

.36

February 14, 2011

#### Date.

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on January 20, 2011, its members voted 11-0 support of a motion to recommend **APPROVAL** of a request from Grand View University (owner), to rezone property located at 1422 and 1431 Morton Avenue from "R1-60" One-Family Low-Density Residential to "PUD" Planned Unit Development. 1422 Morton Avenue is owned by Russell and Betty Walker.

The subject property is more specifically described as follows:

EXISTING PUD

LOTS 4. 5. 6. AND THE WEST 225.0 FEET OF THE NORTH 137.1 FEET OF LOT 7 AND THE EAST 463.4 FEET OF LOT 7 EXCEPT THE SOUTH 25.0 FEET OF THE EAST 463.4 FEET OF LOT 7 AND THE SOUTH 300.0 FEET OF LOT 8. EXCEPT THE WEST 70.0 FEET OF THE NORTH 25.0 FEET OF LOT 8, THE NORTH 328.0 FEET OF LOT 8 EXCEPT NORTH 25.0 FEET OF THE WEST 48.5 FEET OF THE NORTH 165.5 FEET OF LOT 8 AND EXCEPT THE WEST 70.0 FEET OF THE SOUTH 25.0 FEET OF THE NORTH 328.0 FEET OF LOT 8, ALL OF LOTS 9 AND 10 AND LOT 11 EXCEPT THE NORTH 150.0 FEET OF THE EAST 100.0 FEET OF LOT 11 AND THE SOUTH 1/2 OF LOT 12 EXCEPT THE SOUTH 25.0 FEET OF LOT 12, ALL WITHIN THE PARTITION PLAT OF THE NORTHWEST 1/4 SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., AND THE SOUTH 1/2 OF LOT 1 OF THE PARTITION PLAT OF THE NORTHEAST 1/4 SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 79 NORTH. RANGE 24 WEST OF THE 5TH P.M., AN OFFICIAL PLAT EXCEPT THE SOUTH 25.0 FEET AND EXCEPT THE EAST 75.0 FEET OF THE NORTH 125.0 FEET OF THE SOUTH 150.0 FEET OF SAID LOT 1 AND ALL OF THE WEST 1/2 OF THE VACATED NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING EAST OF AND ADJOINING THE SOUTH 1/2 OF SAID LOT 1 EXCEPT THE SOUTH 125.0 FEET OF THE WEST 1/2 OF SAID VACATED NORTH/SOUTH ALLEY RIGHT-OF-WAY; AND THE SOUTH 418.25 FEET OF LOT 12, SCROGG'S ACRES, AN OFFICIAL PLAT; AND LOTS 1 THROUGH 20, WOODS AND BELLS ADDITION, AN OFFICIAL PLAT, AND THAT PART OF VACATED EAST/WEST RIGHT-OF-WAY OF BOYD STREET LYING EAST OF E. 14<sup>TH</sup> STREET, AND LOTS 7. 8. 9.10. 11. 12.13. 14. AND THE VACATED RIGHT-OF-WAY OF STREET LOT A (MORTON AVE.) AND LOT B (IDAHO ST.) LYING EAST OF THE WEST LINE OF SAID LOT 10 EXTENDED NORTH TO THE SOUTH LINE OF SAID LOT 12 OF BALL PARK HEIGHTS, AN OFFICIAL PLAT, AND LOTS 1 THROUGH 11 OF MILLER'S ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

-CONTINUE-



Date

February 14, 2011

#### AREAS TO BE REZONED PUD

LOT 10 OF BALL PARK HEIGHTS, AN OFFICIAL PLAT, INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

LOT 13 OF BALL PARK HEIGHTS, AN OFFICIAL PLAT, INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

THE VACATED RIGHT-OF-WAY OF STREET LOT A (MORTON AVE.) AND LOT B (IDAHO ST.) LYING EAST OF THE WEST LINE OF SAID LOT 10 EXTENDED NORTH TO THE SOUTH LINE OF SAID LOT 12 OF BALL PARK HEIGHTS, AN OFFICIAL PLAT, INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

- 1. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on February 28, 2011, at which time the City Council will hear both those who oppose and those who favor the proposal.
- 2. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

FORM APPROVED:

MOVED by \_\_\_\_\_ to adopt.

