



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.

Roll Call Number

Agenda Item Number

28

Date January 24, 2022

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 _____ TO ADOPT.

FORM APPROVED:



 Judy K. Parks-Kruse, Assistant City Attorney

(ZONG2021-000046)

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

MOTION CARRIED APPROVED

 Mayor

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.

 City Clerk

Date January 24, 2022

Agenda Item 28

Roll Call # _____

January 4, 2022

Communication from the City Plan and Zoning Commission advising that at their December 16, 2021 meeting, the following action was taken regarding a request from Drake University (owner), represented by Michelle D. Morgan Huggins (officer) to rezone property located in the vicinity of 1236 24th Street from University Square Legacy "PUD" District to "MX2" Mixed Use District, to allow development of a mixed-use project including residential and commercial uses.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 8-0-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
Abby Chungath				X
Kayla Berkson	X			
Chris Draper				X
Jann Freed	X			
Todd Garner				X
Johnny Alcivar	X			
Lisa Howard				X
Carolyn Jenison	X			
William Page	X			
Steve Wallace				X
Greg Wattier			X	
Emily Webb	X			

APPROVAL of Part A) The Commission find the requested rezoning and amendment to the University Square Legacy "PUD" Conceptual Plan are in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan, which designates this area as Neighborhood Mixed Use.

Part B) Approval of the request to amend the University Square Legacy "PUD" Conceptual Plan, to remove approximately 0.56 acres to be rezoned to "MX2" Mixed Use District. The applicant shall submit an amended "PUD" Conceptual Plan that eliminates the area that is being rezoned to "MX2" Mixed Use District, to the satisfaction of the City's Planning & Urban Design Administrator.

Part C) Approval of the request to rezone the property from University Square Legacy "PUD" District to "MX2" Mixed-Use District. (ZONG-2021-000046)

Written Responses

2 in Favor

0 in opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the Commission find the requested rezoning and amendment to the University Square Legacy "PUD" Conceptual Plan are in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan, which designates this area as Neighborhood Mixed Use.

Part B) Staff recommends approval of the request to amend the University Square Legacy "PUD" Conceptual Plan, to remove approximately 0.56 acres to be rezoned to "MX2" Mixed Use District. The applicant shall submit an amended "PUD" Conceptual Plan that eliminates the area that is being rezoned to "MX2" Mixed Use District, to the satisfaction of the City's Planning & Urban Design Administrator.

Part C) Staff recommends approval of the request to rezone the property from University Square Legacy "PUD" District to "MX2" Mixed-Use District.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed rezoning and amendment to the University Square Legacy "PUD" would allow a mixed-use redevelopment project that would include residential and commercial uses.
2. **Size of Site:** Approximately 0.56 acres.
3. **Existing Zoning (site):** "PUD" Planned Unit Development District.
4. **Existing Land Use (site):** The subject property contains a parking lot and a one-story building commercial building.
5. **Adjacent Land Use and Zoning:**
 - North** – "P2", Use is the Dial Center for Computer Sciences owned by Drake University.
 - South** – "University Square Legacy PUD", Uses are a parking lot and the Kinne Alumni and Development Center.
 - East** – "University Square Legacy PUD", Use is the Old Main apartment complex.
 - West** – "MX2", Uses are a 2-story mixed use (commercial and residential) building and open space owned by Drake University.
6. **General Neighborhood/Area Land Uses:** The subject property is located at the southwest corner of Carpenter Avenue and 24th Street at the eastern periphery of the

Drake University campus.

- 7. Applicable Recognized Neighborhood(s):** The subject property is located in the Drake Neighborhood. All neighborhoods were notified of the public hearing by mailing of the Preliminary Agenda on November 29, 2021. Additionally, separate notifications of the hearing for this specific item were mailed on November 29, 2021 (20 days prior to the hearing) and December 6, 2021 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. Additionally, a Final Agenda for the hearing will be mailed to all recognized neighborhoods on December 10, 2021.

All agendas and 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 notices were mailed to Lori Calhoun, P.O. Box 41128, Des Moines, IA 50311.

The applicant will provide a summary of the neighborhood meeting at the public hearing.

