

.....
Date July 18, 2022

RESOLUTION HOLDING 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, on June 27, 2022, by Roll Call No. 22-0999, it was duly resolved by the City Council that the request to rezone the Property be set down for hearing on July 18, 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 rezoning; and

WHEREAS, in accordance with said notice, those interested in said 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 4230 Fleur Drive and 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.



Roll Call Number

Agenda Item Number

55

Date July 18, 2022

From “MX2” mixed-use district to “MX3” mixed use district, to allow development of a drive-through for a restaurant use.

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 rezoning of the Property are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, to “MX3” mixed use district, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, and final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY _____ TO ADOPT. SECOND BY _____.

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				
MOTION CARRIED			APPROVED	

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.

Mayor

Acting City Clerk

Date July 18, 2022
 Agenda Item 55
 Roll Call # _____

June 22, 2022

Communication from the City Plan and Zoning Commission advising that at their June 16, 2022 meeting, the following action was taken regarding a request from Forget Properties II, LLC (owner), represented by Norm Forget (officer) to rezone property located at 4230 Fleur Drive from “MX2” Mixed-Use District to “MX3” Mixed Use District, to allow development a drive-through for a Restaurant use.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 as follows

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

APPROVAL of Part A) The proposed rezoning to “MX3” District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of “Community Mixed Use” within a “Community Node.”

Part B) Approval of the request to rezone the property from “MX2” Mixed Use District to “MX3” Mixed Use District, to allow development of a Restaurant with a drive-through use.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed rezoning to “MX3” District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of “Community Mixed Use” within a “Community Node.”

Part B) Staff recommends approval of the request to rezone the property from “MX2” Mixed Use District to “MX3” Mixed Use District, to allow development of a Restaurant with a drive-through use.

Written Responses

1 in Favor

0 in opposition

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

- 1. Purpose of Request:** The applicant is proposing to convert the north tenant bay of the building addressed as 4226 Fleur Drive from a dry cleaner use to a coffee shop (restaurant) use with an accessory drive-through facility. The Planning and Design Ordinance (City Code Chapter 135) does not allow drive-through facilities within the “MX2” District. Therefore, the applicant is requesting to rezone the parcel to “MX3” District.
- 2. Size of Site:** 63,910 square feet (1.47 acres).
- 3. Existing Zoning (site):** “MX2” Mixed Use District.
- 4. Existing Land Use (site):** The site contains two one-story commercial buildings with multiple tenants, as well as a parking lot.
- 5. Adjacent Land Use and Zoning:**
 - North** – “MX2”; Uses are commercial in nature.
 - South** – “MX2” and NX2; Uses are commercial, apartments, and Stanton Avenue right-of-way.
 - East** – “MX2”; Uses are commercial and Fleur Drive right-of-way.
 - West** – “MX2”; Uses are parking area for the shopping complex.
- 6. General Neighborhood/Area Land Uses:** The subject property is located at the intersection of Fleur Drive and Stanton Avenue. The surrounding area contains a mix of commercial and multiple household residential uses.
- 7. Applicable Recognized Neighborhood(s):** The subject property is located in the Southwestern Hills Neighborhood and within 250 feet of Watrous South Neighborhood. All recognized neighborhoods were notified of the public hearing by mailing of the Preliminary Agenda on May 27, 2022 and by mailing of the Final Agenda on June 10, 2022. Additionally, separate notifications of the hearing for this specific item were

mailed on May 27, 2022 (20 days prior to the public hearing) and June 6, 2022 (10 days prior to the public hearing) to the Southwestern Hills and Watrous South Neighborhood Associations and 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 Neighborhood Development Division on the date of the mailing. The Southwestern Hills Neighborhood mailings were sent to George Davis, 3124 Southwest 29th Street, Des Moines, IA 50321. The Watrous South Neighborhood mailings were sent to Mitch Harris, 360 Bridgewood Drive, #1102, West Des Moines, IA 50266.

The applicant will provide a summary of the neighborhood meeting at the public hearing.

8. Relevant Zoning History: N/A.

9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation: Community Mixed Use within a Community Node.

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 “Community Mixed Use” and located in a “Community Node” on the Future Land Use Map. Plan DSM describes these designations as follows:

Community Mixed Use: Small- to medium-scale mixed use development, located on high-capacity transit corridors or at the intersection of transportation corridors. Community mixed use areas include both a mix of medium density residential and a mix of retail and service establishments designed to attract customers from a large service area encompassing multiple neighborhoods and may include specialty retail that attracts regional customers.

Community Node: Mid-sized centers providing a range of daily needs and specialized services within a larger neighborhood context. Consist of a mix of housing, retail, and offices serving a larger population and geographical area than a neighborhood node. May include a shopping district including a grocery and drug store. Residential development including medium and high densities may occur.

