Roll Call	Number
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Agenda	Item	Number
	20	1

Date April 21, 2025

RESOLUTION SETTING HEARING REGARDING REQUEST FROM WC MRP DES MOINES CENTER, LLC (OWNER), REPRESENTED BY MICHAELA SCOTT (OFFICER), FOR REVIEW AND APPROVAL OF A 3RD AMENDMENT TO THE SOUTHDALE PUD CONCEPTUAL PLAN, ON PROPERTY LOCATED AT 5000 SOUTHEAST 14TH STREET, TO ALLOW USE OF THE TENANT BAY, KNOWN AS 5116 SOUTHEAST 14TH STREET, FOR A "LIQUOR STORE" USE SELLING ALCOHOLIC LIQUOR, WINE, AND/OR BEER FOR OFF-PREMISE CONSUMPTION

WHEREAS, on April 3, 2025, 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 a 3rd amendment to the Southdale PUD Conceptual Plan, on property located at 5000 Southeast 14th Street, to allow use of the tenant bay known as 5116 Southeast 14th Street for a "Liquor Store" use selling alcoholic liquor, wine, and/or beer for off-premise consumption; and

WHEREAS, the City Plan and Zoning Commission voted 6-4 to **DENY** the 3rd amendment to the Southdale PUD Conceptual Plan, on property located at 5000 Southeast 14th Street, to allow use of the tenant bay known as 5116 Southeast 14th Street for a "Liquor Store" use selling alcoholic liquor, wine, and/or beer for off-premise consumption.

WHEREAS, the Property is legally described as follows:

LOTS 2, 3, 6 AND OUTLET "XN OF SOUTHDALE, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA EXCEPT THAT PART OF OUTLOT "X" DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF OUTLOT "X", SOUTHDALE, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA, SAID POINT ALSO BEING THE NORTHWEST CORNER OF LOT 5 IN SAID SOUTHDALE; THENCE NORTH 00 DEGREES 04 MINUTES 20 SECONDS EAST ALONG THE WEST LINE OF SAID OUTLET "X" A DISTANCE OF 121.89 FEET; THENCE NORTH 88 DEGREES 14 MINUTES 00 SECONDS EAST A DISTANCE OF 374.80 FEET; THENCE NORTH 68 DEGREES 06 MINUTES 14 SECONDS EAST A DISTANCE OF 242.49 FEET; THENCE SOUTH 79 DEGREES 24 MINUTES 07 SECONDS EAST A DISTANCE OF 265.45 FEET; THENCE SOUTH 01 DEGREE 46 MINUTES 05 SECONDS WEST A DISTANCE OF 175.13 FEET TO A POINT ON THE SOUTH LINE OF SAID OUTLOT "X", SAID LINE ALSO BEING THE NORTH LINE OF SAID LOT 5; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE SOUTH LINE OF SAID OUTLET "X" A DISTANCE OF 855.29 FEET TO THE POINT OF BEGINNING.

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

*	Roll	Call	Number
	Roll	Call	Number

Agenda	Item	Number
	29	

Date	April 21, 2025	
10000	110111 21, 2025	

- 1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
- 2. That the meeting of the City Council at which the proposed 3rd amendment to the Southdale PUD Conceptual Plan is to be considered, shall be held at 5:00 p.m. on May 5, 2025, in the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at which time the City Council will hear both those who oppose and those who favor the proposals.
- 3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Sections 362.3 and 414.4 of the Iowa Code.

MOVED BY	TO ADOPT. SECOND BY
FORM APPROVED:	
/s/ Chas M. Cahill Chas M. Cahill Assistant City Attorney	(ZONG-2025-000007)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
SIMONSON				
VOSS				
COLEMAN				
WESTERGAARD				
MANDELBAUM				
GATTO				
TOTAL				
MOTION CARRIED			Al	PPROVED

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	
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City Clerk	City	Clerk	
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Date_	4/21/	25
Agend	a Item	29
Roll C	all #	

April 10, 2025

Communication from the City Plan and Zoning Commission advising that at their April 3, 2025 meeting, the following action was taken on request WC MRP Des Moines Center. LLC (owner), represented by Michaela Scott (officer), regarding property located at 5000 Southeast 14th Street, for review and approval of a 3rd Amendment to the Southdale PUD (Planned Unit Development) Conceptual Plan, to allow use of the tenant bay known as 5116 Southeast 14th Street for a "Liquor Store" use selling alcoholic liquor, wine, and/or beer for off-premise consumption.

