



Date December 6, 2021

**RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING APPROVAL OF PRELIMINARY PLAT AND CONDITIONALLY APPROVING FINAL PLAT FOR MERLE HAY ANCHORS, LLC SUBDIVISION FOR PROPERTY LOCATED IN THE VICINITY OF 4000 MERLE HAY ROAD**

WHEREAS, on December 2, 2021, the City of Des Moines Plan and Zoning Commission voted 10-0 to APPROVE a request from Merle Hay Anchors, LLC (owner), represented by Jim Sutphen (officer), for approval of the Preliminary Plat "Merle Hay Anchors, LLC Subdivision" on 4.37 acres of property located in the vicinity of 4000 Merle Hay Road, to divide the property into three (3) development lots, subject to compliance with all administrative review comments; and,

WHEREAS, the final subdivision plat entitled Merle Hay Anchors, LLC Subdivision, for property in the vicinity of 4000 Merle Hay Road, to be developed by Merle Hay Anchors, LLC, 30 North LaSalle Street, Suite 2120, Chicago, IL, 60602, Jim Sutphen, Authorized Agent, was submitted to the Development Services Department on November 23, 2021; and,

WHEREAS, the Planning Division has recommended conditional approval of the final subdivision plat, subject to acceptance of final legal documents by the City Legal Department; and,

WHEREAS, subject to the conditions identified below, the said subdivision plat conforms to Iowa Code Sections 355.8, 354.6, and 354.11, and said subdivision plat conforms to the standards and conditions set forth in Chapter 106 of the Municipal Code of the City of Des Moines, Iowa; NOW THEREFORE,

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

1. It is hereby determined that the subdivision plat identified above conforms to the PlanDSM: Creating Our Tomorrow Plan and the subdivision, with the required installation of public improvements, will not unduly burden public improvements in the area and will provide an appropriate balance of interests between current proprietors, future purchasers and the public interest.
2. Upon satisfaction of the conditions set forth above, the Mayor and City Clerk are hereby authorized and directed to execute approval on all copies of said subdivision plat as appropriate.
3. The City Clerk is hereby directed to provide the approved subdivision plat, a certified copy of this resolution, the attorney's title opinion and the attachments to the plat to the Developer for delivery to the County Recorder for recording by the plat proprietors. The



**Roll Call Number**

**Agenda Item Number**

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Date December 6, 2021

City Clerk is hereby further directed to send a copy of the subdivision plat to the Board of Education, Century Link Communications, Mid-American Energy, Mediacom, Des Moines Water Works, U.S. Post Office – Post Master, U.S. Post Office – Technical Sales and Services, City Engineer, City Land Records, Public Works – Street Department, Public Works – Forestry Division, Fire Department, Police Department – Research and Development Section, City Traffic and Transportation Division, Information Technology Department, and Development Services Department.

- 4. The Permanent Easements for ingress-egress access and private stormwater management facility maintenance provided incident to said subdivision plat are hereby approved and accepted, and the City Clerk is hereby authorized and directed to certify to the City's acceptance on such easements.

MOVED by \_\_\_\_\_ to adopt.

(Council Communication No. 21- **536** )

FORM APPROVED:

  
 \_\_\_\_\_  
 Judy K. Parks-Kruse  
 Assistant City Attorney

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

**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.

\_\_\_\_\_ Mayor

\_\_\_\_\_ City Clerk



Date December 2, 2021

Agenda Item 16

Roll Call # \_\_\_\_\_

December 2, 2021

Communication from the City Plan and Zoning Commission advising that at their December 2, 2021 meeting, the following action was taken regarding a request from Merle Hay Anchors, LLC (owner), represented by Jim Sutphen (officer), for review and approval of a Preliminary Plat "Merle Hay Anchors, LLC Subdivision", for property in the vicinity of 4000 Merle Hay Road, to divide the property into three (3) development lots.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 10-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dory Briles	X			
Abby Chungath	X			
Kayla Berkson	X			
Chris Draper				X
Jann Freed				X
Todd Garner	X			
Johnny Alcivar	X			
Lisa Howard	X			
Carolyn Jenison	X			
William Page	X			
Steve Wallace	X			
Greg Wattier				X
Emily Webb	X			

**APPROVAL** the proposed Preliminary Plat subject to compliance with all administrative review comments. (13-2021-1.31)

**STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Staff recommends approval of the proposed Preliminary Plat subject to compliance with all administrative review comments.

