



Date March 11, 2019

RESOLUTION SETTING HEARING ON REQUEST FROM LUTHER MEMORIAL CHURCH OF DES MOINES, IOWA TO REZONE PROPERTY LOCATED AT 1101 GRANDVIEW AVENUE, AND TO AMEND THE GRAND VIEW UNIVERSITY WEST PUD CONCEPTUAL PLAN

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 21, 2019, its members voted 9-0 in support of a motion to recommend **APPROVAL** of a request from Luther Memorial Church of Des Moines, Iowa (purchaser), represented by Lowell Jacobson (officer), to rezone property located at 1101 Grandview Avenue ("Property") from "PUD" Planned Unit Development to Limited "R-3" Multiple-Family Residential District to remove the Property from the Grand View University campus and assemble it with 1201 Grandview Avenue to allow for expansion of the existing church thereon, and to amend the Grand View University West PUD Conceptual Plan to remove the subject property from said Plan, subject to the following conditions:

1. Any use of the Property shall be limited to a church or university use; and
2. Any construction on the Property shall be in compliance with a site plan as reviewed and approved by the City's Permit & Development Center; and

WHEREAS, the Property proposed to be rezoned, and proposed to be removed from the Grand View University West PUD Conceptual Plan, is legally described as follows:

THE EAST 45.7 FEET OF LOT6, BLOCK 8, GRAND VIEW, NOW 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 attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed rezoning and amendment to the PUD Conceptual Plan is to be considered shall be held at the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on March 25, 2019, at which time the City Council will hear both those who oppose and those who favor the proposal.
3. 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.



Roll Call Number

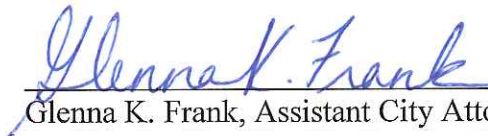
Agenda Item Number

21

Date March 11, 2019

MOVED BY _____ TO ADOPT.

FORM APPROVED:


Glenna K. Frank, Assistant City Attorney

(ZON2019-00005)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				
MOTION CARRIED	APPROVED			

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

City Clerk



02/06/2019

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02/06/20

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02/06/2019

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02/06/2019

21



March 5, 2019

Date March 11, 2019
 Agenda Item 21
 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 February 21, 2019 meeting, the following action was taken regarding a request from Luther Memorial Church of Des Moines, Iowa (purchaser) represented by Lowell Jacobson (officer) to rezone property at 1101 Grandview Avenue from "PUD" Planned Unit Development to "R-3" Multiple-Family Residential District, to allow for the expansion of the existing church at 1201 Grandview Avenue. The subject property is owned by Grand View University.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 9-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles	X			
David Courard-Hauri	X			
Jacqueline Easley				X
Jann Freed	X			
John "Jack" Hilmes	X			
Lisa Howard				X
Carolyn Jenison	X			
Greg Jones	X			
William Page	X			
Mike Simonson	X			
Rocky Sposato				X
Steve Wallace	X			
Greg Wattier				X

APPROVAL of Part A) the Commission find the proposed rezoning in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation of Public/Semi-Public, Part B) **APPROVAL** of the request to rezone property from "PUD" Planned Unit

Development to "R-3" Multiple-Family Residential District, subject to the following conditions:

1. Any use of the property shall be limited to a church or university use.
2. Any construction on the property be in compliance with a Site Plan as reviewed and approved by the City's Permit & Development Center.

Part C) **APPROVAL** of the request to amend the Grand View University West PUD Conceptual Plan to remove the subject property from the PUD in order to assemble it with property to the east at 1201 Grandview Avenue.

(ZON2019-00005)

Written Responses

7 in Favor

1 in Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the Commission find the proposed rezoning in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation of Public/Semi-Public.

