



Roll Call Number

16-1048

Agenda Item Number

31

Date June 27, 2016

RESOLUTION SETTING HEARING ON REQUEST FROM THE DES MOINES COMMUNITY PLAYHOUSE FOR THE 1ST AMENDMENT TO THE DES MOINES PLAYHOUSE PUD CONCEPTUAL PLAN ON PROPERTY LOCATED AT 831 42ND STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 16, 2016, its members voted 10-0-1 in support of a motion to recommend **APPROVAL** of a request from the Des Moines Community Playhouse (owner), represented by John Viars (officer), for the 1st Amendment to the Des Moines Playhouse PUD Conceptual Plan on property located at 831 42nd Street ("Property"), to allow an elevator corridor addition and new sign allowances, including an additional freestanding monument sign with electronic display, subject to the following conditions:

1. The PUD Conceptual Plan shall reflect the approved conceptual 42nd Street Streetscape elements.
2. Provision of a note that states that the Property shall be landscaped in accordance with the landscape standards applicable to the "C-1" District.
3. Provision of a note that states that the proposed monument sign shall be constructed as submitted to the Plan and Zoning Commission, with final design subject to review and approval by the Planning Administrator.
4. Provision of a note that the electronic reader board component of the proposed monument sign shall be limited to 8 square feet in area and shall comply with the requirements of Des Moines Municipal Code Section 134-1277.
5. Provision of a note stating that any wall-mounted sign shall be subject to review and approval by the Planning Administrator.
6. If the existing off-premise advertising sign (electronic billboard) is to remain, it must be clearly identified on the PUD Conceptual Plan.
7. The proposed dumpster enclosure shall be constructed of white steel that is compatible with the existing screening materials on the Property, and subject to review and approval by the Planning Administrator.
8. Provision of a note stating that any transformers, junction boxes, air conditioners, or any other mechanical equipment shall not be located within any setback area; 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"

(continued)

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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; 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).

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 1st Amendment to the Des Moines Playhouse PUD Conceptual Plan is to be considered shall be held at the Richard A. Clark Municipal Service Center (MSC), located at 1551 E. Martin Luther King, Jr. Parkway, Des Moines, Iowa, at 5:00 p.m. on July 11, 2016, at which time the City Council will hear both those who oppose and those who favor the proposal.
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.

FORM APPROVED:

Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

MOVED BY *Gatto* TO ADOPT.

(ZON2016-00102)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T. M. Franklin
Mayor

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.

Diane Rauh
City Clerk