



Roll Call Number

21-0859

Agenda Item Number

29

Date June 14, 2021

RESOLUTION SETTING HEARING ON REQUEST FROM FLUMMERFELT EAGLE POINTE, LLC TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED AT 1985 EAST ARMY POST ROAD

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 3, 2021, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Flummerfelt Eagle Pointe, LLC (owner), represented by Mike Flummerfelt (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for the northern 3.8-acre portion of the real property locally known as 1985 East Army Post Road (“Amendment Property”) from Medium Density Residential to Business Park, to accommodate the existing mobile home sales use; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on June 3, 2021, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Flummerfelt Eagle Pointe, LLC (owner), represented by Mike Flummerfelt (officer), to rezone the southern 18.50-acre portion of the real property locally known as 1985 East Army Post Road (“Rezoning Property”) from EX Mixed Use District to NM Neighborhood District, to allow use of said property for expansion by approximately 80 additional lots of an adjoining mobile home park currently under construction; and

WHEREAS, the property is legally described as follows:

Amendment Property:

THE SOUTH 136 FEET OF THE NORTH 486 FEET OF LOTS 1-5 IN McCORD HEIGHTS, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

Rezoning Property:

PARCEL 2020-25 LOCATED IN PART OF PARCEL 2020-25 IN THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 35 TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., POLK COUNTY, IOWA.

MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 35, SAID POINT ALSO BEING ON THE SOUTH LINE OF A CERTAIN PARCEL OF LAND DESCRIBED AS PARCEL 2020-25 AND RECORDED IN BOOK 17788, PAGE 875-877 IN THE OFFICE OF THE RECORDER POLK COUNTY, IOWA; THENCE, N89°20'07"W 495.00' ALONG THE SOUTH LINE OF SAID PARCEL 2020-25 TO THE SOUTHWEST CORNER OF SAID PARCEL 2020-25; THENCE, N0°09'55"E 766.20' ALONG THE WEST LINE OF SAID PARCEL 2020-25; THENCE, S89°09'53"E 495.02' TO A NORTHEAST CORNER OF SAID PARCEL 2020-25; THENCE, CONTINUING S89°09'53"E 578.12' ALONG A NORTH LINE OF SAID PARCEL 2020-25 TO A NORTHEAST CORNER OF SAID PARCEL 2020-25;



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THENCE, S0°33'12"W 764.21' ALONG A EAST LINE OF SAID PARCEL 2020-25 TO THE SOUTHEAST CORNER OF SAID PARCEL 2020-25, SAID POINT ALSO BEING ON THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 35; THENCE N89°12'42"W 572.94' ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING, CONTAINING 18.50 ACRES. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

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 amendment to the comprehensive plan future land use designation and proposed rezoning are to be considered shall be held at the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on June 28, 2021, at which time the City Council will hear both those who oppose and those who favor the proposals.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposals 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 Gatto TO ADOPT.

FORM APPROVED:

/s/ Glenna K. Frank
Glenna K. Frank
Assistant City Attorney

(21-2021-4.14)
(ZON2021-00059)

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

MOTION CARRIED APPROVED

J. M. Franklin Cownie Mayor

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.

P. Kay Cmelik City Clerk