

Date April 10, 2023

**RESOLUTION HOLDING 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 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:

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 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



Date April 10, 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.

**WHEREAS**, on February 20, 2023, by Roll Call No. 22-0223, it was duly resolved by the City Council that the request for approval of the 1<sup>st</sup> Amendment to the Southdale PUD Conceptual Plan be set down for hearing on March 6, 2023, at 5:00 p.m., at the City Council Chambers; and

**WHEREAS**, on March 6, 2023, by Roll Call No. 23-0330, the City Council opened and further continued said hearing to 5:00 p.m. on March 27, 2023, upon request by council for additional review time; and



**Roll Call Number**

**Agenda Item Number**

60

**Date** April 10, 2023

**WHEREAS**, on March 27, 2023, by Roll Call No. 23-0433, the City Council opened and further continued said hearing to 5:00 p.m. on April 10, 2023, upon request by council for additional review time; 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 1st Amendment to the Southdale PUD Conceptual Plan; and

**WHEREAS**, in accordance with said notice, those interested in said proposed 1<sup>st</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 1<sup>st</sup> Amendment to the Southdale PUD Conceptual Plan are hereby overruled, and the hearing is closed.
2. The proposed 1<sup>st</sup> Amendment to the Southdale PUD Conceptual Plan 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.

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

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill  
Assistant City Attorney

(ZONG-2022-000099)

**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.

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

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

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

Date March 16, 2023

Agenda Item 5057

Roll Call # 23-0330  
~~23-0433~~

February 14, 2023

Communication from the City Plan and Zoning Commission advising that at their February 2, 2023 meeting, the following action was taken regarding a request from WC MRP Des Moines Center, LLC (owner), represented by Natin Paul (officer), for review and approval of a 1<sup>st</sup> amendment to the Southdale PUD Conceptual Plan on the property located at 4900 Southeast 14<sup>th</sup> Street, to allow expansion of a retail use to include outdoor display in the parking lot.

**COMMISSION RECOMMENDATION:**

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

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus				X
Dan Drendel	X			
Leah Rudolphi	X			
Carol Maher	X			
Abby Chungath				X
Kayla Berkson	X			
Chris Draper	X			
Todd Garner				X
Johnny Alcivar	X			
Justyn Lewis	X			
Carolyn Jenison				X
William Page	X			
Andrew Lorentzen				X
Emily Webb	X			
Katie Gillette	X			

**APPROVAL** of the request, subject to 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.

50 59  
(00)

Written Responses

0 in Favor

0 in opposition

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

Staff recommends approval of a revised request, subject to provision of the following information in the General Notes section on the Southdale PUD Conceptual Plan:

1. Any outdoor display associated with a Retail Sales Use, including the display of storage sheds, shall be limited to the existing approved area for Seasonal Sales, to the satisfaction of the City's Planning and Urban Design Administrator.
2. 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.

**STAFF REPORT TO THE PLANNING COMMISSION**

**I. GENERAL INFORMATION**

1. **Purpose of Request:** The proposed amendment to the Southdale PUD Conceptual Plan would allow retention of the outdoor display of storage shed examples in the parking lot in front (east) of the building (The Home Depot).
2. **Size of Site:** 9.563 acres (416,569 square feet).
3. **Existing Zoning (site):** "PUD" Planned Unit Development District.
4. **Existing Land Use (site):** The subject site contains a Home Depot retail store and surface parking lot.
5. **Adjacent Land Use and Zoning:**

**North** – "PUD" and "P1"; Uses include vacant land, Yeader Creek, and East McKinley Avenue right-of-way.

**South** – "PUD"; Use is Southdale Shopping Center consisting of a set of multiple-tenant commercial center buildings.

**East** – "PUD"; Uses are drive-through restaurant and commercial (Fazoli's, B-Bop's, Bank of the West, Jimmy John's, Verizon, and Classic Tan) and Southeast 14<sup>th</sup> Street (IA Hwy 69) right-of-way.

