



Date August 28, 2017

**RESOLUTION HOLDING HEARING ON REQUEST FROM MACERICH
SOUTHRIDGE MALL, LLC REGARDING THE 33RD AMENDMENT TO THE
SOUTHRIDGE MALL C-4 DEVELOPMENT PLAN
(VICINITY OF 1111 EAST ARMY POST ROAD)**

WHEREAS, on August 14, 2017, by Roll Call No. 17-1365, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on August 3, 2017, its members voted 8-1-2 in support of a motion to recommend **APPROVAL** of a request from Macerich Southridge Mall, LLC (owner), represented by Douglas Morrow (officer), for review and approval of the 33rd Amendment to the Southridge Mall C-4 Development Plan for property in the vicinity of 1111 East Army Post Road ("Property"), to allow the 1.75-acre property on the southern portion of 6825 Southeast 14th Street to be used for office use, specifically an Unity Point Urgent Care facility, subject to the following conditions:

1. Any Site Plan for development of the site shall provide a pedestrian connection from the west entrance of any office/medical clinic to a pedestrian walkway on the entire western edge of the site.
2. Any Site Plan for development shall be subject to compliance with the recommendations of the Urban Design Review Board and recommendations of the Traffic Study; and

WHEREAS, on August 14, 2017, by Roll Call No. 17-1365, it was duly resolved by the City Council that the application of Macerich Southridge Mall, LLC for review and approval of the proposed 33rd Amendment to the Southridge Mall C-4 Development Plan for the Property, as legally described below, be set down for hearing on August 28, 2017, at 5:00 p.m. in the City Council Chambers at the Municipal Service Center; and

WHEREAS, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said proposed amendment to the approved Southridge Mall C-4 Development Plan; and

WHEREAS, in accordance with said notice, those interested in said proposed amendment to the approved Southridge Mall C-4 Development 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 statements of interested persons and arguments of counsel, any and all objections to the proposed 33rd Amendment to the Southridge Mall C-4 Development Plan for the Property, in the vicinity of 1111 East Army Post Road and legally described as follows, are hereby overruled, and the hearing is closed:



Roll Call Number

Agenda Item Number

55

Date August 28, 2017

-2-

Overall C-4 Development Plan Area:

(Except North 250 feet) Lot 3, and all Lots 4 thru 19, SOUTHRIDGE PLAT NO. 2, an Auditors Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

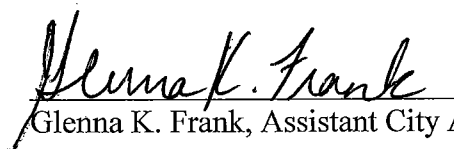
Amendment Area:

Lot 18, SOUTHRIDGE PLAT NO. 2, an Auditors Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

2. The proposed 33rd Amendment to the Southridge Mall C-4 Development Plan, as on file in the Community Development Department, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Plan, and is hereby approved.

MOVED BY _____ TO ADOPT.

FORM APPROVED:



Glenna K. Frank, Assistant City Attorney

(ZON2017-00119)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				
MOTION CARRIED		APPROVED		

Mayor

CERTIFICATE

I, DIANE RAUH, 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

August 11, 2017

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from Plan and Zoning Commission regarding request from Macerich Southridge Mall, LLC (owner) represented by Douglas Morrow (officer) for review and approval of the 33rd Amendment to the Southridge Mall C-4 Development Plan for property in the vicinity of 1111 East Army Post Road, to allow the 1.75-Acre property on the southern portion of 6825 Southeast 14th Street to be used for office use, specifically a Unity Point Urgent Care Clinic.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 4-6 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus		X		
Dory Briles		X		
JoAnne Corigliano		X		
David Courard-Hauri	X			
Jacqueline Easley		X		
Jann Freed		X		
John "Jack" Hilmes (recused)				X
Lisa Howard				X
Carolyn Jenison	X			
Greg Jones		X		
William Page				X
Mike Simonson (recused)				X
Rocky Sposato	X			
Steve Wallace	X			
Greg Wattier				X

APPROVAL of the site plan subject to the following condition:

1. Any Site Plan for development shall be subject to compliance with the recommendations of the Urban Design Review Board and recommendations of the Traffic Study. **MOTION FAILED**

The members then voted 9-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
JoAnne Corigliano	X			
David Courard-Hauri	X			
Jacqueline Easley	X			
Jann Freed	X			
John "Jack" Hilmes (recused)				X
Lisa Howard				X
Carolyn Jenison	X			
Greg Jones	X			
William Page				X
Mike Simonson (recused)				X
Rocky Sposato		X		
Steve Wallace	X			
Greg Wattier				X

APPROVAL of the site plan subject to the following conditions:

1. Any Site Plan for development of the site shall provide a pedestrian connection from the west entrance of any office/medical clinic to a pedestrian walkway on the entire western edge of the site.
2. Any Site Plan for development shall be subject to compliance with the recommendations of the Urban Design Review Board and recommendations of the Traffic Study.

(ZON2017-00119)

Written Responses

7 in Favor

0 in Opposition

STAFF RECOMMENDATION

Staff recommends approval of the submitted "C-4" Development Plan amendment subject to the following conditions:

1. Any Site Plan for development of the site shall provide for parallel parking on the adjoining side of the internal "ring" road.

2. Any Site Plan for development of the site shall provide a pedestrian connection from the west entrance of any office/medical clinic to a pedestrian walkway on the entire western edge of the site.
3. Any Site Plan for development shall be subject to compliance with the recommendations of the Urban Design Review Board and recommendations of the Traffic Study.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing the development of a Unity Point Urgent Care Clinic on the pad site at 6825 Southeast 14th Street. This requires designation of the use of the property within the "C-4" Development Plan. Any specific site development would be subject to a future Site Plan review by the Permit and Development Center.
2. **Size of Site:** Approximately 152.6 acres (overall mall site). The proposed pad site area for the clinic development is 1.75-Acres.
3. **Existing Zoning (site):** "C-4" Shopping Center Commercial District and "FSO" Freestanding Sign Overlay District.
4. **Existing Land Use (site):** The Southridge Mall regional commercial complex. Approximately 31 acres is undeveloped and available for future development.
5. **Adjacent Land Use and Zoning:**

North – "C-2", Uses are highway commercial businesses. The use adjoining the affected pad site within the mall campus is undeveloped property.

South – "R1-60", & "R-6", Uses are multiple-family residential apartments and vacant land. The uses adjoining the affected pad site within the mall campus is the ring road and undeveloped property that was formerly an Earl May Garden Center.

East – "C-2", "C-1", "R-5", & "R1-60", Uses are highway commercial uses, a mobile home park, and vacant land.

West – "PUD" & "A-1", Uses are Somerset mixed multiple-family and single-family residential neighborhood, the Des Moines Police Academy, South Side YMCA, and Ft. Des Moines County Park. The uses adjoining the affected pad site are the ring road, off-street parking lot, and the main mall building complex.

6. **General Neighborhood/Area Land Uses:** The subject regional commercial shopping center is located at the intersection of the East Army Post Road and Southeast 14th Street (US Highway 65/69) commercial corridors.
7. **Applicable Recognized Neighborhood(s):** The subject property is not located in a Recognized Neighborhood. It is located within 250 feet of the Easter Lake Area

Neighborhood, the Somerset Neighborhood and the South Park Neighborhood. All neighborhoods were notified of the Commission meeting by mailing of the Preliminary Agenda on July 14, 2017. Additionally, separate notifications of the hearing for this specific item were mailed July 15, 2017 (20 days prior to the hearing) and July 24, 2017 (10 days prior to the hearing) to these neighborhood associations and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the Southridge Mall "C-4" development plan area. A Final Agenda was mailed to the neighborhood associations on July 28, 2017.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Easter Lake Area Neighborhood Association mailings were sent to Jim Bollard, 4007 SE 26th Street, Des Moines, IA 50320. The Somerset Neighborhood mailings were sent to Mel Pins, 210 East Bundy Avenue, Des Moines, IA 50315. The South Park Neighborhood mailings were sent to Jan Goode, 4501 SE 6th Street, Des Moines, IA 50315.

