



**Roll Call Number**

22-0630

**Agenda Item Number**

52

**Date** April 18, 2022

**RESOLUTION HOLDING HEARING ON REQUEST FROM PPDSM, LLC, TO AMEND  
PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY  
LOCATED AT 2404 WESTOVER BOULEVARD**

**WHEREAS**, on April 4, 2022, by Roll Call No. 22-0531, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on March 17, 2022, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from PPDSM, LLC (Owner), represented by Adam Sieren (Officer) to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property located at 2404 Westover Boulevard (“Property”) from Low Density Residential to Neighborhood Mixed Use to allow rezoning to ‘RX1’ Mixed Use District to allow development of a 5-unit townhome; and

**WHEREAS**, the City Plan and Zoning Commission has further advised that at a public hearing held on March 17, 2022, its members voted 10-0 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 ‘N3b’ Neighborhood District to ‘RX1’ Mixed Use District for the above-stated purpose; and

**WHEREAS**, on April 4, 2022, by Roll Call No. 22-0531, it was duly resolved by the City Council that the request to amend PlanDSM and to rezone the Property be set down for hearing on April 18, 2022 at 5:00 P.M., in the 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 amendment to PlanDSM and proposed rezoning; and

**WHEREAS**, in accordance with said notice, those interested in said proposed amendment to PlanDSM and 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; and

**WHEREAS**, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property locally known as 2404 Westover Boulevard, legally described as:

EX BEG SE COR OF N 48F LT 12 THN W 5.44F N 78.81F NE 71.44F TO NE COR OF S 102F LT 11 S 150F TO POB- E 142F S 102F LOT 11 & N 48F E 142F LOT 12 WESTOVER.

from ‘N3b’ Neighborhood District to ‘RX1’ Mixed Use District.

**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 to PlanDSM and proposed rezoning of the Property to ‘MX3’ Mixed Use District are hereby overruled, and the hearing is closed.
2. The proposed amendment to PlanDSM: Creating Our Tomorrow Plan to revise the future land use



Roll Call Number

22-0630

Agenda Item Number

52

Date April 18, 2022

classification for the Property from Low Density Residential to Neighborhood Mixed Use is hereby approved.

3. The proposed rezoning of the Property, as legally described above, to 'RX1' Mixed Use District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Sheumaker TO ADOPT- SECOND: BY Gatto

NOTE: Affirmative votes of three-fourths of the council members who are not disqualified by reason of a conflict of interest are required to approve the proposed rezoning due to the Protest filed by 20% or more of the Property Owners located within 200 feet of the exterior boundaries of the area included within the proposed zoning map amendment area. Des Moines City Code §134-6.3.10 & Iowa Code §362.6 .

APPROVED AS TO FORM:

Judy K. Parks-Kruse
Assistant City Attorney

(ZON2022-000015; ZON2022-000016)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, SHEUMAKER, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL (7 yeas).

CERTIFICATE

I, P. Kay Cmelik, 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.

J. M. Franklin Cownie Mayor

P. Kay Cmelik City Clerk