Part B) Staff recommends approval of the request to rezone property from "PUD" Planned Unit Development to "R-3" Multiple-Family Residential District, subject to the following conditions:

1. Any use of the property shall be limited to a church or university use.
2. Any construction on the property be in compliance with a Site Plan as reviewed and approved by the City's Permit & Development Center.

Part C) Staff recommends approval of the request to amend the Grand View University West PUD Conceptual Plan to remove the subject property from the PUD in order to assemble it with property to the east at 1201 Grandview Avenue.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed rezoning would allow for a 45.7-foot wide portion of a parcel on Grand View University's campus to be assembled with the adjoining parcel that is owned by Luther Memorial Church. The church would use the additional land to construct a building addition to the west façade of it's building.

Any expansion of the church would be required to be in compliance with a Site Plan reviewed and approved by the City's Permit & Development Center. This Site Plan must comply with all requirements, including the pertaining to zoning, stormwater, landscaping, and parking. This includes provision a 35-foot building setback from any property line and provision of at least one (1) off-street parking space per 80 square

feet of principal auditorium unless the Zoning Board of Adjustment grants waiver of such.

2. **Size of Site:** 45.7 feet by 150 feet (6,855 square feet).
3. **Existing Zoning (site):** Grand View University West "PUD" Planned Unit Development District.
4. **Existing Land Use (site):** Open space and off-street parking.
5. **Adjacent Land Use and Zoning:**

North – "PUD", Use is Grand View University.

South – "R1-60", Use is single-family residential.

East – "R-3", Use is Luther Memorial Church.

West – "PUD", Use is Grand View University.

6. **General Neighborhood/Area Land Uses:** The subject property is located along the edge of the Grand View University campus, in an area that transitions from educational uses to low-density residential uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is in the Union Park Neighborhood and within 250 feet of the Highland Park Neighborhood. These neighborhoods were notified of the Commission meeting by mailing of the Preliminary Agenda on February 1, 2019. Additionally, separate notifications of the hearing for this specific item were mailed on February 1, 2019 (20 days prior to the hearing) and on February 11, 2019 (10 days prior to the hearing) to the Union Park Neighborhood, Highland Park Neighborhood, and to the primary titleholder on file with the Polk County Assessor for each property adjacent to the subject Right-of-Way. A final agenda was mailed on February 15, 2019.

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. The Union Park Neighborhood notices were mailed to Jack Daugherty, P.O. Box 16113, Des Moines, IA 50316, and the Highland Park Neighborhood notices were mailed to Drew Kelso, 815 East Seneca Avenue, Des Moines, IA 50316.

The applicant is required to hold a neighborhood meeting as part of the rezoning process. They will be available to provide a summary of that meeting at the public hearing.

8. **Relevant Zoning History:** The subject property was rezoned from "R-3" District to "PUD" District on January 21, 2007, by Ordinance 14,624.
9. **PlanDSM Future Land Use Plan Designation:** Public/Semi-Public.
10. **Applicable Regulations:** The Commission, considering the criteria set forth in Chapter 18B of the Iowa Code, 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:** The subject site is designated as "Public/Semi-Public" on the Future Land Use Map. The proposed "R-3" District would comply with this designation so long as any use of the property is limited to a church or university use.
2. **Site Plan Requirements:** Any expansion of the church would be required to be in compliance with a Site Plan reviewed and approved by the City's Permit & Development Center. This Site Plan must comply with all requirements, including those pertaining to zoning, stormwater, landscaping, and parking. This includes provision a 35-foot building setback from any property line and provision of at least one (1) off-street parking space per 80 square feet of principal auditorium unless the Zoning Board of Adjustment would grant relief of such requirements.

SUMMARY OF DISCUSSION

Jann Freed asked if any member of the audience or the commission desired to speak regarding the item. None were present or requested to speak.

