



Roll Call Number

23-1686

Agenda Item Number

12

Date December 4, 2023

RESOLUTION SETTING HEARING REGARDING REQUEST FROM WC MRP DES MOINES CENTER, LLC (OWNER), REPRESENTED BY MICHAELA SCOTT (OFFICER), FOR REVIEW AND APPROVAL OF A 2ND AMENDMENT TO THE SOUTHDALE PUD CONCEPTUAL PLAN ON THE PROPERTY LOCATED AT 4900 SOUTHEAST 14TH STREET, TO ALLOW THE EXPANSION OF A RETAIL USE TO INCLUDE MULTIPLE OUTDOOR STORAGE AND DISPLAY AREAS

WHEREAS, on November 16, 2023, the City Plan and Zoning Commission considered a request from WC MRP Des Moines Center, LLC (owner), represented by Michaela Scott (officer), for review and approval of the 2nd amendment to the Southdale PUD Conceptual Plan, on property located at 4900 Southeast 14th Street, to allow the expansion of a retail use to include multiple outdoor storage and display areas; and

WHEREAS, the City Plan and Zoning Commission voted 10-0 to **APPROVE** the 2nd amendment to the Southdale PUD Conceptual Plan, on property located at 4900 Southeast 14th Street, to allow the expansion of a retail use to include multiple outdoor storage and display areas, subject to provision of the following information in the General Notes section of the PUD Conceptual Plan:

1. Any stacked materials within any outdoor storage or display area shall not exceed 6 feet in height.
2. Any landscape islands in the parking area shall not be used for outdoor storage or display area.
3. No shipping containers shall be allowed on the site for any use.
4. Any outdoor storage or display area shall be for seasonal products only.
5. No empty containers, display racks, pallets, debris, or similar items shall be allowed within any approved outdoor storage or display areas.
6. Provision of a Heavy Buffer (per City Code Section 135-7) along the rear (west) property line abutting residentially zoned areas and to the satisfaction of the City's Planning and Urban Design Administrator.
7. Landscaping shall be installed in accordance with the proposed phasing plan. The amount, quantity, and species shall be determined by the City's Planning and Urban Design Administrator.
8. Landscaping on the south side of the center east-west drive shall mimic the plant material proposed for the north side of the drive, including shrubs and grasses, to the satisfaction of the City's Planning and Urban Design Administrator.; and

WHEREAS, the Property is legally described as follows:

A IRREGULAR SHAPED TRACT OF LAND THAT IS LOCATED IN THE N.E. ¼ OF SECTION 27, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH 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 5TH P.M., DES MOINES, POLK COUNTY, IOWA; THENCE 80°- 00'W ALONG THE EAST LINE OF THE N.E. ¼ OF SAID SECTION



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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 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



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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 2nd amendment to the Southdale PUD Conceptual Plan is to be considered, shall be held at 5:00 p.m. on December 18, 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.

FORM APPROVED:

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

(ZONG-2023-000061)



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

MOTION CARRIED

APPROVED

Connie Boeser

Mayor Pro TEM

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