



Date April 24, 2023

**RESOLUTION HOLDING HEARING REGARDING REQUEST FROM DES MOINES COMMUNITY PLAYHOUSE (OWNER), REPRESENTED BY DAVID KILPATRICK (OFFICER), FOR REVIEW AND APPROVAL OF A 2<sup>ND</sup> AMENDMENT TO THE DES MOINES COMMUNITY PLAYHOUSE PUD CONCEPTUAL PLAN, ON PROPERTY LOCATED AT 831 42<sup>ND</sup> STREET, TO ALLOW CONSTRUCTION OF A 2,700-SQUARE FOOT BUILDING ADDITION WITH ASSOCIATED UTILITIES, PARKING, AND DRIVES**

**WHEREAS**, on March 23, 2023, the City Plan and Zoning Commission considered a request from Des Moines Community Playhouse (Owner), represented by David Kilpatrick (Officer), for review and approval of a 2<sup>nd</sup> amendment to the Des Moines Community Playhouse PUD Conceptual Plan, on property located at 831 42<sup>nd</sup> Street, to allow the construction of 2,700 square feet building addition with associated utilities, parking, and drives within the PUD; and

**WHEREAS**, the City Plan and Zoning Commission voted 11-0-1 to **APPROVE** the a 2<sup>nd</sup> amendment to the Des Moines Community Playhouse PUD Conceptual Plan, on property located at 831 42<sup>nd</sup> Street, to allow the construction of 2,700 square feet building addition with associated utilities, parking, and drives within the PUD, subject to the following conditions:

1. Any future PUD Development Plan shall comply with the landscaping and site design standards of Chapter 135 of the Municipal Code.
2. Bicycle parking shall be provided in accordance with Chapter 135-6 to the satisfaction of the City’s Planning and Urban Design Administrator.; and

**WHEREAS**, the Property is legally described as follows:

**A PART OF LOTS 9 THROUGH 14 AND A PART OF THE NORTH SOUTH VACATED ALLEY, BRYN MAWR HEIGHTS ADDITION AND A PART OF LOTS 15 THRU 24 ECKEL'S PLACE, BOTH BEING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:**

**BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 9, BRYN MAWR HEIGHTS ADDITION; THENCE SOUTH 89°45'46" EAST ALONG THE NORTH LINE OF SAID LOT 9 AND ALONG THE NORTH LINE OF SAID LOT 24, ECKEL'S PLACE, A DISTANCE OF 268.80 FEET TO THE NORTHEAST CORNER OF SAID LOT 24; THENCE SOUTH 0°07'55" WEST ALONG THE EAST LINE OF SAID LOTS 24, 23, 22, 21, 20, 19, 18 AND LOT 15, A DISTANCE OF 312.54 FEET TO THE NORTH RIGHT-OF-WAY LINE OF INTERSTATE 235; THENCE SOUTH 70°24'04" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE, 34.60 FEET; THENCE NORTH 88°36'20" WEST CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, 69.30 FEET;**



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**THENCE NORTH 48°38'44" WEST CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, 33.90 FEET; THENCE NORTH 89°47'04" WEST CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, 14.00 FEET; THENCE NORTH 0°01'45" EAST CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, 11.47 FEET; THENCE SOUTH 89°53'47" WEST CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, 108.97 FEET; THENCE NORTH 11°16'27" WEST CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, 91.74 FEET TO THE SOUTHWEST CORNER OF SAID LOT 12, BRYN MAWR HEIGHTS ADDITION; THENCE NORTH 0°02'28" EAST ALONG THE WEST LINE OF SAID LOTS 12, 11, 10 AND 9, A DISTANCE OF 199.88 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.86 ACRES (80,967 SF).**

**AND**

**LOTS 1, 2, 3 AND THE EAST 7.00 FEET OF ALLEY ADJACENT TO LOT 3, LYING NORTH OF THE NORTH RIGHT-OF-WAY LINE OF INTERSTATE 235, BRYN MAWR PLACE AND CONTAINING 0.17 ACRES (7,488 SF).**

**WHEREAS**, on April 10, 2023, by Roll Call No. 23-0483, it was duly resolved by the City Council that the request for approval of the 2<sup>nd</sup> Amendment to the Des Moines Playhouse PUD Conceptual Plan be set down for hearing on April 24, 2023, 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 2<sup>nd</sup> Amendment to the Des Moines Playhouse PUD Conceptual Plan; and

**WHEREAS**, in accordance with said notice, those interested in said proposed 2<sup>nd</sup> Amendment to the Des Moines Playhouse 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, and any and all statements of interested persons and arguments of counsel, any objections to the proposed 2<sup>nd</sup> Amendment to the Des Moines Playhouse PUD Conceptual Plan are hereby overruled, and the hearing is closed.
2. The proposed 2<sup>nd</sup> Amendment to the Des Moines Playhouse PUD Conceptual Plan is hereby found to be in conformance with PlanDSM: Creating Our Tomorrow Plan and is hereby approved as stated above, subject to conditions set forth above, as recommended by the City Plan and Zoning Commission.