## STAFF REPORT TO THE PLANNING COMMISSION

### I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to subdivide the subject property to create 3 development lots that would be accessed from Merle Hay Road.
2. **Size of Site:** 12.93 acres.
3. **Existing Zoning (site):** “CX” Commercial Mix District.
4. **Existing Land Use (site):** Undeveloped land previously used for a Sears Department Store.
5. **Adjacent Land Use and Zoning:**
  - North** – “CX”; Use is a strip retail commercial center.
  - South** – “CX”; Use is Merle Hay Mall.
  - East** – “MX3”; Uses are commercial.
  - West** – Property to the west is located in the jurisdiction of Urbandale; Use is parking that serves Merle Hay Mall.
6. **General Neighborhood/Area Land Uses:** The subject property is located on the west side of Merle Hay Road, immediately north of Merle Hay Mall at the northwest corner of Merle Hay Road and Douglas Avenue. The surrounding area contains a mix of large- and small-scale commercial uses.
7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Merle Hay Neighborhood. The neighborhood association was notified of the Commission meeting by mailing of the Final Agenda on November 24, 2021. Notifications of the hearing for this specific item were mailed on November 23, 2021 to the neighborhood association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

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 Merle Hay Neighborhood Association mailings were sent to Christopher Morse, 52nd Street, Des Moines, IA 50310.
8. **Relevant Zoning History:** On May 6, 2021, the Plan & Zoning Commission approved a Public Hearing Site Plan and Design Alternatives for the Kohl’s Department Store.
9. **PlanDSM Future Land Use Plan Designation:** Regional Mixed Use within a Regional Node
10. **Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission shall determine if such Preliminary Plat conforms to the standards and requirements outlined in Chapter 354 of the Iowa Code, and the City Subdivision Ordinance and shall approve, conditionally approve or reject such Plat

within 45 days after the date of submission to the City Permit and Development Center. Unless the applicant agrees in writing to an extension of time, the Preliminary Plat shall be deemed approved if the Commission does not act within such 45-day period. The Commission's action for approval or conditional approval shall be null and void unless the Final Plat is submitted to the City Permit and Development Center within 270 days after the date of such action; provided, however, that the Permit and Development Administrator may grant, upon written request of the applicant, up to a 90-day extension for submittal of the Final Plat to the City Permit and Development Center.

## II. ADDITIONAL APPLICABLE INFORMATION

1. **Existing Features:** The subject properties include a paved parking lot, mall access drives, and redevelopment pad for a Kohl's store. Redevelopment of the site will include compliance with City Cod Chapter 135: Planning and Design ordinance.
2. **Drainage:** The proposed Preliminary Plat demonstrates a stormwater detention basin at the northeastern corner of the site. This basin will provide storm water management for the proposed lots. A dedicated grading plan and utility plan with storm sewer information will need to be provided.
3. **Utilities:** There are sanitary sewer and water mains along Merle Hay Road that will be utilized to serve the development. Electrical, water, and sanitary sewer easements will be maintained for existing utilities or extended for new utilities.
4. **Traffic/Street System:** The proposed Preliminary Plat maintains access to the frontage of the lots through existing private drives. Access easements will be provided to maintain access.

## SUMMARY OF DISCUSSION

Dory Briles asked if any member of the public or the commission desired to speak on the item. No one requested to speak.

## COMMISSION ACTION:

Webb made a motion for approval of the proposed Preliminary Plat subject to compliance with all administrative review comments.

