



Date November 9, 2020

RESOLUTION SETTING HEARING ON REQUESTS FROM DRAKE UNIVERSITY (OWNER) FOR AMENDMENT OF PLANDSM FUTURE LAND USE PLAN FROM NEIGHBORHOOD MIXED USE AND LOW DENSITY RESIDENTIAL TO PUBLIC/SEMI-PUBLIC; REVIEW AND APPROVAL OF AMENDMENT TO THE DRAKE UNIVERSITY RECREATION PUD CONCEPTUAL PLAN TO REMOVE APPROXIMATELY 2.84 ACRES TO BE REZONED TO "P2" PUBLIC, INSTITUTIONAL AND CIVIC DISTRICT; AND TO REZONE PROPERTY FROM "PUD" PLANNED UNIT DEVELOPMENT DISTRICT, "RX1" MIXED USE DISTRICT, AND "N5" NEIGHBORHOOD DISTRICT TO "P2" PUBLIC, CIVIC AND INSTITUTIONAL DISTRICT, AND SEEKING VACATION OF 25TH STREET BETWEEN CLARK AND FOREST, TO ALLOW FOR DEVELOPMENT OF 4,000 SEAT MULTI-PURPOSE STADIUM TO BE JOINTLY OPERATED FOR THE DES MOINES PUBLIC SCHOOLS USE FOR ATHLETIC COMPETITION ALL FOR PROPERTY IN THE VICINITY OF 2421 FOREST AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 15, 2020, its members voted 11-2 in support of a motion to recommend APPROVAL of requests from Drake University (Owner) represented by Michelle Huggins (Officer), regarding property in the vicinity of 2421 Forest Avenue, for the following:

- 1. Vacation of 25th Street between Clark and Forest Avenue and the north/south alley in the block bounded by Clark Street and Forest Avenue and the north/south alley in the block bounded by Clark Street, 24th Street, Forest Avenue, and 25th Street, subject to provision of easements for any utilities that may exist until such time that they are abandoned or relocated at the applicant's expense; and
2. Determination as to whether the requested rezoning and amendment to the Drake University Recreation PUD Conceptual Plan is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan; and
3. Amend the PlanDSM Creating Our Tomorrow Comprehensive Plan future land use designation form Neighborhood Mixed Use and Low Density Residential to Public/Semi-Public; and
4. Amend the Drake University Recreation PUD Conceptual Plan to remove approximately 2.84 acres to be rezoned to "P2" Public, Institutional, and Civic District, subject to the conditions as follows:
(a) The "PUD" Conceptual Plan shall be revised to eliminate the area that is being rezoned to "P2" Public, Institutional, and Civic District; and
(b) The "PUD" Conceptual Plan shall be revised to provide a final count of off-street parking spaces provided within the boundaries of the remaining "PUD" District.
5. Rezone property from "PUD" Planned Unit Development District, "RX1" Mixed Use District, and "N5" Neighborhood District to "P2" Public, Institutional and Civic District to allow for development of a 4,000-seat multi-purpose stadium to be jointly operated for Des Moines Public Schools use for athletic competition; and

WHEREAS, the property is legally described as follows:

REZONING TO "P2" AREA

ALL OF LOTS 10, 11, 12, 13, 14, 15, 16, 17, AND 18, AND A PORTION OF LOTS 19 AND 20, ALL IN SMITH'S 4TH ADDITION TO UNIVERSITY PLACE, AN OFFICIAL PLAT; ALL OF LOTS 1, 2, 3, 4, 5, 6, 7, 8, AND A PORTION OF LOTS 9, 10, 11, AND



