



Roll Call Number

13-1843

Agenda Item Number

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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.

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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 26<sup>th</sup> 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 26<sup>th</sup> 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 25<sup>th</sup> 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 25<sup>th</sup> 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;

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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 26<sup>th</sup> 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 25<sup>th</sup> 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,

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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 Griess to adopt and to approve the proposed amendment to the PUD Conceptual Plan.

FORM APPROVED:

*[Signature]*

Michael F. Kelley, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				✓
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	5			1

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.

*[Signature]*

City Clerk

*[Signature]*  
Mayor

MOTION CARRIED

APPROVED