



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:



Date June 28, 2021

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.



Roll Call Number

Agenda Item Number

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Date June 28, 2021

MOVED BY _____ TO ADOPT.

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				

MOTION CARRIED

APPROVED

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.

City Clerk

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June 8, 2021

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their June 3, 2021 meeting, the following action was taken regarding a request from Flummerfelt Eagle Pointe, LLC (owner) represented by Mike Flummerfelt (officer) for the following regarding the property located at 1985 East Army Post Road.

- A) Determination as to whether the requested rezoning and Large-Scale Development Plan is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.
- B) Amendment to the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Medium Density Residential to Business Park for a portion of property to the north of the requested rezoning area. (21-2021-4.14)
- C) Review and approval of a Large-Scale Development Plan for the site redevelopment of 18.50 acres for a Mobile Home Park expansion.
- D) Rezone property from "EX" Mixed Use District to "NM" Neighborhood District, to allow use of the property for expansion of the Mobile Home Park currently under construction under adjoining expansion.

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COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			X
Dory Briles				X
Abby Chungath	X			X
Kayla Berkson				X
Jann Freed				
Johnny Alcivar	X			
Lisa Howard	X			
Carolyn Jenison	X			
Greg Jones				X
William Page	X			
Rocky Sposato	X			
Steve Wallace	X			
Greg Wattier	X			
Emily Webb	X			

APPROVAL of Part A) The proposed rezoning to "NM" Mixed Use District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Medium Density Residential. However, Staff recommends that the portion of the Large-Scale Development Plan that would remain zoned "EX" District is not conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Medium Density Residential.

Part B) **Approval** of the requested amendment to the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation from Medium Density Residential to Business Park for the portion of the Large-Scale Development Plan that would remain zoned "EX" District.

Part C) **Approval** of the proposed Large-Scale Development Plan.

Part D) **Approval** of requested rezoning of the south 18.5 acres of the subject property from "EX" Mixed Use District to "NM" Neighborhood District. (ZON2021-00059)

Written Responses

3 in Favor
2 in opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed rezoning to "NM" Mixed Use District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Medium Density Residential. However, Staff recommends that the portion of the Large-Scale Development Plan that would remain zoned "EX" District is not conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Medium Density Residential.

Part B) Staff recommends approval of the requested amendment to the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation from Medium Density Residential to Business Park for the portion of the Large-Scale Development Plan that would remain zoned "EX" District.

Part C) Staff recommends approval of the proposed Large-Scale Development Plan.

Part D) Staff recommends approval of requested rezoning of the south 18.5 acres of the subject property from "EX" Mixed Use District to "NM" Neighborhood District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to rezone the southern 18.5 acres of the parcel to "NM" Neighborhood District so that it can be developed as a mobile home park with approximately 80 lots. The northern 3.8 acres of the parcel would remain zoned "EX" Mixed Use District to accommodate the existing mobile home sales use. The Large Scale Development Plan demonstrates that the proposed mobile home park would be accessed by a driveway from East Army Post Road and by internal park street connection from the mobile home park under construction immediately to the south.
2. **Size of Site:** 18.5 acres.
3. **Existing Zoning (site):** "EX" Mixed Use District.
4. **Existing Land Use (site):** Vacant property developed with paved off-site parking.
5. **Adjacent Land Use and Zoning:**
 - North** – "EX"; Use is a mobile home sales use.
 - South** – "NM", Use is a mobile home park.
 - East** – "N1a"; Uses are one household dwellings.
 - West** – "EX"; Use is a one household dwelling.
6. **General Neighborhood/Area Land Uses:** The subject property is located to the south of the Army Post Road corridor between Southeast 14th Street and Indianola Road.
7. **Applicable Recognized Neighborhood(s):** The subject property is in the Easter Lake Area Neighborhood. All neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on May 14, 2021 and by mailing of the Final Agenda on May 28, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on May 21, 2021 (20 days prior to the public hearing) and on May 24, 2021 (10 days prior to the public hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines on the date of the

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mailing. The Easter Lake Area Neighborhood mailings were sent to Jim Bollard, 4007 SE 26th Street, Des Moines, IA 50320.