The applicant is proposing to rezone the property from “MX2” District to “MX3” District. The Zoning Ordinance states that the “MX2” District is “intended for mixed-use, regional-scale nodes and corridors within the city, where residents and visitors may access multiple uses by walking.” Building types allowed in this district include Storefront, Civic Building, and Principal Use Parking Structure.

The Zoning Ordinance states that the “MX3” District is “intended for mixed-use nodes and corridors within the city, where residents and visitors may access multiple uses by walking and automobile. This district accommodates higher intensity commercial uses at a smaller scale.” Building types allowed in this district include Storefront, Commercial Cottage, General Building, Commercial Center, Civic Building and Principal Use Parking Structure.

Staff believes that the proposed coffee shop with an accessory drive through use is appropriate for the character of the area and complimentary to the other mix of predominantly automobile oriented commercial uses along the corridor.

- 2. Planning and Design Ordinance:** Any construction must comply with all applicable site plan and design regulations of the Planning and Design Ordinance. Should the rezoning be approved, the applicant would be required to prepare a Site Plan and building elevations for review in order for the drive-through facility can be constructed.

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 Jension made a motion for:

Part A) The proposed rezoning to “MX3” District be found in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of “Community Mixed Use” within a “Community Node.”

Part B) Approval of the request to rezone the property from “MX2” Mixed Use District to “MX3” Mixed Use District, to allow development of a Restaurant with a drive-through use.

