



**Roll Call Number**

**Agenda Item Number**

38 B

**Date** April 4, 2022

An Ordinance entitled, "AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-1.10 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located 3010 Fleur Drive and 3020 Fleur Drive from 'N3a' Neighborhood District to Limited 'NX1' Neighborhood District classification",

which was considered and voted upon under Roll Call No. 22-\_\_\_\_\_ of April 4, 2022; again presented.

Moved by \_\_\_\_\_ that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass. Seconded by \_\_\_\_\_.

ORDINANCE NO. \_\_\_\_\_

NOTE: Waiver of this rule is requested by Adam Sieren, owner.

FORM APPROVED:

Judy K. Parks-Kruse  
Judy K. Parks-Kruse  
Assistant City Attorney

(ZONG2021-000051)  
(ZONG2021-000052)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
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

Mayor and City Council  
City of Des Moines  
400 Robert D. Ray Drive  
Des Moines, IA 50309

RE: *Proposed rezoning of property located at 3010 Fleur Drive and 3020 Fleur Drive*

To the Mayor and City of Des Moines City Council:

Please accept this request to waive the three required readings of the ordinance to rezone the above referenced real property.

Thank you.

Sincerely,



Signature

By: Adam Sieren

Its: Owner

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Prepared by: Judy K. Parks-Kruse, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, IA  
50309 Phone: 515/283-4533  
Return Address: City Clerk - City Hall, 400 Robert Ray Dr., Des Moines, IA 50309  
Taxpayer: No change  
Title of Document: Acceptance of Rezoning Ordinance  
Grantor's Name: The Oaks on Fleur, LLC (titleholder)  
Grantee's Name: City of Des Moines, Iowa  
Legal Description: LOT 2 (EXCEPT THE EAST 4 FEET) AND THE SOUTH 3 FEET OF THE WEST  
193 FEET OF THE EAST 200 FEET OF LOT 1 (EXCEPT THE WEST 4 FEET OF  
THE EAST 11 FEET OF THE SOUTH 3 FEET) IN WILLOWMERE, AN  
OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY  
OF DES MOINES, POLK COUNTY, IOWA.

AND

LOT THREE (3) EXCEPT THE EAST 4.00 FEET THEREOF (AS MEASURED  
PERPENDICULAR TO THE EAST LINE OF LOT 3) IN WILLOWMERE, AN  
OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY  
OF DES MOINES, POLK COUNTY, IOWA.

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## ACCEPTANCE OF REZONING ORDINANCE

The undersigned hereby state, warrant and agree as follows:

1. That The Oaks on Fleur, LLC is the titleholder of the Properties locally known as 3010 Fleur Drive and 3020 Fleur Drive, Des Moines, Iowa, and legally described above.

2. That in the event the City of Des Moines, Iowa, acts to rezone the Properties from 'N3a' Neighborhood District to Limited 'NX1' Neighborhood District, I agree and accept on behalf of the owner to the imposition of the following conditions to run with the land and be binding upon all successors, heirs and assigns as part of the ordinance so rezoning the Properties:

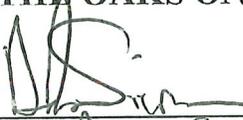
1. Drive approaches to the site from Fleur Drive are prohibited;
2. No more than 15 household units shall be developed;
3. Any building that does not front Fleur Drive shall not exceed 2 stories in total height;

4. Any building that does not front Fleur Drive shall have a roof form and overall character that is similar to the character of the one household dwellings in the area to the satisfaction of the City's Planning and Urban Design Administrator; and
5. The development shall comply with all stormwater management standards to the satisfaction of the City Engineer.

3. A certified copy of the rezoning ordinance shall be attached hereto, and a certified copy of this document and the rezoning ordinance shall be recorded by the City in the land records of the County Recorder to memorialize the rezoning of the Properties as identified above.

The words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

**THE OAKS ON FLEUR, LLC**

  
 By: Adam Sieren  
 Its: Owner

State of Iowa            )  
                                   ) ss:  
 County of Polk         )

This instrument was acknowledged before me on March 29, 2022, by Adam Sieren as Owner of The Oaks on Fleur, LLC.



  
 Notary Public in and for the State of Iowa