



**Roll Call Number**

15-0858

**Agenda Item Number**

59

**Date** May 18, 2015

**RESOLUTION HOLDING HEARING ON REQUEST FROM MACERICH SOUTHRIDGE MALL, LLC FOR REVIEW AND APPROVAL OF THE 31ST AMENDMENT TO THE "C-4" DEVELOPMENT PLAN FOR SOUTHRIDGE MALL, 1111 EAST ARMY POST ROAD**

**WHEREAS**, on May 4, 2015, by Roll Call No. 15-0739, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on April 16, 2015, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Macerich Southridge Mall, LLC (owner), represented by Norm Forget (officer), for review and approval of the 31st Amendment to the "C-4" Development Plan for Southridge Mall on property locally known as 1111 East Army Post Road ("Property"), to allow a 52-unit four-story senior living apartment dwelling, subject to the following conditions:

1. Any development of a senior housing apartment building shall be reviewed by the Plan and Zoning Commission as part of a Site Plan under design guidelines for multiple-family dwellings.
2. Any tree removal is subject to compliance with applicable Tree Protection and Mitigation Ordinances; and

**WHEREAS**, on May 4, 2015, by Roll Call No. 15-0739, it was duly resolved by the City Council that the request from Macerich Southridge Mall, LLC, for approval of the 31<sup>st</sup> Amendment to the "C-4" Development Plan for Southridge Mall, for the Property as legally described below, be set down for hearing on May 18, 2015 at 5:00 P.M., in the Council Chamber at City Hall; 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 "C-4" Development Plan for Southridge Mall; and

**WHEREAS**, in accordance with said notice and continuance, those interested in said proposed amendment to the approved "C-4" Development Plan for Southridge Mall, 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 31st Amendment to the "C-4" Development Plan for Southridge Mall and for the Property, locally known as 1111 East Army Post Road and legally described as follows, are hereby overruled, and the hearing is closed:

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

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2. The proposed 31st Amendment to the "C-4" Development Plan for Southridge Mall, as on file in the Community Development Department, is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan and is hereby approved.

MOVED BY Gatto TO ADOPT.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZON2015-00043)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

Y. M. Franklin 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.

Diane Rauh

City Clerk