



Roll Call Number

16-1341

Agenda Item Number

44

Date August 8, 2016

RESOLUTION HOLDING HEARING ON REQUEST FROM GRAND VIEW UNIVERSITY TO REZONE PROPERTY IN THE VICINITY OF 2811 EAST 14TH STREET AND TO AMEND THE GRAND VIEW UNIVERSITY EAST CAMPUS PUD CONCEPTUAL PLAN

WHEREAS, on July 25, 2016, by Roll Call No. 16-1205, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on July 7, 2016, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Grand View University (owner), represented by Adam Voigts (officer), to rezone properties locally known as 2602 and 2608 Idaho Street, in the vicinity of the Grand View University campus, 2811 East 14th Street (collectively "Property"), from "R1-60" One-Family Low-Density Residential District to "PUD" Planned Unit Development, and to approve the Ninth Amendment to the Grand View University East Campus PUD Conceptual Plan to expand the Grand View University campus and to allow additional campus signage; and

WHEREAS, the Property to be rezoned is legally described as follows:

LOTS 5 AND 6 BALL PARK HEIGHTS, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; and

WHEREAS, the PUD Conceptual Plan area is legally described as follows:

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 THE SOUTH 300.0 FEET OF LOT 8), AND 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), AND LOTS 9 AND 10, AND LOT 11 (EXCEPT THE NORTH 150.0 FEET OF THE EAST 50.0 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., AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; 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, NOW INCLUDED IN AND FORMING APART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA (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 THE 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

(continued)

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FEET OF LOT 12, SCROGG'S ACRES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; AND LOTS 1 THROUGH 20, WOODS AND BELLS ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND THAT PART OF VACATED EAST/WEST RIGHT-OF-WAY OF BOYD STREET LYING EAST OF E. 14TH STREET; AND LOTS 7, 8, 9, 10, 11, 12, 13, AND 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 SOUTH LINE OF SAID LOT 12 OF BALL PARK HEIGHTS, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; 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 (EXCEPT BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 11; THENCE NORTH 89°58'20" EAST, 51.24 FEET ALONG THE NORTH LINE OF SAID LOTS 11 AND 10; THENCE SOUTH 82°13'54" WEST, 32.97 FEET; THENCE SOUTH 55°11'45" WEST, 22.72 FEET TO THE WEST LINE OF SAID LOT 11; THENCE NORTH 00°16'12" EAST, 17.40 FEET ALONG THE WEST LINE OF SAID 11 TO THE POINT OF BEGINNING). CONTAINING 34.86 ACRES AND LOTS 5 & 6 BALL PARK HEIGHTS; CONTAINING 0.354 ACRES; and

WHEREAS, on July 25, 2016, by Roll Call No. 16-1205, it was duly resolved by the City Council that the application from Grand View University to rezone the Property, and the request from Grand View University for approval of the Ninth Amendment to the Grand View University East Campus PUD Conceptual Plan, be set down for hearing on August 8, 2016 at 5:00 P.M., in the Council Chamber at the Municipal Service Center; 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 amendments to the Zoning Ordinance and to the Grand View University East Campus PUD Conceptual Plan; and

WHEREAS, in accordance with said notice, those interested in said proposed rezoning and proposed amendment to the approved Grand View University East Campus PUD Conceptual Plan, 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 locally known as 2602 and 2608 Idaho Street, in the vicinity of the Grand View University campus, 2811 East 14th Street, and as legally described above.

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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 to "PUD" Planned Unit Development District, and any objections to the proposed Ninth Amendment to the Grand View University East Campus PUD Conceptual Plan with revisions as set forth in the Plan and Zoning Commission recommendation, are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, to "PUD" Planned Unit Development District, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.
3. The proposed Ninth Amendment to the Grand View University East Campus PUD Conceptual Plan, as on file in the Community Development Department, is hereby found to be in conformance with PlanDSM: Creating Our Tomorrow Land Use Plan and is hereby approved.

MOVED BY *Westergaard* TO ADOPT.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZON2016-00109)

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|----------|--------|
| COWNIE | ✓ | | | |
| COLEMAN | ✓ | | | |
| GATTO | ✓ | | | |
| GRAY | ✓ | | | |
| HENSLEY | ✓ | | | |
| MOORE | ✓ | | | |
| WESTERGAARD | ✓ | | | |
| TOTAL | 7 | | | |
| MOTION CARRIED | | | APPROVED | |

T. M. Franklin
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.

Diane Rauh

City Clerk