



Date April 4, 2022

RESOLUTION HOLDING HEARING ON REQUEST FROM CHRISTIAN LIFE ASSEMBLY OF GOD TO AMEND PLANDSM FUTURE LAND USE DESIGNATION AND TO REZONE PROPERTY LOCATED AT 9001 FLEUR DRIVE

WHEREAS, on March 21, 2022, by Roll Call No. 22-0418, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on March 3, 2022, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Christian Life Assembly of God (owner), represented by Michael Hunsberger (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 9001 Fleur Drive (“Property”) from Low-Medium Density Residential to Public/Semi-Public Use to allow rezoning to P2 Public, Civic and Institutional District and the installation of new, larger signage permitted in said zoning district; and

WHEREAS, on March 21, 2022, by Roll Call No. 22-0418, the City Council received a recommendation from the City Plan and Zoning Commission further advising that at a public hearing held on March 3, 2022, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Christian Life Assembly of God (owner), represented by Michael Hunsberger (officer), to rezone the Property from NX2 Neighborhood Mix District to P2 Public, Civic and Institutional District for the above-stated purpose; and

WHEREAS, on March 21, 2022, by Roll Call No. 22-0418, 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 4, 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 located at 9001 Fleur Drive and legally described as follows:

A PARCEL OF LAND NOW INCLUDED IN AND FORMING A PART OF PARCEL “R”, AS RECORDED IN IRREGULAR PLAT BOOK 19, PAGE 2 OF 77-24 OF THE OFFICE OF THE WARREN COUNTY RECORDER, IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AND THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, ALL IN SECTION 5, TOWNSHIP 77 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF DES MOINES, WARREN COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SECTION 5, TOWNSHIP 77 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF DES MOINES, WARREN COUNTY, IOWA; THENCE SOUTH 00°43'30” WEST ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 5, A DISTANCE OF 237.54 FEET TO A POINT ON THE WEST LINE OF SAID PARCEL “R”; THENCE SOUTH 89°32'00” EAST ALONG THE WEST LINE OF SAID PARCEL “R”, A DISTANCE OF 109.40 FEET TO THE POINT OF BEGINNING AND THE EAST RIGHT-OF-WAY LINE



Date April 4, 2022

OF FLEUR DRIVE; THENCE NORTH 01°18'59" EAST ALONG THE WEST LINE OF SAID PARCEL "R", A DISTANCE OF 439.22 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 5 AND THE NORTHWEST CORNER OF SAID PARCEL "R"; THENCE NORTH 53°34'19" EAST ALONG THE NORTH LINE OF SAID PARCEL "R", A DISTANCE OF 97.78 FEET; THENCE SOUTH 74°12'30" EAST ALONG THE NORTH LINE OF SAID PARCEL "R", A DISTANCE OF 508.32 FEET; THENCE SOUTH 70°02'56" EAST ALONG THE NORTH LINE OF SAID PARCEL "R", A DISTANCE OF 221.14 FEET; THENCE SOUTH 27°24'25" WEST, A DISTANCE OF 467.21 FEET; THENCE SOUTH 74°07'59" WEST, A DISTANCE OF 193.91 FEET; THENCE NORTH 85°20'47" WEST, A DISTANCE OF 128.22 FEET; THENCE NORTH 62°56'23" WEST, A DISTANCE OF 197.18 FEET; THENCE NORTH 89°04'33" WEST, A DISTANCE OF 83.07 FEET TO A POINT ON THE WEST LINE OF SAID PARCEL "R" AND THE EAST RIGHT-OF-WAY LINE OF FLEUR DRIVE; THENCE NORTH 01°34'06" EAST ALONG THE WEST LINE OF SAID PARCEL "R", A DISTANCE OF 83.00 FEET TO THE POINT OF BEGINNING, CONTAINING 8.74 ACRES (380,686 SQUARE FEET), SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD

from NX2 Neighborhood Mix District to P2 Public, Civic and Institutional District for the above-stated purpose.

