

Date January 8, 2024

RESOLUTION CONTINUING 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 SOUTHDAL 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 27, 129.68



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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 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-



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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.; 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 2nd 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 2nd Amendment to the Southdale PUD Conceptual Plan be opened and continued for hearing on January 8, 2024, at 5:00 p.m., at the City Council Chambers; and

WHEREAS, the Applicant has requested this hearing be continued to allow further discussion with City staff and avoid travel during inclement weather.

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

1. The public hearing regarding the proposed 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 is hereby continued to January 22, 2024, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.

MOVED by _____ to adopt. SECOND by _____.

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill
Assistant City Attorney

(ZONG-2023-000061)

 **Roll Call Number**

Agenda Item Number

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

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.

Mayor

City Clerk