

Date June 27, 2022

RESOLUTION SETTING PUBLIC HEARING REGARDING REQUEST FROM FORGET PROPERTIES II, LLC (OWNER), REPRESENTED BY NORM FORGET (OFFICER), FOR PROPERTY LOCATED AT 4230 FLEUR DRIVE, TO REZONE THE PROPERTY FROM “MX2” MIXED-USE DISTRICT TO “MX3” MIXED-USE DISTRICT, TO ALLOW DEVELOPMENT OF A DRIVE-THROUGH FOR A RESTAURANT USE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 16, 2022, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Forget Properties II, LLC (owner), represented by Norm Forget (officer), for property located at 4230 Fleur Drive, to rezone the property from “MX2” mixed-use district to “MX3” mixed use district, to allow development of a drive-through for a restaurant use and determined the requested rezoning is in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan; and

WHEREAS, the Property is legally described as follows:

Lot Two (2) and the North 7 feet of Lots Three (3) and Four (4) in AIRLANE COURT, an Official Plat; and the North 147 feet of the South 320 feet of the West 40 feet of the East 515 feet of the South 15 Acres of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of Section 20, Township 78 North, Range 24, West of the 5th P.M., all now included in and forming a part of the City of Des Moines, Polk County, Iowa, and

The South 140 feet of Lots Three (3) and Four (4) in AIRLANE COURT, an Official Plat; and the North 8 feet of the South 33 feet of the East 475 feet (except the East 40 feet) of the South 15 Acres of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of Section 20, 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.

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 rezoning are to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposals, shall be held at City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on July 18, 2022, 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 proposal 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



Roll Call Number

22-0999

Agenda Item Number

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Date June 27, 2022

Iowa Code. .

MOVED BY Gatto TO ADOPT. SECOND BY Boesen

FORM APPROVED:

/s/ Lisa A. Wieland
Lisa A. Wieland
Assistant City Attorney

(ZONG-2022-000052)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
SHEUMAKER				✓
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			1

CERTIFICATE

I, LAURA BAUMGARTNER, Acting 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.

MOTION CARRIED APPROVED

J. M. Franklin Cownie Mayor

Laura Baumgartner Acting City Clerk