



Date September 29, 2025

**RESOLUTION SETTING HEARING ON REQUEST FROM LEGACY 515, LLC
(OWNER), REPRESENTED BY ADAM METZKER (OFFICER) TO AMEND
PLANDSM TO REVISE THE FUTURE LAND USE DESIGNATION AND TO REZONE
THE PROPERTY LOCATED AT 520 35TH STREET**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 18, 2025, its members voted 9-0 in support of a motion finding the requested rezoning for Property located at 520 35th Street is not in conformance with the existing PlanDSM future land use designation of High Density Residential within a Community Node; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 18, 2025, its members voted 9-0 in support of a motion to recommend **APPROVAL** of a request from Legacy 515, LLC (Owner), represented by Adam Metzker (Officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for Property located at 520 35th Street from High Density Residential within a Community Node to Community Mixed Use within a Community Node; to rezone the Property from “NX3” Neighborhood Mix District to “RX2” Mixed Use District, to allow use of the property for small scale office and commercial uses, and determined the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan:

WHEREAS, the Property is legally described as follows:

THE SOUTH 70 FEET OF LOT 31 IN THE OFFICIAL PLAT OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., 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 communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed amendment to PlanDSM Creating Our Tomorrow comprehensive Plan and proposed rezoning are 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 5:00 p.m. on October 20, 2025 in the Council Chambers, City Hall, 400 Robert D. Ray, Drive, Des Moines.
3. 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.



Roll Call Number

Agenda Item Number

24

Date September 29, 2025

MOVED BY TO ADOPT.

SECOND BY

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill

Assistant City Attorney

(ZONG-2025-000022) (COMP-2025-000016)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT	<div>CERTIFICATE</div> <div>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.</div> <div>IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.</div> <div>_____ City Clerk</div>
BOESEN					
SIMONSON					
VOSS					
COLEMAN					
WESTERGAARD					
MANDELBAUM					
GATTO					
TOTAL					
MOTION CARRIED					
_____ Mayor					

September 22, 2025

Communication from the City Plan and Zoning Commission advising that at their September 18, 2025 meeting, the following action was taken on request from Legacy 515, LLC (owner), represented by Adam Metzker (officer), for the following regarding property located at 520 35th Street:

- A) Determination as to whether the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.
- B) Amend the PlanDSM Creating Our Tomorrow Comprehensive Plan to revise the future land use classification of the property from High Density Residential within a Community Node to Community Mixed Use within a Community Node.
- C) Rezone property from "NX3" Neighborhood Mix District to "RX2" Mixed Use District, to allow use of the property for small scale office and commercial uses.

COMMISSION RECOMMENDATION: 9-0

After public hearing, the members voted as follows:

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus	X				
Leah Rudolphi	X				
Chris Draper	X				
Laura Kessel					X
Todd Garner	X				
Johnny Alcivar	X				
Carolyn Jenison					X
William Page	X				
Andrew Lorentzen	X				
Emily Webb					X
Katie Gillette					X
Rick Trower					X
Jane Rongerude	X				
John Erpelding	X				

Approval made motion for the following:

Part A) The requested rezoning be found not in conformance with PlanDSM: Creating Our Tomorrow Comprehensive Plan.

Part B) Amending PlanDSM to revise the future land use classification for the subject property from High Density Residential within a Community Node to Community Mixed Use within a Community Node.

Part C) Rezoning the subject property from “NX3” Neighborhood Mix District to “RX2” Mixed Use District.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested rezoning be found not in conformance with PlanDSM: Creating Our Tomorrow Comprehensive Plan.

Part B) Staff recommends approval of the requested amendment to PlanDSM to revise the future land use classification from High Density Residential within a Community Node to Community Mixed Use within a Community Node.

Part C) Staff recommends approval of the requested rezoning from “NX3” Neighborhood Mix District to “RX2” Mixed Use District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

- 1. Purpose of Request:** The applicant is proposing to reuse the existing building for a commercial use (such as an office or a hair salon) or for an assembly use (such as a place of worship). The building was previously occupied by a hair salon and massage parlor, but is currently vacant. It is necessary to rezone the property from “NX3” Neighborhood Mix District to “RX2” Mixed Use District since the “NX3” District primarily only allows for residential uses.