Michael F. Kelley/ Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT		
COWNIE						
COLEMAN						
GRIESS						
HENSLEY						
MAHAFFEY						
MEYER						
MOORE						
TOTAL						
MOTION CARRIED			APPROVED			

(ZON2010-00229)

#### CERTIFICATE

I, DIANE RAUH, 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.

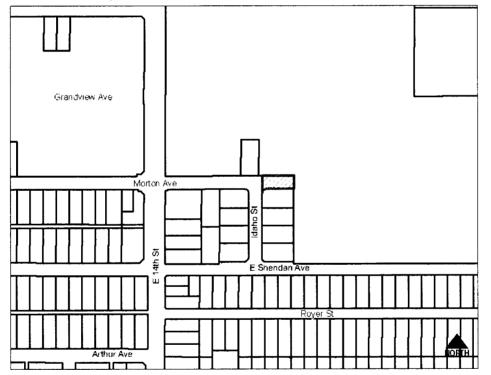
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Mayor

Request from Grand View University (developer) represented by Adam Voights (officer) File #									
for the vacation of a regard to the propos		11-2010-1.19							
	view and ap east.	nue from	Idaho Street to						
2020 Community Character Plan		Public/Semi-Public							
Horizon 2035 Transportation Pl	No Planned Improvements								
Current Zoning D	"R1-60" One-Family Low-Density Residential District and "PUD" Planned Unit Development District								
Proposed Zoning	"PUD" Planned Unit Development District								
Consent Card Responses Inside Area Outside Area		ln I	avor	avor Not in Favoi		Undetermined		% Opposition N/A	
Plan and ZoningAppCommission ActionDen		roval ial	11-0	Required 6/7 the City Cour				X	

34

Grandview University Street Vacation - Morton Avenue east of Idaho Street 11-2010-1.19



Date	_
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January 27, 2011

Agenda	nem_	

Roll Call #\_

Honorable Mayor and City Council City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held January 20, 2011, the following action was taken:

# **COMMISSION RECOMMENDATION:**

After public hearing, the members voted 11-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
JoAnne Corigliano	Х			
Shirley Daniels	Х			
Jacqueline Easley	Х			
Dann Flaherty	Х			
John "Jack" Hilmes	Х			
Joel Huston				Х
Ted Irvine	Х			
Greg Jones	Х			
Jim Martin				Х
Brian Millard	Х			
William Page	Х			
Mike Simonson	Х			
Kent Sovern	Х			
1				

**APPROVAL** of a request from Grand View University (owner) to vacate a segment of Morton Avenue from Idaho Street to the east subject to reservation of easements for any public utilities in place to remain until such time as Grand View University either assumes private ownership of the facilities or relocates the utilities with creation of new public easements and to find the proposed rezoning in conformance with the Des Moines' 2020 Community Character Plan future land use designation of Public/Semi-Public; also **APPROVAL** to rezone property located at 1422 and 1431 Morton Avenue from "R1-60" One-Family Low-Density Residential to "PUD" Planned Unit Development. 1422 Morton Avenue is owned by Russell and Betty Walker; and **APPROVAL** to amend the Grand View East PUD Conceptual Plan to expand off-street parking and landscaping on the southwestern portion of the east campus subject to the following: 11-2010-1.19 & ZON2010-00229

1. Provision of a minimum 25-foot setback along East 14<sup>th</sup> Street for any offstreet parking area.



CITY PLAN AND ZONING COMMISSION ARMORY BUILDING 602 ROBERT D. RAY DRIVE DES MOINES, IOWA 50309 –1881 (515) 283-4182

> ALL-AMERICA CITY 1949, 1976, 1981 2003

2. The Conceptual Plan shall be revised to demonstrate removal of existing parking lot areas being restored with sod and landscaping materials.

Written Responses 11 In Favor 3 In Opposition

# STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends approval of the requested vacation of Morton Avenue subject to reservation of easements for any public utilities in place to remain until such time as Grand View University either assumes private ownership of the facilities or relocates the utilities with creation of new public easements.

Part B) Staff recommends that the Commission find the proposed rezoning in conformance with the Des Moines' 2020 Community Character Plan future land use designation of Public/Semi-Public.

Part C) Staff recommends approval of the requested rezoning for an additional 0.54 acres to "PUD" Planned Unit Development.