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 land use amendment and the proposed rezoning of the Property are hereby overruled, and the hearing is closed.
2. The proposed amendment to PlanDSM: Creating Our Tomorrow comprehensive plan, to amend the future land use classification for the Property from Low-Medium Density Residential to Public/Semi-Public Use, is hereby approved.
3. The proposed rezoning of the Property, as legally described above, to P2 Public, Civic and Institutional 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 TO ADOPT. SECONDED BY

FORM APPROVED:

/s/Glenna K. Frank

Glenna K. Frank

Assistant City Attorney

(ZONG-2022-000008; ZONG-2022-000012)

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

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.

MOTION CARRIED

APPROVED

Mayor

City Clerk

Date April 4, 2022
 Agenda Item 36
 Roll Call # _____

March 15, 2022

Communication from the City Plan and Zoning Commission advising that at their March 3, 2022 meeting, the following action was taken regarding a request from Christian Life Assembly of God (owner), represented by Michael Hunsberger (officer) to rezone property located at 9001 Fleur Drive from "NX2" Neighborhood Mix District to "P2" Public, Civic and Institutional District, to bring the use to conformance and allow a larger sign.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 13-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Leah Rudolphi	X			
Dory Briles	X			
Abby Chungath	X			
Kayla Berkson	X			
Chris Draper	X			
Jann Freed	X			
Todd Garner	X			
Johnny Alcivar	X			
Lisa Howard				X
Carolyn Jenison	X			
William Page	X			
Andrew Lorentzen	X			
Emily Webb	X			

APPROVAL of Part A) The proposed rezoning to "P2" District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Low-Medium Density Residential.

Part B) Approval of the requested amendment to the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification for the property from Low-Medium Density Residential to Public/Semi-Public.

Part C) Approval of the requested rezoning of the property from "NX2" Neighborhood Mix District to "P2" Public, Civic, and Institutional District. (ZONG-2022-000008)

Written Responses

1 in Favor

0 in opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed rezoning to “P2” District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Low-Medium Density Residential.

B) Staff recommends approval of the requested amendment to the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification for the property from Low-Medium Density Residential to Public/Semi-Public.

Part C) Staff recommends approval of the requested rezoning of the property from “NX2” Neighborhood Mix District to “P2” Public, Civic, and Institutional District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to install new signage for an existing church, which is considered an Assembly - Place of Worship use. The property is currently zoned “NX2” Neighborhood Mix District, which does not allow this type of use. Therefore, in order to install additional signage, the property needs to be rezoned to “P2” Public, Civic, and Institutional District. Any future development must be in accordance with a Site Plan that complies with the design guidelines contained in Municipal Code Chapter 135.
2. **Size of Site:** 380,714 square feet (8.74 acres).
3. **Existing Zoning (site):** “NX2” Neighborhood Mix District.
4. **Existing Land Use (site):** The site contains an existing church building with a paved off-street parking lot.
5. **Adjacent Land Use and Zoning:**
 - North** – “NX2” and “F”; Uses are Highway 5 and undeveloped land within a 100-year floodplain.
 - South** – “F”; Uses are Middle Creek 100 year Floodplain.
 - East** – “F”; Uses are Middle Creek 100 year Floodplain.
 - West** – “PUD”; Uses are undeveloped land within Echo Valley PUD.
6. **General Neighborhood/Area Land Uses:** The subject property is located at the southeast quadrant of the interchange of Fleur Drive and Highway 5. The immediate surrounding properties in addition to the Highway 5 Right of Way consists of the Middle Creek Floodplain and undeveloped land. To the north of Highway 5 is undeveloped open space and Floodplain.

- 7. Applicable Recognized Neighborhood(s):** The subject property is not within 250 feet of a designated Neighborhood. All neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on February 11, 2022 and by mailing of the Final Agenda on February 25, 2022. Additionally, separate notifications of the hearing for this specific item were mailed on February 11, 2022 (20 days prior to the public hearing) and February 21, 2022 (10 days prior to the public hearing) to the primary titleholder on file with the Warren 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 Neighborhood Development Division on the date of the mailing.

