditions:

1. Any driveway and parking area shall be paved.
2. Any driveway shall be accessed via East Leland Avenue.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested “N1a-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 “N1a” Neighborhood District to “N1a-2” Neighborhood District, subject to following conditions:

1. Any driveway and parking area shall be paved.
2. Any driveway shall be accessed via East Leland Avenue.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to construct a new two-household dwelling on the property which requires rezoning the subject property from “N1a” Neighborhood District to “N1a-2” Neighborhood District.
2. **Size of Site:** 19,924 square feet (0.457 acres).
3. **Existing Zoning (site):** “N1a” Neighborhood District.
4. **Existing Land Use (site):** The subject property is vacant.
5. **Adjacent Land Use and Zoning:**
 - North* – “N3a”; Uses are low-density residential.
 - South* – “N3a”; Uses are low-density residential.
 - East* – “N3a”; Use is agricultural.
 - West* – “N3a”; Uses are low-density residential.

6. **General Neighborhood/Area Land Uses:** The subject property is located on the southwestern corner of the intersection of Indianola Avenue and East Leland Avenue. The surrounding area consists of a mix of one-household, townhomes, multiple-household, limited retail commercial, institutional, and agricultural uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Easter Lake Area Neighborhood Association. All neighborhood associations were notified of the public hearing by emailing of the Preliminary Agenda on March 14, 2025, and of the Final Agenda on March 28, 2025.

Additionally, an official public notice of the hearing for this specific item was mailed on March 14, 2025 (20 days before the hearing), and on March 24, 2025 (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 can 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:** Low Density Residential within a Neighborhood Node centered on Indianola Avenue and East Army Post Road.

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 future land use designation of the subject property is "Low Density Residential". PlanDSM describes this 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 parcel is currently zoned "N1a" District. The Zoning Ordinance describes this district as, "intended for large lots for mostly single-household residential houses with a more flexible building form pursuant to House A building type in section 135-2.13 of this code."

The applicant is proposing to rezone the parcel to the “N1a-2” District. The Zoning Ordinance describes this district extension as, “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 of this chapter. Refer to the building type regulations in Article 2 of chapter 135 of this code for the permitted building types and configuration of the units within the building type.”

The subject property is located in a predominantly residential neighborhood. Staff believes the use of the property for a two-household dwelling supports PlanDSM’s Housing Objective #1 which states, “Ensure an adequate supply of housing through a mix of new development, infill development, and redevelopment of existing properties.” and Housing Objective #17 which states, “Encourage the use of existing public infrastructure by focusing housing development on infill, vacant, and under-developed land.”

2. **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 and approval before the property can be occupied by the proposed use. This Site Plan would ensure that all requirements, including those pertaining to off-street parking, landscaping, screening, and stormwater management, are satisfied.

Once the applicant has submitted a formal Site Plan application, staff would conduct a full review. A quick analysis of the rezoning concept illustration provided by the applicant has identified a few elements that do not conform to Chapter 135 and may require Type 2 Design Alternatives from the Plan and Zoning Commission. These may include, but are not limited to, the following possible Design Alternatives:

- reduction of minimum lot width requirement for a 2-unit dwelling; and
- reduction of minimum rear setback and/or minimum front setback/averaging.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION

Emily Webb made a motion for approval of the following:

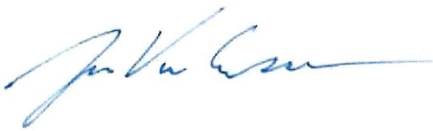
Part A) The requested "N1a-2" District be found in conformance with the existing PlanDSM future land use designation of Low Density Residential.