**West** – "N3a"; Use is low density residential.

5057  
60

- 6. **General Neighborhood/Area Land Uses:** The site is located along the west side of Southeast 14<sup>th</sup> Street (IA Hwy 69) to the south of the intersection with East McKinley Avenue. The surrounding area consists of a mix of retail, commercial, institutional, industrial, and residential uses. The subject property is located within a Community Node centered at the East McKinley Avenue and Southeast 14<sup>th</sup> Street intersection.
  
- 7. **Applicable Recognized Neighborhood(s):** The subject property is located in South Central DSM Neighborhood Association and within 250 feet of Easter Lake Area (ELANA) Neighborhood Association. All neighborhood associations were notified of the public hearing by emailing of the Preliminary Agenda on January 13, 2023 and of the Final Agenda on January 27, 2023. Additionally, separate notifications of the hearing for this specific item were mailed on January 13, 2023 (20 days prior to the meeting) and on January 23, 2023 (10 days prior to the meeting) to the South Central DSM Neighborhood Association, the Easter Lake Area (ELANA) 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 Services Department on the date of the mailing. The South Central DSM Neighborhood mailings were sent to Lisa Stocker-Ross, 5817 Southeast 7<sup>th</sup> Court, Des Moines, IA 50315. The Easter Lake Area (ELANA) Neighborhood mailings were sent to Jim Bollard, 4007 Southeast 26<sup>th</sup> Street, Des Moines, IA 50320.

The applicant will provide a summary of the neighborhood meeting at the public hearing.

- 8. **Relevant Zoning History:** The subject property was rezoned to "PUD" on June 11, 1991, at which time a general PUD Conceptual Plan was adopted. A revised site plan was approved on August 24, 1999.
  
- 9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Community Mixed Use within a Community Node centered at the East McKinley Avenue and Southeast 14<sup>th</sup> Street intersection.
  
- 10. **Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews all proposals to amend zoning boundaries or regulations within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in 414.3 of the Iowa Code. The Commission may make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

The application, accompanying evidence, and PUD Conceptual Plan shall be considered by the Plan and Zoning commission at a public hearing. The Commission shall review the conformity of the proposed development with the standards of the City Code and with recognized principles of civic design, land use planning, and landscape architecture. After the hearing, the Commission may vote to recommend either approval or disapproval of the amended PUD Conceptual Plan as submitted, or to

5057  
60

recommend that the developer amend the plan or request to preserve the intent and purpose of this chapter to promote public health, safety, morals and general welfare. The recommendation of the Commission shall be referred to the City Council.

**II. ADDITIONAL APPLICABLE INFORMATION**

1. **Southdale PUD Conceptual Plan:** If the proposed amendment to the Southdale “PUD” is approved by the City Council, the applicant must submit to the Planning and Urban Design Division a revised version of the PUD Conceptual Plan that reflects the amendment and any conditions of approval.
2. **Utilities:** The subject property has access to all necessary utilities. Easements must be reserved for any existing utilities until such time that they are abandoned or relocated at the applicant’s expense.
3. **Site Plan Requirements:** Any future development upon the site must be in accordance with a PUD Development Site Plan as reviewed and approved by the City’s Development Services Department. A PUD Development Site Plan has not been submitted for review at this time. The PUD Development Site Plan would ensure that any development complies with all City requirements, including, but not limited to, stormwater management, landscaping, off-street parking, and any other standards required by the PUD Conceptual Plan.
4. **Drainage/Grading:** Any future construction must comply with the City’s stormwater management, soil erosion protection, and grading requirements, as approved by the City’s Permit and Development Center’s engineering staff during any PUD Development Site Plan review process.
5. **Site Design:** The proposed location of the outdoor display would be adjacent to an existing interior drive aisle within the commercial development (southern side of the parking lot) and an existing 10-foot landscaping buffer in the front yard area. An existing “Seasonal Sales” area for outdoor display of merchandise was approved in 1999 as part of the plan. This “Seasonal Sales” area is located along the north facade of the building and the adjacent (northwest) corner of the parking lot. Staff recommends that any Outdoor Display associated with a Retail Sales Use, including the display of storage shed examples, should be limited to this existing area.

However, should the Commission and/or ultimately City Council be inclined to allow the display of storage sheds in the area requested, Staff recommends that the existing interior drive aisle have the appearance of a street right-of-way 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.

**SUMMARY OF DISCUSSION**

Bert Drost presented staff report and recommendation.

