

Date November 15, 2021

**RESOLUTION SETTING HEARING ON APPEAL BY MENARD, INC.
OF DENIAL OF TYPE 2 DESIGN ALTERNATIVE FOR SITE PLAN FOR PROPERTY
LOCATED AT 6000 SOUTHEAST 14TH STREET**

WHEREAS, on October 7, 2021, the City Plan and Zoning Commission voted 10-0 to **DENY** a request from Menard, Inc. (owner), represented by Nicholas Brenner (officer), for a Type 2 design alternative waiving minimum interior parking lot landscape standards required by Municipal Code Section 135-7.9.2 as part of a Site Plan for property located at 6000 Southeast 14th Street (“Property”), related to expansion of an outbuilding within the “CX-V” Mixed Use District and retention of off-street parking lot for the existing Menard’s home improvement/retail store; and

WHEREAS, pursuant to Municipal Code Section 135-7.9.2, a landscape island is required for every ninth parking space with a result of no more than eight continuous parking stalls in a row without a landscape island, which equates to 77 required landscape islands on the Property, and a minimum 30 percent canopy coverage on the Property is also required; and

WHEREAS, in its Site Plan, Menard, Inc. proposed a total of 24 landscape islands on the Property, rather than the 77 landscape islands required by Municipal Code Section 135-7.9.2, and a total of 18 percent canopy coverage for the Property, rather than the 30 percent coverage required by Municipal Code Section 135-7.9.2; and

WHEREAS, in lieu of approving the Type 2 design alternative requested by Menard, Inc., the Plan and Zoning Commission voted 10-0 to approve the Site Plan submitted by Menard, Inc. subject to:

- Provision of the required interior lot landscape and overstory tree generally at every eleventh parking stall to the satisfaction of the Planning and Urban Design Administrator;
- Provision of one tree every 30 lineal feet on each side of the access drive to the satisfaction of the Planning and Urban Design Administrator;
- Amendment of each existing planter to have a minimum planter area of 5-foot by 17-foot or 85 square feet of soil area; and
- Compliance with all administrative comments; and

WHEREAS, Menard, Inc. has timely appealed to the City Council pursuant to Municipal Code Section 135-9.3.9.B seeking further review of the Plan and Zoning Commission decision and approval of the above-described Type 2 design alternative to the Site Plan waiving minimum interior parking lot landscape standards required by Municipal Code Section 135-7.9.2.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa as follows:

1. The City Council shall consider the appeal by Menard, Inc. at a public hearing in the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 pm on December 6, 2021, at which time the City Council will hear both those who oppose and those who favor the proposals.

Date November 15, 2021

- The City Clerk is hereby authorized and directed to publish notice of said hearing in the form hereto attached, in accordance with §362.3 of the Iowa Code.

MOVED by _____ to adopt.

FORM APPROVED:

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

(10-2021-7.18)

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.

 City Clerk

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	

 Mayor