8. **Relevant Zoning History:** The "C-4" development plan has been amended 32 times formally and administratively since the property was rezoned on May 22, 1972. The most recent amendment was for multiple-family apartments and offices on the southwest part of the mall property on July 10, 2017, by Roll Call No. 17-1192.
9. **PlanDSM Future Land Use Designation:** Regional Mixed Use with Regional Node.
10. **Applicable Regulations:** In accordance with Section 134-1052 and inconsideration of Chapter 18B of the Iowa Code, the Commission shall review the conformity of the proposed development plan with the standards of the comprehensive plan, and with the recognized principles of civic design, land use planning, and landscape architecture. The commission may approve the plan as submitted or, before approval, may require that the applicant modify, alter, adjust, or amend the plan as the commission deems necessary to the end that it preserve the intent and purpose of this chapter to promote public health, safety, morals, and general welfare. The development plan as approved by the commission shall then be reported to the city council, whereupon the city council may approve or disapprove the plan as reported or may require such changes thereto as it deems necessary to effectuate the intent and purpose of this chapter. Section 134-1055 states that any proposed change, except minor changes as set forth in division 8 of article II of this chapter (Section 134-247), in the shopping center plan, after approval by the council, shall be resubmitted and considered in the same manner as the original proposal.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Natural Site Features:** The pad site proposed for the clinic is undeveloped property, which is kept in a mowed turf grass condition. There are no significant natural features on the property.
2. **Drainage/Grading:** The majority of the subject "C-4" area drains toward the southeast portion of the mall site into a large drainage basin. The affected pad site drains north to south and then southeasterly into a drainage way. There is public storm sewer available on the north edge of the pad site. Because the site is over an acre, the

proposed project would be required to comply with water quality storm water management and standard storm water management requirements with any submitted Site Plan. Also Iowa DNR approval of a Storm Water Pollution Prevention Plan (SWPPP) would be required prior to final approval of any Site Plan for the proposed development.

3. **Utilities:** Public sanitary and storm sewer access is on the west edge of the affected pad site within the mall site. An 8-inch Des Moines Water Works public water main is available in Southeast 14th Street.
4. **Landscaping & Buffering:** Because the proposed amendment is not a major reconfiguration of the overall site, only the new development is required to comply with the Des Moines Landscape Standards as part of any Site Plan. The proposed project would be required to meet minimum open space landscaping standards as applicable to "C-2" Districts.
5. **Traffic/Street System:** The subject property currently adjoins the arterial network of East Army Post Road and US Highway 65/69. There are median breaks on both streets in alignment with the locations of two drive entrances from each street. The two drive entrances to East Army Post Road and the southern drive entrance to US Highway 65/69 are signalized with left turn lanes in and out of the mall site. In addition, the intersections of Southeast 5th Street and Southeast 14th Street with East Army Post Road are signalized with left turn lanes from all directions. The developer of the proposed pad site has had a completed traffic study based on the proposed development. No proposed changes were recommended to the configuration of the nearby intersection of the mall road and Southeast 14th Street. It was recommended to add actuated push button crossing signals and marked crossings. Traffic and Transportation Staff have made the following recommendations for any Site Plan for the area based on the approved study:

1. Show existing public street lighting and indicate any impacts.
2. Show any proposed changes to public transit agencies stops.
3. Show that the two proposed access points to the mall road are stop controlled.

The Urban Design Review Board, as part of a development agreement with the City, has also made preliminary recommendations that pedestrian connections be made to the primary mall complex as part of any Site Plan for redevelopment.

6. **Access or Parking:** The proposed pad site redevelopment would be responsible for providing the minimum required off-street parking commensurate with the office area. The C-4 Plan Amendment indicates providing spaces interior to the site. Staff also recommends providing parallel off-street parking spaces that would access directly from the mall internal ring road.
7. **PlanDSM:** The Regional Mixed Use designation provides for "Large-scale mixed use development, located on or at crossroads of major transportation corridors, emphasizing commercial, retail, and parking. Medium to high density residential may be incorporated within a development or along edges as transition to adjacent to lower density residential. Mixed use may be horizontal as well as vertical, so there is no requirement that every building be mixed. May emphasize active uses (i.e. retail) on the ground floor,

particularly at key intersections.” The nature and pattern of use expected with the proposed project is within the mixed use character which would be exhibited by a Regional Mixed Use area.