Part D) Staff recommends approval of the amendment to the "PUD" Concept Plan subject to the following:

- 1. Provision of a minimum 25-foot setback along East 14<sup>th</sup> Street for any off-street parking area.
- 2. The Conceptual Plan shall be revised to demonstrate removal of existing parking lot areas being restored with sod and landscaping materials.

# STAFF REPORT

## I. GENERAL INFORMATION

1. Purpose of Request: The applicant is proposing to expand the Grand View University east campus by incorporating the properties known as 1422 and 1431 Morton Avenue, as well as the remaining 120-foot long segment of Morton Avenue right-of-way east of Idaho Street.

This is the fifth requested amendment to the Conceptual Plan. The University is proposing to add additional parking lots within the southern portions of the PUD, remove an existing parking lot just east of the student center, and add pedestrian connections on campus.

- 2. Size of Site: 0.54 acres is proposed to be added to the existing "PUD" for a total "PUD" area of 33.28 acres in the East campus. The requested segment of Morton Avenue right-of-way measures approximately 150 feet by 50 feet (6,000 square feet).
- **3. Existing Zoning (site): "**R1-60" One-Family Low-Density Residential District and "PUD" Planned Unit Development.

4. Existing Land Use (site): The areas proposed for rezoning include two single-family dwellings that have been acquired by Grand View University for demolition in order to accommodate future development. The area currently zoned "PUD" includes campus buildings and parking, as well as five single-family dwellings that would be demolished.

# 5. Adjacent Land Use and Zoning:

North – "PUD". Use is the east campus of Grand View University.

**South** – "R1-60", Uses are single-family residential on the south side of Morton Avenue.

East - "PUD". Use is the east campus of Grand View University.

*West* – "PUD" and "R1-60", Uses are the east campus of Grand View University and single-family dwellings on the south side of Morton Avenue.

- 6. General Neighborhood/Area Land Uses: The subject property is located east of the East 14<sup>th</sup> Street major arterial and south of the Hull Avenue collector with primarily low-density residential uses at the periphery and the Luther Park retirement community to the east of the subject PUD.
- 7. Applicable Recognized Neighborhood(s): Union Park Neighborhood Association.
- 8. Relevant Zoning History: The Grand View College East PUD was approved on August 5, 2002 by the City Council. This included the proposal to add a new three-story, 20-suite student apartment building along Hull Avenue. There have been four subsequent amendments to provide additional student housing, an addition to the wellness center, revised access, off-street parking, electronic signage, and transformer cabinets. The most recent amendment approved by City Council on May 10, 2010, includes a 43,000-square foot two-story expansion to the Grand View Student, development of an enclosed pedestrian overpass over East 14th Street connecting the expanded Grand View Student Center to the Rasmussen Center, construction of a four-story student housing building, and development of additional off-street parking.
- **9. 2020 Community Character Land Use Plan Designation:** Public/Semi-Public & Low Density Residential (practice field only).
- **10. Applicable Regulations:** The Commission reviews all proposals to vacate land dedicated for a specific public purpose, such as for streets and parks, to determine whether the land is still needed for such purpose or may be released (vacated) for other use. The recommendation of the Commission is forwarded to the City Council.

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.

The application, accompanying evidence and Conceptual Plan shall be considered by the Plan and Zoning commission at a public hearing. The Commission shall review the conformity of the proposed development with the standards of this division and with recognized principles of civic design, land use planning, and landscape architecture. At the conclusion of the hearing, the Commission may vote to recommend either approval or disapproval of the Conceptual Plan and request for rezoning as submitted, or to recommend that the developer amend the plan or request to preserve the intent and purpose of this chapter to promote public health, safety, morals and general welfare. The recommendations of the commission shall be referred to the City Council.

# II. ADDITIONAL APPLICABLE INFORMATION

 Drainage/Grading: The campus currently has many storm water management improvements in place including detention basins. Engineering staff has reviewed the Conceptual Plan and believes the conceptual locations for drainage and storm water management are adequate. Approval of any future Development Plan will be subject to compliance with grading/silt control, storm water management requirements, and Site Plan policies for drainage and grading.