**Roll Call Number**

**Agenda Item Number**

51

**Date** April 24, 2023

MOVED by \_\_\_\_\_ to adopt. SECOND by \_\_\_\_\_.

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill

Assistant City Attorney

(ZONG-2023-000016)

**CERTIFICATE**

I, LAURA BAUMGARTNER, 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

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

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

Date April 24, 2023  
Agenda Item 51  
Roll Call # \_\_\_\_\_

April 4, 2023

Communication from the City Plan and Zoning Commission advising that at their March 23, 2023 meeting, the following action was taken regarding a request from Des Moines Community Playhouse (owner), represented by David Kilpatrick (officer), for review and approval of a 2nd amendment to the Des Moines Community Playhouse PUD Conceptual Plan on the property located at 831 42<sup>nd</sup> Street, to allow the construction of a 2,700 square feet building addition with associated utilities, parking, and drives within the PUD.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 11-0-1 as follows.

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus					X
Dan Drendel	X				
Leah Rudolphi	X				
Carol Maher	X				
Abby Chungath	X				
Kayla Berkson				X	
Chris Draper					X
Todd Garner	X				
Johnny Alcivar	X				
Justyn Lewis					X
Carolyn Jenison	X				
William Page	X				
Andrew Lorentzen	X				
Emily Webb	X				
Katie Gillette	X				

**APPROVAL** of the requested amendment to the Des Moines Playhouse PUD Conceptual Plan, subject to provision of the following standards in the General Notes section of the PUD Conceptual Plan:

1. Any future PUD Development Plan shall comply with the landscaping and site design standards of Chapter 135 of the Municipal Code.
2. Bicycle parking shall be provided in accordance with Chapter 135-6 to the satisfaction of the City's Planning and Urban Design Administrator.

## STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested amendment to the Des Moines Playhouse PUD Conceptual Plan, subject to provision of the following standards in the General Notes section of the PUD Conceptual Plan:

1. Any future PUD Development Plan shall comply with the landscaping and site design standards of Chapter 135 of the Municipal Code.
2. Bicycle parking shall be provided in accordance with Chapter 135-6 to the satisfaction of the City's Planning and Urban Design Administrator.

## STAFF REPORT TO THE PLANNING COMMISSION

### I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to construct a 2,700-square-foot, 2-story addition to the east of the existing DSM Community Playhouse building. The addition will include office, meeting, and costume prep space. A revised/reconfigured entryway and specific interior renovations to specific portions of the existing facility are also proposed. The northern portion of the parking lot is being reconfigured to allow the new building addition. An existing circle drop off area is being eliminated to add a small plaza space. Other exterior modifications include removing and replacing a couple landscape islands, utility work involving rerouting of storm sewer for the building addition and reconnection of the roof drain and water service lines.
2. **Size of Site:** 2.065 acres (89,951 Sq Feet).
3. **Existing Zoning (site):** "PUD" Planned Unit Development District.
4. **Existing Land Use (site):** Des Moines Community Playhouse PUD.
5. **Adjacent Land Use and Zoning:**
  - North** – "MX1", Uses are Roosevelt Shopping Complex and parking lot.
  - South** – "ROW", State of Iowa and Interstate 235 right-of-way.
  - East** – "N5", Uses are one-household residential units.
  - West** – "P2", Uses are Roosevelt High School and Hubbell Elementary School.
6. **General Neighborhood/Area Land Uses:** The site is located in the Roosevelt Cultural District, which is a commercial area that includes the Des Moines Playhouse, Shops at Roosevelt, Roosevelt High School, Hubbell Elementary School, and other businesses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Drake Neighborhood Association and within 250 feet of the Waveland Park Neighborhood Association. All neighborhood associations were notified of the March

23, 2023, public hearing by emailing of the Preliminary Agenda on March 3, 2023 and by emailing of the Final Agenda on March 17, 2023. Additionally, separate notifications of the hearing for this specific item were mailed on March 3, 2022 (20 days prior to the public hearing) and March 13, 2023 (10 days prior to the public hearing) to the Drake Neighborhood Association, Waveland Park Neighborhood Association, and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

All notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division on the date of the mailing. The Drake Neighborhood mailings were sent to Lori Calhoun, 2808 Cottage Grove Avenue, Des Moines, IA 50311. The Waveland Park Neighborhood Association mailings were sent to Nick Coleman, 4612 Kingman Boulevard, Des Moines, IA 50311.