The applicant is required to conduct neighborhood outreach and provide a summary of that to Staff. They will be available to provide additional information during the public hearing, if necessary.

- 8. Relevant Zoning History:** N/A.

- 9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Low-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 “Low-Medium Density Residential” on PlanDSM’s future land use map. Plan DSM describes this designation as follows:

Low-Medium Density Residential: Areas developed with a mix of single family, duplex and small multi-family units up to 12 units per net acre.

The proposed “P2” District requires the future land use designation to be amended to “Public/Semi-Public Use” in order to find the proposed rezoning in conformance with PlanDSM. Plan DSM describes this designation as follows:

Public/Semi-Public: Areas that are mostly open to public use or public access and may include government facilities, schools, hospitals, libraries, and community facilities.

Staff believes that the requested amendment to designate the future land use to “Public/Semi-Public Use” is complementary to the character and uses of this area and is appropriate given that this use has been historically in existence in this location.

The Zoning Ordinance states that “P2” District is intended for civic and institutional facilities, such as religious assembly places, cultural or arts centers, community centers, schools, infrastructure, recreational facilities, and other institutional facilities. Infrastructure includes public or private infrastructure, including rail corridors and utility corridors or sites.

Staff believes that the proposed “P2” District is appropriate for the site and would allow the existing Assembly - Place of Worship use to have more suitable signage.

2. **Utilities:** There is an existing WRA owned 30-inch gravity sanitary sewer running west/east an average distance of approximately 170 feet south of the south edge of the existing parking lot. There also is an existing WRA-owned 21-inch gravity sanitary sewer running diagonally northeast/southwest across the property until it connects to an existing 30-inch sanitary sewer west of the east property line. If there is no sanitary sewer easement associated with these existing sanitary sewers, a standard 30-foot wide sanitary sewer easement should be provided for these existing sanitary sewers to ensure that no structure is constructed over an existing WRA-owned sanitary sewer.
3. **Additional Information:** Any future development on the site would be require to be in accordance with a Site Plan that complies with the design guidelines contained in Municipal Code Chapter 135. The “P2” District requires that any structure be reviewed against the “General Building”, “Workshop/Warehouse”, “Civic Building”, or “Principal-Use Parking Structure” Building Type.

SUMMARY OF DISCUSSION

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

COMMISSION ACTION:

Carolyn Jenison a motion for:

Part A) The proposed rezoning to “P2” District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Low-Medium Density Residential.

Part B) Approval of the requested amendment to the PlanDSM Creating Our Tomorrow Plan to revise the future land use classification for the property from Low-Medium Density Residential to Public/Semi-Public.

Part C) Approval of the requested rezoning of the property from “NX2” Neighborhood Mix District to “P2” Public, Civic, and Institutional District.

