



Roll Call Number

23-0616

Agenda Item Number

51

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 2nd 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 2nd Amendment to the Des Moines Playhouse PUD Conceptual Plan; and

WHEREAS, in accordance with said notice, those interested in said proposed 2nd 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 2nd Amendment to the Des Moines Playhouse PUD Conceptual Plan are hereby overruled, and the hearing is closed.
2. The proposed 2nd 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.





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MOVED by Mandelbaum to adopt. SECOND by Westergaard.

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill

Assistant City Attorney

(ZONG-2023-000016)

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

MOTION CARRIED

APPROVED

J. M. Franklin Cownie  
Mayor

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.

Laura Baumgartner

City Clerk