Chris Draper asked if this request is due to a city enforcement action.

505T  
100

Bert Drost stated yes.

Will Page asked what the rational was for the staff's recommendation.

Bert Drost stated the site would be more organized and less visually cluttered if all of the outdoor merchandise is kept in the same area. If the commission was inclined to recommend approval of the request, staff suggests additional landscaping around the storage sheds be provided.

Jeremy Stroud, Store Manager at Home Depot, 4900 SE 14<sup>th</sup> Street stated the reason for additional outdoor storage space is due to outgrowing the seasonal space that was approved in the early 1990's and the consistent problem they've encountered with the homeless population using these sheds. They are willing to provide additional landscaping that the staff have suggested.

Will Page asked if they have discussed expanding the space along the north.

Jeremy Stroud stated that has not been discussed but would be a possibility.

Will Page stated that would comply with city staffs rational.

Jeremy Stroud stated if the sheds were placed on the north end of the parking lot, it would be difficult for staff to meet customers who are shopping for sheds. This would also require them to move the sheds twice a year to make room for seasonal items.

Carol Maher asked if they would comply with landscaping standards around the entire parking lot or just around the sheds.

Jeremy Stroud stated the recommendation was around the sheds.

Carol Maher asked if they comply with current landscaping requirements within their parking lot.

Jason Van Essen stated they may have dead or missing plant material that is noted on their current site plan, which they are obligated to replace. As it relates to this request, the commission is reviewing the sheds placement and the additional plantings if approved.

Chris Draper asked if the staff recommendation is in line with the applicant's proposal.

Jason Van Essen stated city staff believes it would be best to keep all outdoor display items together. If the commission was inclined to approve the request, staff would recommend additional landscaping around the sheds.

### **CHAIRPERSON OPENED THE PUBLIC HEARING**

Joel Rouse, Manager at Home Depot, 4900 SE 14<sup>th</sup> Street stated the sheds would be standalone in the parking lot once their seasonal items were removed. Also keeping the sheds to the south would alleviate safety concerns for their customers.

### **CHAIRPERSON CLOSED THE PUBLIC HEARING**

5057  
60

**COMMISSION ACTION:**

Chris Draper made a motion for approval of the request, subject to 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.