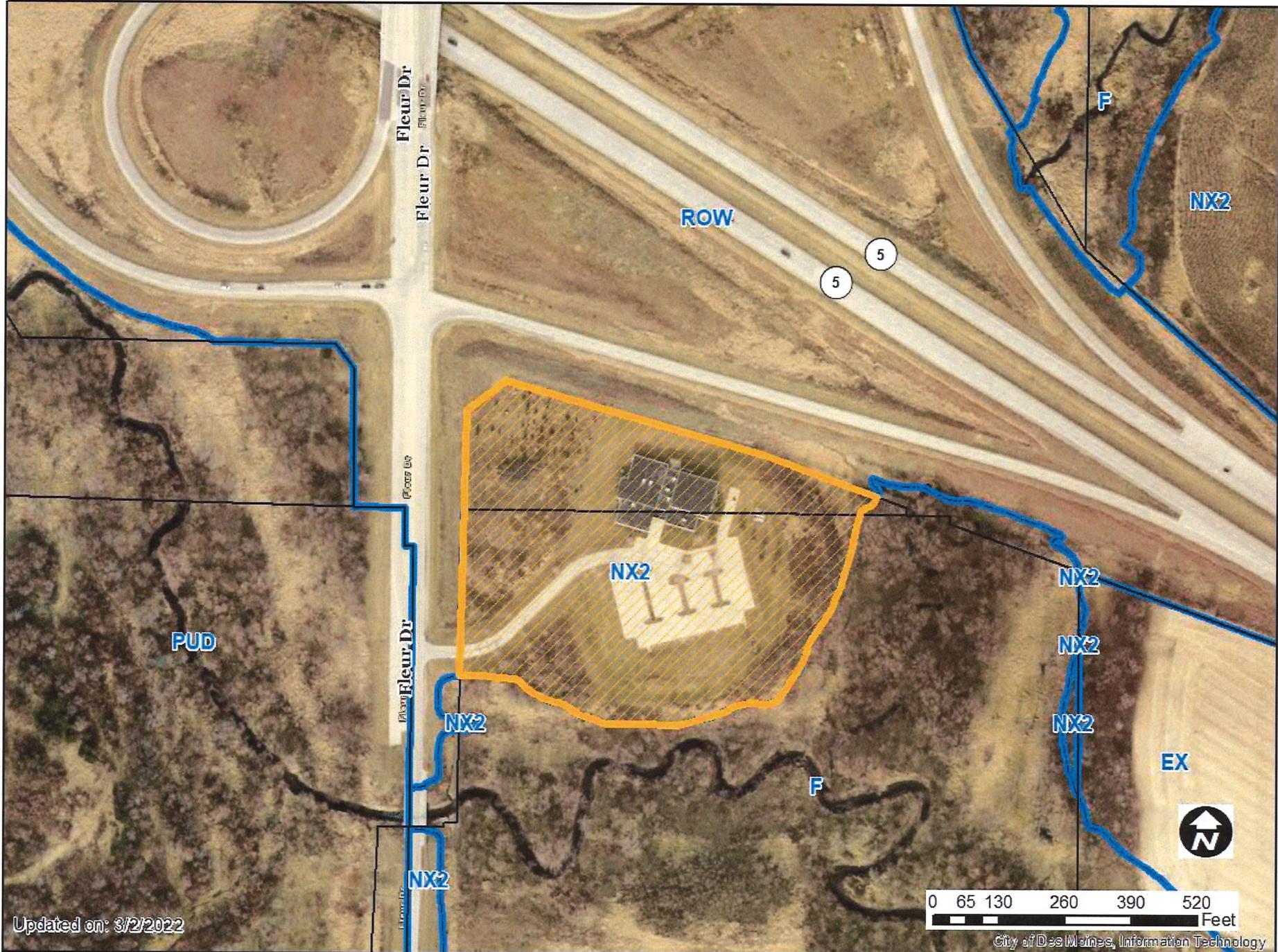
Motion passed: 13-0

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jason Van Essen".

Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh



Updated on: 3/2/2022

0 65 130 260 390 520 Feet

City of Des Moines, Information Technology

1 inch = 250 feet

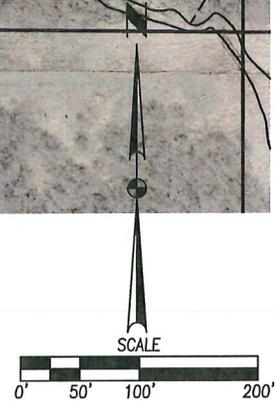
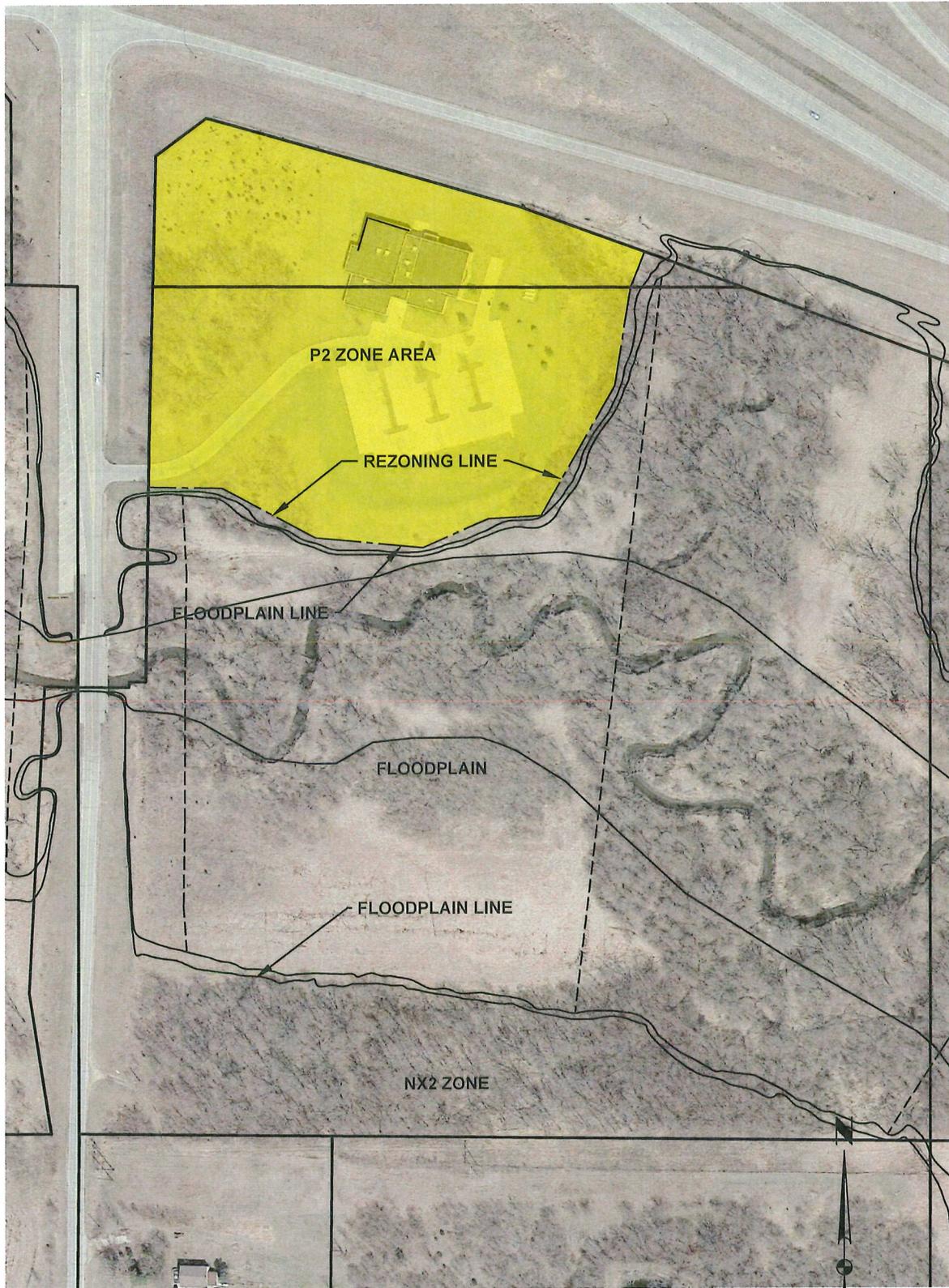




