



Roll Call Number

22-1183

Agenda Item Number

55

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

22-1183

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 Mandelbaum TO ADOPT. SECOND BY Boesen

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	7			

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.

J. M. Franklin Cownie Mayor

Laura Baumgartner Acting City Clerk