Motion passed: 10-0

Respectfully submitted,



Jason Van Essen, AICP  
Planning & Urban Design Administrator

JMV:tjh



Updated on: 11/22/2022

1 inch = 179 feet

100  
5805  
1033623

Dec 7, 2022 11:41



4505  
100

Dec 7, 2022 11:41



580-571-1100

Dec 7, 2022 11:41



5057  
600

Dec 7, 2022 11:40



CS-17-1202

Dec 7, 2022 11:41



SD-5710

Dec 7, 2022 11:41

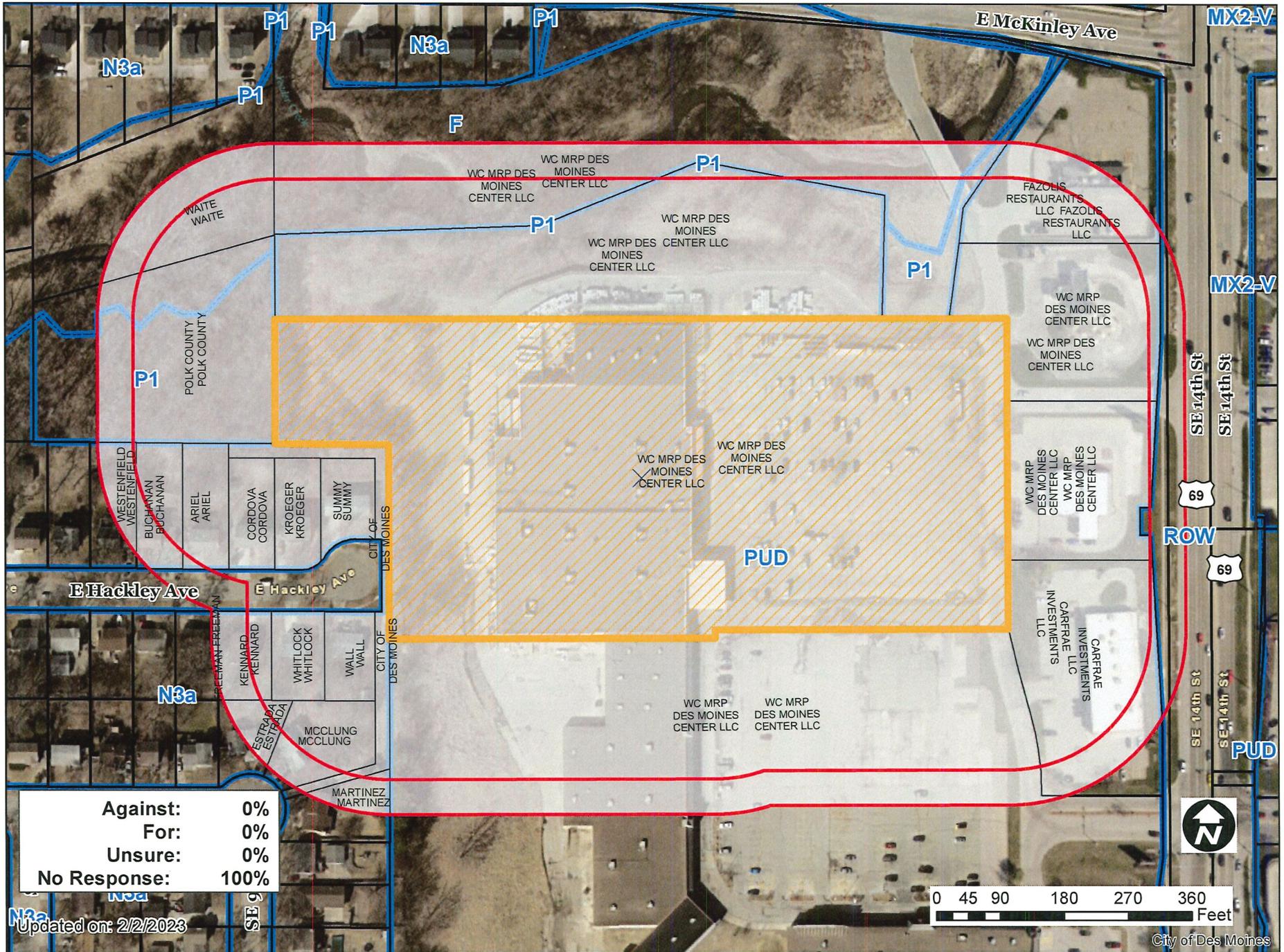
# THE HOME DEPOT



520 571 600

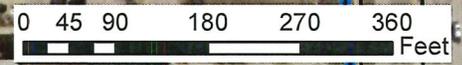






Against:	0%
For:	0%
Unsure:	0%
No Response:	100%

Updated on: 2/2/2023



City of Des Moines

1 inch = 179 feet

*Handwritten signature/initials*

SDW  
57

**Dostart, Katherine E.**

---

**From:** Stroud, Jeramie <JERAMIE\_STROUD@homedepot.com>  
**Sent:** Friday, January 27, 2023 6:07 PM  
**To:** Chakraborty, Sreyoshi; Dostart, Katherine E.  
**Cc:** Rouse, Joel L  
**Subject:** Re: Rezoning Application ZONG-2022-000099 & Neighborhood Meeting Requirement

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sreyoshi,

Here is my recap from the Neighborhood Meeting held on January 18th.

Location - Store training room  
Number of people in attendance - 1

Meeting notes - I shared what we are asking for in the PUD/ zoning request. The homeowner in attendance said "sounds fine to me, I have no issues with that." No one else attended or called to inquire about the PUD. zoning request.

Please let me know if you have any questions.