Fleur Dr







CHRISTIAN LIFE REZONE - 9001 FLEUR DRIVE

NOVEMBER 9, 2021

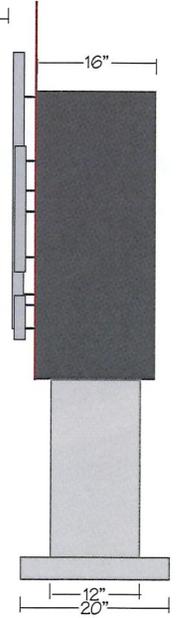
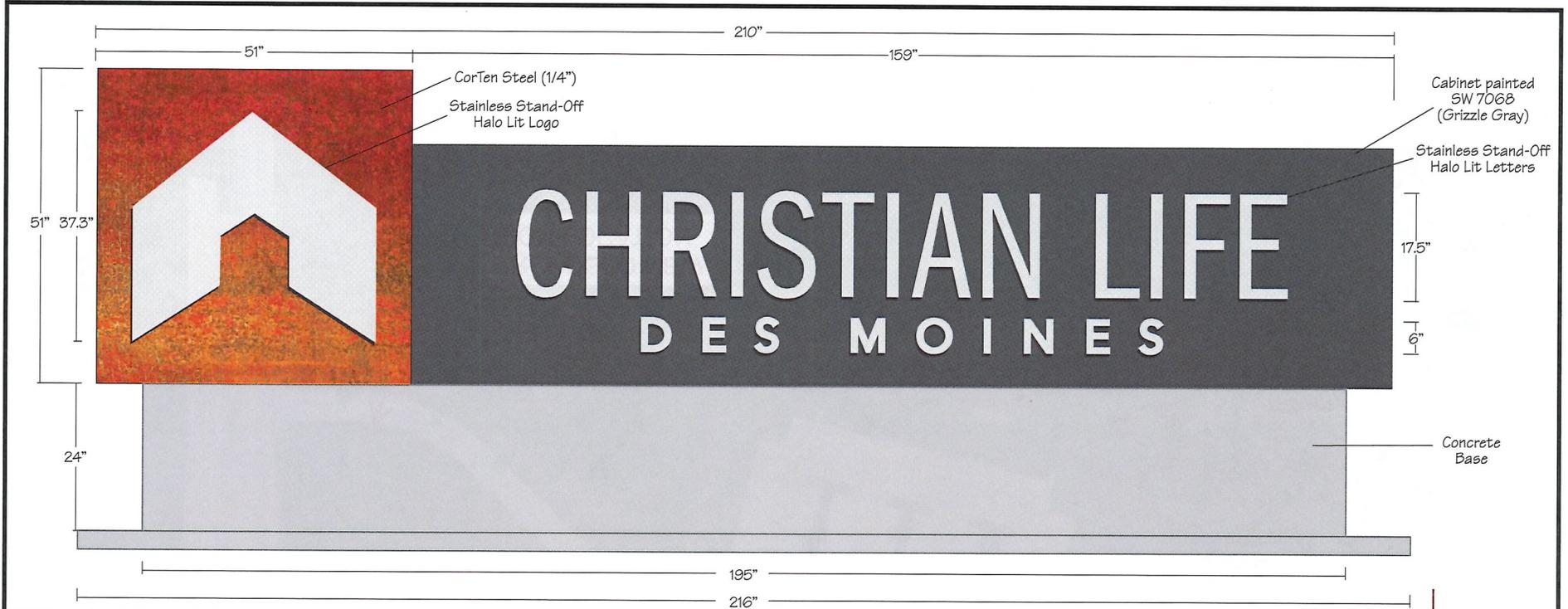


Christian Life
Assembly of God

Fleur Dr

PROPOSED NEW
SIGN LOCATION

Middle Creek



Fabricate and Install S/F signage on top of 2' H Concrete Base - Corten Steel Side piece with Stainless Stand off Logo - Cabinet painted SW 7068 (Grizzle Gray) with stainless stand off letters backlit - dig and pour footing with pad 3" above grade.