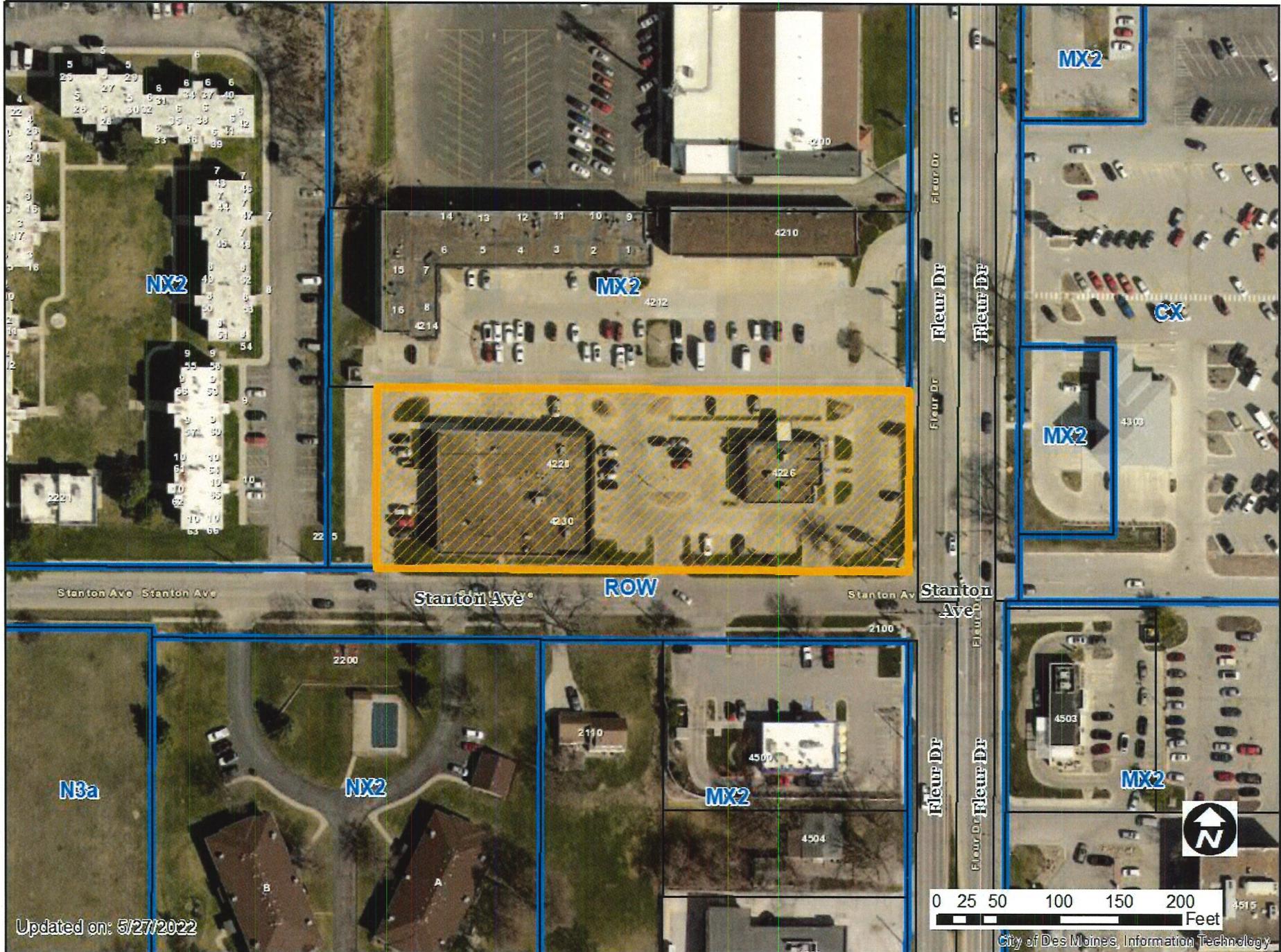
Motion passed: 12-0

Respectfully submitted,

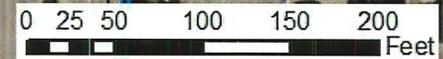


Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh



Updated on: 5/27/2022

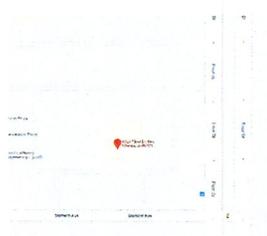


City of Des Moines, Information Technology

1 inch = 104 feet



PROJECT LOCATION



SHEET INDEX

Sheet Number	Sheet Name	Current Revision Description	Current Revision Date
A101	Life Safety Plan	Revision 1	3.28.22
A102	Demo - New Plan	Revision 1	3.28.22
A103	Details		

Issue 02 - Revision 1 - City Review Comments

ARCHITECT

ELEVATED BUILDERS, LLC
 CONTACT: PAUL GEHRKE
 EMAIL: PGEHRKE@ELEVATEDBUILDERS.COM
 PHONE: (641)373-3803

OWNER

MANDIP PAUDEL
 EMAIL: MANDIP.PAUDEL@GMAIL.COM
 PHONE:

COFFEE SHOP

4226 FLEUR DR.
 DES MOINES, IA 50321



I hereby certify that the portion of this technical submission described below was prepared by me or under my direct supervision and responsible charge. I am a duly licensed architect under the laws of the state of Iowa.

Paul Gehrke 03/28/2022
 Signature Date

Printed or typed name: Paul Gehrke
 License Number: 07375
 License renewal date is June 30, 2022
 Pages or sheets covered by this seal: A101, A102, A103



Elevated Builders LLC
 1011 N Ankeny Blvd, # 1141, Ankeny, Iowa 50021
 (515) 446-8126

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CITY OF DES MOINES, IA PLAN REVIEW DATA

PROJECT DESCRIPTION: THIS PROJECT IS INTENDED TO TRANSFER AN EXISTING MERCANTILE (B) SPACE TO A COFFEE SHOP. THIS IS A SINGLE STORY SLAB ON GRADE BUILDING WITH CMU BLOCK EXTERIOR WALLS, METAL BAR JOIST CEILING STRUCTURE, AND METAL STUD AND DRYWALL PARTITIONS. THE BUILDING IS 14' TALL AND OUR SUITE IS 1,077 GROSS SQUARE FEET. THE ROOF IS A FLAT BUILT UP INSULATION. EXTERIOR WALLS ARE INSULATED WITH BATT INSULATION.

- I. APPLICABLE CODES:
- 2018 INTERNATIONAL BUILDING CODE
 - 2018 INTERNATIONAL EXISTING BUILDING CODE
 - 2021 STATE MECHANICAL CODE
 - 2018 NATIONAL FUEL GAS CODE
 - 2018 INTERNATIONAL FIRE CODE
 - 2020 NATIONAL ELECTRICAL CODE
 - STATE PLUMBING CODE BASED ON THE 2021 UNIFORM PLUMBING CODE
 - 2015 INTERNATIONAL ENERGY CONSERVATION CODE
 - IOWA STATEWIDE URBAN DESIGN AND SPECS/STANDARDS FOR PUBLIC IMPROVEMENTS