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

8. **Relevant Zoning History:** On June 20, 1994, the City Council by Roll Call Number 94-2321, rezoned the subject property from “C-1” and “R-2” Districts to “PUD” District to allow an expansion of the Des Moines Playhouse and to reconfigure the public street traffic flow for a loop within the I-235 right-of-way. This also allowed an off-premises advertising sign, in place at that time, as a permitted use.

On July 11, 2016, the first amendment to the Des Moines Community Playhouse PUD was approved by the City Council by Roll Call Number 16-1158 to allow an elevator corridor addition and new sign allowances including an additional freestanding monument sign with electronic display, subject to conditions.

9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Community Mixed Use within a Neighborhood Node.
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. At the conclusion of 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. Des Moines Community Playhouse PUD Conceptual Plan:** If the proposed amendment to the Des Moines Community Playhouse “PUD” is approved by the City Council, the applicant must submit to the Planning and Urban Design Division a revised version of the PUD Conceptual Plan that reflects the amendment and any conditions of approval.
- 2. Site Plan Requirements:** Any future development on the site must be in accordance with a PUD Development Site Plan as reviewed and approved by the City’s Development Services Department. A PUD Development Site Plan has not been submitted for review at this time. The PUD Development Site Plan would ensure that any development complies with all City requirements, including, but not limited to, stormwater management, landscaping, off-street parking, and any other standards required by the PUD Conceptual Plan.
- 3. Access and Off-Street Parking:** The proposed PUD Conceptual Plan amendment would allow for reconfiguration of the off-street parking areas in order to allow the new building addition. Seven parking spaces were lost as a result of the proposed updates. Nine new parking spaces are being proposed within the reconfigured parking lot. Staff notes that there is no net loss of parking with the proposed improvements. Motor vehicle parking shall be provided in accordance with the standards established in the PUD Conceptual Plan. A parking analysis provided with the PUD Conceptual Plan indicates a total of 80 parking spaces including 5 ADA accessible spaces. Bicycle parking shall be provided in accordance with Chapter 135-6.
- 4. Architecture:** The Des Moines Playhouse building has completed previous renovations to add a new front entrance and install a new building façade. These previous renovations were found to be consistent with the approved PUD Conceptual Plan. The building addition is proposed to match the architectural details of the front façade of the existing building.
- 5. Landscaping and Open Space:** All landscaping shall comply with the standards established in the PUD. The PUD Conceptual Plan provides open space and landscaping calculations in accordance with the City’s Municipal Code and C-1 District. Staff believes that future landscaping should be provided in conformance with the City’s new standards.

## **SUMMARY OF DISCUSSION**

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

## **COMMISSION ACTION:**

Carolyn Jenison made a motion for approval of the requested amendment to the Des Moines Playhouse PUD Conceptual Plan, subject to provision of the following standards in the General Notes section of the PUD Conceptual Plan:

1. Any future PUD Development Plan shall comply with the landscaping and site design standards of Chapter 135 of the Municipal Code.
2. Bicycle parking shall be provided in accordance with Chapter 135-6 to the satisfaction of the City's Planning and Urban Design Administrator.

