

★ **Roll Call Number**

..... 25-0221

**Agenda Item Number**

44

**Date** February 10, 2025

**RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM FAITHFUL MOMENTS, LLC (OWNER), REPRESENTED BY ADAM SIEREN (OFFICER), FOR THE FOLLOWING REGARDING PROPERTY LOCATED AT 5702 GRAND AVENUE, TO AMEND PLANDSM CREATING OUR TOMORROW PLAN TO REVISE THE FUTURE LAND USE CLASSIFICATION FROM LOW DENSITY RESIDENTIAL TO LOW-MEDIUM DENSITY RESIDENTIAL, AND TO REZONE THE PROPERTY “N3C” NEIGHBORHOOD DISTRICT TO LIMITED “NX2” NEIGHBORHOOD MIX DISTRICT, TO ALLOW THE REDEVELOPMENT OF THE PROPERTY FOR ROWHOME BUILDINGS**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on December 19, 2024, its members voted 8-5 in support of a motion to recommend **DENIAL** of a request from Faithful Moments, LLC (Owner), represented by Adam Sieren (Officer), for the proposed rezoning from “N3c” Neighborhood District to Limited “NX2” Neighborhood Mix District be found not 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 advised that at a public hearing held on December 19, 2024, its members voted 8-5 in support of a motion to recommend **DENIAL** of a request from Faithful Moments, LLC (Owner), represented by Adam Sieren (Officer), for the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low Density Residential to Low-Medium Density Residential; and

**WHEREAS**, the City Plan and Zoning Commission has further advised that at a public hearing held on December 19, 2024, its members voted 8-5 in support of a motion to recommend **DENIAL** of a request from Faithful Moments, LLC (Owner), represented by Adam Sieren (Officer), to rezone the Property from “N3c” Neighborhood District to Limited “NX2” Neighborhood Mix District, to allow the redevelopment of the property for rowhome buildings; and

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

**LOT FIFTEEN (15) IN DIXON PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.; and**

**WHEREAS**, on January 13, 2025, by Roll Call No. 25-0034, 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 January 27, 2025, at 5:00 p.m., at the City Council Chambers; and

**WHEREAS**, on January 27, 2025, by Roll Call No. 24-1526, it was duly resolved by the City Council that the request for approval of the proposed rezoning be opened and continued for hearing on February 10, 2025, at 5:00 p.m., at the City Council Chambers, and to direct the City Manager and Legal Department to prepare the necessary legislation to **APPROVE** the requested rezoning for Property from “N3c”

**Date** February 10, 2025

Neighborhood District to Limited “NX2” Neighborhood Mix District, to allow the redevelopment of the property for rowhome buildings; and

**WHEREAS**, the City Manager and Legal Department have drafted the necessary legislation for City Council to APPROVE the following request for Property located at 5702 Grand Avenue; to amend the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Low Density Residential to Low-Medium Density Residential and to rezone the subject property from “N3c” Neighborhood District to Limited “NX2” Neighborhood Mix District, to allow the redevelopment of the property for rowhome buildings, subject to the following conditions:

1. Any use of the subject property, which measures 0.893 acres, shall be limited to uses as permitted in common with and as limited by the “N3c” Neighborhood District and a Household Living Use with up to 8 household units.; and
2. Any development on the property shall include onsite guest parking to the satisfaction of the Planning and Urban Design Administrator.; and
3. Any development on the property shall be compatible with the architectural character of the area and shall demonstrate materials and detailing consistent with the submitted development concept, to the satisfaction of the Planning and Urban Design Administrator.; and
4. Heavy landscape buffering along the side and rear property lines shall be provided to the satisfaction of the Planning and Urban Design Administrator.; 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 proposals, 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 Low Density Residential to Low-Medium Density Residential is hereby approved.
3. The proposed rezoning of the Property, as legally described above, “N3c” Neighborhood District to Limited “NX2” Neighborhood Mix District, to allow the redevelopment of the property for rowhome buildings, subject to the conditions set forth above, is hereby approved, subject to final passage of an

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ordinance rezoning the Property as set forth herein.

**(NOTE – APPROVAL REQUIRES SIX VOTES DUE TO THE PLAN & ZONING COMMISSION RECOMMENDING DENIAL AND DUE TO OPPOSITION OF GREATER THAN 20% OF RELEVANT PROPERTY OWNERS)**

MOVED BY Voss TO ADOPT.

SECOND BY Gatto.

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill  
Assistant City Attorney

(ZONG-2024-000037) (COMP-2024-000023)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
SIMONSON	✓			
VOSS	✓			
COLEMAN	✓			
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