II. OCCUPANCY CLASSIFICATION (PER IBC CHAPTER 3)
 GROUP B - BUSINESS - RESTAURANT/COFFEE SHOP/RENOVATION

III. OCCUPANT LOAD (PER TABLE 1004.5, IBC)

ASSEMBLY
 FIRST FLOOR, GROSS: 677 SQ. FT.
 OCCUPANT LOAD: 15 SQ FT GROSS SQ FT PER PERSON = 46 OCCUPANTS

KITCHEN/UTILITY
 FIRST FLOOR, GROSS: 452 SQ. FT.
 OCCUPANT LOAD: 200 SQ FT GROSS SQ FT PER PERSON = 3 OCCUPANTS

TOTAL OCCUPANT LOAD = 49 OCCUPANTS

IV. CONSTRUCTION TYPE (PER IBC 601)
 TYPE V-B, EXISTING, UNPROTECTED, UNSPRINKLERED
 1 HR FIRE RATING FOR ALL WALLS, PARTITIONS, STRUCTURAL FRAME, FLOOR AND FLOOR (PER TABLE 601, IBC)
 1 HR FIRE RATING REQUIRED BETWEEN TENANTS. EXISTING WALL IS 1 HOUR RATED ASSEMBLY UL-Q419 (1 HOURS) WITH 3-5/8" STEEL STUDS AND 5/8" GYP EACH SIDE. DURING CONSTRUCTION FIRESEAL ANY EXISTING PENETRATIONS AND VERIFY NO DUCTWORK PENETRATES WALL UNLESS A PROPER DAMPER IS INSTALLED. DOOR TO BACK HALLWAY IS A 60 MINUTE STEEL DOOR WITH CLOSER.

V. OTHER LIFE SAFETY ITEMS (PER IBC CHAPTER 10):
 B: BUSINESS OCCUPANCY
 MAX. TRAVEL DISTANCE = 200'-0"
 COMMON PATH OF TRAVEL = 75'-0"
 MAX. DEAD END CORRIDOR LENGTH = 50'-0"
 EGRESS WIDTH PER PERSON SERVED (PER TABLE 1005.1 IBC) = N/A (STAIRS)
 EGRESS WIDTH PER PERSON SERVED (PER TABLE 1005.1 IBC) = 2' (OTHER)
 FIRST LEVEL:
 EXIT WIDTH REQUIRED = 2' X 40 OCC. = 8'-0"
 ACTUAL EXIT WIDTH PROVIDED = 8'-0"
 MINIMUM CORRIDOR AISLE WIDTH = 4'-0"
 MINIMUM CLEAR OPENING OF EXIT DOORS = 3'-0"
 MINIMUM NUMBER OF EXITS REQUIRED: 1

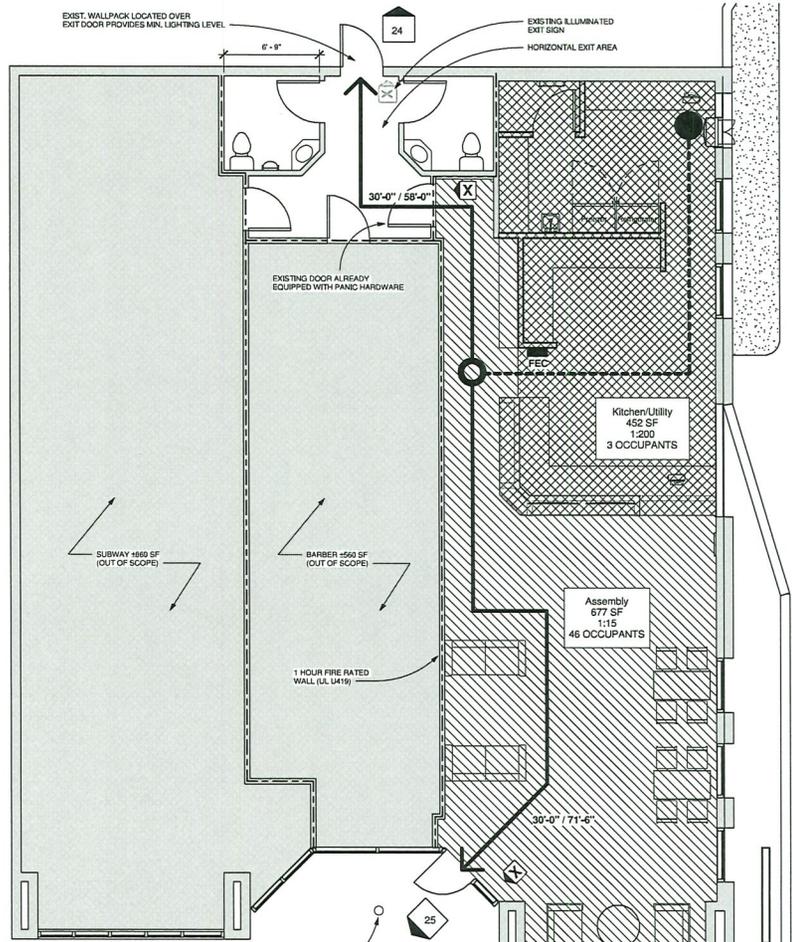
VI. FIRE PROTECTION
 THIS BUILDING DOES NOT NEED TO BE SPRINKLERED PER IBC 903.2.1.2
 THIS BUILDING DOES NOT REQUIRE A FIRE ALARM PER IBC 907.2.1

VII. INSULATION
 PER CHAPTER 5 OF THE IECC. THIS CHANGE IN OCCUPANCY WILL NOT INCREASE THE DEMAND FOR FOSSIL FUELS AND THEREFORE IS NOT REQUIRED TO INCREASE R VALUES
 -UNABLE TO VERIFY INSULATION IN EXTERIOR WALLS
 -EXISTING INSULATION EXISTS IN CEILINGS

VIII. PLUMBING FIXTURE REQUIREMENTS (PER IBC TABLE 2902.1)
 WATER CLOSETS: 1-75
 LAVATORIES: 1-200
 TOTAL EXISTING RESTROOMS ARE IN THE COMMON AREA AND ARE NOT PART OF THE RENOVATION, AND THEREFORE CAN REMAIN THE SAME.