COMMISSION RECOMMENDATION: 6-4

After public hearing, the members voted as follows:

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus		X			
Leah Rudolphi	X				
Kayla Berkson		X			
Chris Draper	X				
Laura Kessel		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			
Rick Trower					X
Jane Rongerude	X				

Denial of the following:

Part A) The requested "NX1" District be found not in conformance with the existing PlanDSM future land use designation of Low-Medium Density Residential within a Community Node.

Part B) Amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Low-Medium Density Residential within a Community Node to Medium Density Residential within a Community Node.

Part C) Rezone the property from "N5" Neighborhood District to "NX1" Neighborhood Mix District subject to the condition that there shall be no more than six (6) dwelling units on the subject property, which measures approximately 0.33 acres in area.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends denial the proposed amendment to the Southdale PUD (Planned Unit Development) Conceptual Plan, as the tenant bay known as 5116 Southeast 14th Street does not meet the separation distance requirement contained in City Code Table 134-3.9-1 for a business selling alcoholic liquor, wine, and/or beer for off-premise consumption.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The proposed amendment to the Southdale PUD Conceptual Plan would allow use of the tenant bay known as 5116 Southeast 14th Street for a "Liquor Store" use selling alcoholic liquor, wine, and/or beer for off-premise consumption. The applicant is proposing use of the tenant bay for a business that would include retail sales of alcoholic liquor, wine, and/or beer, as well as a variety of grocery and convenience items. The existing Southdale PUD Conceptual Plan does not allow for businesses involving the sale of alcoholic liquor, wine, and/or beer for off-premise consumption. Therefore, a PUD amendment is necessary to allow the proposed use. The proposed amendment would be restricted to the tenant bay known as 5116 Southeast 14th Street (which measures 17 feet by 84 feet or 1,428 square feet) and would not apply to the entirety of the Southdale PUD.

If the subject property were not zoned "PUD" Planned Unit Development District, a use involving the retail sales of alcoholic liquor, wine, and/or beer would require a Conditional Use Approval from the Zoning Board of Adjustment, and would be subject to separation distance requirements, including providing at least 500 feet of separation distance from any property containing a school, place of worship, public park, or licensed childcare facility, and providing at least 1,320 feet of separation distance from the property line of the lot where any limited retail sales, fuel stations, liquor stores and tobacco stores engaged in the sale of alcoholic liquor is located. The subject site would not satisfy these separation distance requirements since there is a fuel station (Kum & Go) engaged in the sale of alcoholic liquor at 5830 Southeast 14th Street, which is approximately 1,210 feet to the south of the subject tenant bay.

Since the site does not satisfy the standard separation distances required for a business involving retail sales of alcoholic liquor, wine, and/or beer for off-premise consumption, Staff does not support the proposed amendment to the PUD Conceptual Plan.

- **2. Size of Site:** 20.83 acres (907,660 square feet). However, the proposed amendment would apply to a retail bay that measures 17 feet by 84 feet (1,428 square feet).
- 3. Existing Zoning (site): "PUD" Planned Unit Development District.

- **4. Existing Land Use (site):** The subject site contains two large retail buildings with multiple tenant bays and adjoining surface parking lot. The larger PUD contains paved surface parking areas, multiple-tenant commercial shopping center buildings, and several developed outlots.
- 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 multipletenant 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 14th Street (IA Hwy 69) right-of-way.