- 8. Relevant Zoning History:** None.
- 9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Neighborhood Mixed Use.
- 10. Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews all proposals to amend zoning boundaries or regulations within the City of Des Moines. 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 make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

The application, accompanying evidence and "PUD" 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 the City Code and with recognized principles of civic design, land use planning, and landscape architecture. After the hearing, the Commission may vote to recommend either approval or disapproval of the amended "PUD" Conceptual Plan 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 APPLICABLE INFORMATION

- 1. PlanDSM Land Use Plan Designation:** The subject property is designated as "Neighborhood Mixed Use" on the Future Land Use Map. Plan DSM describes this designation as follows:

Neighborhood Mixed Use: Small scale mixed use development typically located at the intersections of collector and/ or arterial streets and along transportation corridors. Non-residential development is designed to serve the immediate neighborhood and include small retail, offices, restaurants, and service oriented development. Low-medium density residential may be included in mixed use development.

The proposed "MX2" District is compatible with the "Neighborhood Mixed Use" designation. The Zoning Ordinance states that "MX2 is intended for mixed-use, regional-scale nodes and corridors within the city, where residents and visitors may access multiple uses by walking." Building types allowed in this district include Storefront, Civic Building and Principal Use Parking Structure.

2. **"University Square PUD" Conceptual Plan:** If the rezoning to remove approximately 0.56 acres from the "University Square PUD" District is approved, the applicant must submit to the City a revised version of the "PUD" Conceptual Plan on mylar material. It must be revised to eliminate the area that is being rezoned to "MX2" Mixed Use District.
3. **Site Plan Requirements:** Any future development upon the site must be in accordance with a Site Plan as reviewed and approved by the City's Permit & Development Center. A Site Plan has not been submitted for review at this time. The Site Plan will ensure that any development complies with all City requirements, including, but not limited to, stormwater management, landscaping, off-street parking, and building design guidelines.

SUMMARY OF DISCUSSION

Dory Briles asked if any member of the public or the commission desired to speak on the item. No one requested to speak.

COMMISSION ACTION:

Jann Freed made a motion for:

Part A) The Commission find the requested rezoning and amendment to the University Square Legacy "PUD" Conceptual Plan are in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan, which designates this area as Neighborhood Mixed Use.

Part B) Approval of the request to amend the University Square Legacy "PUD" Conceptual Plan, to remove approximately 0.56 acres to be rezoned to "MX2" Mixed Use District. The applicant shall submit an amended "PUD" Conceptual Plan that eliminates the area that is being rezoned to "MX2" Mixed Use District, to the satisfaction of the City's Planning & Urban Design Administrator.

Part C) Approval of the request to rezone the property from University Square Legacy "PUD" District to "MX2" Mixed-Use District.