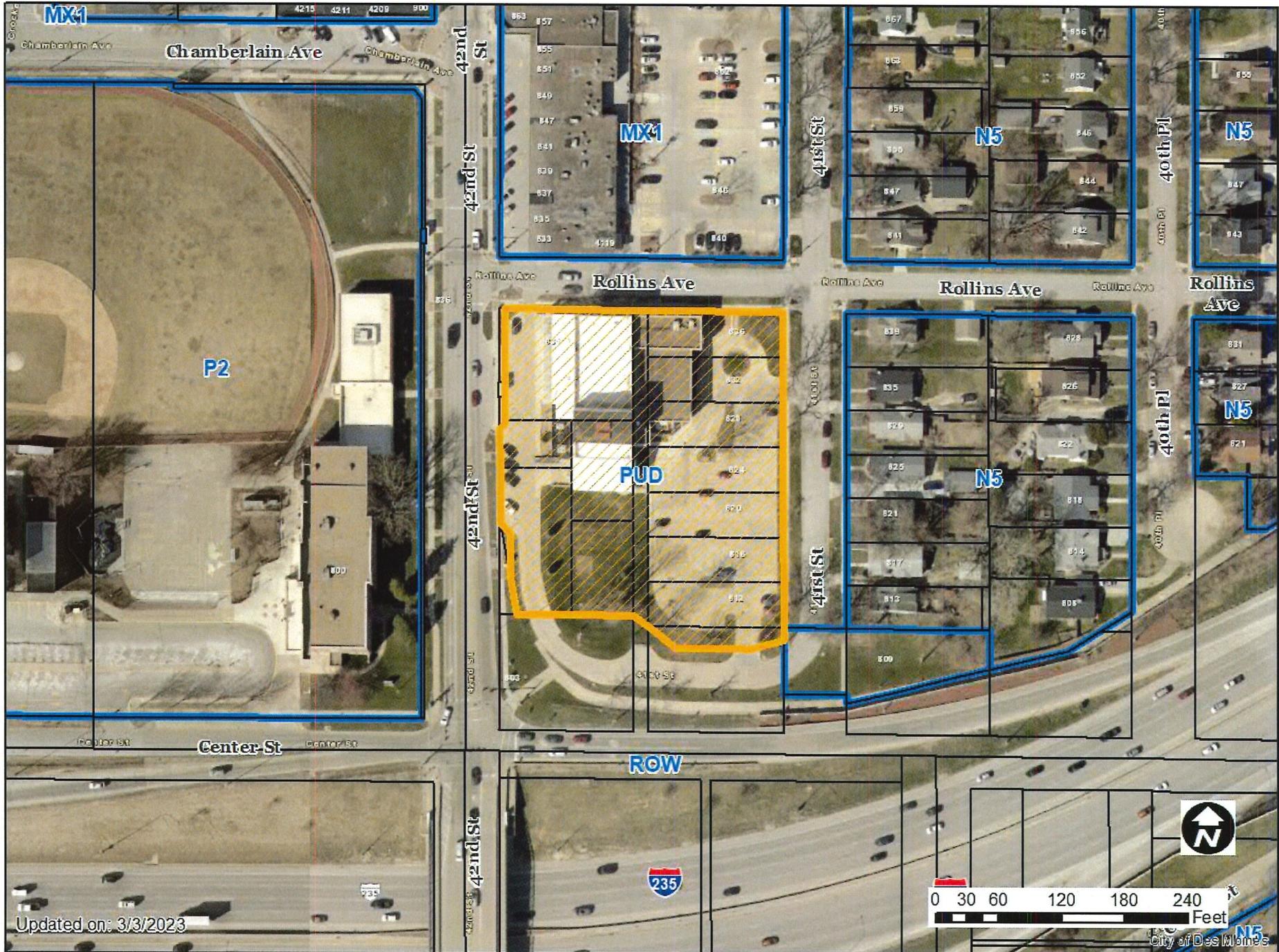
Motion passed: 12-0

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jason Van Essen".

Jason Van Essen, AICP  
Planning & Urban Design Administrator

JMV:tjh



Updated on: 3/3/2023

1 inch = 121 feet



5























**From:** [Eric Cannon](#)  
**To:** [Chakraborty, Sreyoshi](#)  
**Cc:** [David Kilpatrick](#); [Kevin Nordmeyer](#); [Jason Ledden](#); [Lorena Wasion](#); [Jason Kruse](#)  
**Subject:** DSM Playhouse Neighborhood Meeting  
**Date:** Friday, March 10, 2023 1:28:06 PM  
**Attachments:** [image001.png](#)

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Sreyoshi,

We conducted the required neighborhood meeting this week for the proposed PUD amendment to the Des Moines Community Playhouse project and we had two neighbors show up for the meeting.

We reviewed the proposed project and outlined the building addition and site improvements and the only real questions related to parking on site and on 41<sup>st</sup> Street. We communicated that as part of the project we are currently showing the addition of 2 parking stalls and the Playhouse discussed new rideshare options as well as continued review with staffing related to parking on 41<sup>st</sup> Street. We look forward to consideration by the City for review and approval. If you can please confirm the upcoming P&Z and City Council dates for consideration of approval so that we can make sure and get those on the calendar for the team. Thanks.