COMMISSION ACTION:

Greg Jones made a motion for **APPROVAL** of Part A) the Commission find the proposed rezoning in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation of Public/Semi-Public, Part B) **APPROVAL** of the request to rezone property from "PUD" Planned Unit Development to "R-3" Multiple-Family Residential District, subject to the following conditions:

1. Any use of the property shall be limited to a church or university use.
2. Any construction on the property be in compliance with a Site Plan as reviewed and approved by the City's Permit & Development Center.

Part C) **APPROVAL** of the request to amend the Grand View University West PUD Conceptual Plan to remove the subject property from the PUD in order to assemble it with property to the east at 1201 Grandview Avenue.

Motion Carried: 9-0

Respectfully submitted,



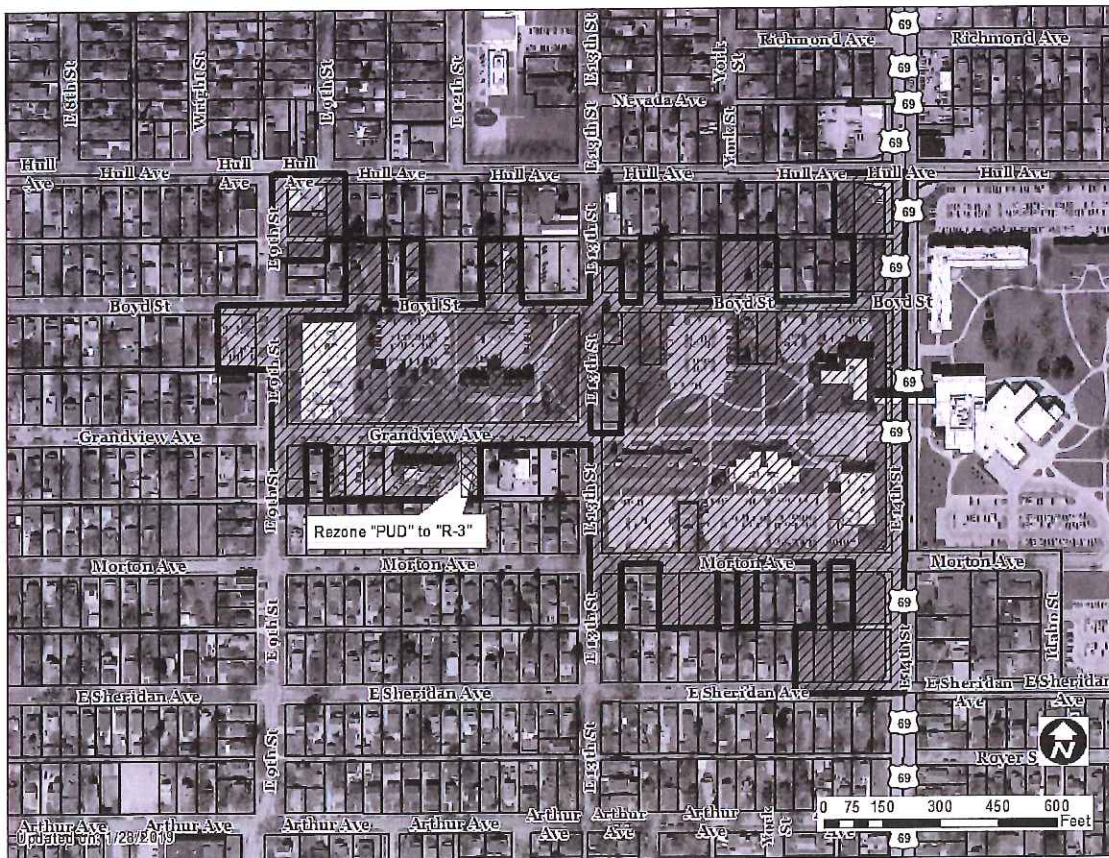
Michael Ludwig, AICP
Planning Administrator