Thank you,

**Jeramie Stroud | THE HOME DEPOT**  
**Store Manager #2104**  
4900 SE 14th Street, Des Moines IA, 50320  
O: 515-287-7269 ext. 500 | M: 515-494-0043

---

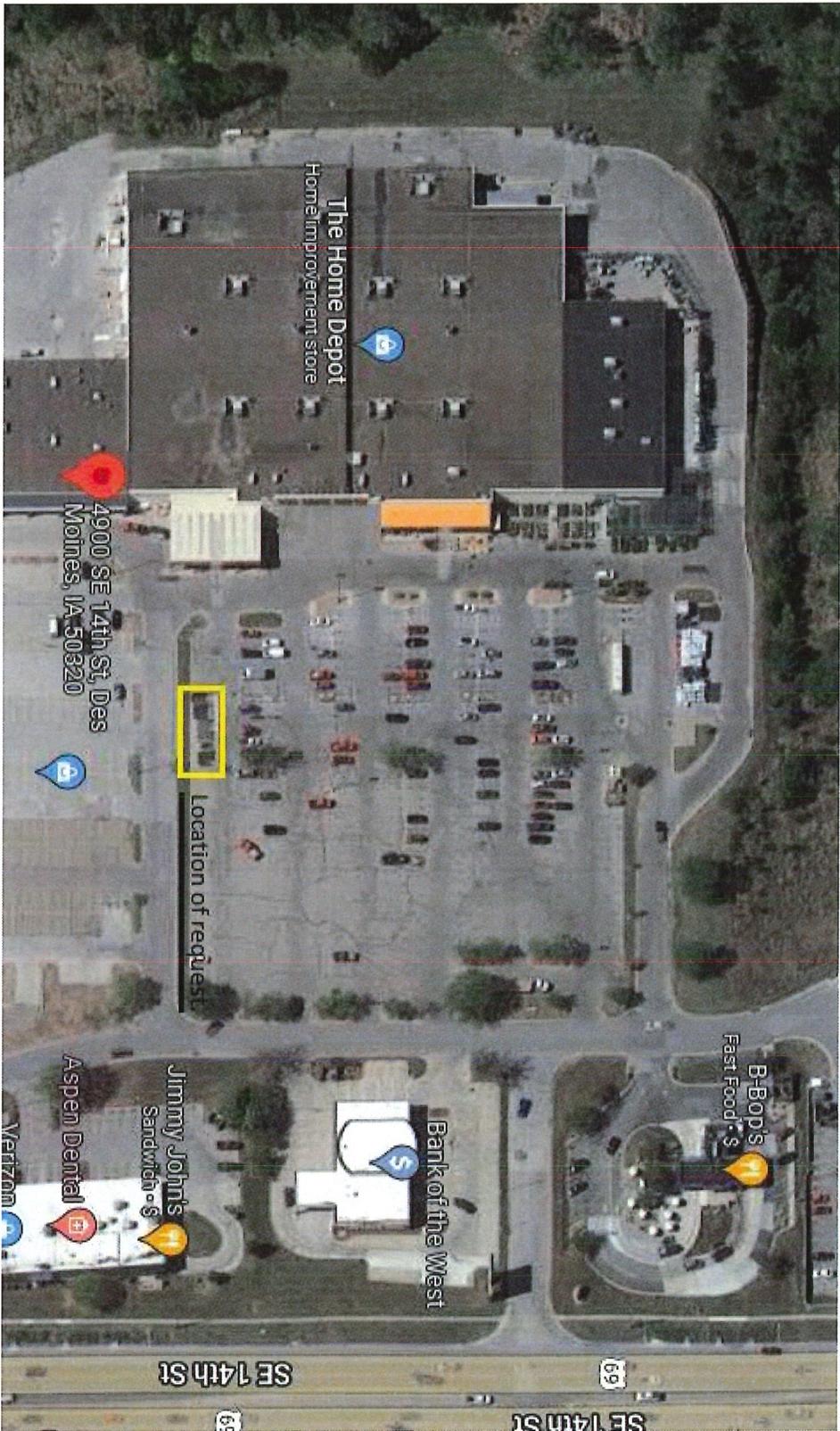
**From:** Stroud, Jeramie <JERAMIE\_STROUD@homedepot.com>  
**Sent:** Thursday, January 12, 2023 9:36 AM  
**To:** Chakraborty, Sreyoshi <SChakraborty@dmgov.org>; Dostart, Katherine E. <KEDostart@dmgov.org>  
**Cc:** Rouse, Joel L <JOEL\_L\_ROUSE@homedepot.com>  
**Subject:** Re: Rezoning Application ZONG-2022-000099 & Neighborhood Meeting Requirement

