



**Roll Call Number**

16-1345

**Agenda Item Number**

45B

**Date** August 8, 2016

**RESOLUTION HOLDING HEARING ON REQUEST FROM GRAND VIEW UNIVERSITY TO REZONE PROPERTY IN THE VICINITY OF 2800 EAST 14<sup>TH</sup> STREET AND TO AMEND THE GRAND VIEW WEST PUD CONCEPTUAL PLAN**

**WHEREAS**, on July 25, 2016, by Roll Call No. 16-1204, 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 multiple properties in the vicinity of the Grand View University campus, 2800 East 14<sup>th</sup> Street (collectively "Property"), from "C-2" General Retail and Highway-Oriented Commercial District, "C-1" Neighborhood Retail Commercial District, "R-3" Multiple-Family Residential District, and "R1-60" One-Family Low-Density Residential District, to "PUD" Planned Unit Development, and to amend the Grand View University West 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:

THE SOUTH 76 FEET OF LOT 16 AND LOTS 3, 18, 22, 23, 24, AND 29, ALL IN BLOCK 1, GRAND VIEW; PARCEL "A" LOT 30, BLOCK 1, GRAND VIEW RECORDED IN BOOK 14631 PAGE 311; PARCEL "A" LOTS 1 AND 2, BLOCK 1, GRAND VIEW RECORDED IN BOOK 14631 PAGE 357; THE NORTH 1/3 OF LOTS 16 AND 17 AND LOTS 13, 14, 15, 19, 20, 22, 26, AND 27, ALL IN BLOCK 2, GRAND VIEW; LOTS 1 AND 2, BLOCK 4, GRAND VIEW; INCLUDING THE EAST/WEST ALLEY, ALL OF BLOCK 5, GRAND VIEW; LOTS 6, 7, 8, 9, 10, 11, 12, 13, AND 15, ALL IN BLOCK 8, GRAND VIEW; THE WEST 40 FEET OF LOT 4 AND LOTS 8, 10, 11, 12, 15, 26, 27, AND 28, ALL IN BLOCK 12, GRAND VIEW, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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

LOTS 1-15; 17-19; 21-30, ALL IN BLOCK 6, AND LOTS 1-30, EXCEPT HIGHWAY RIGHT-OF-WAY, ALL IN BLOCK 7, AND LOTS 1, 2, 29 AND 30, EXCEPT HIGHWAY RIGHT-OF-WAY, IN BLOCK 12, ALL IN GRAND VIEW, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND

THE SOUTH 76 FEET OF LOT 16 AND LOTS 3, 18, 22, 23, 24, AND 29, ALL IN BLOCK 1, GRAND VIEW; PARCEL "A" LOT 30, BLOCK 1, GRAND VIEW RECORDED IN BOOK 14631 PAGE 311; PARCEL "A" LOTS 1 AND 2, BLOCK 1, GRAND VIEW RECORDED IN BOOK 14631 PAGE 357; THE NORTH 1/3 OF LOTS 16 AND 17 AND LOTS 13, 14, 15, 19, 20, 22, 26, AND 27, ALL IN BLOCK 2, GRAND VIEW; LOTS 1 AND 2, BLOCK 4, GRAND VIEW; INCLUDING THE EAST/WEST ALLEY, ALL OF BLOCK 5, GRAND VIEW; LOTS



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-2-

6, 7, 8, 9, 10, 11, 12, 13, AND 15, ALL IN BLOCK 8, GRAND VIEW; THE WEST 40 FEET OF LOT 4 AND LOTS 8, 10, 11, 12, 15, 26, 27, AND 28, ALL IN BLOCK 12, GRAND VIEW, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. ALL PROPERTIES SUBJECT TO ANY AND ALL EASEMENTS OF RECORD; and

**WHEREAS**, on July 25, 2016, by Roll Call No. 16-1204, 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 First Amendment to the Grand View University West 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 West 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 West 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 in the vicinity of 2800 East 14<sup>th</sup> Street and as legally described above.

**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 First Amendment to the Grand View University West 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 First Amendment to the Grand View University West 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.



Roll Call Number

16-1345

Agenda Item Number

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Date August 8, 2016

-3-

MOVED BY Westergaard TO ADOPT.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZON2016-00110)

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