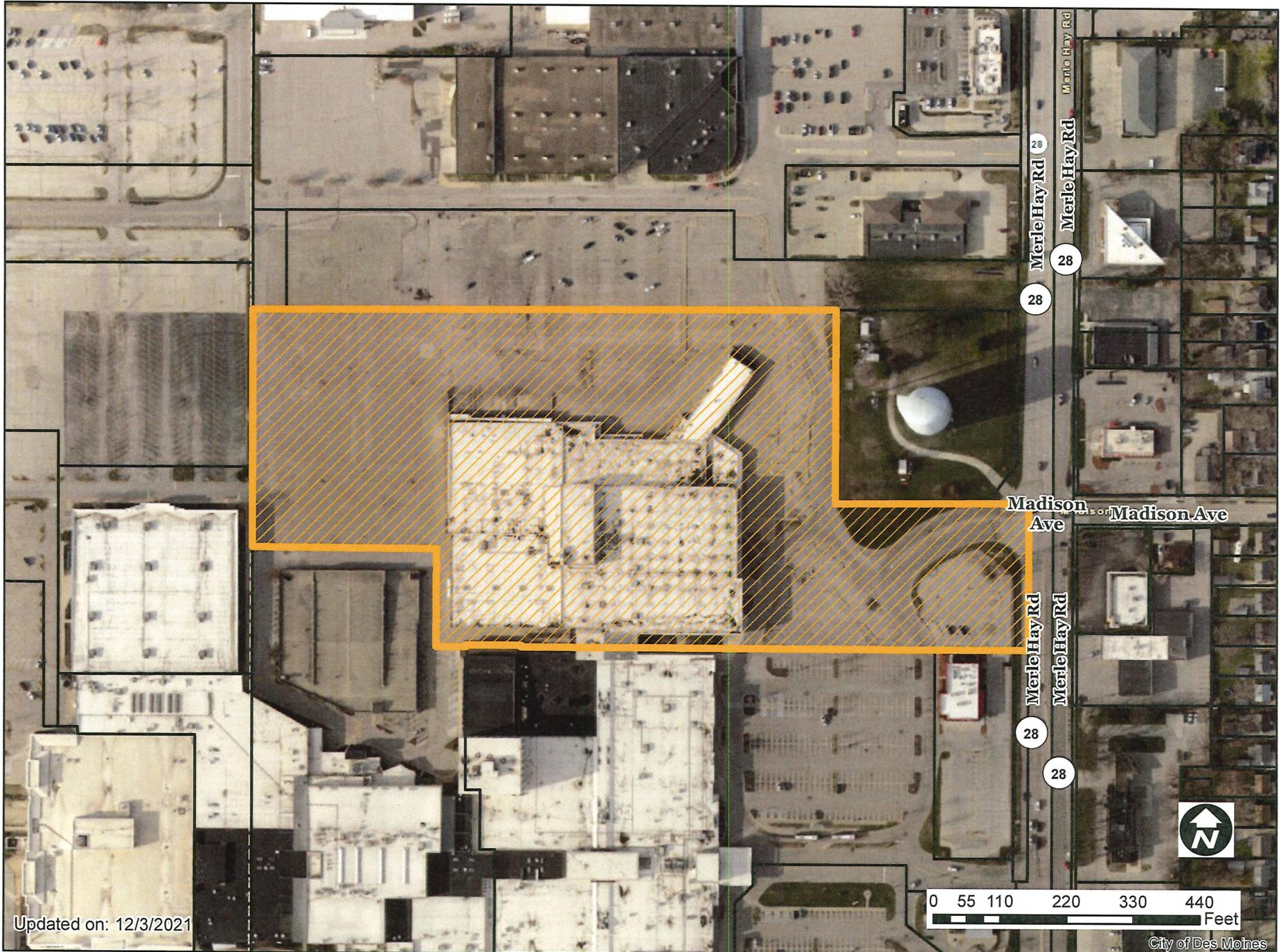
Motion passed: 10-0.

Respectfully submitted,



Jason Van Essen, AICP  
Planning & Urban Design Administrator

JMV:tjh



Updated on: 12/3/2021

City of Des Moines

1 inch = 210 feet

# MERLE HAY ANCHORS, LLC SUBDIVISION PRELIMINARY PLAT

**PROPERTY DESCRIPTION:**  
LOT 3 IN MERLE HAY ANCHORS PLACE AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.  
EXCEPT:  
BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 3, THENCE NORTH 90 DEGREES 00 MINUTES 30 SECONDS EAST ALONG THE SOUTH LINE OF LOT 3 302.28 FEET, THENCE NORTH 90 DEGREES 00 MINUTES 30 SECONDS EAST 163.00 FEET, THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ALONG A LINE PARALLEL WITH AND 163.00 FEET NORTH OF THE SOUTH LINE OF SAID LOT 3 302.42 FEET TO THE WEST LINE OF SAID LOT 3, THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 3 163.00 FEET TO THE POINT OF BEGINNING.