Should the rezoning be approved, any future use of the property for a commercial use may require full site compliance with City Code Chapter 135. However, per City Code Section 135-9.1.2.C, uses that would not trigger a change of use and full site compliance include animal service, broadcast studio, commercial service, financial service, office, and retail.

- 2. Size of Site:** 9,240 square feet (0.212 acre).
- 3. Existing Zoning (site):** “NX3” Neighborhood Mix District.
- 4. Existing Land Use (site):** The subject property contains a 2,436 square-foot, one story building with a lower (basement) level and a paved surface parking lot.
- 5. Adjacent Land Use and Zoning:**

- **North – “MX2”;** Uses are two-household residential.
- **South – “NX3”;** Uses are multiple-household residential and surface parking lot.
- **East – “NX3”;** Uses are multiple-household residential apartments.
- **West – “NX3”;** Uses are multiple-household residential.

6. General Neighborhood/Area Land Uses: The subject property is located along 35th Street between Ingersoll Avenue and Grand Avenue. The area in the vicinity of the subject property includes medium- and high-density residential uses mixed in with small-scale neighborhood commercial uses.

7. Applicable Recognized Neighborhood(s): The subject property is located within the North of Grand Neighborhood Association and within 250 feet of Greenwood Historic Neighborhood Association. All neighborhood associations were notified of the public hearing by emailing of the Preliminary Agenda on August 29, 2025, and of the Final Agenda on September 12, 2025.

Additionally, an official public notice of the hearing for this specific item was mailed on August 29, 2025 (20 days before the hearing), and on September 8, 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: On June 20, 2025, a notice of violation was sent to the subject property regarding a change of use from an office to a place of worship without obtaining a certificate of zoning compliance resulting in violation of Section 134-1.7.4 & 134-1.7.5 of the City Code.

9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation: High Density Residential within a Community Node centered at Ingersoll Avenue and 31st Street.

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 property be revised from “High Density Residential” within a

“Community Node” to “Community Mixed Use” within a “Community Node”. PlanDSM describes these designations as follows:

High Density Residential: Areas developed with primarily higher intensity multi-family housing with a minimum density over 17 dwelling units per net acre.

Community Mixed Use: Small- to medium-scale mixed use development, located on high capacity transit corridors or at the intersection of transportation corridors. Community mixed use areas include both a mix of medium density residential and a mix of retail and service establishments designed to attract customers from a large service area encompassing multiple neighborhoods and may include specialty retail that attracts regional customers.

Community Node: Mid-sized centers providing a range of daily needs and specialized services within a larger neighborhood context. Consist of a mix of housing, retail and offices serving a larger population and geographical area than a neighborhood node. May include a shopping district including a grocery and drug store. Residential development including medium and high densities may occur.

The applicant is proposing to rezone the property from “NX3” Neighborhood Mix District to “RX2” Mixed Use District. The Zoning Ordinance states that “RX2” is “intended for transitional areas between MX districts and N districts, providing for residential and office buildings at a scale and intensity higher than RX1”.

Staff believes that the requested rezoning to “RX2” would be appropriate for this site as it is in a highly walkable, bikeable, and transit friendly neighborhood with a robust mix of housing densities, commercial and other mixed-uses along the Ingersoll Avenue and Grand Avenue corridors.

2. **Planning and Design Ordinance:** Should the rezoning be approved, any future use of the property for a commercial use may require full site compliance with City Code Chapter 135. However, per City Code Section 9.1.2.C, uses that would not trigger a change of use and full site compliance include animal service, broadcast studio, commercial service, financial service, office, and retail.

III. STAFF RECOMMENDATION

Part A) Staff recommends that the requested rezoning be found not in conformance with PlanDSM: Creating Our Tomorrow Comprehensive Plan.

Part B) Staff recommends approval of the requested amendment to PlanDSM to revise the future land use classification from High Density Residential within a Community Node to Community Mixed Use within a Community Node.

Part C) Staff recommends approval of the requested rezoning from “NX3” Neighborhood Mix District to “RX2” Mixed Use District.

SUMMARY OF DISCUSSION

Sreyoshi Chakraborty presented the staff report and recommendation.

Carolyn Metzger, 4225 Fleur Drive, Ste 171, representing ownership of the property, wished to continue using the existing office building for office uses and also have the ability to add wellness services, such as massage and hair salon uses. She noted the small scale of the office space available along with the ample parking available to the rear of the building.