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

- **6. General Neighborhood/Area Land Uses:** The site is located along the west side of Southeast 14th 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 14th 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 the Preliminary Agenda on March 14, 2025, and of the Final Agenda on March 28, 2025.

Additionally, an official public notice of the hearing for this specific item was mailed on March 14, 2025 (20 days before the hearing), and on March 24, 2025 (10 days before the hearing), to any Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site or adjacent to the site. All Neighborhood Association mailings are sent to the primary contact designated by the recognized Neighborhood Association on file with the City of Des Moines' Neighborhood Services Department.

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.

On April 10, 2023, by Roll Call 23-0433, the City Council approved a 1st amendment to the Southdale PUD Conceptual Plan, to allow expansion of a retail use to include outdoor display in the parking lot.

On January 22, 2024, by Roll Call 24-0142, the City Council approved a 2nd amendment to the Southdale PUD Conceptual Plan, to allow the expansion of a retail use to include multiple outdoor storage and display areas subject to conditions.

- **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 14th Street intersection.
- 10. Applicable Regulations: Taking into consideration the criteria set forth in Chapter 18B of the lowa 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 lowa 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 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. Analysis of 3rd Amendment Request: If the subject property were not zoned "PUD" Planned Unit Development District, a use involving the retail sales of alcoholic liquor, wine, and/or beer would require a Conditional Use Approval from the Zoning Board of Adjustment, and would be subject to separation distance requirements, including providing at least 500 feet of separation distance from any property containing a school, place of worship, public park, or licensed childcare facility, and providing at least 1,320 feet of separation distance from the property line of the lot where any limited retail sales, fuel stations, liquor stores and tobacco stores engaged in the sale of alcoholic liquor is located. The subject site would not satisfy these separation distance requirements since there is a fuel station (Kum & Go) engaged in the sale of alcoholic liquor at 5830 Southeast 14th Street, which is approximately 1,210 feet to the south of the subject tenant bay.

Since the site does not satisfy the standard separation distances required for a business involving retail sales of alcoholic liquor, wine, and/or beer for off-premise consumption, Staff does not support the proposed amendment to the Southdale PUD

Conceptual Plan.

Should the Commission be inclined to approve the request, Staff recommends approval of a 3rd amendment, subject to provision of an updated Southdale "PUD" Conceptual Plan document that provides the following information in the General Notes section:

- Any business within the tenant bay known as 5116 Southeast 14th Street selling alcoholic liquor, wine, and/or beer shall comply with the following:
 - 1. The business shall operate in accordance with a liquor license obtained through the Office of the City Clerk as approved by the City Council.
 - 2. Any sale of alcoholic liquor, wine and/or beer for off-premises consumption shall be in accordance with all State and local laws or ordinances.
 - 3. There shall be no visible advertisement or identification of any alcoholic liquor, wine or beer, including illuminated or non-illuminated signage or logos, displayed outside of the building or on the inside of the windows. There may be generic signs for "alcoholic liquor", "wine" and/or "beer" only.
 - 4. Any business selling alcoholic liquor, wine and/or beer shall comply with Article IV of Chapter 42 of the City Code pertaining to noise control.
 - 5. Any business selling alcoholic liquor, wine and/or beer shall conspicuously post 24-hour contact information for a manager or owner of the business near the main public entrance.
 - 6. Any business selling alcoholic liquor, wine and/or beer shall not dispense alcoholic beverages from a drive-through window.
 - 7. Litter and trash receptacles shall be located at convenient locations inside and outside the premises, and operators of the business shall remove all trash and debris from the premises and adjoining public areas on a daily basis.
 - 8. There shall be no public access to outdoor electrical outlets.
 - 9. Any parking area provided for the use of customers of the business shall be illuminated at an intensity of at least one footcandle of light on the parking surface at all times. The entire site shall be landscaped and illuminated to minimize hiding places for possible criminal activity.
 - 10. Any renovation of the building shall be in compliance with all applicable building and fire codes, with issuance of all necessary permits by the City's Permit and Development Center.