Good morning Sreyoshi,

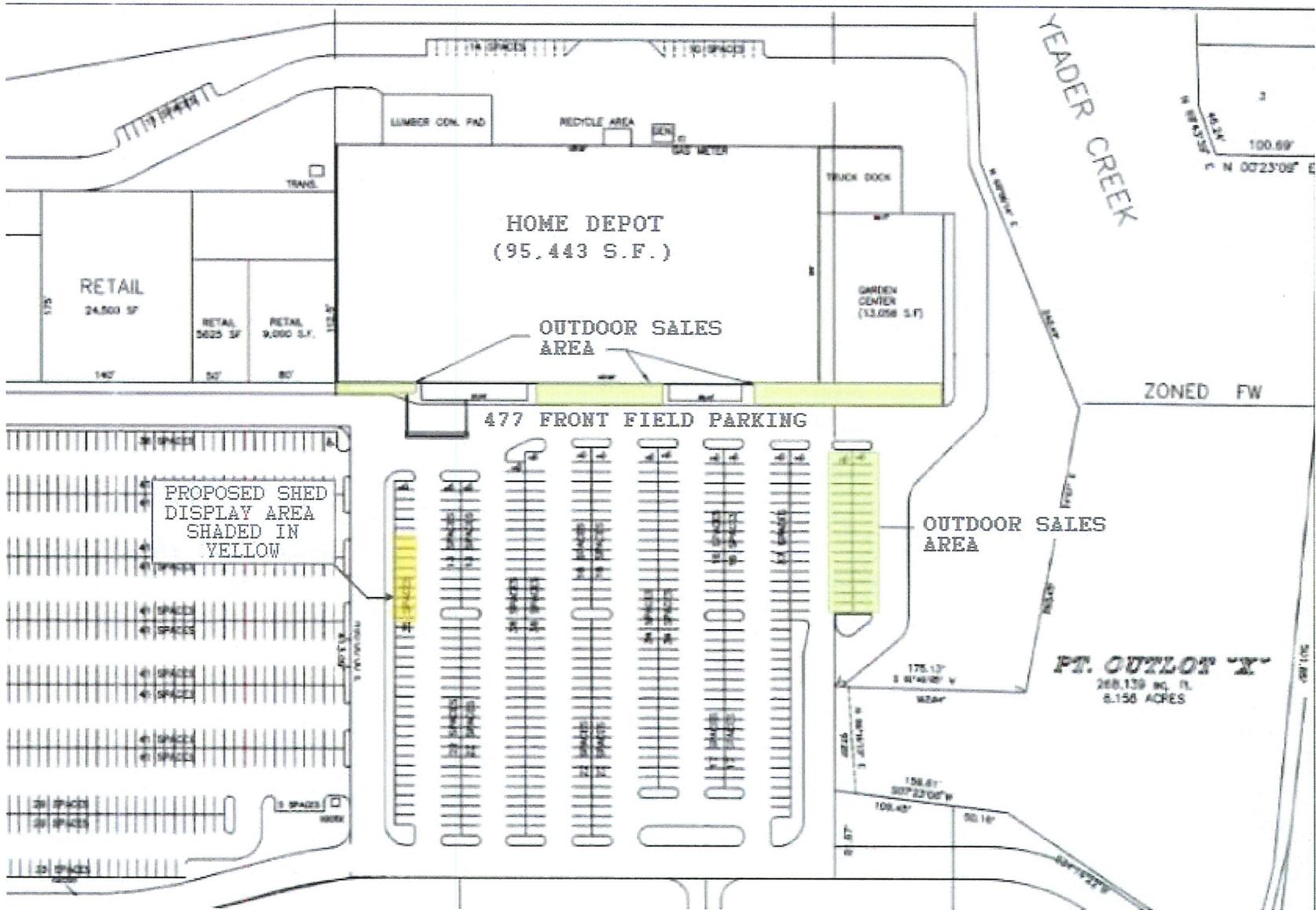
Yes we are on track to have our neighborhood meeting prior to the February P&Z hearing, our meeting is set for January 18. I don't believe I received the staff recommendations. If you or Katherine could email or call me with those I would appreciate it. Email is great or my cell phone is 515 494-0043.