**Eric D. Cannon, P.E.**  
**Business Unit Leader**

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P: 515.964.2020 x2556 | C: 515.577.2451  
2727 SW Snyder Blvd, Ankeny, IA 50023  
[Snyder-Associates.com](http://Snyder-Associates.com)

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Item: ZONG-2023-000016

Date: 03/15/2023

Please mark one of the following:

- I support the request
- I am undecided
- I oppose the request

Staff Use Only

Titleholder Signature: Anh Le

Name/Business: Anh Le / Thai Huynh

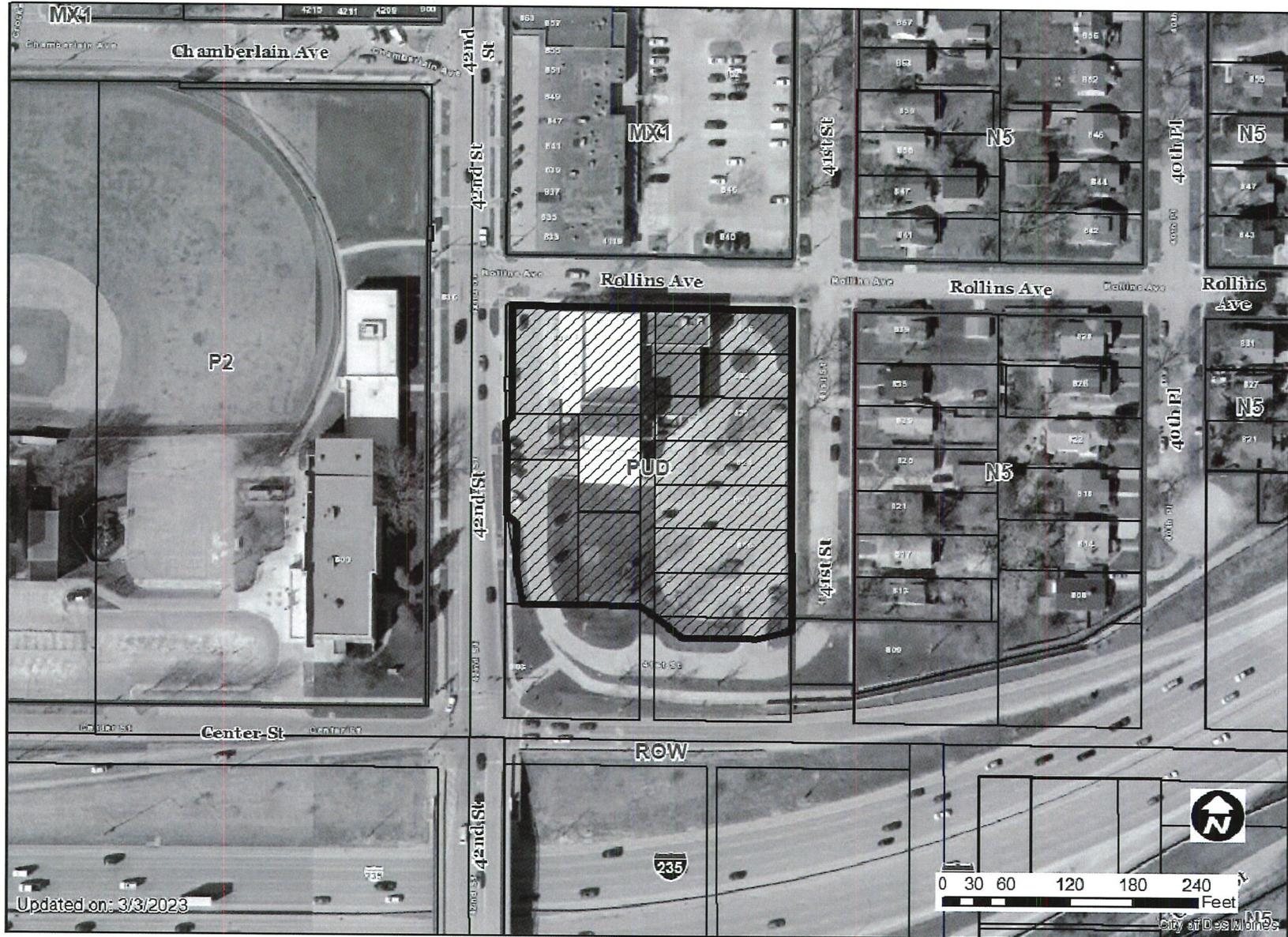
Impacted Address: 818 70th Pl Des Moines, Ia 50312

Comments: I am unclear on what will be done with the DCP.



Community Drama Association of Des Moines, 831 42nd Street

ZONG-2023-000016



1 inch = 121 feet