In late 2005, the City completed upgrades to the storm sewer in East Sheridan Avenue that conveys storm water released from properties in the vicinity of the subject property to an open drainage area two blocks to the east. This relieved drainage problems on East 16<sup>th</sup> Street and Sampson Street that were occurring during heavy rain events by intercepting storm water along East Sheridan Avenue that would have normally continued to drain north.

- 2. Utilities: Easements for existing facilities within Morton Avenue right-of-way must be provided until they are removed or relocated at the applicant's expense.
- 3. Landscaping & Buffering: The PUD Concept Plan shows existing landscaping and previously approved conceptual landscaping and buffering of the off-street parking lots. The Conceptual Plan includes a cross section detail that demonstrates an 18-inch tall berm that would surround off-street parking lots. The berm would include overstory trees spaced approximately every 30 feet and a continuous row of shrubs.

The Conceptual Plan includes a provision that all off-street parking areas will be landscaped in accordance with the landscaping standards as applicable to the "R-3" District. This will include a mix of perimeter and interior plantings and a landscaped buffer to screen the parking lot.

The Conceptual Plan demonstrates that an existing parking lot to the east of the Student Center will be removed. Staff recommends that the Conceptual Plan demonstrate that this area will be restored with sod and landscaping materials.

The Conceptual Plan includes the provision that removal of existing landscaping for proposed building and parking areas is subject to compliance with tree mitigation requirements as part of any Development Plan.

4. Access or Parking: Two additional surface parking areas are proposed, including one at the northeast corner of the intersection of East 14<sup>th</sup> Street and Morton Avenue, and one at the northeast corner of the intersection of Idaho Street and East Sheridan Avenue. The Conceptual Plan states that a 10-foot paving setback shall be provided along all front property lines. While a 10-foot setback is adequate along Morton Avenue, Idaho Street, and East Sheridan Avenue given the proposed landscape berm, staff believes that a 25-foot paving setback is appropriate along East 14<sup>th</sup> Street since it is a major arterial.

The Conceptual Plan demonstrates the requested segment of Morton Avenue right-ofway would be used for an access drive. The Conceptual Plan also demonstrates a short drive access entrance off Idaho Street just south of Morton Avenue.

- 5. Traffic/Street System: Traffic and Transportation Division staff has indicated that the surrounding street network is adequately designed for any future use and development proposed by the Concept Plan. The dead end segment of Morton Avenue proposed to be vacated and removed currently serves as street frontage for existing single-family dwellings owned by Grand View University that will be removed for the project.
- 6. 2020 Community Character Plan: The proposed usage of the subject property for higher educational purposes is consistent with the Public/Semi-Public future land use designation in the Des Moines 2020 Community Character Plan.

# SUMMARY OF DISCUSSION

There was no discussion.

# CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one to speak in support or opposition of applicant's request.

## **COMMISSION ACTION**

<u>Kent Sovern</u> moved staff recommendation Part A) To approve the requested vacation of Morton Avenue subject to reservation of easements for any public utilities in place to remain until such time as Grand View University either assumes private ownership of the facilities or relocates the utilities with creation of new public easements.

Part B) To find the proposed rezoning in conformance with the Des Moines' 2020 Community Character Plan future land use designation of Public/Semi-Public.

Part C) To approve the requested rezoning for an additional 0.54 acres to "PUD" Planned Unit Development.

Part D) To approve the amendment to the "PUD" Concept Plan subject to the following:

1. Provision of a minimum 25-foot setback along East 14<sup>th</sup> Street for any off-street parking area.



2. The Conceptual Plan shall be revised to demonstrate removal of existing parking lot areas being restored with sod and landscaping materials.

Motion passed 11-0.

Respectfully submitted,

Michael Ludwig, AICH

Planning Administrator

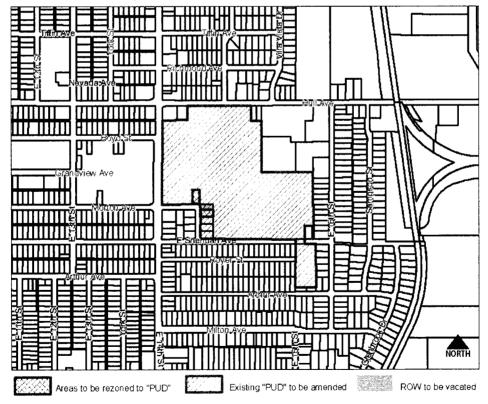
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MGL:clw

