



Date November 18, 2013

WHEREAS, on November 4, 2013, by Roll Call No. 13-1720, the City Council duly resolved that a public hearing to be held on November 18, 2013, at 5:00 p.m., in the Council Chambers at City Hall, 400 Robert D. Ray Drive in Des Moines, to consider a proposal from Drake University (owner) represented by Deborah Newsome (officer), to amend the approved Drake University Recreation PUD Planned Unit Development District Conceptual Plan for property located in the vicinity of 1420 26th Street, to allow an approximately 31,000 square foot basketball practice facility addition to the east side of the Knapp Center; and

WHEREAS, due notice of the hearing was published in the Des Moines Register on November 7, 2013, as provided by law, setting forth the time and place for hearing on the proposed amendment to the approved PUD Conceptual Plan; and

WHEREAS, at a public hearing on October 17, 2013, the Plan and Zoning Commission recommended by a vote of 12-0 that the proposed amendment to the approved PUD Conceptual Plan be approved, subject to the following conditions and subject to the conceptual plan being first amended as set forth in the attached letter from the Planning Administrator:

1. Compliance with all administrative comments of the final Mylar review.
2. A note indicating that any Development Plan will provide mitigation of any trees removed in accordance with Tree Preservation and Mitigation Ordinances with additional plantings necessary to meet minimum open space plantings as in C-2 Districts based on the total disturbed site area for the proposed addition.
3. A note indicating any signs will conform to standards and allowances as permitted in the "C-2" District with no allowance for off-premises advertising signs.

WHEREAS, in accordance with the published notice those interested in the proposed amendment to the approved 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.

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, statements of interested persons and arguments of counsel, the objections to the proposed amendments to the approved PUD Conceptual Plan for the property in the vicinity of 1420 26th Street, and more specifically described below, are hereby overruled and the hearing is closed.



Date November 18, 2013

-2-

Lots 15 thru 35, inclusive in Smith's Fourth Addition to University Place, Des Moines, Polk County, Iowa; AND,

Lots 6 through 21, inclusive, in Smith's Second Addition to University Place, Des Moines, Polk County, Iowa; AND,

Platted alley lying East of and adjacent to the East line of Lot 21 in Smith's Second Addition to University Place, Des Moines, Polk County, Iowa; AND,

Platted alley lying East of and adjacent to the East line of Lots 31, 32, 33, 34, and 35 in Smith's Fourth Addition to University Place, Des Moines, Polk County, Iowa; AND,

Platted alley lying East of and adjacent to the East line of Lots 13, 14, 15, and 16 in Smith's Second Addition to University Place, Des Moines, Polk County, Iowa; AND,

Platted alley lying East of and adjacent to the East line of Lots 21, 22, 23, 24, and 25 in Smith's Fourth Addition to University Place, Des Moines, Polk County, Iowa; AND,

Platted Right-of-Way for 26th Street lying East of and adjacent to Lots 17, 18, 19, and 20 in Smith's Second Addition to University Place, Des Moines, Polk County, Iowa; AND,

Platted Right-of-Way for 26th Street lying East of and adjacent to Lots 26, 27, 28, 29, and 30 in Smith's Fourth Addition to University Place, Des Moines, Polk County, Iowa; AND,

Platted Right-of-Way for 25th Street lying East of and adjacent to Lots 9, 10, 11, and 12 in Smith's Second Addition to University Place, Des Moines, Polk County, Iowa; AND,

Platted Right-of-Way for 25th Street lying East of and adjacent to Lots 16, 17, 18, 19, and 20 in Smith's Fourth Addition to University Place, Des Moines, Polk County, Iowa; AND,

Public Right-of-Way for Clark Street lying North of and adjacent to the following described Line; beginning at the NW. Corner of Lot 35 in Smith's Fourth Addition to University Place, Des Moines, Polk County, Iowa; thence East along the North line of Lots 35, 26, 25 16, and 15 in said Smith's Fourth Addition to University Place, a distance of 775.5 feet more or less to a point that is 57.5 feet East of the NW. Corner of said Lot 15 and to the end of said Line;