CHAIRPERSON OPENED PUBLIC HEARING

Dana Lovitt, 535 35th Street, owner and manager of apartment building located across the street, spoke in opposition. She expressed concern about introducing offices into such a dense residential area, noting that the applicant had not clearly articulated the specific types of uses proposed. She raised concerns that the additional parking and traffic generated would negatively impact the surrounding neighborhood.

Rebuttal

Carolyn Metzger stated that the building is already being used for office space and that she does not anticipate any substantive changes from the current operations.

COMMISSION ACTION

Francis Boggus made a motion for approval of the following:

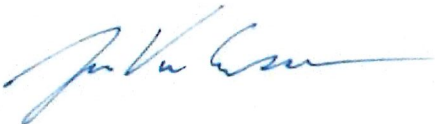
Part A) The requested rezoning be found not in conformance with PlanDSM: Creating Our Tomorrow Comprehensive Plan.

Part B) Amending PlanDSM to revise the future land use classification for the subject property from High Density Residential within a Community Node to Community Mixed Use within a Community Node.

Part C) Rezoning the subject property from "NX3" Neighborhood Mix District to "RX2" Mixed Use District.

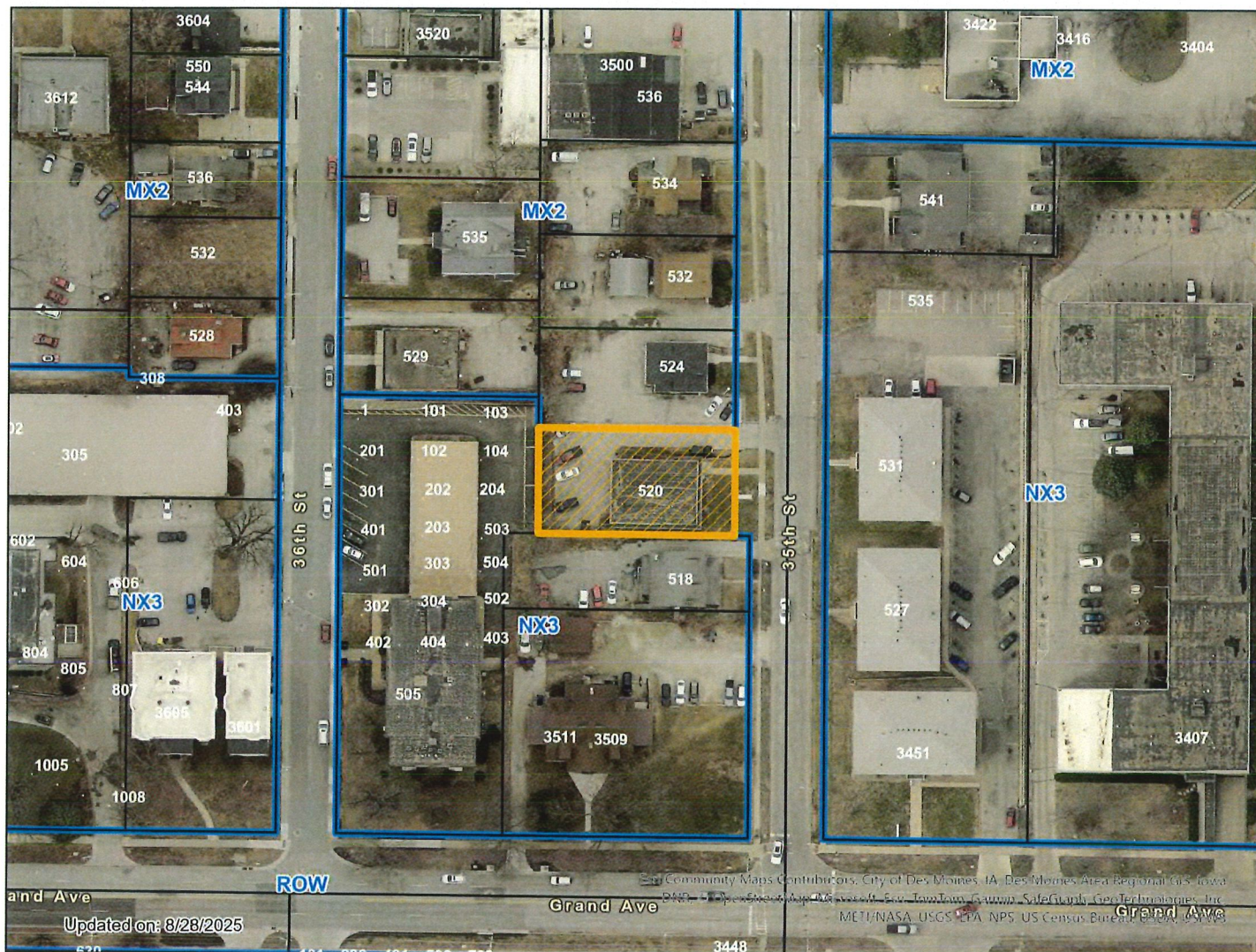
THE VOTE: 9-0

Respectfully submitted,



Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:mrw









From: [Caroline Metzker](#)
To: [Neighborhood Meeting](#)
Subject: Plan ZONG-2025-000022
Date: Tuesday, September 16, 2025 6:16:55 PM

EXTERNAL EMAIL - This email was sent by a person from outside your organization. Exercise caution when clicking links, opening attachments or taking further action, before validating its authenticity.

Hello, this is the meeting summary for 520 35th st rezoning.

1. Invitations and information was sent out a week prior to the meeting which was held today, September 18th. Neighbors on the list were notified via mail and the meeting was held at Caribou Coffee that's in the ingersoll neighborhood. A sign was put up that said "Neighborhood meeting."
2. Two neighbors came to show support and didn't have any opposition to our proposal. Adam metzker and Caroline metzker were there to lead discussions.
3. No opposition was heard
4. Therefore no changes.

Anything I missed let me know.
Thanks so much,
Caroline metzker

