



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



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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 Mandelbaum TO ADOPT. SECOND BY Boesen

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 T.M. Frankin Cownie Mayor

Signature of P. Kay Cmelik

City Clerk