(Continued on Page 3)



Date November 18, 2013

-3-

Lots 13 thru 27, inclusive, Lots 34 thru 57, inclusive, Lots 61 thru 69, inclusive, Lots 71, 72, 73 and the South 10.0 feet of Lot 12, all in Harrison Park Addition to University Place, Des Moines, Polk County, Iowa; AND,

Lot 30, Except the South 25.0 feet of the East 70.9 feet, thereof, in Curtis' Bluff Park Addition to University Place, Des Moines, Polk County, Iowa; AND,

The West 57.5 feet of Lot 29 in Curtis' Bluff Park Addition to University Place, Des Moines, Polk County, Iowa; AND,

Platted alley lying East of and Adjacent to the East line of Lots 13, 14, 15 and the South 10.0 feet of Lot 12 in Harrison Park Addition to University Place, Des Moines, Polk County, Iowa; AND,

Platted Right-of-Way for 26th Street lying East of and adjacent to the East line of Lots 16 thru 27, inclusive, Harrison Park Addition to University Place, Des Moines, Polk County, Iowa; AND,

Platted alley lying East of and Adjacent to the East line of Lots 34 thru 45, inclusive, Harrison Park Addition to University Place, Des Moines, Polk County, Iowa; AND,

Platted Right-of-Way for 25th Street lying East of and adjacent to the East line of Lots 46 thru 60, inclusive, Harrison Park Addition to University Place, Des Moines, Polk County, Iowa; AND,

Lots 1 thru 10, inclusive in Smith's Addition to University Place, Des Moines, Polk County, Iowa; AND,

Lots 45 thru 55 inclusive in University Place, Des Moines, Polk County, Iowa; AND,

The North 39.00 feet of Lot 44 and the North 10.00 feet of Lot 56, all in University Place, Des Moines, Polk County, Iowa; AND,

Platted alley lying East of and adjacent to the East line of Lots 6 thru 10, inclusive, in Smith's Addition to University Place, Des Moines, Polk County, Iowa; AND,

Platted alley lying East of and adjacent to the East line of Lots 50 thru 55, inclusive, in Smith's Addition to University Place, Des Moines, Polk County, Iowa; AND,

(Continued on Page 4)



50

Date November 18, 2013

Platted alley lying East of and adjacent to the East line of the North 10.00 feet of Lot 56 in University Place, Des Moines, Polk County, Iowa; AND,

Public Right-of-Way of 25th Street and Forest Avenue described as: Beginning at the Southwest Corner of Lot 12 in Smith's Second Addition to University Place, Des Moines, Polk County, Iowa; thence East to the Southwest Corner of Lot 5 in said Smith's Second Addition to University Place, thence South to the Norwest Corner of Lot 10 in Smith's Addition to in University Place, Des Moines, Polk County, Iowa; thence South to the Southwest Corner of said Lot 10; thence Westerly to the Southeast Corner of Lot 77 in University Place, Des Moines, Polk County, Iowa; thence North to the Northeast Corner of said Lot 77; thence Northerly to the Southeast Corner of said Lot 12 and to the Point of Beginning.

2. The proposed amended PUD Conceptual Plan is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan, subject to the conditions identified above.

3. The amended PUD Conceptual Plan for the Property described above, which is on file in the Community Development Department, is hereby APPROVED, subject to the plan being first amended to satisfy the conditions recommended by the Plan and Zoning Commission as set forth in the attached letter from the Planning Administrator, and subject to approval of such amendments by the Community Development Director.

MOVED by _____ to adopt and to approve the proposed amendment to the PUD Conceptual Plan.

FORM APPROVED:


Michael F. Kelley, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MOORE				
TOTAL				

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.