SUMMARY OF DISCUSSION

<u>Sreyoshi Chakraborty</u> presented the staff report and recommendations.

<u>Carolyn Jenison</u> asked for confirmation that they are 120 feet short of meeting the liquor sales separation requirement from the Kum and Go.

Sreyoshi Chakraborty stated that is correct.

<u>Chris Draper</u> asked if we knew if the new ownership of Kum and Go intends to continue to sell alcohol.

Sreyoshi Chakraborty indicated that we do not.

<u>Leah Rudolphi</u> asked if there is ever a time a property is allowed alcohol sales by right or if there always has to be an exception made.

<u>Sreyoshi Chakraborty</u> explained that all properties require conditional use approval, but there are some areas, such as downtown, that don't have the same separation requirements.

<u>Leah Rudolphi</u> confirmed that if this property weren't in a PUD, there would be a 1320-foot separation requirement.

<u>Sreyoshi Chakraborty</u> explained the zoning in the area.

CHAIRPERSON OPENED PUBLIC HEARING

No one asked to speak.

CHAIRPERSON CLOSED PUBLIC HEARING

<u>Francis Boggus</u> was inclined to not support the request as he feels there are already too many alcohol, cigarette and vape stores. They do not add to the community, and he agrees with the neighborhood association.

<u>Chris Draper</u> was not enthusiastic about the type of business and questions their ability to be successful, but also sympathized with the fact that this is a family-owned business and the only restriction holding them back is due to being 120 feet to close to Kum and Go.

Jane Rongerude agreed in her support for a small family business.

<u>Katie Gillette</u> asked if this was to be denied tonight, would they still be able to go to City Council.

<u>Jason Van Essen</u> stated this is just a recommendation and the applicant would have to go to City Council regardless of the Commission's recommendation.

COMMISSION ACTION

Francis Bogus made a motion for denial the proposed amendment to the Southdale PUD (Planned Unit Development) Conceptual Plan, as the tenant bay known as 5116 Southeast 14th Street does not meet the separation distance requirement contained in City Code Table 134-3.9-1 for a business selling alcoholic liquor, wine, and/or beer for off-premise consumption.

THE VOTE: 6-4 (Chris Draper, Jane Rongerude, Leah Rudolphi, and Carolyn Jenison voted in opposition of the motion. Will Page left the meeting.)

Respectfully submitted,

Jason Van Essen

Planning & Urban Design Administrator

JMV:mrw



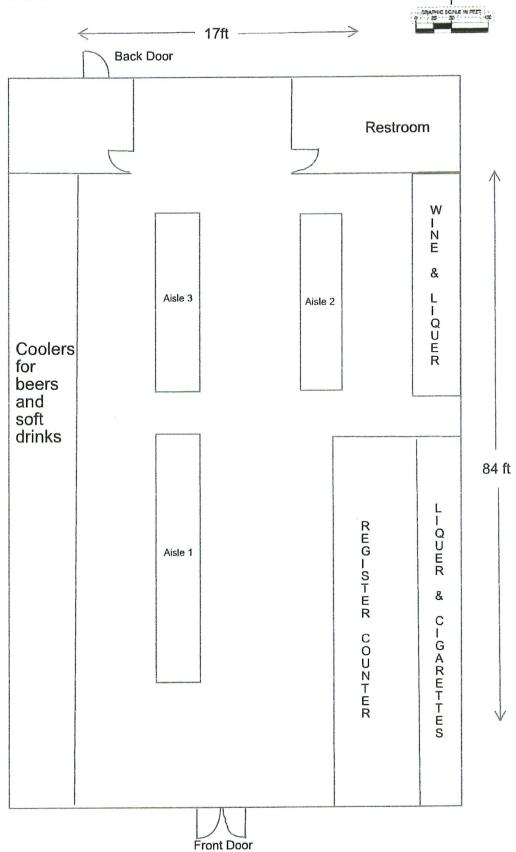






5116 SE 14th St Des Moines IA 50315

Area: 1428 SF



From:

Arj Sub

To:

Chakraborty, Sreyoshi

Cc:

Michaela Scott; rkeszler@worldclassproperty.com; lthong@world-class.com

Subject: Date: Re: ZONG-2025-000007 5116 SE 14TH ST Sunday, March 2, 2025 8:45:07 AM

Attachments:

image001.png

image002.png

5116 SE 14th St store image copy.pdf

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.