MGL:tjh

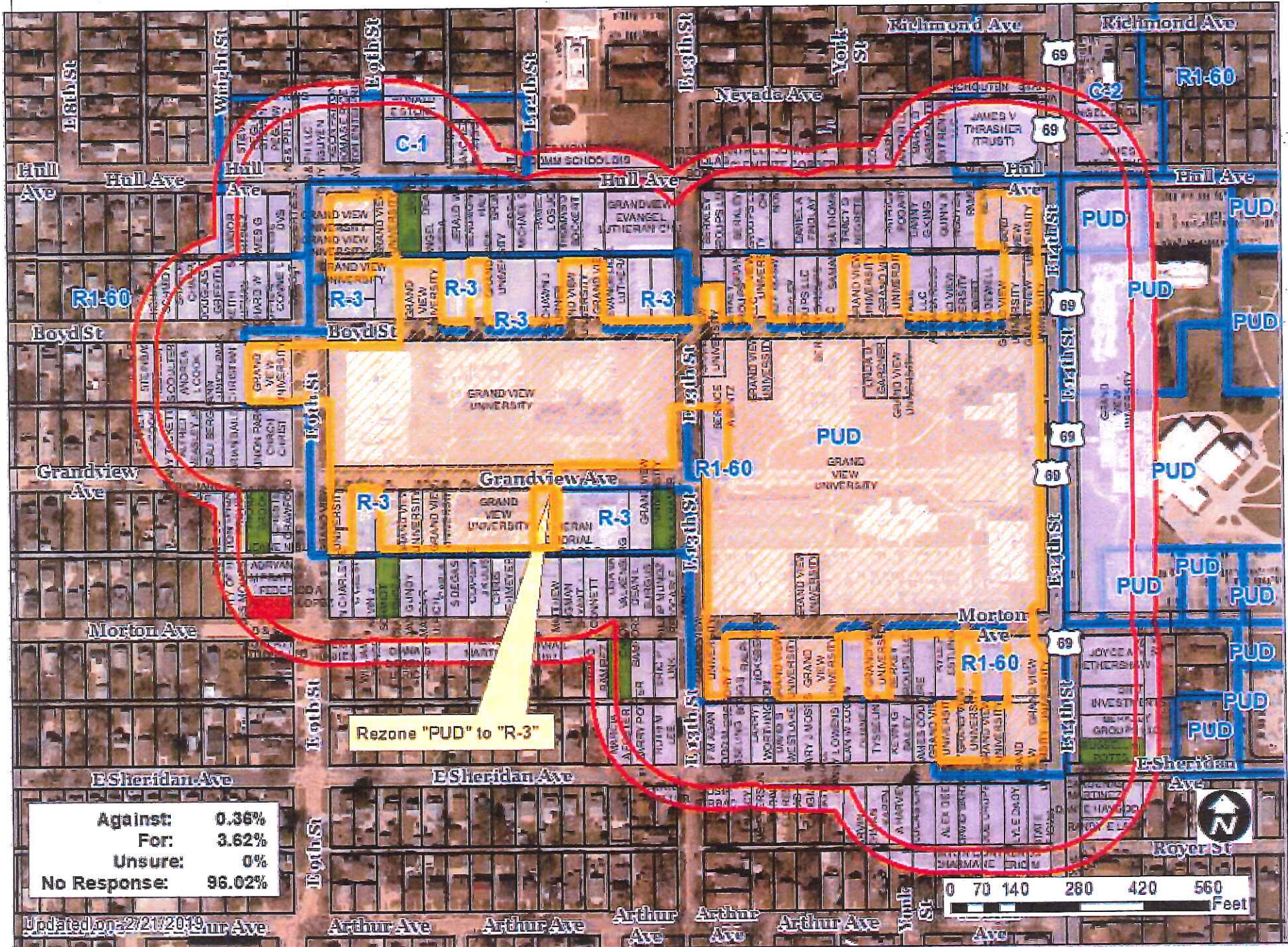
Luther Memorial Church of Des Moines, Iowa (purchaser) represented by Lowell Jacobson (officer) for property at 1101 Grandview Avenue. The subject property is owned by Grand View University.			File # ZON2019-00005	
Description of Action	Rezone property from "PUD" Planned Unit Development to "R-3" Multiple-Family Residential District, to allow for the expansion of the existing church at 1201 Grandview Avenue. Amend the Grand View University West PUD Conceptual Plan to remove the subject property from the PUD in order to assemble it with property to the east at 1201 Grandview Avenue for expansion of the existing church.			
PlanDSM Future Land Use	Current: Public/Semi-public. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"PUD" Planned Unit Development, "GGP" Gambling Games Prohibition Overlay District and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District	"R-3" Multiple-Family Residential District, "GGP" Gambling Games Prohibition Overlay District and "FSO" Freestanding Signs Overlay District.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Subject Property	7	1		
Outside Area (200 feet)				
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes
	Denial			No