MOTION CARRIED APPROVED

Mayor

City Clerk

October 29, 2013

SO

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held October 17, 2013, the following action was taken regarding a request from Drake University (owner) represented by Deborah Newsome (officer) for review and approval of an amendment to the Drake University Recreation PUD Conceptual Plan affecting property located at 1420 26th Street.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles	X			
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley				X
Tim Fitzgerald				X
Dann Flaherty	X			
Jann Freed	X			
John "Jack" Hilmes	X			
Ted Irvine	X			
Greg Jones	X			
William Page				X
Christine Pardee	X			
CJ Stephens	X			
Vicki Stogdill	X			
Greg Wattier	X			

APPROVAL of the proposed rezoning and PUD Concept Plan subject to the following revisions: (ZON201300162)

1. Compliance with all administrative comments of the final Mylar review.
2. A note indicating that any Development Plan will provide mitigation of any trees removed in accordance with Tree Preservation and Mitigation Ordinances with additional plantings necessary to meet minimum open space plantings as in C-2 Districts based on the total disturbed site area for the proposed addition.



CITY PLAN AND ZONING COMMISSION
ARMORY BUILDING
602 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309 -1881
(515) 283-4182

ALL-AMERICA CITY
1949, 1976, 1981
2003

3. A note indicating any signs will conform to standards and allowances as permitted in the "C-2" District with no allowance for off-premises advertising signs.

Written Responses

- 4 In Favor
- 0 In Opposition

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to develop a 31,000 square-foot, state-of-the-art practice facility addition on the east side of the existing Knapp Center arena. This would involve removing 75 off-street parking spaces currently located east of the center.
2. **Size of Site:** Site parcel is 7.08 acres. Overall PUD area is approximately 25.04 acres.
3. **Existing Zoning (site):** "PUD" Planned Unit Development.
4. **Existing Land Use (site):** Knapp Center arena (71,280 square feet) and Bell Center athletic facility(49,906 square feet) with off-street parking.
5. **Adjacent Land Use and Zoning:**
 - North* – "R1-60"; Uses are single-family dwellings.
 - South* – "R-3"; Uses are Drake University campus buildings.
 - East* – "R1-60" & "NPC"; Uses are single-family dwellings, Drake University community garden, a launderette and vacant commercial property.
 - West* – "R-3" & "C-1"; Uses are the Drake Stadium and athletic complex and Drake University campus buildings.
6. **General Neighborhood/Area Land Uses:** The subject site is located in the northern portion of the Drake University campus on the north side of the Forest Avenue corridor.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Drake Neighborhood. This neighborhood was notified of the Commission meeting by mailing of the Preliminary Agenda on September 27, 2013. Additionally, separate notifications of the hearing for this specific item were mailed on September 27, 2013 (20 days prior to the hearing) and October 7, 2013 (10 days prior to the hearing) to the Drake Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the PUD boundary. A Final Agenda for the meeting was mailed to the neighborhood associations on October 11, 2013.

All agendas and applicable notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Drake Neighborhood Association notices were mailed to Deric Gourd, 2422 Drake Park Avenue, Des Moines, IA 50311.

A neighborhood meeting has been scheduled for October 15, 2013. The applicant will present a summary of their neighborhood meeting at the October 17, 2013 Plan & Zoning Commission hearing.

8. **Zoning History:** On April 22, 1991, the City Council adopted Ordinance No. 11,654 to rezone 25 acres of the Drake University campus for future athletic facility development including the Knapp Center.
9. **2020 Community Character Land Use Plan Designation:** Public/Semi-Public for the affected area of the PUD amendment. The 2020 Community Character Plan states the following regarding this land use designation.

PUBLIC/SEMI-PUBLIC

Uses such as government facilities, schools, and hospitals

North of Clark Street, the designation is Low-Density Residential.