Hi Sreyoshi,

Sorry for the late reply. Here are the details you requested over the phone.

We are planning to include Groceries(e.g. snack bars, candy, Chips, salty snacks, rice, oil, flour, spices, biscuits, noodles, cooking utensils etc.), soft drinks, beer, wine, liquor. Operation hour will be Sunday to Thursday 10 AM to 11PM and Friday/Saturday 10 AM to 12AM

Thank you, Arjun.

On Wed, Feb 26, 2025 at 10:59 AM Arj Sub <arjsub06@gmail.com> wrote: Hi Sreyoshi,

Before I schedule a neighborhood meeting, I have a few questions. Will you call me at 515-779-8793 please?

Thank you, Arjun.

On Tue, Feb 25, 2025 at 3:42 PM Chakraborty, Sreyoshi < SChakraborty@dmgov.org> wrote:

Thank you Arjun.

Our notification policy is that we include all properties within 250 feet radius of the parcel that includes the subject property. In this instance, as you can see in the map below, the Southdale PUD includes multiple large parcels. I have selected the parcel that includes the subject property only i.e. the tenant bay addressed 5116 that wants to include liquor sales and it selects 58 parcels within that 250 feet radius. These properties are to be notified by the City of the public hearing and also those that you must also include in your neighborhood meeting notification. Please let me know if you have questions.

From:

Arj Sub

To:

Chakraborty, Sreyoshi

Michaela Scott; rkeszler@worldclasspropertv.com; lthong@world-class.com

Subject: Date:

Re: ZONG-2025-000007 5116 SE 14TH ST Monday, March 10, 2025 7:13:52 PM

Attachments:

image001.png image002.png

AARON.docx

Presentation for the meeting.pptx

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.

Hi Sreyoshi,

Below is the summary of the neighborhood meeting:

- 1. Mail was sent out on Friday 28th of February for all 50 addresses mentioned in the list you have provided.
- 2. It was a zoom meeting, scheduled at 3/10/25 at 6: PM- 7:00 PM.
- 3. Who was involved in the meeting: Myself, my wife Shila Gurung and my property manager (who is cc'd on this email).
- 3. Suggestions and concerns raised by neighbors- N/A
- 4. What specific changes, if any, were considered or made as a result of the neighbor meetings. N/A

Out of 50 mails that I have sent to the addresses you provided, I have attached the one in this email for you to review. I have also attached the PowerPoint prepared for presentation.

Thank you, Arjun.

On Mon, Mar 3, 2025 at 11:04 AM Chakraborty, Sreyoshi < SChakraborty@dmgov.org > wrote:

Received. Thank you Arjun

SREYOSHI CHAKRABORTY, AICP (She/Her) | CITY OF DES MOINES

Senior City Planner | Development Services

Office: 515-283-4749 Cell: 515-975-6820

dsm.city | 602 Robert D. Ray Drive | Des Moines, Iowa 50309

Grocery Store

BY JASVI LLC (SUBBA FAMILY)



Table of Content

- OBJECTIVE
- ABOUT MYSELF
- OUR PROJECT
- OPERATION HOURS
- QUESTIONS, CONCERNS AND FEEDBACKS

Objective:

- Meeting to discuss the proposed rezoning of property at 5116 se 14th st Des Moines IA, 50315 (former great clip)
- Open new grocery store, include packaged liquor sell.
- Required by city of Des Moines.
- Gather questions, concerns and feedbacks.

About us

- My name is Arjun and my wife name is Shila, married, 2 kids.
- Both working.
- Proud U.S Army Veteran.