Motion passed: 8-0-1

Respectfully submitted,

Bert Drost

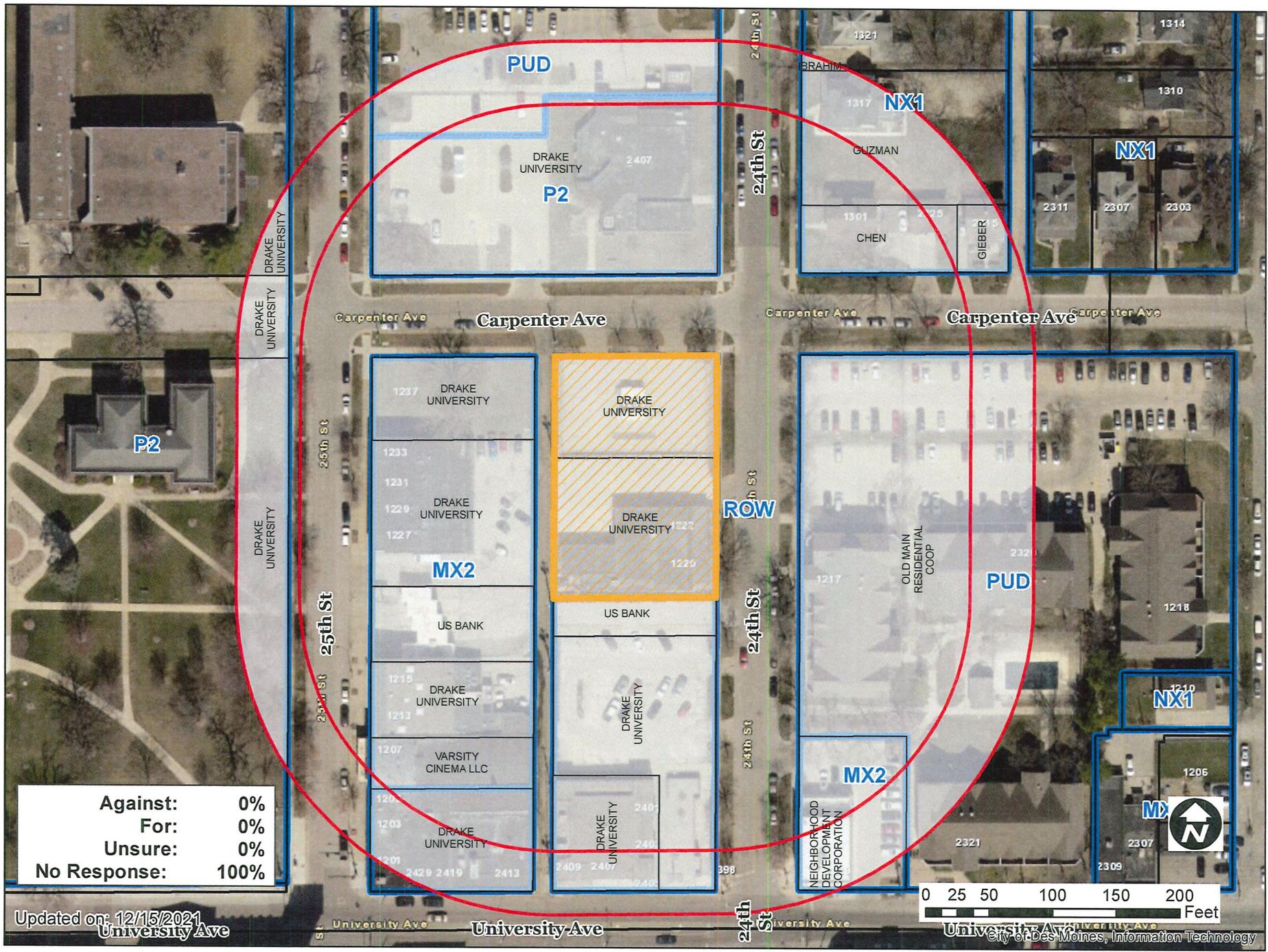
Bert Drost, AICP
Deputy Planning & Urban Design Administrator

BAD:tjh



Drake University, Vicinity of 1236 24th Street

ZONG-2021-000046



Against:	0%
For:	0%
Unsure:	0%
No Response:	100%

Updated on: 12/15/2021
University Ave



City of Des Moines, Information Technology

1 inch = 99 feet



Updated on: 11/24/2021

0 25 50 100 150 200 Feet

1 inch = 98 feet

Item: ZONG-2021-000046 Date: _____

Please mark one of the following



I am in favor of the request

request

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

DEC 10 2021

Signature: [Signature]

Name: Lori Cathan

Address: 2808 Cottage Grove Ave
Des Moines, Iowa 50311

Reason for opposing or approving this request may be listed below:

The project will bring lots of great
opportunities to the neighborhood!

Item: ZONG-2021-000046 Date: _____

Please mark one of the following

- I am in favor of the request
- I am not in favor of the request

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT
DEC 20 2021

Signature: *Robert Gieber*

Name: Robert Gieber

Address: 2315 Carpenter Ave

Reason for opposing or approving this request may be listed below:

The development of the property would
be good for the neighborhood.

DOGTOWN NEIGHBORHOOD

MERGE URBAN DEVELOPMENT GROUP

CARPENTER BUILDING (PHASE 1)

- 108,000 GSF Total
- 3,000 NSF Office
- 6,800 NSF Commercial
- 120 Dwelling Units @ 600 SF avg
- (24) units of each type (Studio, Studio+, 1 Bedroom, 1 Bedroom+, 2 Bedroom)

UNIVERSITY BUILDING (PHASE 2)

- 42,500 GSF Total
- 5,600 NSF Commercial
- 32 Dwelling Units @ 800 SF avg
- (8) 2 Bedroom, (12) 1 Bedroom, (12) 1 Bedroom+