8. Urban Design: Review of the “C-4” Development Plan does not include the architectural detail of specific buildings. Based on a development agreement, the Urban Design Review Board (UDRB) also reviews architectural design. The following comments were provided by the UDRB at their July 11, 2017 meeting:

- Suggest taking the east/west walkways on the north and south ends of the building to the curblin to help the pedestrian connections happen.
- Consider north and south entrances to give a 360 degree design.
- Feel that it would be a great direction if, as the interiors develop, it becomes better to rotate two of the entries to the north and south. This would distribute the parking better.
- Caution that pitched roof should not become the norm in the area.
- The flow of the vehicles looks good.
- Keep pedestrian and bicycle traffic in mind as the project moves forward.

SUMMARY OF DISCUSSION

Jaqueline Easley asked if anyone was present to speak on this item. There was someone in the audience that asked to speak.

Erik Lundy presented the staff report and recommendation.

CHAIRPERSON OPENED THE PUBLIC HEARING

Scott McMurray 4521 Fleur Drive, Suite C, representing Macerich stated it was not typical that they would ask to come off the consent agenda, but after going through Urban Design Review Board, they noticed the staff recommendations included sidewalks and parallel parking which were not included during the Urban Design Board’s Review. He was asking that conditions 1 and 2 be removed. The parallel parking on the ring road is a big problem as this is part of their circulation. To have people pulling off the ring road on either side to gain access doesn’t make any sense. He noted that entrance is not the main entrance, rather a staff entrance only. The connectivity of this and the mall project makes no sense in their opinion. He further stated no need for sidewalks at this time as they don’t currently connect to anything and it wasn’t his opinion that sick people generally walk to the doctor. The nearest apartments are over a half mile away. Further, modifying the flow of the ring road would need permission from Target and Marshalls and he doesn’t feel as if this adds anything to the property. As far as the sidewalks, each property they do is in full compliance to current standards.

David Courard-Hauri asked if there was a sidewalk on the west side of the property and is there room for it.

Scott McMurray stated that as discussed with the Urban Design Review Board, sidewalks are currently running north and south and extend to the south ending in the parking spaces. At which time if the Sears Building is developed, they would develop a natural cross walk over the ring road into the parking area for Sears Parking.

David Courard-Hauri asked if this will cause a connectivity problem to the properties to the north and south of the project if they are ever developed and how will properties connect.

Scott McMurray stated that currently there is no sidewalk on SE 14th and perhaps if found to be necessary, the city could put one in on the south side of the property along SE 14th to gain connectivity to other portions of the area. It is a state highway making it even more challenging.

Mike Ludwig asked how many board members were present at the Urban Design Review Board meeting.

Scott McMurray wasn't sure but thought only 3 or 4 members were present.

Mike Ludwig asked if employees from the clinic would have access to walk over and shop at the mall.

Scott McMurray explained he didn't see the difference if they were walking on the parking lot from their cars or walking up on a sidewalk. There is also the question of how they will redevelop that store.

Mike Ludwig stated we are trying to improve connectivity on commercial sites. The C-4 district requires such and that is where the comments came from regarding the sidewalks.

Scott McMurray stated he feels like they have worked with the city on things that make sense, such as a sidewalk from the senior housing to Hy-vee. There is currently nothing that would connect to the Unity Point Clinic other than the abandoned Sears store and no one currently knows how that will be developed, demolished or rebuilt. The connectivity is there with extending the north and south sidewalk and beyond that it should wait until a development come through for the other sites.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Rocky Sposato he is very familiar with this area and does not currently see this or SE 14th as a pedestrian walking area. The sidewalks we are requesting are virtually a bridge to nowhere.

JoAnne Corigliano questioned why we would want a sidewalk on SE 14th as this is not a pedestrian area.

Mike Ludwig clarified that staff is only requesting a sidewalk on the west side of the building along the inner drive portion. We would like to see urban redevelopment around the mall site with pedestrian activity as this is discussed in the Plan DSM.