Our Project

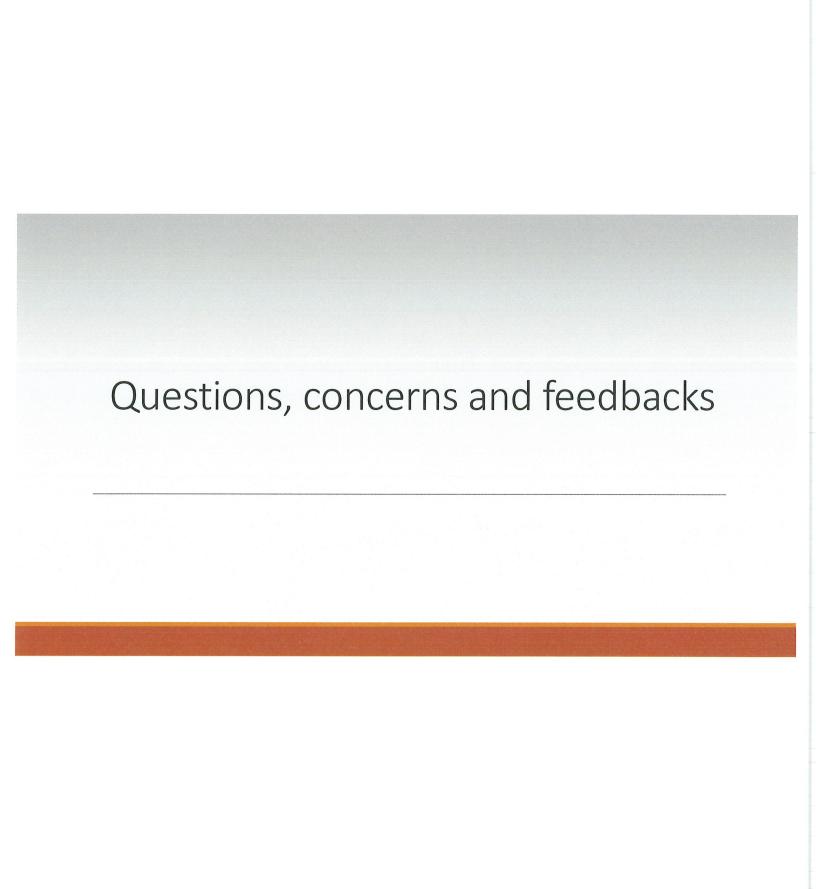
- To Open grocery store, which will include sell of liquor and serve the community at 5116 SE 14th St, with area size of 1428 SF.
- 2 full time employees and 1 part time.
- Include products like snack bars, candy, Chips, salty snacks, rice, oil, flour, spices, biscuits, noodles, cooking utensils, soft drinks, beer, wine, liquor etc.

Operation Hours

Sunday to Monday: 10 AM – 11 PM

Friday and Saturday: 10 AM – 12 AM.

Note: 10% discount for all VETERANS



From:

LISA ROSS

To:

Chakraborty, Sreyoshi; LISA ROSS

Subject:

ZONG-2025-000007

Date:

Monday, March 31, 2025 8:34:06 AM

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.

Good morning,

I am responding to the rezoning of 5116 Southeast 14th St to allow the sale of alcoholic liquor, wine, and beer for off-premises consumption.

The South Central DSM Neighborhood Association strongly opposes this request. Within a one-mile radius on SE 14th, there are at least five places where alcohol can be purchased, including the new establishment between McKinley and Watrous.

Additionally, this location seems vulnerable to break-ins, loitering, and other issues despite any security measures. Multiple homeless camps continue to emerge in the area, and there is already a problem with people asking for money on the corners. Another liquor store will only exacerbate these problems.

The South Central DSM Neighborhood Association appreciates all you do and encourages you to deny this request.

Lisa Stocker-Ross President South Central DSM Neighborhood Association

WC MRP Des Moines Center LLC 5116 Southeast 14th Street

ZONG-2025-000007

