



Roll Call Number

19-0501

Agenda Item Number

47

Date March 25, 2019

RESOLUTION HOLDING 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, on March 11, 2019, by Roll Call No. 19-0361, the City Council received a recommendation from the City Plan and Zoning Commission advising 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, on March 11, 2019, by Roll Call No. 19-0361, it was duly resolved by the City Council that the application of Luther Memorial Church of Des Moines, Iowa to rezone the Property, as legally described below, and to amend the Grand View University West PUD Conceptual Plan to remove the Property therefrom, be set down for hearing on March 25, 2019 at 5:00 p.m. in the Council Chambers at City Hall; 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 amendment to the Zoning Ordinance and to the Grand View University West PUD Conceptual Plan; and

WHEREAS, in accordance with said notice, those interested in said proposed rezoning and Conceptual Plan amendment, 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 1101 Grandview Avenue, legally described as:

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



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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, subject to the conditions stated above as agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by the owner(s) and purchaser of the Property, which is binding upon the owner(s) and their successors, heirs and assigns.

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 Limited "R-3" Multiple-Family Residential District with conditions as set forth above, are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property to Limited "R-3" Multiple-Family Residential District with conditions as set forth above, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to final passage of an ordinance rezoning the Property as set forth herein.
3. The proposed amendment to amend the Grand View University West PUD Conceptual Plan to remove the subject property from said Plan is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Westergaard TO ADOPT.

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

(ZON2019-00005)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and TOTAL (7). Includes 'MOTION CARRIED' and 'APPROVED' labels.

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.

J. M. Frankh Cownie Mayor

Diane Rauh City Clerk