

## COUNCIL COMMUNICATION

	Number:	<b>20-312</b>	Meeting:	<b>July 13, 2020</b>
	Agenda Item:	<b>45</b>	Roll Call:	[ ]
	Submitted by:	<b>Erin Olson-Douglas, Economic Development Director</b>		

### AGENDA HEADING:

Resolution approving termination agreement with Jerry's Homes, Inc. for development in the vicinity of 4600 NE 14th Street (former Northridge Mall site).

### SYNOPSIS:

In 1987, the City and Northridge Limited Partnership (a previous owner of the property at the northwest corner of NE 14th Street and Broadway) signed a Development Agreement whereby Northridge Limited Partnership agreed to undertake stormwater, sanitary sewer, and right-of-way improvements in connection with a proposed development of a regional shopping center as part of an annexation of the property into the City of Des Moines. The mall was never constructed. That agreement is now proposed to be terminated as the current owner does not intend to build a mall on the site. They are interested in building a warehouse project, which will be coming forward over the coming months.

### FISCAL IMPACT: NONE

### ADDITIONAL INFORMATION:

- The current owner has hired an owner's representative, who will complete a market study regarding warehouse development. While they do this additional work, they wanted to resolve the title issues from 1987.
- City staff from various departments have indicated that the 1987 agreement is not needed. As the project moves through City processes, current requirements will be applied.

### PREVIOUS COUNCIL ACTION(S):

Date: March 23, 2020

Roll Call Number: [20-0577](#)

Action: On request from ILEX Group, LLC (Ben Schultes, Officer) to amend the PlanDSM Creating Our Tomorrow Future Land Use Map Designation and to approve the First Amendment to the Northridge PUD Conceptual Plan in the vicinity of 4600 and 4700 E. 14th Street to revise the development from a regional shopping mall to a warehouse and distribution center with 1,050,260 square feet of warehouse building use. Moved by Westergaard to adopt. Motion Carried 7-0.

## **BOARD/COMMISSION ACTION(S):**

Board: Plan and Zoning Commission

Date: February 20, 2020

Resolution Number: ZON2020-0018

Action: Plan and Commission voted 8-0 in support of a motion to recommend APPROVAL of a request by ILEX Group, LLC, (owner), represented by Ben Schultes (officer), to amend the existing PlanDSM: Creating Our Tomorrow Plan future land use designation for real property locally known as 4600 and 4700 East 14th Street ("Property") from Community Mixed Use in a Regional Node to Industrial in a Regional Node; and

Plan and Zoning Commission voted 8-0 in support of a motion to recommend APPROVAL of a request from of a request from ILEX Group, LLC (Owner) represented by Ben Schultes (officer), regarding property located in the vicinity of 4600 and 4700 East 14th Street, to allow approval of a 1st Amendment to the Northridge PUD Conceptual Plan, to allow revision of the development from a regional shopping mall to a warehouse and distribution center with 1,050,260 square feet of warehouse building use, subject to the following conditions:

1. Permitted uses shall be limited to those allowed in the "I1" District by Chapter 134 of the Municipal Code, including any applicable supplemental regulations.
2. Provision of a note that states, "outdoor storage is prohibited unless identified on an approved Development Plan."
3. Amendment of Sheets 2 and 3 of the Conceptual Plan so that the portions of the site located outside of the PUD are clearly identified.
4. Compliance with the Fire Code to the satisfaction of the Fire Department.
5. Provision of dimensions for the tenant wall sign typicals on Sheet 5 of the Conceptual Plan to the satisfaction of the Planning Administrator.
6. Amendment of the Conceptual Plan so that it conceptually identifies the location of on-site storm water management facilities.
7. Replacement of all storm water management related notes with the following text: "any Development Plan shall comply with the City's storm water management requirements to the satisfaction of the City Engineer".
8. Provision of a note that states, "the east bound, left turn lane on East Broadway Avenue for vehicles turning north onto East 14th Street shall be improved as determined necessary by the City Traffic Engineer."
9. Replacement of all sidewalk related notes with the following text: "sidewalks shall be provided as determined by the City Traffic Engineer with any Development Plan".
10. Replacement of all parking related notes with the following text: "parking shall be provided in accordance with Section 135-6 of the Planning and Design Ordinance as reviewed and approved with any Development Plan".

11. Replacement of the proposed landscaping standards with a note that states, “Landscaping and buffering shall be provided in accordance with the City’s Landscaping Standards applicable to the ‘I1’ District in place at the time the Development Plan is submitted or exceeded as illustrated on the Conceptual Plan.”
12. Provision of a note that states, “all site lighting shall be directed downward and shielded from adjoining properties. Any pole-mounted lighting along private walkways shall not exceed 15 feet in height and any pole-mounted lighting in a parking area shall not exceed 20 feet in height.”
13. Provision of a note that states, “direct light trespass beyond property lines is prohibited. The maximum horizontal illuminance at grade and the maximum vertical illuminance at five feet above grade measured at the property line should not exceed Illuminating Engineering Society of North America (IESNA) recommended practices for light trespass. (0.5 foot-candles for residential, 2.0 foot-candles for commercial). The Development Plan must contain illuminance models showing light levels throughout the site.”
14. Provision of a note that states, “all utility and similar service lines to buildings on the property shall be located underground.”
15. Provision of a note that states, “all utility meters, transformers, ground-mounted equipment, and other utilities shall be placed along rear or side façades that are internal to the site to the satisfaction of the City’s Planning Administrator.”
16. Provision of a note that states, “all reuse and recycling containers shall be stored within a building or within a trash enclosure constructed of masonry walls with solid steel gates as approved with any Development Plan.”
17. Replacement of all roof-mounted equipment screening notes with the following text: “all roof-mounted equipment shall be screened on all sides equal to the height of the equipment with architecturally integrated material as reviewed with any Development Plan.”
18. Provision of a note that states, “tree removal and mitigation calculations must be submitted with any Development Plan in accordance with Section 42-550 of the Municipal Code.”

#### **ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

- City Council – Potential Development Agreement regarding the proposed warehouse project
- City Council – Planned Unit Development Plan – Set Hearing and Hold Hearing

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