605 SW 37TH ST.
GRIMES, IA 50111
515-243-5663 • FAX: 515-243-5313
TOLL FREE: 800-307-8186
www.eaglesign.net

NAME: CHRISTIAN LIFE ASSEMBLY OF GOD - NORWALK, IA (9001 FLEUR AV)
SKETCH #: 0820-30358_01-CHRISTIANLIFEASSEMBLYOFGO_FLEUR
APPROVAL: X DATE: X

SCALE: 1/2" = 1' DESIGNER: CRN
REVISIONS: -----

THIS IS A CONCEPTUAL DRAWING. FINAL PRODUCT MAY VARY. THIS ARTWORK IS PROPERTY OF EAGLE SIGN CO. AND MAY NOT BE REPRODUCED

Item: ZONG-2022-000008

Date: 2/22/22

Please mark one of the following

I am in favor of the request

I am not in favor of the request

Signature: _____

Name: Lemar Koethe

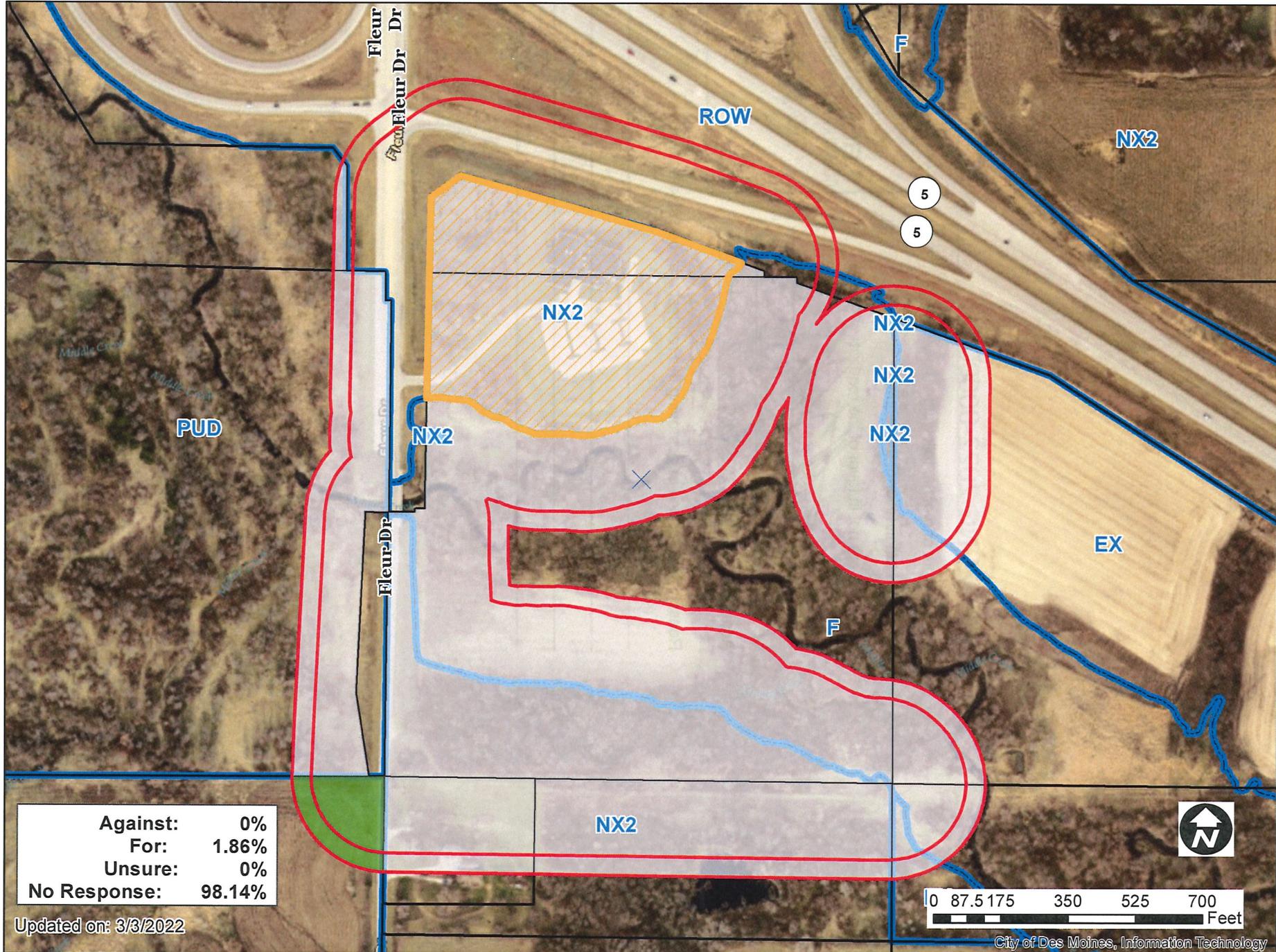
Address: 6000 Douglas Ave Ste 210
Des Moines IA 50322