RESTROOM BREAKDOWNS FOR ENTIRE BUILDING:
 SUBWAY KITCHEN: 415 SF / 200 = 3 OCCUPANTS
 SUBWAY DINING: 545 SF / 15 = 37 OCCUPANTS
 BARBERSALON: 505 SF / 200 = 3 OCCUPANTS
 COFFEE SHOP: 48 OCCUPANTS
TOTAL: 92 OCCUPANTS (46 MEN/46 WOMEN)
 PER TABLE 2902.1 - RESTAURANTS 1-75
 DRINKING FOUNTAIN: NOT REQUIRED PER IPC 410.4 (RESTAURANT)

IX. CODE REVIEW NOTES:
 EXIT SIGNS SHALL COMPLY WITH IBC 1011



ADD EXTERIOR LIGHT UNDER FRONT AWNING TO MEET MINIMUM EGRESS LIGHTING REQUIREMENTS. LIGHT TO BE ON EMERGENCY POWER CIRCUIT

Level 1 - Life Safety
 1/4" = 1'-0"

PARKING AND SITE INFORMATION

PARKING CALCULATIONS

- RESTAURANT 1:150 GROSS FLOOR AREA (NEW COFFEE SHOP)
 FLOOR AREA 1126 SQ. FT. / 150 GROSS = 8 PARKING STALLS
- RESTAURANT 1:150 GROSS FLOOR AREA (EXISTING SUBWAY)
 FLOOR AREA 860 SQ. FT. / 150 GROSS = 6 PARKING STALLS
- RETAIL 1:400 GROSS FLOOR AREA (BARBER)
 FLOOR AREA 560 SQ. FT. / 400 GROSS = 2 PARKING STALLS

HANDICAP NOTES

HANDICAPPED PARKING (PER IOWA REGULATORY ASSISTANCE 321L5) = 2 HANDICAPPED STALLS
 VAN PARKING (PER IBC 1106.5) = 1 SPACE REQUIRED TO BE VAN COMPATIBLE

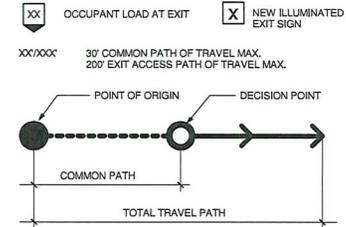
PARKING BREAKDOWN (REQUIRED)
 14 STANDARD STALLS
 1 HANDICAPPED CAR
 1 HANDICAPPED VAN
 16 TOTAL STALLS