10. **Applicable Regulations:** The Commission reviews all proposals to amend PUD Conceptual Plans within the City of Des Moines in accordance with Sec. 134-700 of the Zoning Ordinance. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in §414.3 of the Iowa Code. The Commission may recommend that certain conditions be applied to the subject property, in addition to the existing regulations. The recommendation of the Commission will be forwarded to the City Council.

The application, accompanying evidence and Conceptual Plan shall be considered by the Plan and Zoning commission at a public hearing. The Commission shall review the conformity of the proposed development with the standards of this division and with recognized principles of civic design, land use planning, and landscape architecture. At the conclusion of the hearing, the Commission may vote to recommend either approval or disapproval of the Conceptual Plan amendment as submitted, or to recommend that the developer amend the plan or request to preserve the intent and purpose of this chapter to promote public health, safety, morals and general welfare. The recommendations of the commission shall be referred to the City Council.

II. ADDITIONAL INFORMATION

1. **PUD Standards:** The following are standards from Section 134-704 of the City Code that provide the foundation on which all PUD Concept Plans should be based.
 - A) All uses proposed in a PUD planned unit development district plan shall be in harmony with the existing or anticipated uses of other properties in the surrounding neighborhood and shall generally be in conformance with the city's land use plan. The design of a PUD development shall be based on harmonious architectural character; compatible materials; orderly arrangement of structures and open space; and conservation of woodlands, streams, scenic areas, open space and other natural resources.

The proposed 31,000-square foot addition is to be used for assembly for athletic practices associated with Drake University, an institution of higher learning. The architecture is intended to be compatible with the Knapp Center architectural

character and design. The addition is proposed to be sited to take advantage of existing functions within the Knapp Center. The addition would displace area already developed with off-street parking in an effort to preserve existing landscaping trees where possible, which provide a visual buffer from the Knapp Center to the neighborhood to the northeast. The addition also would help balance the symmetry of the Knapp Center within the block, which already has the Bell Center attached to the west side of the building. There is a statement on the plan that no mitigation for trees is anticipated. However, there are trees proposed to be removed that will require mitigation under more recent City Ordinances for tree protection and mitigation. A note on the Plan should be revised to state that any removal of existing or previously approved trees is subject to the City's Tree Preservation and Mitigation Ordinance.

- B) Setbacks and other appropriate screens shall be provided around the boundary of a PUD development to protect the adjoining district properties. Only in exceptional circumstances shall such a setback be less than the amount of the setback which the adjoining district is required to maintain from the PUD development.

The proposed addition would be setback approximately 60 feet at the closest point to the surrounding street network, which would be on the east towards 25th Street. This is greater than typical minimum front yard setbacks which would be 25 to 30 feet minimum. The proposed setback will help minimize the 33-foot height of the structure from surrounding neighborhood areas.

- C) A PUD development shall comply with all applicable city ordinances, specifications and standards relating to all dedicated street, sanitary sewer and storm sewer facilities and to surface drainage and floodwater retention.

The proposed addition would be constructed within the existing built site. No extensions of public utilities would be required. All necessary public utilities are available to the site, with new water, sanitary sewer, and storm sewer connections proposed to connect within 25th Street. The existing storm water management solution for the Knapp Center would be required to be retrofitted to accommodate the addition, with some added conservation storm water management improvements proposed to comply with more recent requirements for water quality detention. The submitted Plan proposes an added bio-swale on the east side of the addition.

- D) The streets surrounding a PUD development must be capable of accommodating the increased traffic that would be generated by the new development. The development shall be designed to provide maximum feasible separation of vehicular traffic from pedestrian ways and recreational areas. If turning lanes or other forms of traffic controls within or adjacent to the development are deemed necessary by the city council, the developer shall provide the necessary improvements.

The proposed activity of athletic practices within the proposed addition is not anticipated to generate new volumes of users to site as a whole. The improvements are intended to improve the activity for existing populations served by the center by providing more state-of-the-art facilities. Therefore, Traffic Engineering staff did not contemplate requiring a study of traffic volumes for the area based on the improvement.