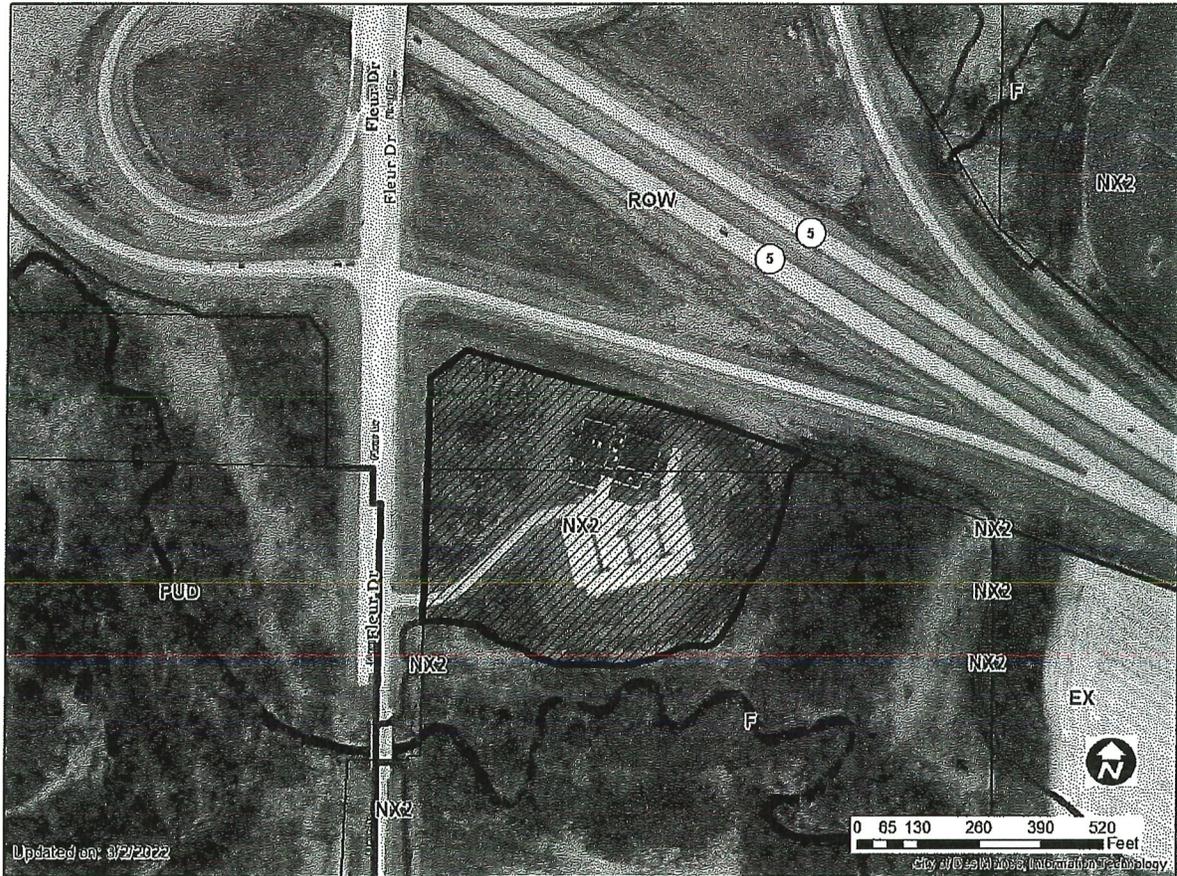
Reason for opposing or approving this request may be listed below:

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

FEB 28 2022





1 inch = 250 feet