



Roll Call Number

16.1158

Agenda Item Number

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Date July 11, 2016

**RESOLUTION HOLDING 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**, on June 27, 2016, by Roll Call No. 16-1048, the City Council received a communication from the City Plan and Zoning Commission advising 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**, on June 27, 2016, by Roll Call No. 16-1048, it was duly resolved by the City Council that the application of the Des Moines Community Playhouse for review and approval of the proposed 1st Amendment to the Des Moines Playhouse PUD Conceptual Plan for the Property, as legally described below, be set down for hearing on July 11, 2016, at 5:00 p.m. in the City Council Chambers at the Richard A. Clark Municipal Services Center; and

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**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 amendment to the approved Des Moines Playhouse PUD Conceptual Plan; and

**WHEREAS**, in accordance with said notice, those interested in said proposed amendment to the approved 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 statements of interested persons and arguments of counsel, any and all objections to the proposed 1st Amendment to the Des Moines Playhouse PUD Conceptual Plan for the Property, locally known as 831 42<sup>nd</sup> Street and legally described as follows, are hereby overruled, and the hearing is closed:

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; 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

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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).

- 2. The proposed 1st Amendment to the Des Moines Playhouse PUD Conceptual Plan, as on file in the Community Development Department, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is hereby approved.

MOVED BY Hensley TO ADOPT.

FORM APPROVED

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

(ZON2016-00102)

\*Mayor Cownie declares a conflict of interest and abstains from voting.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
* COWNIE				
COLEMAN	1			
GATTO	1			
GRAY	1			
HENSLEY	1			
MOORE	1			
WESTERGAARD	1			
TOTAL	6			

MOTION CARRIED

APPROVED

T. M. Franklin Cownie  
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