



**Roll Call Number**

23-0223

**Agenda Item Number**

25

**Date** February 20, 2023

**RESOLUTION SETTING HEARING REGARDING REQUEST FROM WC MRP DES MOINES CENTER, LLC (OWNER), REPRESENTED BY NATIN PAUL, FOR REVIEW AND APPROVAL OF A 1<sup>ST</sup> AMENDMENT TO THE SOUTHDALE PUD CONCEPTUAL PLAN, ON PROPERTY LOCATED AT 4900 SOUTHEAST 14<sup>TH</sup> STREET, TO ALLOW EXPANSION OF RETAIL USE TO INCLUDE ADDITIONAL OUTDOOR DISPLAY AND MERCHANDISING IN THE PARKING LOT**

**WHEREAS**, on February 2, 2023, the City Plan and Zoning Commission considered a request from WC MRP Des Moines Center, LLC, represented by Natin Paul, for review and approval of a 1<sup>st</sup> amendment to the Southdale PUD Conceptual Plan, on property located at 4900 Southeast 14<sup>th</sup> Street, to allow expansion of retail use to include additional outdoor display and merchandising in the parking lot; and

**WHEREAS**, the City Plan and Zoning Commission voted 10-0 to **APPROVE** the 1<sup>st</sup> amendment to the Southdale PUD Conceptual Plan, on property located at 4900 Southeast 14<sup>th</sup> Street, to allow a expansion of retail use to include additional outdoor display and merchandising in the parking lot, subject to the provision of the following information in the General Notes section on the Southdale PUD Conceptual Plan:

1. Any future construction or development of the site must comply with all applicable site plan and design regulations of the Planning and Design Ordinance (Chapter 135 of City Code), including the appearance of a street right-of-way on the existing interior drive aisle and compliance with the existing conceptual plan and/or installation of a frontage buffer (per City Code Section 135-7) to the satisfaction of the City’s Planning and Urban Design Administrator.

**WHEREAS**, the Property is legally described as follows:

An irregular shaped tract of land that is located in the N.E. ¼ of section 27, Township 78 North, Range 24 West of the 5<sup>th</sup> P.M., Des Moines, Polk County, Iowa is described as follows;

Commencing at the N.E. Corner of Section 27, Township 78 North, Range 24 West of the 5<sup>th</sup> P.M., Des Moines, Polk County, Iowa; Thence 80°- 00’W along the East line of the N.E. ¼ of said Section 27, 129.68 feet; Thence N90°-00’W, 70.00 feet to the West Right-of-Way line of U.S. Highway 65 – 69 as it is presently established and to the POINT OF BEGINNING; Thence 80°- 00’W, along the West Right-of-Way line of said U.S. Highway 65-69, 371.64 feet; Thence 83°-34’-35” W along the West Right-of-Way line of said U.S. Highway 65-69, 240.47 feet; Thence N90°-00’W along the West Right-of-Way line of said U.S. Highway 65-69, 15.00 feet; Thence 80°-00’W along the West Right-of-Way line of said U.S. Highway 65-69, 40.00 feet; Thence N 90°-00’E along West Right-of-Way line of said U.S. Highway 65-69, 15.00 feet; Thence 83°-10’-47”E along the West Right-of-Way line of said U.S. Highway 65-69, 270.42 feet; Thence 80°-00’W along the West Right-of-Way line of said U.S. Highway 65-69, 185.00 feet; Thence 88°-16’-33”W



**Roll Call Number**

23-0223

**Agenda Item Number**

25

**Date** February 20, 2023

along the West Right-of-Way line of said U.S. Highway 65-69, 55.58 feet; Thence 89°-17'-36"E along the West Right-of-Way line of said U.S. Highway 65-69, 111.46 feet; Thence 80°-00'W along the West Right-of-Way line of said U.S. Highway 65-69, 255.39 feet; Thence N89°-28'-29"W parallel with and 326.60 feet North of the South line of the N ½ of the S.E. ¼ of the N.E. ¼ of said Section 27, 600.00 feet to a point that is 660.00 feet West of the East line of the N.E. ¼ of said Section 27; Thence 80°-00'W, parallel with and 660.00 feet West of the East line of the N.E. ¼ of said Section 27, 306.60 feet to a point on the North Right-of-Way line of East Kenyon Avenue as it is presently established, said point being 20.00 feet North of the South line of the N ½ of the S.E. ¼ of the N.E. ¼ of said Section 27; Thence N89°-28'-29"W along the North Right-of-Way line of said East Kenyon Avenue, 498.41 feet to a point on the East line of Sharon Hills Plat No. 3, an Official Plat; Thence N0°-01'-14" E along the East line of Sharon Hills Plat No. 2, an Official Plat; 1301.51 feet to the N.E. Corner of the Outlot "X", in said Sharon Hills Plat No. 2; Thence N89°-40'-01" W along the North line of said Outlot "X", 160.00 feet to the S.E. Corner of Outlot "Y", Belnor Heights Plat No. 2, an Official Plat; Thence N0°-04'20" E along the East line of said Belnor Heights Plat No. 2, 626.67 feet to a point on the South Right-of-Way line of East McKinley Avenue as it is presently established, said point also being 33.00 feet South of the North line of the N.E. ¼ of said Section 27; Thence S89°-36'-51" E along the South Right-of-Way line of said East McKinley Avenue, 79.06 feet to the N.W. Corner of Lot 1, Danview Plat No.1, an Official Plat; Thence S4°-08'-54" W along the West line of said Lot 1, 125.27 feet to the S.W. Corner of said Lot 1; Thence N88°-34'-09" E along the South line of said Danview Plat No. 1, 252.07 feet; Thence N69°-43'-39" E along the South line of said Danview Plat No. 1, 46.24 feet; Thence N0°-23'-09" E along the East line of said Danview Plat No. 1, 100.69 feet to a point being on the South Right-of-Way line of said East McKinley Avenue; Thence S89°-36'-51" E along the South Right-of-Way line of said East McKinley Avenue, 150.86 feet; Thence S84°-41'-56" E along the South Right-of-Way line of said East McKinley Avenue, 501.85 feet; Thence S76°-24'-51" E along the South Right-of-Way line of said East McKinley Avenue 237.14 feet to the POINT OF BEGINNING.

Said tract of land being subject to and together with any and all easement of record.

Said tract of land contains 44.8625 Acres more or less.

**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 1st amendment to the Southdale PUD Conceptual Plan is to be considered, shall be held at 5:00 p.m. on March 6, 2023, in the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at which time the City Council



Roll Call Number

23.0223

Agenda Item Number

25

Date February 20, 2023

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.

FORM APPROVED:

/s/ Chas M. Cahill  
 Chas M. Cahill  
 Assistant City Attorney

(ZONG-2022-000099)

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

MOTION CARRIED

APPROVED

T. 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