EXISTING STALLS CURRENTLY ON SITE - 28 STALLS ✓

OCCUPANCY TYPE LEGEND

- [Hatched Box] KITCHEN 1:200
- [Diagonal Lines Box] ASSEMBLY 1:15

EGRESS LEGEND



Coffee Shop

4226 Fleur Dr
 Des Moines, IA 50321



Revision	Date
1	Revision 1 3.28.22
0	Issue 01 1.31.22
Issues	Date

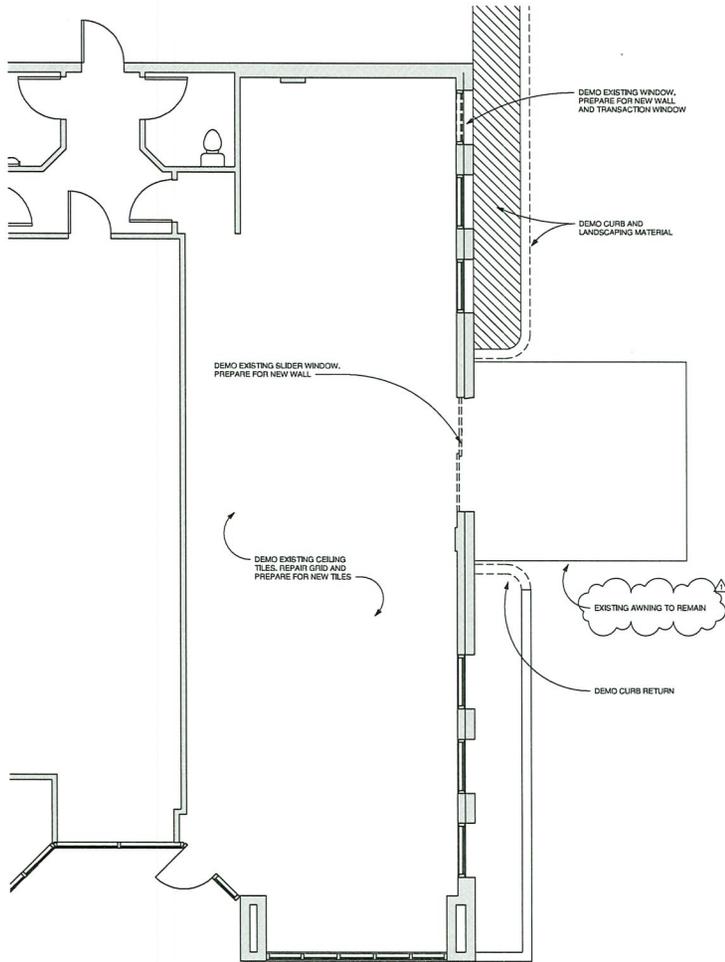
Drawn _____
 Checked _____

Life Safety Plan

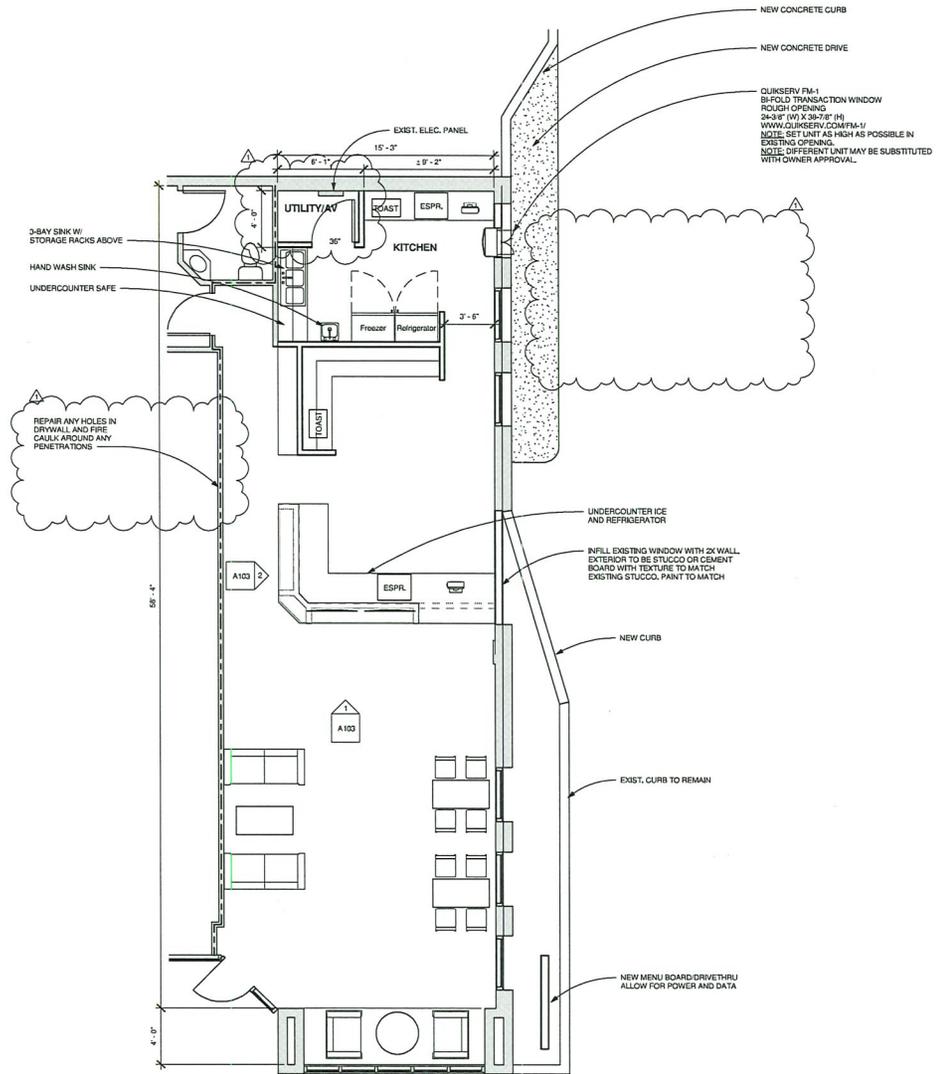
A101

GENERAL NOTES: DEMOLITION

1. THE CONTRACTOR IS RESPONSIBLE FOR DAMAGE TO THE EXISTING BUILDING AND GROUNDS ARISING FROM DEMOLITION OPERATIONS
2. DASHED LINES INDICATE EXISTING CONSTRUCTION TO BE REMOVED, REMOVE ALL CONSTRUCTION THAT CONFLICTS WITH THE INTENT OF THE NEW CONSTRUCTION.
3. REMOVAL OF DOORS ALSO INCLUDES REMOVAL OF DOOR FRAMES AND HARDWARE
4. NOTIFY ARCHITECT OF ALL NOTICEABLE DEFECTS IN EXISTING CONSTRUCTION PRIOR TO BEGINNING DEMOLITION OPERATIONS, AS WELL AS DEFECTS UNCOVERED DURING DEMOLITION OPERATIONS
5. REMOVE ELECTRICAL BOXES, WIRING, AND CONDUIT IN DEMOLISHED PARTITIONS BACK TO THEIR RESPECTIVE PANELS, UNLESS INDICATED TO BE REROUTED.



3 Level 1 - Demolition Plan
1/4" = 1'-0"



2 Level 1
1/4" = 1'-0"



Elevated Builders LLC
1011 N Ankeny Blvd, # 1141, Ankeny, Iowa 50021
(515) 446-8126

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Coffee Shop

4226 Fleur Dr
Des Moines, IA 50321

