



Roll Call Number

20-1393

Agenda Item Number

55

Date August 17, 2020

RESOLUTION HOLDING HEARING AND APPROVING THE DESIGNATION OF THE DRAKE PARK PLAYGROUND SHELTER AS A LOCAL LANDMARK AND ON THE ISSUANCE OF A CERTIFICATE OF APPROPRIATENESS FOR PROPOSED EXTERIOR ALTERATIONS TO THE SHELTER LOCATED AT 2300 DRAKE PARK AVENUE.

WHEREAS, the City of Des Moines has received an application from the City of Des Moines Parks and Recreation Department to designate the Drake Park Playground Shelter (the "Drake Park Shelter"), located at 2300 Drake Park Avenue, as a Local Landmark, and for proposed exterior alterations to the Shelter; and

WHEREAS, the Drake Park Playground Shelter is Legally Described as follows:

THE EXTERIOR EDGE OF THE EXISTING BUILDING BEING A PART OF LOT 1, OFFICIAL PLAT OF THE N.W. FR 1/4 OF SEC 5-T78-R24, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF DRAKE PARK AVENUE (FORMERLY KNOWN AS ATKINS STREET) AND THE EAST LINE OF SAID LOT 1; THENCE SOUTH 0°(DEGREES) 11'(MINUTES) 33"(SECONDS) EAST ALONG THE EAST LINE OF SAID LOT, 364.28 FEET; THENCE SOUTH 89°44'13" WEST, 90.46 FEET TO THE SOUTHEAST CORNER OF SAID EXISTING BUILDING AND ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°44'13" WEST, 20.35 FEET; THENCE ALONG AN ARC 6.09 FEET TO THE RIGHT, HAVING A RADIUS OF 3.98 FEET, THE CHORD OF WHICH IS SOUTH 89°44'13" WEST, 5.51 FEET; THENCE SOUTH 89°44'13" WEST, 20.68 FEET; THENCE NORTH 0°11'33" WEST, 26.53 FEET; THENCE NORTH 44°46'20" EAST, 6.57 FEET; THENCE NORTH 89°44'13" EAST, 6.97 FEET; THENCE SOUTH 44°19'54" EAST, 6.79 FEET; THENCE NORTH 89°44'13" EAST, 27.30 FEET; THENCE SOUTH 0°11'33" EAST, 7.73 FEET; THENCE NORTH 89°44'13" EAST, 2.89 FEET; THENCE SOUTH 0°11'33" EAST, 18.58 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.03 ACRES (1263 SQ. FT.)

WHEREAS, the application submitted contains detailed references to the historical nature of the "Drake Park Shelter" as being having significance in association with Historical events and Architecture; and

WHEREAS, on May 5, 2020, the Landmark Review Board unanimously approved the recommendation that the "Drake Park Shelter" be designated a Local Landmark and reviewed the proposal for exterior renovations and



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recommended that the City Council issue a Certificate of Appropriateness for exterior alterations to the Shelter, subject to the following conditions:

1. Three-piece simulated divided lite products shall be used for all windows with a divide lite pattern.
2. Any mechanical equipment and meters shall be screened with architectural and/or landscape material as approved by the City's Planning Administrator.
3. Review and approval of the finalized landscaping plan by the City's Planning Administrator.
4. The bracket details shall be retained. The glass shall be recessed to emphasize the brackets, columns, and beams to the satisfaction of the City's Planning Administrator; and

WHEREAS on May 21, 2020, the Plan and Zoning Commission, by a vote of 12-0, recommended to the Council **APPROVAL** of the said application; and

WHEREAS, the Des Moines Municipal Code Section 58-60 requires a public hearing be held to consider the application;

WHEREAS on June 8, 2020, by Roll Call No. 20-0907, it was duly resolved by the City Council that the communication from the Plan and Zoning Commission be received and filed, and that the application be set down for hearing on June 22, 2020 at 5:00 p.m., which hearing was continued to August 17, 2020, by electronic means in accordance with the Governor's and Mayor's Proclamations and the current prohibition on gatherings of ten or more persons during the COVID19 outbreak; 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 Application; and

WHEREAS, in accordance with said notice, those interested in said application concerning the Drake Park Playground Shelter Landmark designation and renovation, 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 Declaration of Local Landmark for the Property, "Drake Park Shelter" and Certificate of Appropriateness are hereby overruled, and the hearing is closed.
2. The Drake Park Playground Shelter meets the requirements of Des Moines Municipal Code section 58-58 to be designated as a local landmark because the structure:
 - i. Is associated with events that have made a significant contribution to the broad patterns of our history; and

Date August 17, 2020

- ii. Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction.
- 3. The City Council accepts the recommendation of the Landmark Review Board and the Plan and Zoning Commission and grants the application to have the Drake Park Playground Shelter designated a local landmark.
- 4. The Department of Community Development is directed to issue and monitor compliance with a Certificate of Appropriateness for the Walker Playground Shelter, subject to:
 - i. Three-piece simulated divided lite products shall be used for all windows with a divide lite pattern.
 - ii. Any mechanical equipment and meters shall be screened with architectural and/or landscape material as approved by the City's Planning Administrator.
 - iii. Review and approval of the finalized landscaping plan by the City's Planning Administrator.
 - iv. The bracket details shall be retained. The glass shall be recessed to emphasize the brackets, columns, and beams to the satisfaction of the City's Planning Administrator
- 5. The City Clerk is directed to file the designation and description of the Drake Park Playground Shelter with the Community Development Department and record this resolution as the designation and description of Drake Park Playground Shelter in the office of the county recorder.

MOVED by Mandelbaum to grant the application for the Designation of the Drake Park Playground Shelter as a local landmark and grant a Certificate of Appropriateness.

(Council Communication No. 20- 352)

APPROVED AS TO FORM:

Judy K Parks-Kruse
 Judy K. Parks-Kruse, Assistant City Attorney

(20-2020-4.02)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

J. M. Franckh 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