

Date January 22, 2024

**RESOLUTION HOLDING 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 2<sup>nd</sup> amendment to the Southdale PUD Conceptual Plan, on property located at 4900 Southeast 14<sup>th</sup> 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 2<sup>nd</sup> amendment to the Southdale PUD Conceptual Plan, on property located at 4900 Southeast 14<sup>th</sup> 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**, WC MRP Des Moines Center, LLC after further review of the above proposed provisions established that there would be retail operations complications and additional concerns that would be alleviated with further clarification of the provisions in the General Notes section of the PUD Conceptual Plan; and

**WHEREAS**, after further discussion between WC MRP Des Moines Center, LLC and the Development Services Department, the parties are in agreement to propose the following updated language to the 2<sup>nd</sup> amendment to the Southdale PUD Conceptual Plan, on property located at 4900 Southeast 14<sup>th</sup> Street, to



Roll Call Number

24-0142

Agenda Item Number

48

Date January 22, 2024

allow the expansion of a retail use to include multiple outdoor storage and display areas, subject to the updated provisions of the following information in the General Notes section of the PUD Conceptual Plan:

1. Outdoor merchandise display areas shall be for seasonal products only, except for the permanent shed display area identified on the PUD Conceptual Plan.
2. The use of landscape islands in the parking lot for display or storage is prohibited.
3. Outdoor storage shall be limited to the areas identified on the PUD Conceptual Plan.
4. Outdoor storage areas shall comply with the standards found in Section 135-8.2.2 of the City Code and shall be controlled with fencing and a gate.
5. The height of stored material shall comply with Section 135-8.2.2 except bundles of lumber and building materials may be stacked up to 15 feet in height if placed along the rear wall of the building as identified on the PUD Conceptual Plan.
6. Shipping containers are permitted on a temporary basis for the storage of seasonal products. They must be located within an outdoor storage area identified on the PUD Conceptual Plan.
7. 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.
8. 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.
9. 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 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**



Roll Call Number

24-0142

Agenda Item Number

48

Date January 22, 2024

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 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.



Roll Call Number

24-0142

Agenda Item Number

48

Date January 22, 2024

**SAID TRACT OF LAND CONTAINS 44.8625 ACRES MORE OR LESS.; and**

**WHEREAS**, on December 4, 2023, by Roll Call No. 23-1686, it was duly resolved by the City Council that the request for approval of the 2<sup>nd</sup> Amendment to the Southdale PUD Conceptual Plan be set down for hearing on December 18, 2023 at 5:00 p.m., at the City Council Chambers; and

**WHEREAS**, on December 18, 2023, by Roll Call No. 23-1790, it was duly resolved by the City Council that the request for approval of the 2<sup>nd</sup> Amendment to the Southdale PUD Conceptual Plan be opened and continued for hearing on January 8, 2023, at 5:00 p.m., at the City Council Chambers; and

**WHEREAS**, on January 8, 2024, by Roll Call No. 24-0066, it was duly resolved by the City Council that the request for approval of the 2<sup>nd</sup> Amendment to the Southdale PUD Conceptual Plan be opened and continued for hearing on January 22, 2023, at 5:00 p.m., at the City Council Chambers; and

**WHEREAS**, in accordance with said notice, those interested in said proposed 2<sup>nd</sup> Amendment to the Southdale 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 2<sup>nd</sup> Amendment to the Southdale PUD Conceptual Plan are hereby overruled, and the hearing is closed.
2. The 2<sup>nd</sup> Amendment to the Southdale PUD Conceptual Plan as jointly proposed by WC MRP Des Moines Center, LLC and the Development Services Department 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 in the updated proposed language.



Roll Call Number

24-0142

Agenda Item Number

48

Date January 22, 2024

MOVED by Gatto to adopt. SECOND by Mandelbaum

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill

Assistant City Attorney

(ZONG-2023-000061)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
VOSS	✓			
COLEMAN	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO	✓			
TOTAL	6			

MOTION CARRIED

APPROVED

Connie Boesen

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