Lutheran Memorial Church of Des Moines, 1101 Grandview Avenue

ZON2019-00005



1 inch = 288 feet



Against:	0.36%
For:	3.62%
Unsure:	0%
No Response:	96.02%

Updated on 2/21/2019

1 inch = 278 feet

Handwritten mark

ZON2019-00005

am ~~for~~ not

Date 2/13/19 21

(am) (am not) in favor of the request.

(Circle One)

RECEIVED

COMMUNITY DEVELOPMENT

Print Name Federico Prochila

Signature [Handwritten Signature]

FEB 19

Address 2700 E. 9th St. DM. IA 5031

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

Four horizontal lines for handwritten notes.

ZON2019-00005

am

Date 2/13/19

(am) (am not) in favor of the request.

(Circle One)

RECEIVED

COMMUNITY DEVELOPMENT

Print Name Carol Bamford

Signature [Handwritten Signature]

FEB 19

Address 1201 Morton

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

Four horizontal lines for handwritten notes.

Item ZON2019-00005 Date 2-17-2019

I (am) (am not) in favor of the request.

RECEIVED
COMMUNITY DEVELOPMENT
Print Name Lloyd L. Deaton
Signature Lloyd L. Deaton
Address 915 Hull Ave.

FEB 19

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

This does not directly affect me.

Item ZON2019-00005 Date 2-13-19

I (am) (am not) in favor of the request.

(Circle One)
RECEIVED
COMMUNITY DEVELOPMENT
Print Name KEVIN Schmitt
Signature [Signature]
Address 908 Moe Lane

FEB 19

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

Item ZON2019-00005 Date 2-14-19

I (am) (am not) in favor of the request.

(Circle One)
RECEIVED
COMMUNITY DEVELOPMENT
Print Name Jan Turner
Signature [Signature]
Address 2111 Grandview Ave, Jm

FEB 19

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

Positive things for community. Church next door to me wishes expand with adult programs for the neighborhood college students, and community.

Item ZON2019-00005 Date 2/13/2019
 (am) (am not) in favor of the request. SUBJECT PROPERTY OWNER
 (Circle One) **RECEIVED** Print Name ADAM VOIETS, GRAND VIEW UNIVERSITY
 COMMUNITY DEVELOPMENT Signature [Signature]
 FEB 19 Address 1200 GRANDVIEW AVE, DES MOINES IA 50316

Reason for opposing or approving this request may be listed below:
Grand View University approves

Item ZON2019-00005 Date 2/18/19
 (am) (am not) in favor of the request.
 (Circle One) **RECEIVED** Print Name Tom Brooks
 COMMUNITY DEVELOPMENT Signature [Signature]
 FEB 20 Address 831 Grandview DSM

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

Item ZON2019-00005 Date 2-13-19
 (am) (am not) in favor of the request.
 (Circle One) **RECEIVED** Print Name RUSSELL A. DETHS
 COMMUNITY DEVELOPMENT Signature [Signature]
 FEB 19 Address 2601 E 14th St. DSM

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