Item: ZONG-2025-000022Date: 9-13-25

Please mark one of the following:

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

Staff Use Only

RECEIVED
DEVELOPMENT SERVICES

SEP 16 2025

Titleholder Signature: Robert A. SherpilleName/Business: Robert A. SherpilleImpacted Address: 3663 Grand Ave #506Comments: _____

Item: ZONG-2025-000022

Date: 9-11-25

Please mark one of the following:

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

Staff Use Only
RECEIVED
DEVELOPMENT SERVICES
SEP 16 2025

Titleholder Signature: Melba Scaglione

Name/Business: 3 Home owner

Impacted Address: 3663 Grand # 906-907

Comments: 520-35 to sr

Item: ZONG-2025-000022 Date: 9/11/25

Please mark one of the following:

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

Staff Use Only
RECEIVED
DEVELOPMENT SERVICES
SEP 16 2025

Titleholder Signature: William Mahler

Name/Business: William Mahler

Impacted Address: 505 36th St Unit 202 Des Moines, IA
50312

Comments: _____

Item: ZONG-2025-000022

Date: 9/16/25

Please mark one of the following:

☐ I support the request

☐ I am undecided

☒ I oppose the request

Staff Use Only

RECEIVED
DEVELOPMENT SERVICES

SEP 19 2025

Titleholder Signature: Linda Simoes

Name/Business: _____

Impacted Address: 505 36th St Unit 402

Comments: I think we have enough commercial buildings on Ingersoll. Nothing was said how this rezoning would impact our property values or our taxes on our property. So order it to remain as it is now.

Item: ZONG-2025-000022

Date: 9/14/2025

Please mark one of the following:

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

Staff Use Only

RECEIVED
DEVELOPMENT SERVICES

SEP 19 2025

Titleholder Signature: Ginger Goeldner

Name/Business: West Grand Towers Condo Association

Impacted Address: 3663 Grand Avenue

Comments: _____

Item: ZONG-2025-000022

Date: 9/18/25

Please mark one of the following:

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

Staff Use Only
RECEIVED
DEVELOPMENT SERVICES
SEP 24 2025

Titleholder Signature: Robert A Gamble

Name/Business: Robert A Gamble

Impacted Address: 3663 Grand Unit 802 Des Moines IA 50312

Comments: I will support the request
provided the development does not
exceed five (5) floors

Item: ZONG-2025-000022

Date: _____

Please mark one of the following:

