



Roll Call Number

21-1052

Agenda Item Number

69

Date June 28, 2021

RESOLUTION HOLDING 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, on June 14, 2021, by Roll Call No. 21-0859, the City Council received a communication from the City Plan and Zoning Commission advising 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 18.5-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, on June 14, 2021, by Roll Call No. 21-0859, 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 June 28, 2021 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 Amendment Property is legally described as:

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; and

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Rezoning Property, legally described as:



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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; 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

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.

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 above-described property 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 northern 3.8 acres of the real property locally known as 1985 East Army Post Road, as legally described above ("Amendment Property"), from Medium Density Residential to Business Park, is hereby approved.
3. The proposed rezoning of the southern 18.5 acres of the real property locally known as 1985 East Army Post Road, as legally described above ("Rezoning Property"), to NM Neighborhood 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 said property as set forth herein.



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MOVED BY Gatto TO DENY. AND RECEIVE FILE DOCUMENTS.

FORM APPROVED:

/s/ Glenna K. Frank

Glenna K. Frank
Assistant City Attorney

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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

J. M. Fambini 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