The applicant held their required neighborhood meeting on May 24, 2021. They will be available to provide a summary of that during the hearing.

8. **Relevant Zoning History:** NA..

9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Medium Density Residential.

10. **Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews all proposals to amend zoning boundaries or regulations within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in 414.3 of the Iowa Code. The Commission may make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **PlanDSM Creating Our Tomorrow:** The subject property is designated as "Medium Density Residential". PlanDSM describes this designation as follows:

Medium Density Residential
Areas developed with primarily higher intensity multi-family housing with a minimum density up to 17 dwelling units per net acre.

The proposed "NM" Neighborhood District zoning is in conformance with this designation.

However, the portion of the Large-Scale Development Plan that would remain zoned "EX" District is not conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Medium Density Residential. Therefore, this area should be amended to "Business Park". PlanDSM describes this designation as follows:

Business Park
Accommodates light industrial, office, and employment uses along with limited complementary retail uses. Industrial uses in this category would produce little or no noise, odor, vibration, glare, or other objectionable influences, and would have little more not adverse effect on surrounding properties.

2. **Planning and Design Ordinance:** Any development of the site for a mobile home park must be in accordance with a site plan that complies with the City's Planning and Design Ordinance, which includes Section 135-2.21 that pertains specifically to mobile home parks. This section includes substantial requirement that ensure it is developed appropriately. For example, any mobile home space must be at least 4,500 square feet in area and any mobile home must be setback at least 10 feet from any park street.

These requirements also dictate recreation areas, street layout, and sidewalk connectivity.

- 3. Staff Rationale:** Staff believes that the proposed rezoning to "NM" District is appropriate given the location of the site adjoining an existing mobile park and given the fact that is setback 480 feet from East Army Post Road and 700 feet from Indianola Road.

SUMMARY OF DISCUSSION

Emily Webb asked if any member of the public or the commission desired to speak on the item. No one requested to speak.

COMMISSION ACTION:

Carolyn Jension made a motion for:

Part A) The proposed rezoning to "NM" Mixed Use District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Medium Density Residential. However, Staff recommends that the portion of the Large-Scale Development Plan that would remain zoned "EX" District is not conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Medium Density Residential.

Part B) **Approval** of the requested amendment to the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation from Medium Density Residential to Business Park for the portion of the Large-Scale Development Plan that would remain zoned "EX" District.

Part C) **Approval** of the proposed Large-Scale Development Plan.

Part D) **Approval** of requested rezoning of the south 18.5 acres of the subject property from "EX" Mixed Use District to "NM" Neighborhood District.

Motion passed: 10-0

Respectfully submitted,



Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh

Flummerfelt Eagle Pointe, LLC (owner) represented by Mike Flummerfelt (officer) for property located at 1985 East Army Post Road.				File # 21-2021-4.14	
Description of Action	Amendment to the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification from Medium Density Residential to Business Park for a portion of property to the north of the requested rezoning area.				
PlanDSM Future Land Use	Current: Medium Density Residential (slight portion in Neighborhood Node). Proposed: Medium Density Residential and Business Park.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"EX" Mixed Use District.				
Proposed Zoning District	"NM" Neighborhood District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Outside Area (200 feet)	0	0			
Within Subject Property					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Flummerfelt Eagle Pointe, LLC, Vicinity of 1985 East Army Post Road

