



Roll Call Number

22-0110

Agenda Item Number

28

Date January 24, 2022

RESOLUTION HOLDING HEARING ON REQUEST FROM DRAKE UNIVERSITY FOR REVIEW AND APPROVAL OF AMENDMENT TO THE “UNIVERSITY SQUARE” LEGACY PLANNED UNIT DEVELOPMENT AND REZONING FOR PROPERTY AT 1236 24TH STREET

WHEREAS, on January 10, 2022, by Roll Call No. 22-0040, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on December 16, 2021, its members voted 9-0-1 in support of a motion to recommend **APPROVAL** of a request from Drake University (owner), represented by Michelle D. Morgan Huggins (officer), for review and approval of an amendment to the “University Square” Legacy Planned Unit Development (“PUD”) on property located 1236 24th Street (“Property”) to remove approximately 0.56 acres from the approved PUD so that it can be rezoned to ‘MX2’ Mixed Use District; and

WHEREAS, on January 10, 2022, by Roll Call No. 22-0040, the City Council received a communication from the City Plan and Zoning Commission further advising that at a public hearing held on December 16, 2021, its members voted 9-0-1 in support of a motion to recommend **APPROVAL** of a request from Drake University (owner), represented by Michelle D. Morgan Huggins (officer), to rezone the Property from ‘University Square Legacy Planned Unit Development District’ to ‘MX2’ Mixed Use District to allow development of a mixed use project including residential and commercial uses; and

WHEREAS, on January 10, 2022, by Roll Call No. 22-0040, it was duly resolved by the City Council that the request to amend the PUD area and to rezone the Property be set down for hearing on January 24, 2022, at 5:00 p.m., at the City Council Chambers; 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 land use amendment and rezoning; 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 1236 24th Street, legally described as:

THE NORTH 10 FEET OF LOT 38 AND ALL OF LOTS 39-41, UNIVERSITY PLACE, DES MOINES, POLK COUNTY, IOWA.

from ‘University Square Legacy Planned Unit Development District’ to ‘MX2’ Mixed Use District, to allow development of a mixed use project including residential and commercial uses; and

WHEREAS, in accordance with said notice, those interested in said proposed land use amendment and rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council.

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 PUD amendment and the proposed rezoning of the Property to ‘MX2’ Mixed Use District are hereby overruled, and the hearing is closed.

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2. Upon submittal of an amended PUD Conceptual Plan to eliminate the rezoned Property to the satisfaction of the City's Planning and Urban Design Administrator, the proposed amendment to University Square Legacy Planned Unit Development District to remove 0.56 acres from the PUD District, is hereby approved.
3. The proposed rezoning of the Property, as legally described above, to 'MX2' Mixed Use District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved as set forth herein.

MOVED BY Sheumaker TO ADOPT. Second by Mandelbaum.

FORM APPROVED:

Judy K. Parks-Kruse
 Judy K. Parks-Kruse, Assistant City Attorney

(ZONG2021-000046)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
SHEUMAKER	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

CERTIFICATE

I, P. KAY CMELIK, 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.

MOTION CARRIED APPROVED

M. Franklin Cownie
 Mayor

P. Kay Cmelik
 City Clerk