Part B) Rezone the property from "N1a" Neighborhood District to "N1a-2" Neighborhood District, subject to following conditions:

1. Any driveway and parking area shall be paved.
2. Any driveway shall be accessed via East Leland Avenue.

THE VOTE: 10-0 (Carolyn Jenison had not yet arrived)

Respectfully submitted,



Jason Van Essen

Planning & Urban Design Administrator

JMV:mrw

Jose Rosalio Macias Vicinity of 6100 East Indianola Avenue

ZONG-2025-000002





Mar 18, 2025 12:05:27 PM
6120 Indianola Avenue
Des Moines
Polk County
Iowa



Mar 18, 2025 12:06:09 PM
2150 East Leland Avenue
Des Moines
Polk County
Iowa





Neighborhood Meeting Summary

On February 26th the invitation letters were sent to all neighbors on the list provided by the City of Des Moines. Attached is the letter that it was sent to each of them, attached is a picture as to how the envelop looked from the outside.

The meeting was scheduled on Thursday 03/13/2025 from 5:30 p.m. to 6:30 p.m. Neighbors were encouraged to stop by anytime between this time.

The meeting location was in the Southside Public library 1111 Porter Avenue. Des Moines, IA 50315. There was a room reserved for the meeting. Please see attached copy of the receipt for the confirmation from the Public Library of Des Moines.

On Thursday 03/13/2025 at 5:30 p.m. The buyer's agent (Sherry Sadler) and I (Julia Mena Seller's agent) were ready with material to share in the meeting, see attached pictures. We waited the whole hour, however, nobody showed up.

Sherry Sadler only had a few questions asked via phone by one of the neighbors. Nonetheless, that was a few days prior to the meeting.

No further communication has occurred with anybody else.

Tuesday, February 24, 2025

Dear Neighbor _____ You are cordially invited to a meeting concerning the rezoning of a nearby neighboring property.

Who? The meeting will be held by Julia Mena and Sherry Sadler (Representing owner at 6120 E Indianola Ave)

What? To discuss rezoning of property mentioned above.

Where? South Side Public Library Meeting Room.
1111 Porter Avenue
Des Moines, IA 50315

When? Thursday March 13th
5:30 p.m. – 6:30 p.m.
Feel free to come anytime during this hour.

Why? Request is being made for potential buyers to build a duplex.

We would truly appreciate if you could attend this important meeting for you to express your suggestions and concerns.