21-2021-4.14



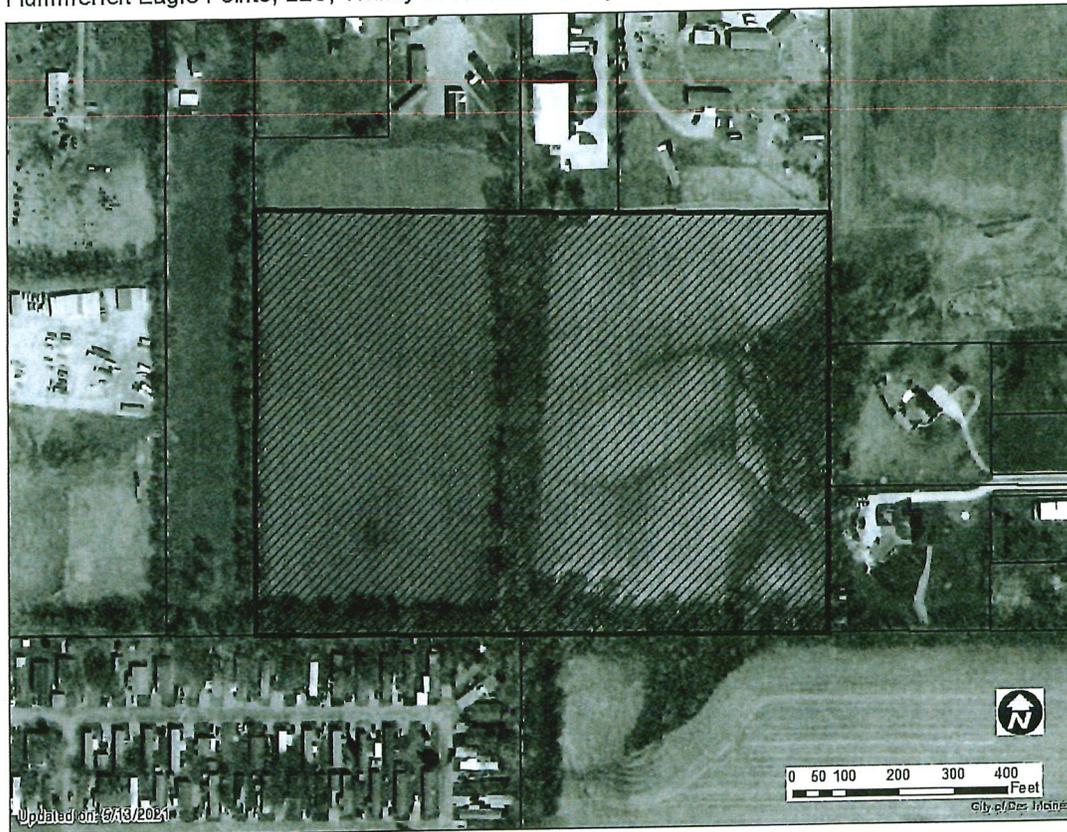
1 inch = 113 feet

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Flummerfelt Eagle Pointe, LLC (owner) represented by Mike Flummerfelt (officer) for property located at 1985 East Army Post Road.			File # ZON2021-00059	
Description of Action	Rezone property from "EX" Mixed Use District to "NM" Neighborhood District, to allow use of the property for expansion of the Mobile Home Park currently under construction under adjoining expansion.			
PlanDSM Future Land Use	Current: Medium Density Residential (slight portion in Neighborhood Node). Proposed: Medium Density Residential and Business Park.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"EX" Mixed Use District.			
Proposed Zoning District	"NM" Neighborhood District.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Outside Area (200 feet)	3	2	1	
Within Subject Property				
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes
	Denial			No

Flummerfelt Eagle Pointe, LLC, Vicinity of 1985 East Army Post Road

ZON2021-00059



1 inch = 198 feet

I am listing my reasons why I oppose ZON2021-00059 next to my property located at 6650 Indianola Ave., Des Moines, IA 50320.

1. I have a pond with frogs located in my backyard. These frogs move back and forth all the time to the creek located near the property line. They move back there during hibernation times during the seasons. I would hate to lose them due to the removal of the trees and creek from the rezoning.
2. One reason I bought my property was because of all the trees in the backyard. It is my favorite thing back there. It is very peaceful and very quiet. It shelters the wildlife and provides needed shade. I do not want the trees removed.
3. There are lots of birds in my backyard with the trees, many being unique. If the trees are removed, all this wildlife will be taken away. I even have a fox that runs through the trees back there.
4. To be honest, I would never have bought this property if I had known a Mobile Home Park would be built next to the backyard. I bought the property for the location, tranquility, and layout that came with the land. This will indefinitely create more noise and disruption of the natural environment.
5. Could the zoning line be moved to the west to save the trees and wildlife and to be further away from the property line?
6. In addition to number 5 above, could a privacy fence be put up by Flummerfelt Eagle Pointe, LLC on their east side to separate the Mobile Home Park from the two properties located at 6650 and 6660 Indianola Ave?