ON-SITE PARKING

88 spaces estimated

SITE PLAN DIAGRAM

NTS



DOGTOWN NEIGHBORHOOD

MERGE URBAN DEVELOPMENT GROUP

WOVEN PATTERNS

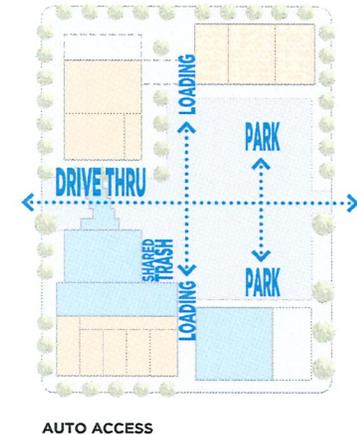
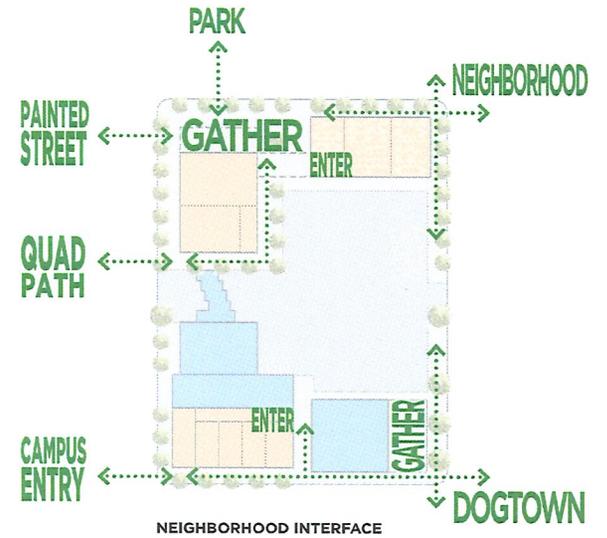
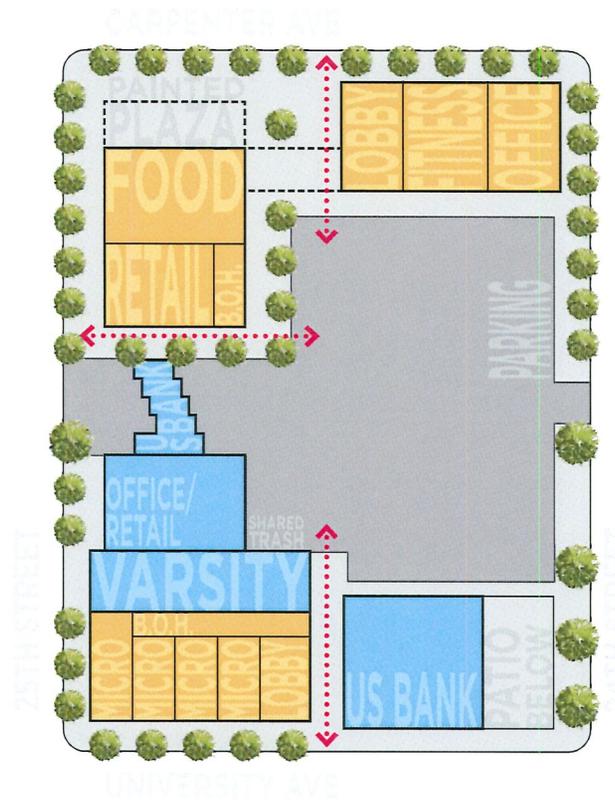
Strong urban living patterns co-exist here today in the lives of neighborhood residents, campus students/educators and Dogtown businesses/patrons. This site as an interface to these vibrant patterns can weave and bring together the people of this community while adding new market-rate and affordable dwelling density.

POROUS BLOCK

The public realm of the block will become porous and receptive to pedestrians. Auto access will be concealed from the streetscape and compressed within the internal space of the block. Pedestrian pathways will become expansive as they link to existing and new public gathering spaces of varied scales both on and off site.

PUBLIC REALM DIAGRAMS

NTS



CONCEPT VIEW

THEATER PLAZA AND VARSITY THEATER

VIEW DESCRIPTION:

Shaping the proposed buildings to become an important part of the urban fabric creates unique opportunities for gather and social interaction. This will activate Dogtown and welcome students from Drake.

This rendering shows the opportunity to form space with light creating a unique sense of place.



CONCEPT VIEW

PLAZA FROM CAMPUS

VIEW DESCRIPTION:

Celebrating sharing a block with the historic Varsity Theater, the proposed development can become part of the theater experience. Using the social spaces for summer outdoor movies.



CONCEPT VIEW

VIEW FROM UNIVERSITY AVE.



VIEW DESCRIPTION:

Downtown along University Avenue has a consistent two and three story building scale. The proposed new development creates a special architectural corner that creates a sense of place while scaling down to become part of the neighborhood.