☒ I support the request

☐ I am undecided

☐ I oppose the request

RECEIVED
DEVELOPMENT SERVICES

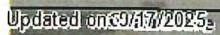
SEP 25 2025

Titleholder Signature: Barbara A. Moss

Name/Business: _____

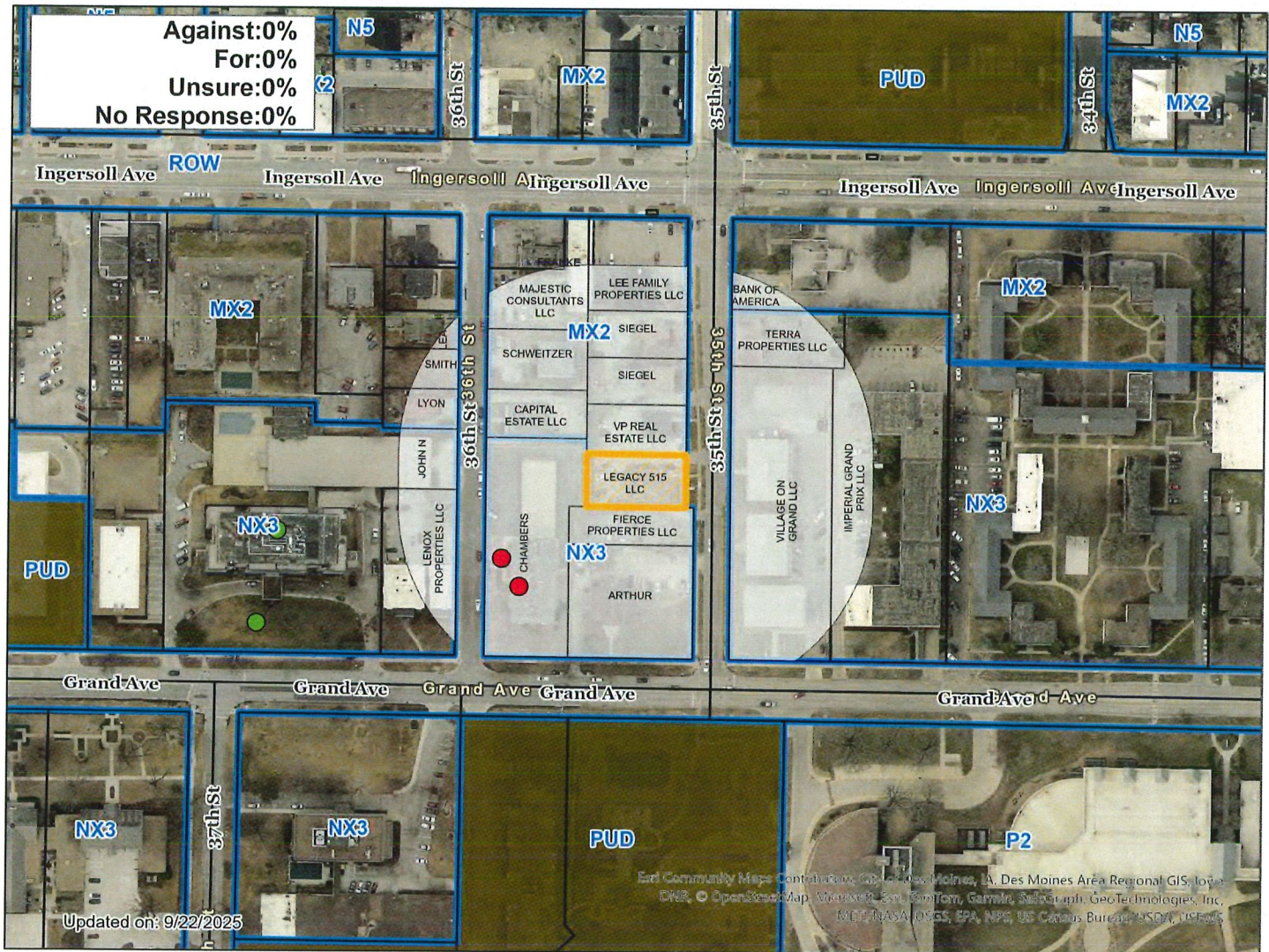
Impacted Address: 3663 Grand Ave #1001 57312

Comments: _____



Legacy 515, LLC, 520 35th Street

ZONG-2025-000022



Legacy 515, LLC, 520 35th Street

ZONG-2025-000022