Greg Jones stated that he agreed that this is not currently a pedestrian friendly area, but we are never going to get there if we don't keep with pedestrians in mind when going forward. Even though it is a small thing, condition 2 should stay and condition 1 can be eliminated.

COMMISSION ACTION:

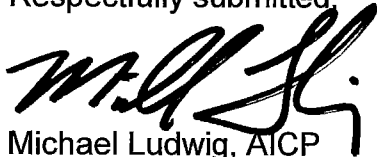
Rocky Sposato made a motion to approve the site plan subject to the following condition: Any Site Plan for development shall be subject to compliance with the recommendations of the Urban Design Review Board and recommendations of the Traffic Study. David Courard-Hauri seconded.

THE VOTE: 4-6 Motion failed. (Mike Simonson and John "Jack" Hilmes recused themselves from the vote. JoAnne Corigliano, Jann Freed, Jacqueline Easley, Dory Briles, Francis Boggus and Greg Jones opposed)

Greg Jones made a motion to approve the site plan subject to the following conditions: 1) Any Site Plan for development of the site shall provide a pedestrian connection from the west entrance of any office/medical clinic to a pedestrian walkway on the entire western edge of the site. 2) Any Site Plan for development shall be subject to compliance with the recommendations of the Urban Design Review Board and recommendations of the Traffic Study. Jan Freed seconded the motion.

THE VOTE: 9-1 Motion carried. (Rocky Sposato opposed, Mike Simonson and John "Jack" Hilmes recused themselves from the vote)

Respectfully submitted,



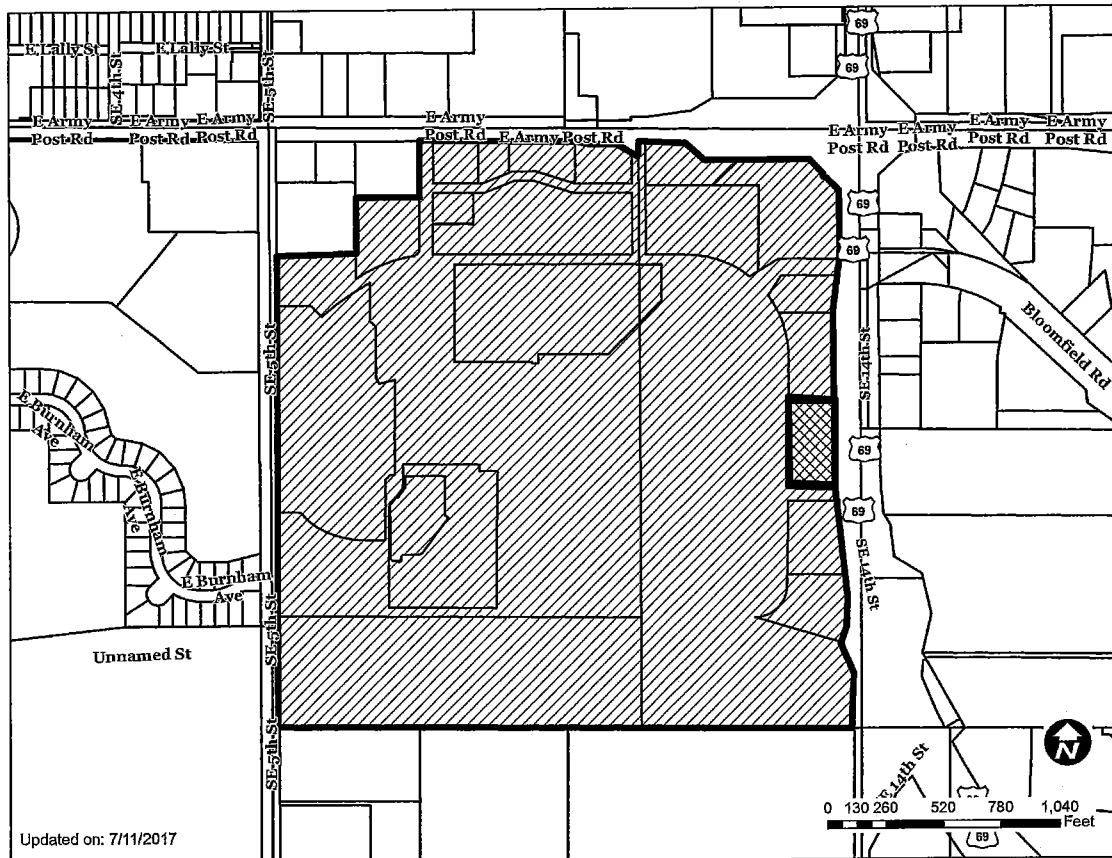
Michael Ludwig, AICP
Planning Administrator