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12 ALL IN SMITH'S 2<sup>ND</sup> ADDITION TO UNIVERSITY PLACE, AN OFFICIAL PLAT; VACATED 25<sup>TH</sup> STREET LYING NORTH OF FOREST AVENUE AND SOUTH OF CLARK STREET AND THE VACATED NORTH-SOUTH ALLEY CENTERED BETWEEN AND PARALLEL WITH 24<sup>TH</sup> STREET AND 25<sup>TH</sup> STREET LYING NORTH OF FOREST AVENUE AND SOUTH OF CLARK STREET, ALL IN DES MOINES, POLK COUNTY, IOWA, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 10 IN SAID SMITH'S 4<sup>TH</sup> ADDITION TO UNIVERSITY PLACE, SAID POINT BEING THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF CLARK STREET AND THE WEST RIGHT OF WAY LINE OF 24<sup>TH</sup> STREET AS THEY ARE PRESENTLY ESTABLISHED; THENCE S00°14'02"W ALONG THE WEST RIGHT OF WAY LINE OF SAID 24<sup>TH</sup> STREET, A DISTANCE OF 474.86 FEET TO THE SOUTHEAST CORNER OF LOT 4 IN SAID SMITH'S 2<sup>ND</sup> ADDITION TO UNIVERSITY PLACE AND TO THE NORTH RIGHT OF WAY LINE OF FOREST AVENUE AS IT IS PRESENTLY ESTABLISHED; THENCE S89°46'19"W ALONG THE NORTH RIGHT OF WAY LINE OF SAID FOREST AVENUE, A DISTANCE OF 397.45 FEET; THENCE N00°20'40"W, A DISTANCE OF 312.44 FEET; THENCE N89°41'59"W, A DISTANCE OF 63.73 FEET TO THE WEST LINE OF LOT 19 IN SAID SMITH'S 4<sup>TH</sup> ADDITION TO UNIVERSITY PLACE; THENCE N00°18'01"E ALONG THE WEST LINE OF LOTS 19, 18, 17, AND 16 IN SAID SMITH'S 4<sup>TH</sup> ADDITION TO UNIVERSITY PLACE, A DISTANCE OF 161.64 FEET TO THE NORTHWEST CORNER OF SAID LOT 16 AND TO THE SOUTH RIGHT OF WAY LINE OF SAID CLARK STREET; THENCE N89°44'59"E ALONG THE SOUTH RIGHT OF WAY LINE OF SAID CLARK STREET, A DISTANCE OF 464.15 FEET TO THE POINT OF BEGINNING.  
CONTAINING 200,008 SQUARE FEET.

AMENDED "PUD" ZONING AREA FOR DRAKE UNIVERSITY RECREATION PUD

LOTS 21 THRU 35, INCLUSIVE IN SMITH'S FOURTH ADDITION TO UNIVERSITY PLACE, DES MOINES, POLK COUNTY, IOWA; AND, LOTS 13 THROUGH 21, INCLUSIVE, IN SMITH'S SECOND ADDITION TO UNIVERSITY PLACE, DES MOINES, POLK COUNTY, IOWA; AND,

THE WEST 63.25 FEET OF LOTS 9 AND 10, AND THE WEST 63.25 FEET OF THE NORTH 39.33 FEET OF LOT 11, AND THE WEST 61.25 FEET OF LOT 12 AND THE WEST 61.25 FEET OF THE SOUTH 20.67 FEET OF LOT 11, IN SMITH'S SECOND ADDITION TO UNIVERSITY PLACE, DES MOINES, POLK COUNTY, IOWA; AND,



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THE WEST 63.25 FEET OF LOT 20 AND THE WEST 63.25 FEET OF THE SOUTH 29.02 FEET OF LOT 19, 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 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 EAST OF AND ADJACENT TO THE SOUTH 40.65 FEET OF LOT 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,

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;

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, THEREO, FIN 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



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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,  
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 SOUTHEAST 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 NORTHWEST  
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



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THE NORTHEAST CORNER OF SAID LOT 77; THENCE NORTHERLY TO THE SOUTHEAST CORNER OF SAID LOT 12 AND TO THE POINT OF BEGINNING.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

- 1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed amendment to future land use designation, proposed rezoning, and proposed amendment to the PUD Conceptual Development Plan is to be heard and considered, and at which the vacation of a portion of 25th Street is considered, shall be held on November 23, at 5:00 p.m., to be held by electronic means in accordance with the Governor's and Mayor's Proclamations and to encourage and maintain social distancing to curb the spread of COVID19 in the community, without public access to the meeting location at which time the City Council will hear both those who oppose and those who favor the proposals.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED BY Boesen TO ADOPT

APPROVED AS TO FORM:

Judy K. Parks-Kruse, Assistant City Attorney

(21-2020-4.23)
(ZON2020-00119)
(11-2020-1.12)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL (7).

MOTION CARRIED

APPROVED

J. M. Frankin Cownie, 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.

P. Kay Cmelik, City Clerk