

RESOLUTION NO.

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, APPROVING THE SCHOOL OF CLASSICAL BALLET PHASED SITE PLAN (SP-003506-2017) FOR THE PURPOSE OF GRADING THE SITE AND INSTALLING PRIVATE INFRASTRUCTURE IN ANTICIPATION OF NEW CONSTRUCTION OF A 10,804 SQ. FT BALLET SCHOOL

WHEREAS, pursuant to the provisions of Title 8, Building, Chapter 5, Site Grading Regulations, et seq, of the West Des Moines Municipal Code, the applicant, The School of Classical Ballet, has requested approval for a Grading Plan as part of a pending site plan (SP-003506-2017) for approximately 4.33 acres located at 1509 42nd Street, for the purpose of grading the property in anticipation of the construction of a 10,804 sq. ft ballet school;

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, The School of Classical Ballet, has requested approval for a Phased Site Plan (SP-003506-2017) for approximately 4.33 acres located at 1509 42nd Street, for the purpose of allowing installation of underground private utilities in anticipation of the construction of a 10,804 sq. ft ballet school;

WHEREAS, studies and investigations were made and staff reports and recommendations were submitted which are made a part of this record and herein incorporated by reference;

WHEREAS, on September 25, 2017 this Commission held a duly-noticed meeting to consider the application for School of Classical Ballet Site Plan (SP-003506-2017) to allow site grading and installation of underground private infrastructure only;

NOW, THEREFORE, THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings, for approval, in the staff report or as amended orally at the Plan and Zoning Commission meeting are adopted.

SECTION 2. The Phase Site Plan (SP-003506-2017) permit to grade the property and allow installation of underground private utilities for that site located at 1509 42nd Street is hereby approved by the Plan and Zoning Commission, subject to compliance with all the conditions in the staff report including conditions added at the meeting and attached hereto as Exhibit "A". Violation of any such conditions shall be grounds for revocation of the permit, as well as any other remedy which is available to the City.

PASSED AND ADOPTED on September 25, 2017.

Craig Erickson, Chair
Plan and Zoning Commission

ATTEST:

Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on September 25, 2017, by the following vote:

- AYES:
- NAYS:
- ABSTENTIONS:
- ABSENT:

ATTEST:

Recording Secretary

**EXHIBIT A
CONDITIONS OF APPROVAL**

1. The applicant install and maintain all necessary soil erosion measures
2. The applicant agrees that any grading or work done to the site prior to the full approval of the site plan which contains all site development details is at their own risk, and that the final site development will need to comply with any changes that are deemed necessary as part of those subsequent approvals. The applicant further acknowledges and agrees that should the continued review, development and finalization of the site's details warrant changes to the utilities or building design or locations resulting in changes to the grades, or utilities, that the applicant will need to make the necessary changes at their own cost with no compensation from the City
3. The applicant acknowledges that approval of this site plan does not allow for any above ground construction of any type and that subsequent site plan approval and submittal of final plans to the City is required before any above ground work can be started.
4. The applicant agrees to obtain all appropriate building permits prior to initiation of any site work