Attachment

Request from Grand View University (developer) represented by Adam Voights (officer)								File #	
for the following with regard to the proposed expansion of the Grand View East PUD:								ZON2010-00229	
<ul> <li>C) Rezoning of property located at 1422 and 1431 Morton Avenue from "R1-60" One-Family Low-Density Residential to "PUD" Planned Unit Development. 1422 Morton Avenue is owned by Russell and Betty Walker.</li> <li>D) Amend the Grand View East PUD Conceptual Plan to expand off-street parking and landscaping on the southwestern portion of the east campus.</li> </ul>									
2020 Community     Public/Semi-Public       Character Plan									
Horizon 2035         No Planned Improvements           Transportation Plan         Improvements									
Current Zoning District ""R1-60" One-Family Low-Density Residential District and Unit Development District						rict and	PUD" I	Planned	
Proposed Zoning District "PUD" Planned Unit Development District									
Consent Card Responses In Favor Not In Favor Undetermined								% Opposition	
Inside Area		11		3			N/A		
Outside Area									
Plan and Zoning	Appr	oval	11-0		Required 6/7	d 6/7 Vote of Yes			
Commission Action Denia				the City Counc					X

Grandview Univ. Rezoning & PUD Amendment - 1422 & 1431 Morton Ave ZON2010-00229



1-18-11 2010-00229 Date Item oretue request. 39 I (am) (am not) in fax COMMUNITY DEVELOPMENT Print Name 5011 Signature DEPARTMENT DesMoires, Address La 50316 Reason for opposing or approving this request may be listed below: SOCKOR a Darking il le ubut Item 2010 00229 1-13-11 Date ot in favor of the request. REGEIVED SHARFR COMMUNITY DEVELOPMENTPrint Name\_\_\_\_ LINDA her de Signature JAN 19 2011 Address 1526 HULL DEPARTMENT Reason for opposing or approving this request may be listed below: Everytime houses are torn down and Cement. causer Covered wit Adin + meltin of from sewers in our area are already not adequate lur street is continuesly ergue the sain, etc has no place.

Item 2010-00229 1-13-11 Date 118 I (am) (am not) in favor of the request. Iown the Property (Circle One) NCY Hanis Name Nonce COMM TY DEVELOPHENT L Es in preasent-Ta. JAN 21 20Address Own 2524 E165 Shor Reason for opp DEPAGE opproving this request may be listed below: - Traffic - Property Valuen Noice Taxes on Property Item ZON 2010.00229 Date 114 2011 (am)) (am not) in favor of the request. (Circhegelved COMMUNITY DEVELOPMENTName Kat JAN 18 2011 Signature Address 2712 SM DEPARTMENT Reason for opposing or approving this request may be listed below: is about The Grandview Univ. his not for rezining

2010-00229 Item Date (am not) in favor of the request. (am PLUMMER Pium Proper THS COMMUNITY DEVELORMENT JAN 21 291 JAN 21 16th DEPARTMEN E. 5+. Reason for opposing or approving this request may be listed below: 2010-00229 \_ltem Date 17.0011 (am) (am not) in favor of the request. (Circle MECEIVED COMMUNITY DEVELOPMENT Signature JAN 21 2011 282 Address DEPARTMENT Reason for opposing or approving this request may be listed below:

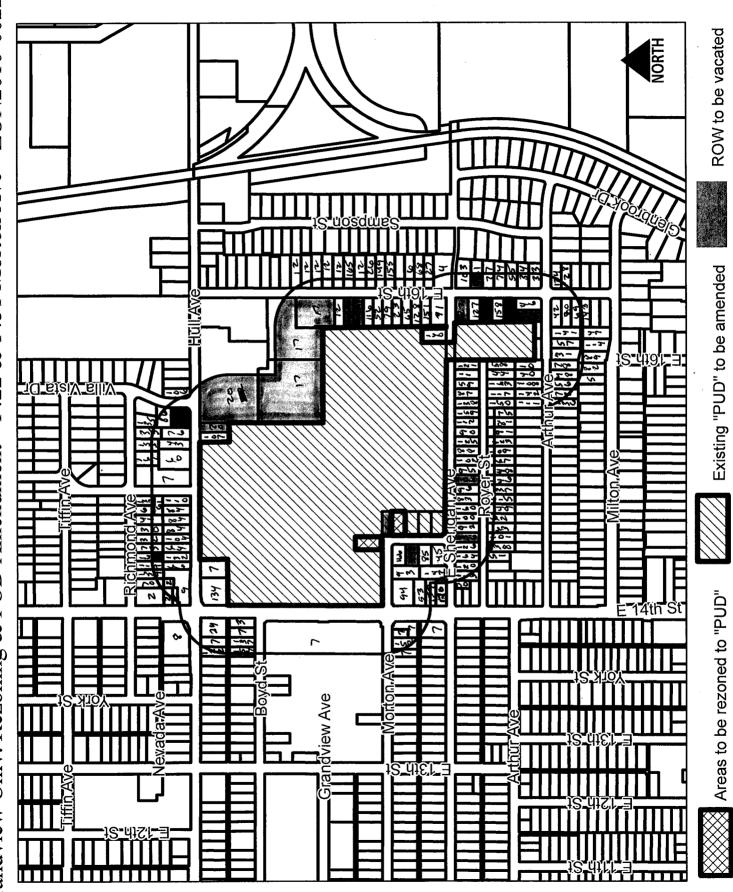
Item 2010 - 00229 Date 0/- 18-166 (am not) in favor of the request. (CircBECEIVED (Circle One) COMMUNITY DEVELOPMENT Print Name MTCL JAN 21 2011 Signature DEPARTMENT Address /424ROLER STREET DES LAUA Reason for opposing or approving this request may be listed below: THIS SHOLD ALLEUTATE THE MESS OF ALL THE TREET PALKING ON IDAHO AND SHEATDAN STREETS. BE NICE TO SEE DECORATENET CONFIL. wald AND FOR SHADBS IN THE LANDSCAPE TK LE: BUE SAUTE / MUEO PILE RUTE I WHETTE PEUE FAS Item 2010-00229 6-11 Date I (am))(am not) in favor of the request. ωq FRAL COMMUNITY DEVELOPMENT prason Signature\_ BM 500 Ro Address 12r DEPARTMENT Reason for opposing or approving this request may be listed below:

2010 00229 Date Item (am) am not) in favor of the request. 24 (Circle One) F Brint Name RECE COMMUNITY DEVELOPMENTe JAN 21 2011 Address Reason for opperative proving this request may be listed below: inprove the !W 17) A th Item 2010 00229 Date (am not) in favor of the request. RECEIVELOPMENT COMMUNITY DEVELOPMENT JAN 18 2011 14 5 Reason for opperation an oving this request may be listed below: E 16th needs orton rease in going 10 street talf 5 to issue need ne this exa Con 40 ke dressec ac

Item 2010-0025 Date /-(am))(am not) in favor of the request. RECEIVEN COMMUNITY DEVELOPMENT rint Name YCE BORG 1 JAN 18 2011 AUENUE NR 160 Reason for opprentive proving)this request may be listed below: much / v SI Community. 2010-00329 -11 Item Date I (am not) in favor of the request. RECEIVED COMMUNITY DEVELOPMENT rint Name 124an Signature JAN 19 2011 Address DEPARTMENT Reason for opposing or approving this request may be listed below 3/6

2010-00229 1-13-20(1 Date Item I (am) (am not) in favor of the request. RECEIVED F. Kalsen COMMUNITY DEVELOPMENT JAN 18 2011Signature DEPARTMENTAddress 2614 Ilaho St. DSM 50316 Reason for opposing or approving this request may be listed below: reservations. With an ul. < my house irectly east 05 9 ntrance  $\mathcal{O}$ street parking on De. OW hЭ n Street block long and W 0 ill make it difficult to exit or entrance King near Ĵ parked curs. you he manuver 1-14-11 Date ロスタ Item (am not) in favor of the request. **l (**am) (Circle RECEIVED COMMUNITY DEVELOPMENT COMMUNITY DEVELOPMENT Name Russell 4 Rebecca Potts JAN 18 20 Bignature\_ Pou Relpina DEPARTMENT dress 2601 E. DSM Ia 50316 Reason for opposing or approving this request may be listed below:

Grandview Univ. Rezoning & PUD Amendment - 1422 & 1431 Morton Ave ZON2010-00229



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