Thank you,

**Jeramie Stroud | THE HOME DEPOT**

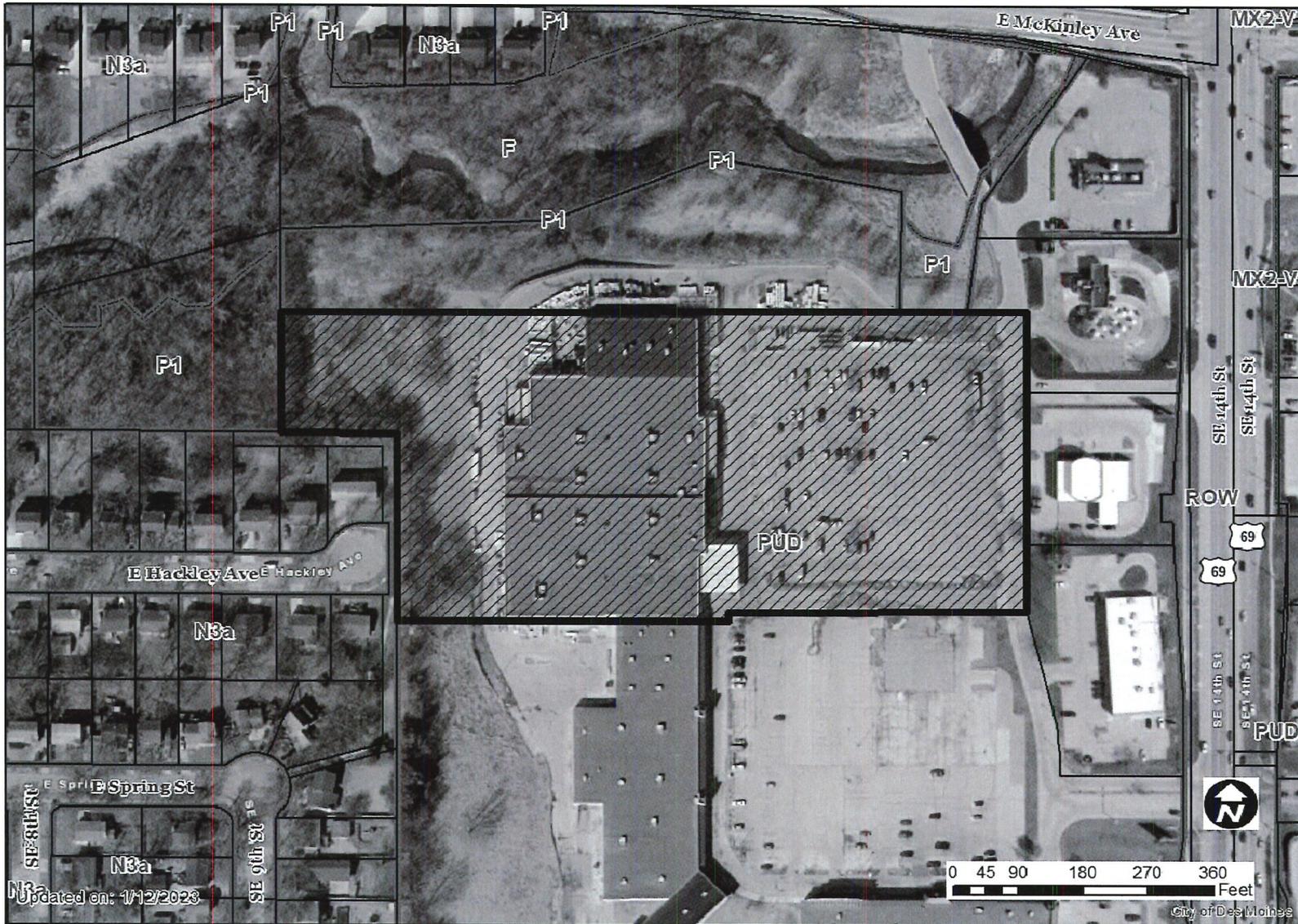


5257  
60



5057  
 100





1 inch = 179 feet

52057  
60