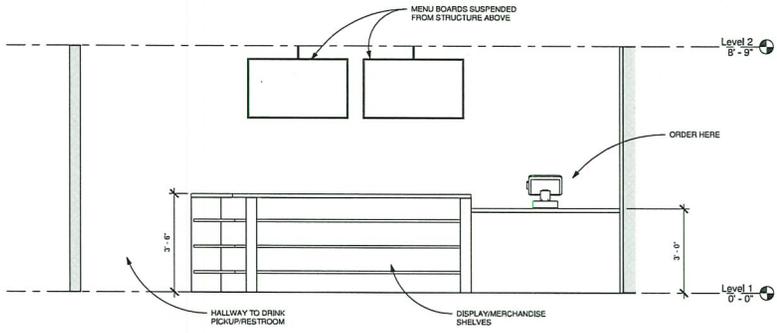


1	Revision 1	3.28.22
0	Issue 01	1.31.22
△	Issues	Date

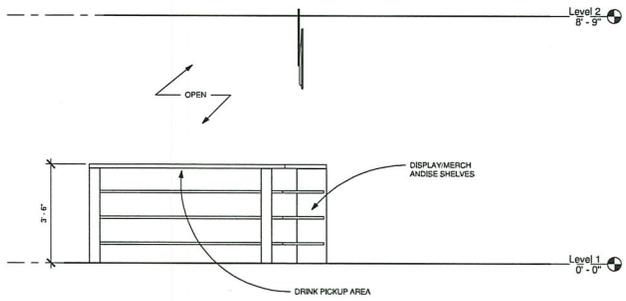
Drawn _____
Checked _____

Demo - New Plan

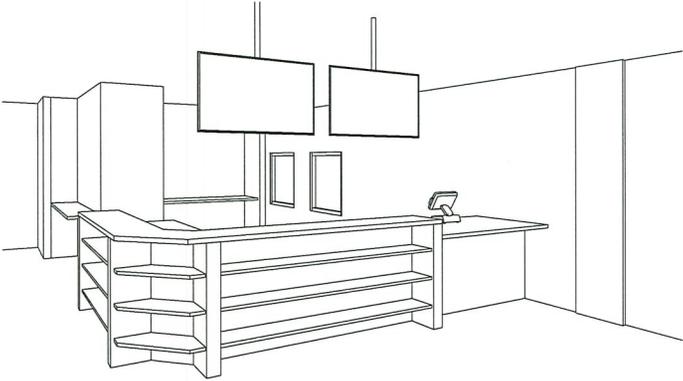
A102



① Elevation - Front Bar
1/2" = 1'-0"



② Elevation - Side Bar
1/2" = 1'-0"



③ 3D View - Bar



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Coffee Shop
 4226 Fleur Dr
 Des Moines, IA 50321



Issue	Date
0	Issue 01 1.31.22
△	Issues

Drawn _____
 Checked _____

Details

A103

55

From: [Deep Paudel](#)
To: [Neighborhood Meeting](#)
Subject: Fleur Drive Coffee Shop Neighbor Meeting Summary
Date: Monday, June 13, 2022 8:10:11 PM
Attachments: [image002.png](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello

I am not sure what to write and how the summary should be written about this meeting.

No one showed up for the meeting.

Below is my attempt at the summary:

The meeting was held on June 9th, 2020 @ 10 AM at 4226 Fleur Dr, DSM 50321.

1. An invitation letter was mailed to all the list of addresses that were provided by the city.
Please see the attached document.
2. There were only two of us who were present at the meeting. The owner Norm Forge and me.
3. No suggestions of concerns.
4. No changes or anything was considered.

Attached is the picture of the letters that were mailed out.