**OWNER:**  
MERLE HAY ANCHORS, LLC

**PREPARED FOR:**  
WOOD FERT  
RYAN WALTER  
115 SOUTH MEYERS ROAD  
SUITE 800  
CAMBROOK TERRACE, IL 60181  
(630) 894-0377  
(617)

**PREPARED BY:**  
BISHOP ENGINEERING  
3501 104TH STREET  
URBANA, IA 50322

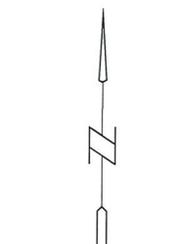
**ZONING:**  
INFORMATION OBTAINED FROM CITY OF DES MOINES ZONING MAP  
C-2 DISTRICT - LARGE SCALE SINGLE USE COMMERCIAL

**BUILDING SETBACKS:**  
FRONT TWENTY (20) FEET  
SIDE FIFTEEN (15) FEET  
REAR TWENTY (20) FEET, FIVE (5) AT ALLEY

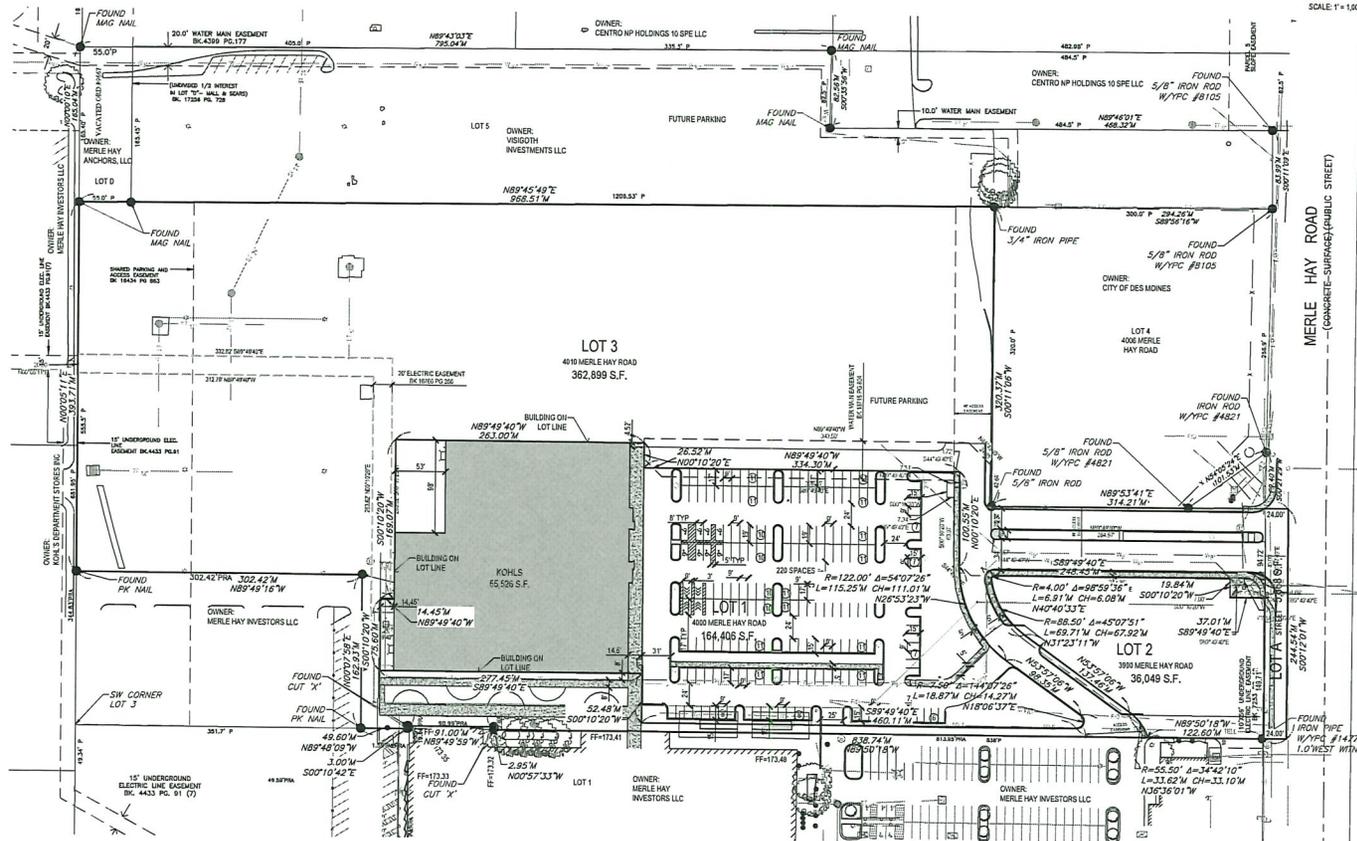
FOR AN OFFICIAL ZONING REPORT PLEASE CALL CITY OF DES MOINES AT 515-283-1182

**BENCHMARK:**  
DES MOINES BN 084115  
NORTHING = 5509.00  
EASTING = 158442.46  
ELEVATION = 174.67  
DESCRIPTION: TRIANGLE ON THE CORNER OF TRAFFIC SIGNAL BASE LOCATED ON THE SE CORNER OF MERLE HAY ROAD AND MADISON AVENUE.

BENCHMARK DATUM = CITY OF DES MOINES DATUM



**LOT NOTES:**  
LOT 1 - 4000 MERLE HAY ROAD - 164,406 S.F.  
LOT 2 - 3090 MERLE HAY ROAD - 38,049 S.F.  
LOT 3 - 4010 MERLE HAY ROAD - 362,899 S.F.



PLAT NO. 13-21-1.31

**UTILITY NOTE:**  
THE LOCATION OF THE UTILITIES INDICATED ON THE PLANS HAVE BEEN TAKEN FROM THE FIELD SURVEY, EXISTING PUBLIC RECORDS, AND PLANS PROVIDED BY OTHERS. SURFACE UTILITY LOCATIONS HAVE BEEN FIELD LOCATED BY BISHOP ENGINEERING UNLESS OTHERWISE NOTED. ALL UNDERGROUND UTILITY LOCATIONS ARE APPROXIMATE LOCATIONS AND IF ANY ADDITIONAL UTILITIES, OTHER THAN THOSE SHOWN ON THE PLANS, MAY BE PRESENT, A REQUEST WAS MADE TO DOWN ONE CALL FOR UTILITY PROVIDERS TO VERIFY LOCATE AND MARK THEIR UTILITIES IN THE FIELD.

