



Roll Call Number

23-0483

Agenda Item Number

15

Date April 10, 2023

RESOLUTION SETTING HEARING REGARDING 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 PROPERTY LOCATED AT 831 42ND 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 2nd amendment to the Des Moines Community Playhouse PUD Conceptual Plan, on property located at 831 42nd 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 2nd amendment to the Des Moines Community Playhouse PUD Conceptual Plan, on property located at 831 42nd 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;



Roll Call Number

23.0483

Agenda Item Number

15

Date April 10, 2023

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 2nd amendment to the Des Moines Community Playhouse PUD Conceptual Plan is to be considered, shall be held at 5:00 p.m. on April 24, 2023, in the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at which time the City Council will hear both those who oppose and those who favor the proposals.
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 Sections 362.3 and 414.4 of the Iowa Code.

MOVED by Gatto to adopt.

SECOND by Voss.



Roll Call Number

230483

Agenda Item Number

15

Date April 10, 2023

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.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
SHEUMAKER				✓
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			1

MOTION CARRIED

APPROVED

J. M. Franklin Cownie
Mayor

Laura Baumgartner

City Clerk