Thank you

Kind regards,

Deep Paudel

Multi-Unit Operator - Des Moines Metro

PO Box 35812 | Des Moines IA 50315

(c) 563-209-7884



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Item: ZONG-2022-000052

Date: _____

Please mark one of the following:

I am in favor of the request

I am not in favor of the request

Signature: *George Davis*

Name: George Davis

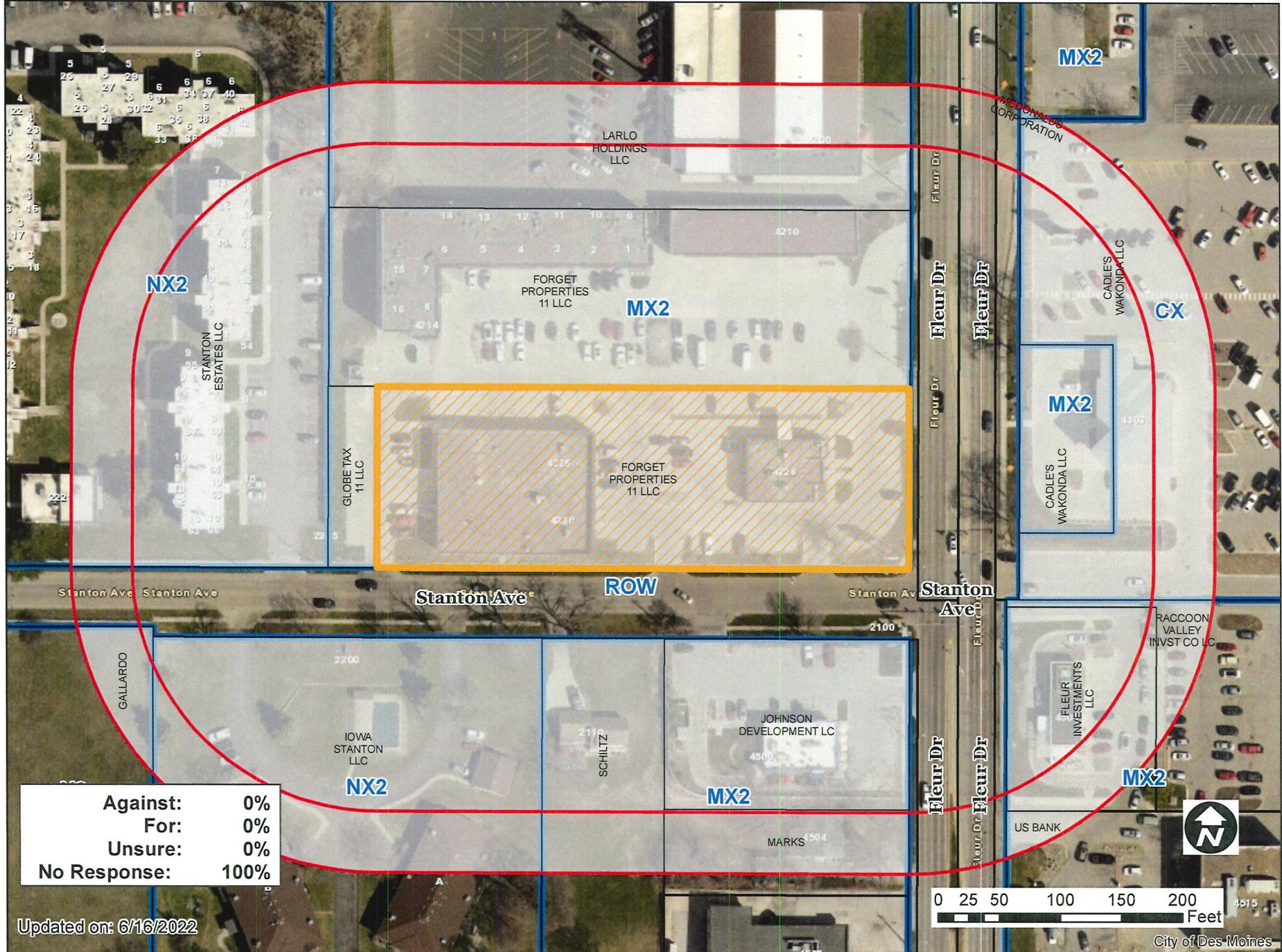
Address: 3124 SW 29TH

Staff Use Only
RECEIVED
COMMUNITY DEVELOPMENT
JUN 13 2022

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

Southwest Hills Neighborhood Assoc.

Supports This.



Against:	0%
For:	0%
Unsure:	0%
No Response:	100%

Updated on: 6/16/2022

1 inch = 104 feet

Forget Properties II, LLC, 4226, 4228, 4230 Fleur Drive

ZONG-2022-000052



1 inch = 104 feet