Thank you,

Sue Steeve
6650 Indianola Ave.
Des Moines, IA 50320

Sue Steeve

Item: ZON2021-00059 Date: 5/26/21 *JA*

Please mark one of the following

- I am in favor of the request
- I am not in favor of the request

Staff Use Only

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Signature: Jay Bennett
 Name: Jay Bennett
 Address: 7095 Blountfield Rd #90

Reason for opposing or approving this request may be listed below:

Item: ZON2021-00059 Date: May 25, 2021

Please mark one of the following

- I am in favor of the request
- I am not in favor of the request

Staff Use Only

Signature: R&J Home Center, LTD
 Name: Robert D Jones
 Address: 3700 River Ridge Road
Des Moines, Iowa 50320-2825

Reason for opposing or approving this request may be listed below:

There is a definite need for low priced housing in Des Moines.

Item: ZON2021-00059 Date: 5-26-2021

Please mark one of the following

- I am in favor of the request
- I am not in favor of the request

Signature: Mike Flummerfelt

Name: Mike Flummerfelt

Address: 113 ROBIN ST. AMES IA 50010

Staff Use Only

Reason for opposing or approving this request may be listed below:

I think this Best Use of the grounds
The same zoning touches this property

Item: ZON2021-00059 Date: 5/27/2021

Please mark one of the following

- I am in favor of the request
- I am not in favor of the request

Signature: [Signature]

Name: Gladfelder

Address: 1660 Indianola Ave

Staff Use Only

Reason for opposing or approving this request may be listed below: Since our
property will be surrounded with mhs on
the south + the west we will be the most
affected by Eagle Pointe. We won't object to
this if Mr Flummerfelt follows through with
installing a fence between our property + this properties

Item: ZON2021-00059 Date: 5/28/21

Please mark one of the following

- I am in favor of the request
 I am not in favor of the request

Staff Use Only

Signature: Sue Steeve

Name: Sue Steeve

Address: 6650 Indianola Ave
Des Moines, IA 50320

Reason for opposing or approving this request may be listed below:

Item: ZON2021-00059 Date: 5-26-2021

Please mark one of the following

- I am in favor of the request
 I am not in favor of the request

Staff Use Only

Signature: William M Wenig

Name: William M Wenig

Address: 314 E Army Post Rd

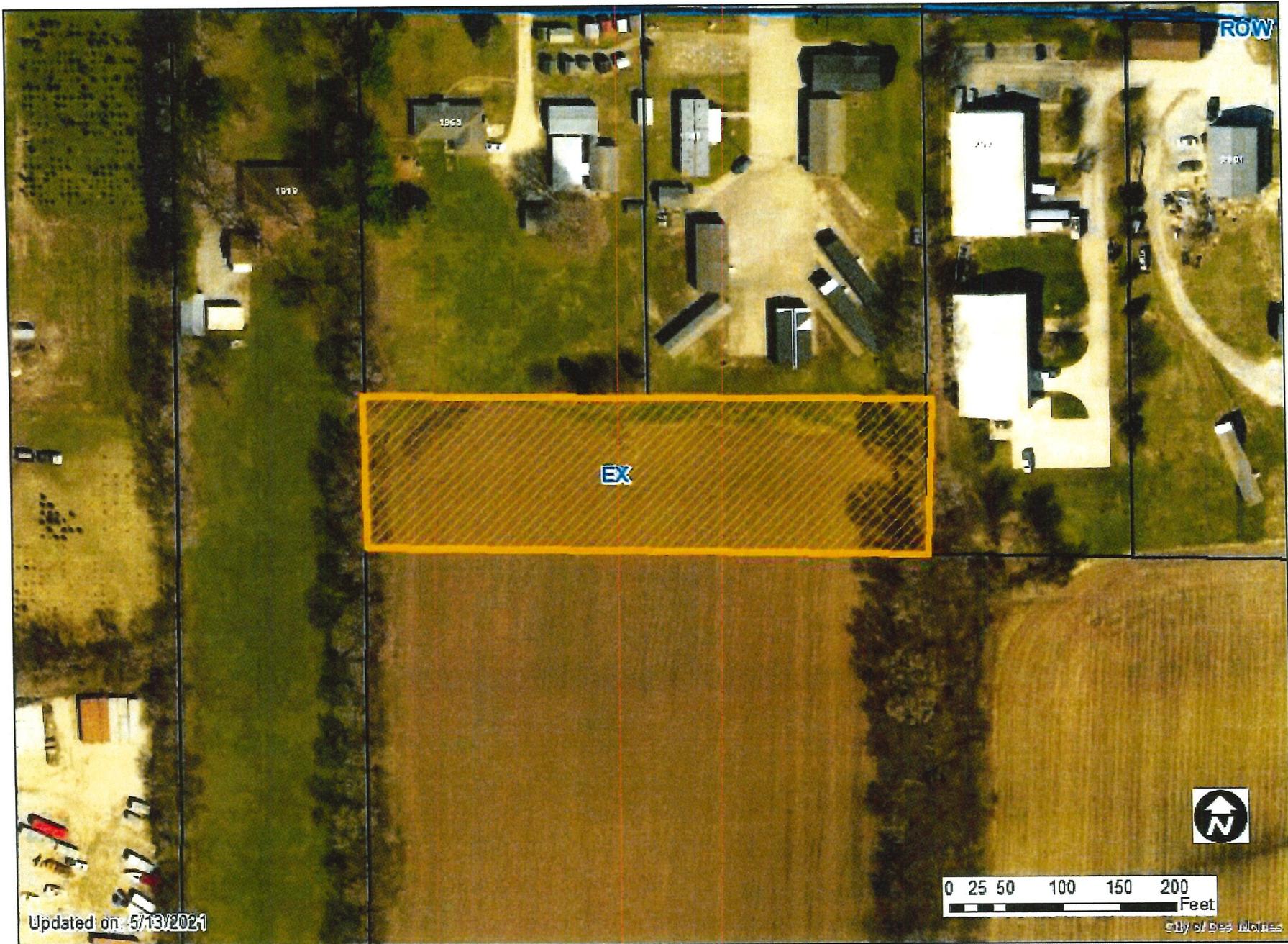
Reason for opposing or approving this request may be listed below:

There are a number of Trailer Courts already
in this neighborhood.

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Flummerfelt Eagle Pointe, LLC, Vicinity of 1985 East Army Post Road