Thank you,

Julia Mena
Realtor
RE/MAX Concepts
515-388-2164

Sherry Sadler
RE/MAX Concepts
515-971-2381

Jim Ballard
4007 SE 26th St
Des Moines, Ia 50320

PLEASE DO NOT DISCARD
Information Regarding rezoning
Of neighboring property



OPEN HOUSE- CONTACT INFORMATION

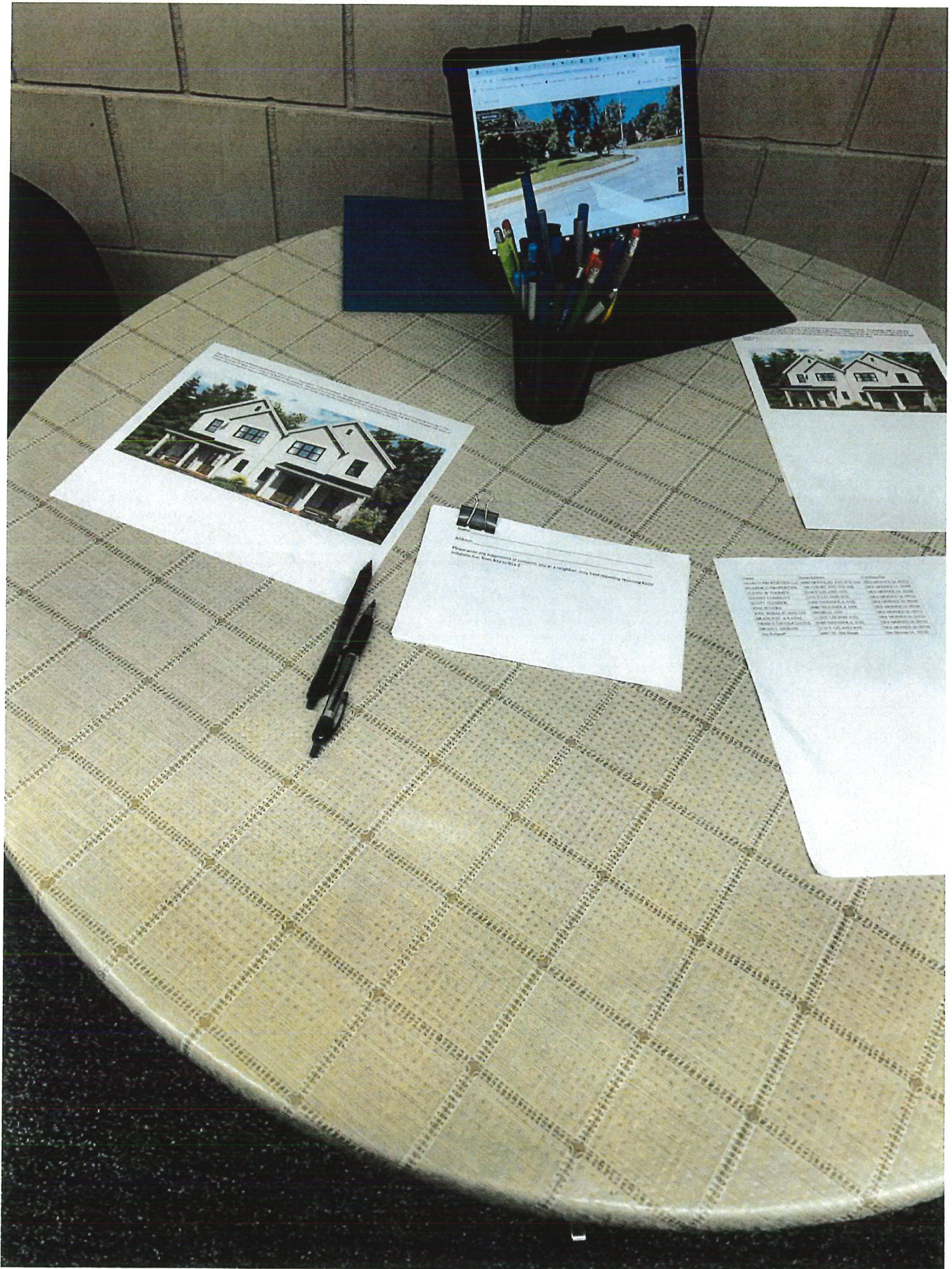
**NAME:
PHONE NUMBER#
E-MAIL ADDRESS:
AGENT'S NAME:**

**NAME:
PHONE NUMBER#
E-MAIL ADDRESS:
AGENTS NAME**

**NAME:
PHONE NUMBER#
E-MAIL ADDRESS:
AGENT'S NAME**

**NAME:
PHONE NUMBER#
E-MAIL ADDRESS:
AGENT'S NAME**







Gmail

public



99+

Compose



Mail

Inbox

2,890

Approved reservation: SS-4237 RE-MAX Realty

External Inbox x



Starred

Summarize this email

Chat

Snoozed



Des Moines Public Library <libraryrooms@dmpl.org>

Meet

Sent

to me

Drafts

39

More

Labels

Hello Julia Mena,

Each room has tables and chairs available for use, which may be manipulated to suit your needs. At the end of the meeting, make sure all tables and chairs are returned to the room's original configuration. No cleaning supplies are provided.

Our system recorded a payment of \$20.00 on 02/26/2025.

You do not need to confirm your reservation at this time. You may [cancel your reservation](#) if needed.

Thank you,
Des Moines Public Library

This message was sent because you reserved a room at Des Moines Public Library

Reply Forward

Item: ZONG-2025-000002

Date: 3-30-2025

Please mark one of the following:

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

Staff Use Only
RECEIVED
DEVELOPMENT SERVICES
APR 7 2025

Titleholder Signature: Brian Suran

Name/Business: _____

Impacted Address: 2150 E. Leland Ave

Comments: Single Family Dwelling only

Jose Rosalio Macias Vicinity of 6100 Indianola Avenue

ZONG-2025-000002