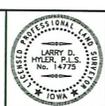
**UTILITY MAPS PROVIDED BY:**  
1. ELECTRIC (PROVIDER / CONTACT INFO)  
2. STORM AND SANITARY (PROVIDER / CONTACT INFO)  
3. FIBER OPTIC (PROVIDER / CONTACT INFO)  
4. GAS (PROVIDER / CONTACT INFO)  
5. WATER (PROVIDER / CONTACT INFO)  
6. OTHERS (PROVIDER / CONTACT INFO)

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I HEREBY CERTIFY THAT THIS ENGINEERING DOCUMENT WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF IOWA.

SIGNED: RICHARD F. GERDEEMAN III, P.E. 17481 DATE: \_\_\_\_\_  
LICENSE RENEWAL DATE: DEC. 31, 2022  
PAGES OR SHEETS COVERED BY THIS SEAL: \_\_\_\_\_



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

SIGNED: PRELIMINARY DATE: \_\_\_\_\_  
LARRY D. HYLER, P.L.S. 14775  
LICENSE RENEWAL DATE: DEC. 31, 2022  
PAGES OR SHEETS COVERED BY THIS SEAL: \_\_\_\_\_

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Des Moines, Iowa 50322-5825  
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Civil Engineering & Land Surveying Established 1959

MERLE HAY ANCHORS, LLC SUBDIVISION  
DES MOINES, IOWA  
PRELIMINARY PLAT

REFERENCE NUMBER:  
DRAWN BY: CEJ  
CHECKED BY: LDH  
REVISION DATE:

PROJECT NUMBER: 200575  
SHEET NUMBER: 1 OF 1