21-2021-4.14

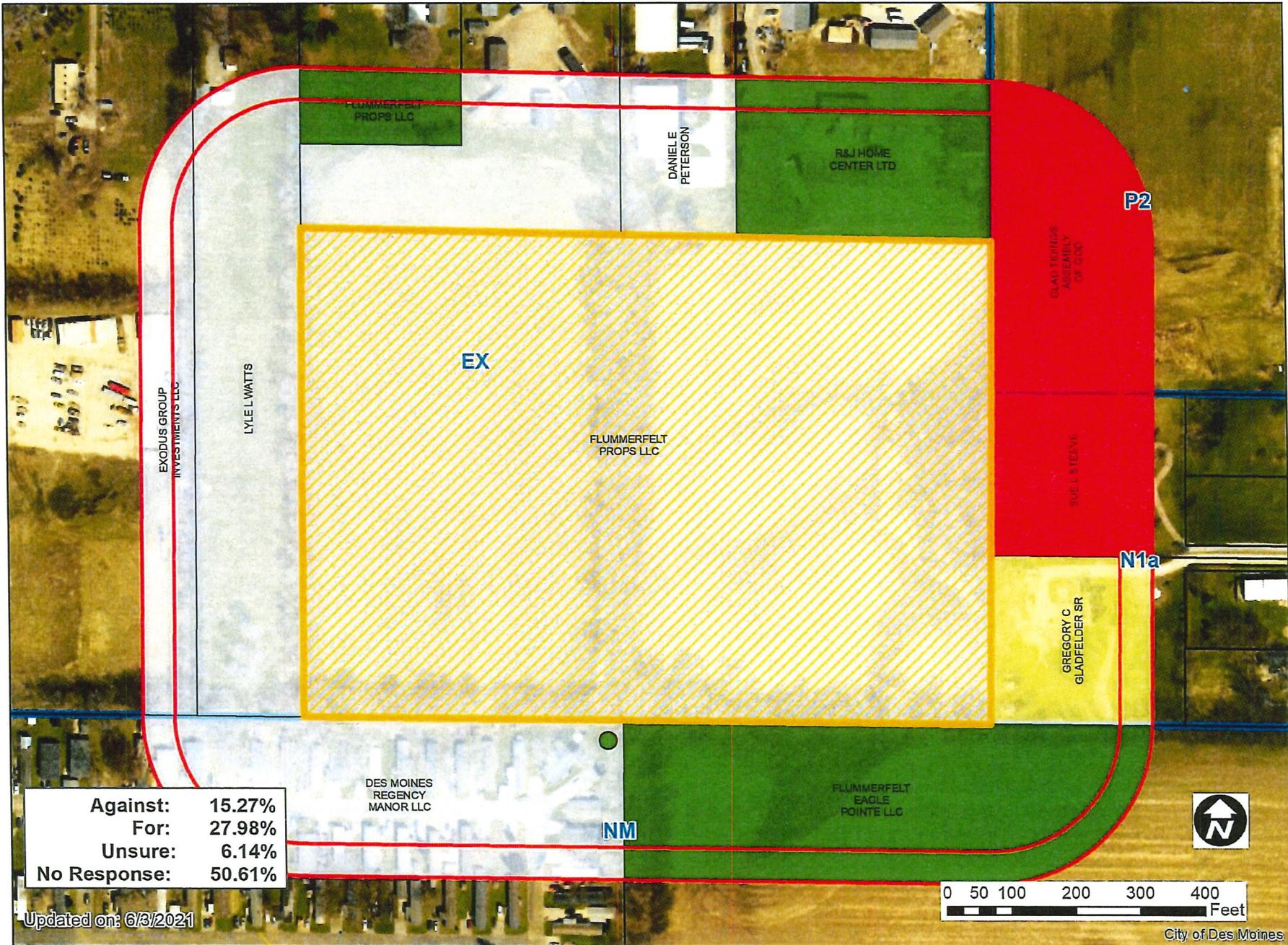


1 inch = 113 feet

Flummerfelt Eagle Pointe, LLC, Vicinity of 1985 East Army Post Road

ZON2021-00059

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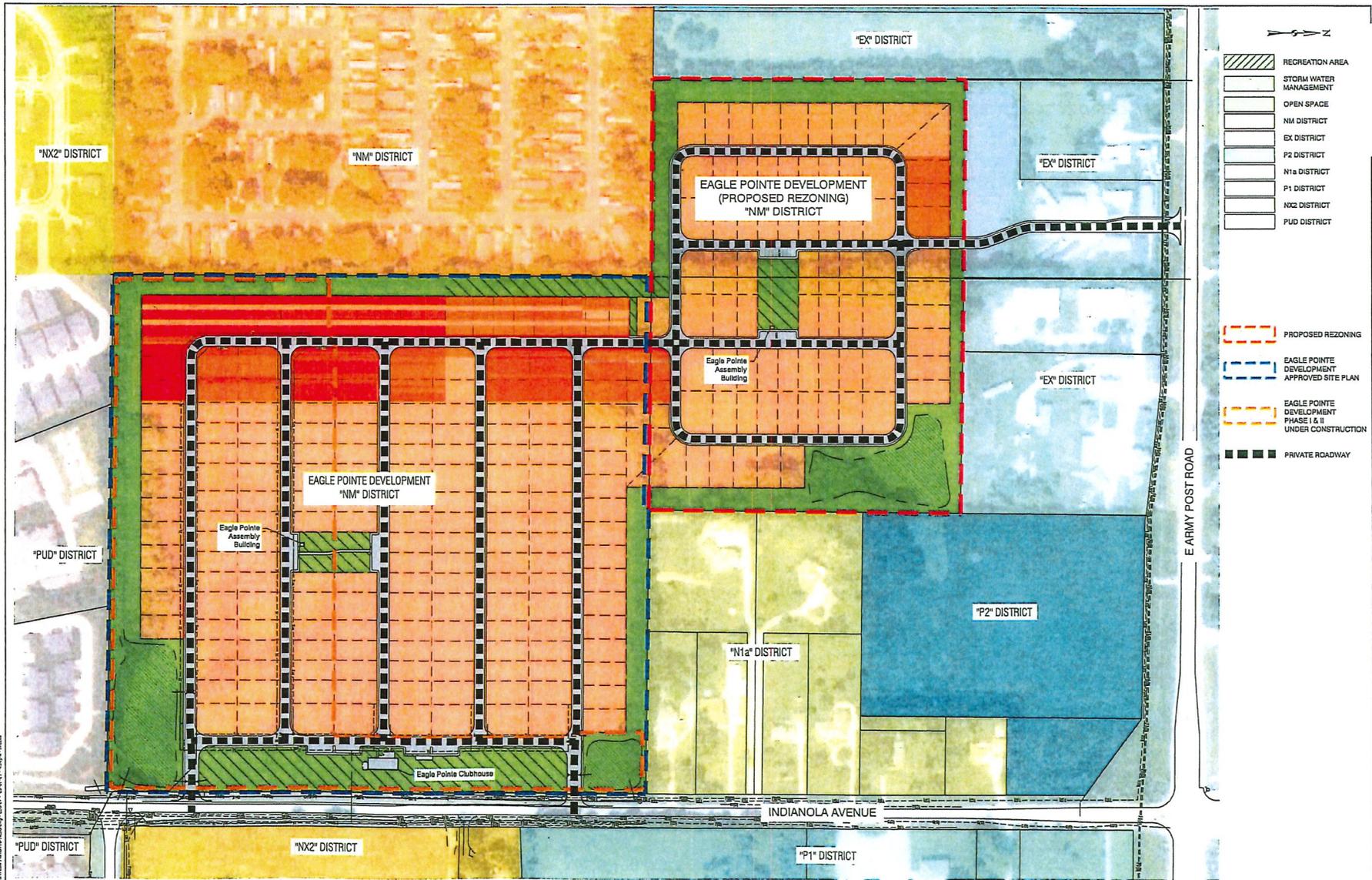
Against:	15.27%
For:	27.98%
Unsure:	6.14%
No Response:	50.61%

Updated on: 6/3/2021



City of Des Moines

1 inch = 198 feet



- RECREATION AREA
- STORM WATER MANAGEMENT
- OPEN SPACE
- NM DISTRICT
- EX DISTRICT
- P2 DISTRICT
- N1a DISTRICT
- P1 DISTRICT
- NX2 DISTRICT
- PUD DISTRICT

- PROPOSED REZONING
- EAGLE POINTE DEVELOPMENT APPROVED SITE PLAN
- EAGLE POINTE DEVELOPMENT PHASE I & II UNDER CONSTRUCTION
- PRIVATE ROADWAY

DATE: 10/15/2014 10:58 AM
 USER: jgordon
 PROJECT: Eagle Pointe Development
 SHEET: 130.01

GRAPHIC SCALE				REVISION			
NO.	REVISION	BY	DATE	NO.	REVISION	BY	DATE

Capitol-Galler Associates, Inc.
 1221 E. 84th Ave., Suite 101
 Ames, Iowa 50010
 PH 515-282-0794
 WWW.CAPITOLGALLER.COM

DESIGNED: _____ DATE: _____
 DRAWN: _____ DATE: _____
 CHECKED: _____ DATE: _____
 APPROVED: _____ DATE: _____

EAGLE POINTE DEVELOPMENT
 DES MOINES, IOWA

LARGE SCALE DEVELOPMENT
 PLAN

PROJECT NO.
 3775
 SHEET NO.
 130.01