



Roll Call Number

26-0923

Agenda Item Number

55

Date August 3, 2026

RESOLUTION HOLDING PUBLIC HEARING REGARDING NELSON CONSTRUCTION SERVICES, LLC (OWNER) REPRESENTED BY ALEXANDER GRGURICH (OFFICER) FOR THE FOLLOWING REGARDING MULTIPLE PARCELS LOCATED IN THE VICINITY OF 1310 EAST DIEHL AVENUE, TO AMEND PLANDSM CREATING OUR TOMORROW PLAN TO REVISE THE FUTURE LAND USE CLASSIFICATION FROM COMMUNITY MIXED USE AND LOW DENSITY RESIDENTIAL WITHIN A NEIGHBORHOOD NODE AND A REGIONAL NODE TO HIGH DENSITY RESIDENTIAL WITHIN A NEIGHBORHOOD NODE AND A REGIONAL NODE, AND TO REZONE THE PROPERTY FROM "N3a" NEIGHBORHOOD DISTRICT, "MX3-V" MIXED USE DISTRICT, AND "MX3" MIXED USE DISTRICT TO LIMITED "NX3" NEIGHBORHOOD MIX DISTRICT, TO ALLOW THE CONSTRUCTION OF A MULTIPLE-HOUSEHOLD SENIOR LIVING BUILDING AND FUTURE RESIDENTIAL DEVELOPMENT

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 16, 2026, its members voted 12-1 in support of a motion to recommend **APPROVAL** of a request from Nelson Construction Services, LCC (Owner), represented by Alexander Grgurich (Officer) for the proposed rezoning of multiple parcels located in the vicinity of 1310 East Diehl Avenue from "N3a" Neighborhood District, "MX3-V" Mixed Use District, and "MX3" Mixed Use District to Limited "NX3" Neighborhood Mix District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Community Mixed Use and Low Density Residential within a Neighborhood Node and Regional Node; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 16, 2026, its members voted 12-1 in support of a motion to recommend **APPROVAL** of a request from Nelson Construction Services, LCC (Owner), represented by Alexander Grgurich (Officer) for the proposed rezoning of multiple parcels located in the vicinity of 1310 East Diehl Avenue, to amend the PlanDSM: Creating Our Tomorrow Land Use Plan designation from Community Mixed Use and Low Density Residential within a Neighborhood Node and Regional Node to High Density Residential within a Neighborhood Node and a Regional Node; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 16, 2026, its members voted 12-1 in support of a motion to recommend **APPROVAL** of a request from Nelson Construction Services, LCC (Owner), represented by Alexander Grgurich (Officer) for the proposed rezoning of multiple parcels located in the vicinity of 1310 East Diehl Avenue, to rezone the property from "N3a" Neighborhood District, "MX3-V" Mixed Use District, and "MX3" Mixed Use District to Limited "NX3" Neighborhood Mix District to allow the construction of a multiple-household senior living building and future residential development, subject to the following conditions:



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1. Any residential use containing two (2) or more dwelling units shall be restricted to occupancy by persons age 55 and older.
 2. A minimum 20-foot wide landscape buffer shall be provided along the southern perimeter of the site providing a transition for the adjoining residential properties in the vicinity of East Diehl Avenue.
 3. Plantings shall be provided within the buffer required by condition #2 at twice (2x) the quantity/density required by the medium buffer standard found in Chapter 135 of the City Code.
- ; and

WHEREAS, the Property is legally described as follows:

THE NORTH 170 FEET (EXCEPT THE EAST 710 FEET) OF THE NORTHEAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 27, 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.

AND

PARCEL "H" BEING A PART OF LOT 2 IN BOWLARAMA PLACE, AN OFFICIAL PLAT, AND A PART OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) OF SECTION TWENTY-SEVEN (27), TOWNSHIP SEVENTY-EIGHT (78) NORTH, RANGE TWENTY-FOUR (24) WEST OF THE 5TH P.M., ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AS SHOWN IN THE PLAT OF SURVEY RECORDED IN BOOK 13755 AT PAGE 292, IN THE OFFICE OF THE RECORDER OF POLK COUNTY, IOWA.

AND

THE SOUTH 10 ACRES OF THE SOUTHEAST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ (EXCEPT PARCEL 'I' OF THE PLAT OF SURVEY FILED IN THE OFFICE OF THE RECORDER OF POLK COUNTY, IOWA ON MARCH 28, 2013, AND RECORDED IN BOOK 14716 PAGE 881; AND EXCEPT THE WEST 300 FEET; AND LESS .40 ACRE FOR ROAD RIGHT-OF-WAY); AND THE NORTH $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ (EXCEPT THE WEST 300 FEET) ALL IN SECTION 27, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA.

WHEREAS, on July 13, 2026, by Roll Call No. 26-0827, it was duly resolved by the City Council that the request for approval of the proposed amendment and rezoning be set down for hearing on August 3, 2026, 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 proposed rezoning; and



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WHEREAS, in accordance with said notice, those interested in said 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.

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 and rezoning are hereby overruled, and the hearing is closed.
2. The proposed amendment to PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification for the Property from Community Mixed Use and Low Density Residential within a Neighborhood Node and Regional Node to High Density Residential within a Neighborhood Node and a Regional Node is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from "N3a" Neighborhood District, "MX3-V" Mixed Use District, and "MX3" Mixed Use District to Limited "NX3" Neighborhood Mix District to allow the construction of a multiple-household senior living building and future residential development, 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 Gatto to approve. Second by Simonson.

FORM APPROVED:

/s/ Emily A. Duffy

Emily A. Duffy

Assistant City Attorney

(ZONG-2026-000012) (COMP-2026-000008)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
SIMONSON	✓			
VOSS	✓			
BARRON	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO	✓			
TOTAL	7			
MOTION CARRIED			APPROVED	

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.

Connie Boesen

Mayor

Laura Baumgartner

City Clerk