MGL:ked
Attachments

Macerich Southridge Mall, LLC (owner) represented by Douglas Morrow (officer) for property in the vicinity of 1111 East Army Post Road.				File #	
				ZON2017-00119	
Description of Action	Review and approval of the 33rd Amendment to the Southridge Mall C-4 Development Plan to allow the 1.75-Acre property on the southern portion of 6825 Southeast 14th Street to be used for office use, specifically a Unity Point Urgent Care Clinic.				
PlanDSM Future Land Use	Current: Regional Mixed Use within a Regional Node. Proposed: N/A.				
Mobilizing Tomorrow Transportation Plan	2035-2050 US 69/SE 14 th Street widening from 4 to 6 lanes from East Army Post Road to US 65/IA 5.				
Current Zoning District	"C-4" Shopping Center Commercial District and "FSO" Freestanding Signs Overlay District.				
Proposed Zoning District	N/A.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Subject Property	7	0			
Outside Area (200 feet)					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Macerich Southridge Mall, LLC, Vicinity of 1111 East Army Post Road

ZON2017-00119



Item ZON2017-00119

Date 7-27-2017

I ☒ (am) ☐ (am not) in favor of the request.

(Circle One)

Print Name

ROBERT PROBASCIO

Signature

[Signature]

Address

456 E. Burnham Ave.

Reason for opposing or approving this request may be listed below.

Item ZON2017-00119

Date 7/26/17

I ☒ (am) ☐ (am not) in favor of the request.

(Circle One)

Print Name

Mike Kates

Signature

[Signature]

Address

6901 SE 14 #119

Reason for opposing or approving this request may be listed below.

Item **ZON2017-00119**

Date 7/26/17

55

I ☒ (am) ☐ (am not) in favor of the request.

RECEIVED
COMMUNITY DEVELOPMENT

AUG 01 2017

Print Name Kim Abid

Signature Kim Abid

Address 700 E. Army Post Rd

Reason for opposing or approving this request may be listed below.

Item **ZON2017-00119**

Date 7/31/17

I ☒ (am) ☐ (am not) in favor of the request.

RECEIVED
COMMUNITY DEVELOPMENT

AUG 03 2017

Print Name George Jordan

Signature George Jordan

Address 6901 SE 14th

Reason for opposing or approving this request may be listed below.

Item **ZON2017-00119**

Date 7/28/17

☒ (am not) in favor of the request.

SOMERSET NEIGHBORHOOD ASSOCIATION

RECEIVED
COMMUNITY DEVELOPMENT

JUL 28 2017

Print Name SOMERSET NEIGHBORHOOD ASSOC.

Signature MEL PINS PRESIDENT

Address 210 E BUNNY, DSM

Reason for opposing or approving this request may be listed below.

Medical clinic will be an excellent
addition to commercial services and
character of Southridge.

Item **ZON2017-00119**

Date 7/26/17

☒ (am not) in favor of the request.

617-N-60 Stover, Inc.

RECEIVED
COMMUNITY DEVELOPMENT

JUL 28 2017

Print Name Dennis Flora

Signature Dennis Flora, Pres.

Address 2716 Indiana Ave.

D.M.

Reason for opposing or approving this request may be listed below.

ZON2017-00119

Date

7/26/17

55

(am) (am-not) in favor of the request.

RECEIVED

(Circle One)

COMMUNITY DEVELOPMENT

Print Name

Git-N-Go Store, Inc.

Dennis Flory

JUL 28 2017

Signature

Dennis Flory, Pres.

Address

2716 Indiana Ave.

D. M.

Reason for opposing or approving this request may be listed below.
