



Date April 22, 2019

**RESOLUTION DISMISSING HEARING ON REQUEST FROM DES MOINES UNIVERSITY
TO REZONE A PORTION OF PROPERTY AT 3200 GRAND AVENUE**

WHEREAS, on February 11, 2019, by Roll Call No. 19-0202, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on January 17, 2019, its members voted 7-0-1 in support of a motion to recommend **DENIAL** of a request from Des Moines University (owner), represented by Mark Peiffer (officer), to rezone a portion of property at 3200 Grand Avenue ("Property") from "R1-80" One-Family Residential District and Limited "R-4" Multiple-Family Residential District to revised Limited "R-4" Multiple-Family Residential District, to remove an existing zoning condition and allow expansion of the campus for an emergency generator and additional surface parking; and

WHEREAS, on February 11, 2019, by Roll Call No. 19-0202, it was duly resolved by the City Council that the application of Des Moines University to rezone the Property, legally described as follows, be set down for hearing on April 22, 2019 at 5:00 p.m. in the Council Chamber at City Hall:

THE SOUTH 490.0 FEET OF THE NORTH 990.0 FEET OF LOT 4 OF PIERCE'S SUBDIVISION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT THE SOUTH 200.0 FEET OF THE WEST 358.0 FEET OF SAID SOUTH 490.0 FEET; AND EXCEPT THE SOUTH 40.0 FEET OF THE NORTH 540.0 FEET OF THE EAST 150.0 FEET OF THE WEST 180.0 FEET OF SAID LOT 4; 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, thereafter Des Moines University requested to withdraw its application for the proposed rezoning of the Property.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the public hearing on the proposed rezoning of a portion of property at 3200 Grand Avenue from "R1-80" One-Family Residential District and Limited "R-4" Multiple-Family Residential District to revised Limited "R-4" Multiple-Family Residential District is hereby dismissed, and the matter of the proposed rezoning is withdrawn from City Council consideration.



Roll Call Number

Agenda Item Number

50

Date April 22, 2019

MOVED BY _____ TO ADOPT.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZON2018-00243)

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

MOTION CARRIED

APPROVED

Mayor

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.

City Clerk

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LILLIS O'MALLEY OLSON MANNING POSE TEMPLEMAN LLP

ATTORNEYS AT LAW

(ESTABLISHED 1917)

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March 13, 2019

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GEORGE E. O'MALLEY (1905-1982)
JOHN CONNOLLY III (1918-1998)
BERNARD J. CONNOLLY (1920-1970)
C. I. MCNUTT (1901-1958)
STREETAR CAMERON (1957-2008)

Mayor T.M. Franklin Cownie and Members of the City Council
City of Des Moines
City Hall
East 1st and Robert D. Ray Drive
Des Moines, IA 50309

Subject: Des Moines University – Rezoning from R1 – 81 – Family Residential
District and Limited R-4 Multiple – Family Residential District to Revised
Limited “R-4” Multiple – Family Residential District

Honorable Mayor and Members of the City Council:

Our law firm represents Des Moines University (Des Moines University).

Des Moines University requests its Petition for Rezoning (Limited R-4 Multiple – Family Residential District) hereinafter legally described, be withdrawn for consideration of the City Council Meeting Public Hearing scheduled for Monday, April 22, 2019.

The property is legally described as follows:

THE SOUTH 490.0 FEET OF THE NORTH 990.0 FEET OF LOT 4 OF PIERCES SUBDIVISION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT THE SOUTH 200.0 FEET OF THE WEST 358.0 FEET OF SAID SOUTH 490.0 FEET; AND EXCEPT THE SOUTH 40.0 FEET OF THE NORTH 540.0 FEET OF THE EAST 150.0 FEET OF THE WEST 180.0 FEET OF SAID LOT 4.

Dated this 13th day of March, 2019.

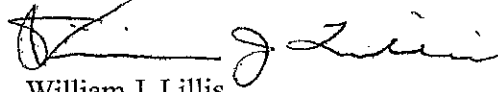
LILLIS O'MALLEY OLSON MANNING POSE TEMPLEMAN LLP

March 13, 2019

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Very truly yours,



William J. Lillis

For the Firm

WJL/adb