



Roll Call Number

20-0577

Agenda Item Number

67

Date March 23, 2020

RESOLUTION HOLDING HEARING ON REQUEST FROM ILEX GROUP, LLC, TO AMEND THE EXISTING PLANDSM: CREATING OUR TOMORROW PLAN FUTURE LAND USE DESIGNATION AND TO REVIEW AND APPROVE 1ST AMENDMENT TO THE NORTHRIDGE PUD CONCEPTUAL PLAN FOR PROPERTY LOCATED IN THE VICINITY OF 4600 AND 4700 EAST 14TH STREET

WHEREAS, on April 25, 2016, by Roll Call No. 16-0717, the City Council adopted the PlanDSM: Creating Our Tomorrow Plan; and

WHEREAS, on March 9, 2020, by Roll Call No. 20-0424, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on February 20, 2020, the City Plan and Zoning Commission voted 8-0 in support of a motion to recommend **APPROVAL** of a request by ILEX Group, LLC, (owner), represented by Ben Schultes (officer), to amend the existing PlanDSM: Creating Our Tomorrow Plan future land use designation for real property locally known as 4600 and 4700 East 14th Street ("Property") from Community Mixed Use in a Regional Node to Industrial in a Regional Node; and

WHEREAS, on March 9, 2020, by Roll Call No. 20-0424, the City Council received a further communication from the City Plan and Zoning Commission advising that at a public hearing held on February 20, 2020, its members voted 8-0 in support of a motion to recommend **APPROVAL** of a request from ILEX Group, LLC (Owner), represented by Ben Schultes (officer), to allow approval of a 1st Amendment to the Northridge PUD Conceptual Plan, to allow revision of the development from a regional shopping mall to a warehouse and distribution center with 1,050,260 square feet of warehouse building use, subject to the following conditions:

1. Permitted uses shall be limited to those allowed in the "I1" District by Chapter 134 of the Municipal Code, including any applicable supplemental regulations.
2. Provision of a note that states, "outdoor storage is prohibited unless identified on an approved Development Plan."
3. Amendment of Sheets 2 and 3 of the Conceptual Plan so that the portions of the site located outside of the PUD are clearly identified.
4. Compliance with the Fire Code to the satisfaction of the Fire Department.
5. Provision of dimensions for the tenant wall sign typicals on Sheet 5 of the Conceptual Plan to the satisfaction of the Planning Administrator.
6. Amendment of the Conceptual Plan so that it conceptually identifies the location of on-site storm water management facilities.
7. Replacement of all storm water management related notes with the following text: "any Development Plan shall comply with the City's storm water management requirements to the satisfaction of the City Engineer".



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8. Provision of a note that states, “the east bound, left turn lane on East Broadway Avenue for vehicles turning north onto East 14th Street shall be improved as determined necessary by the City Traffic Engineer.”
9. Replacement of all sidewalk related notes with the following text: “sidewalks shall be provided as determined by the City Traffic Engineer with any Development Plan”.
10. Replacement of all parking related notes with the following text: “parking shall be provided in accordance with Section 135-6 of the Planning and Design Ordinance as reviewed and approved with any Development Plan”.
11. Replacement of the proposed landscaping standards with a note that states, “Landscaping and buffering shall be provided in accordance with the City’s Landscaping Standards applicable to the ‘II’ District in place at the time the Development Plan is submitted or exceeded as illustrated on the Conceptual Plan.”
12. Provision of a note that states, “all site lighting shall be directed downward and shielded from adjoining properties. Any pole-mounted lighting along private walkways shall not exceed 15 feet in height and any pole-mounted lighting in a parking area shall not exceed 20 feet in height.”
13. Provision of a note that states, “direct light trespass beyond property lines is prohibited. The maximum horizontal illuminance at grade and the maximum vertical illuminance at five feet above grade measured at the property line should not exceed Illuminating Engineering Society of North America (IESNA) recommended practices for light trespass. (0.5 foot-candles for residential, 2.0 foot-candles for commercial). The Development Plan must contain illuminance models showing light levels throughout the site.”
14. Provision of a note that states, “all utility and similar service lines to buildings on the property shall be located underground.”
15. Provision of a note that states, “all utility meters, transformers, ground-mounted equipment, and other utilities shall be placed along rear or side façades that are internal to the site to the satisfaction of the City’s Planning Administrator.”
16. Provision of a note that states, “all reuse and recycling containers shall be stored within a building or within a trash enclosure constructed of masonry walls with solid steel gates as approved with any Development Plan.”
17. Replacement of all roof-mounted equipment screening notes with the following text: “all roof-mounted equipment shall be screened on all sides equal to the height of the equipment with architecturally integrated material as reviewed with any Development Plan”; and
18. Provision of a note that states, “tree removal and mitigation calculations must be submitted with any Development Plan in accordance with Section 42-550 of the Municipal Code.”

WHEREAS, on March 9, 2020, by Roll Call No. 20-0424, it was duly resolved by the City Council that the requests to amend the PUD Conceptual Plan for the Property and for approval of the proposed comprehensive plan amendment, be set down for hearing on March 23, 2020 at 5:00 P.M., in the Council Chamber at City Hall; and



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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 PUD Conceptual Development Plan and to the Comprehensive plan; and

WHEREAS, in accordance with said notice, those interested in said proposed comprehensive plan amendment and proposed amendment to the PUD Conceptual Development Plan and, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and

WHEREAS, the Property, locally known as 4600 and 4700 East 14th Street, is legally described as:

ZON2020-00018 (4600 AND 4700 EAST 14TH STREET)

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 14, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH PRINCIPAL MERIDIAN, POLK COUNTY, IOWA; THENCE SOUTH 89 DEGREES 55 MINUTES 30 SECONDS WEST ALONG THE SOUTH LINE OF THE SOUTH EAST 1/4 OF SAID SECTION 14, 241.7 FEET; THENCE NORTH 00 DEGREES 07 MINUTES 30 SECONDS WEST, 50.0 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 55 MINUTES 30 SECONDS WEST PARALLEL TO AND 50.0 FEET NORTH OF THE SOUTH LINE OF THE SOUTH EAST 1/4 OF SAID SECTION 14, 347.50 FEET; THENCE SOUTH 85 DEGREES 03 MINUTES 30 SECONDS WEST, 200.75 FEET; THENCE SOUTH 89 DEGREES 55 MINUTES 30 SECONDS WEST PARALLEL TO AND 33.0 FEET NORTH OF THE SOUTH LINE OF THE SOUTH EAST 1/4 OF SAID SECTION 14, 842.80 FEET TO A POINT THAT IS 1,632.05 FEET WEST OF AND 33.00 FEET NORTH OF THE POINT OF COMMENCEMENT; THENCE NORTH 00 DEGREES 03 MINUTES 45 SECONDS WEST, 192.00 FEET; THENCE SOUTH 89 DEGREES 55 MINUTES 30 SECONDS WEST, 348.00 FEET; THENCE SOUTH 00 DEGREES 03 MINUTES 45 SECONDS EAST, 192.00 FEET; THENCE SOUTH 89 DEGREES 55 MINUTES 30 SECONDS WEST PARALLEL TO AND 33.00 FEET NORTH OF THE SOUTH LINE OF THE SOUTH EAST 1/4 OF SAID SECTION 14, 18.02 FEET; THENCE NORTH 00 DEGREES 01 MINUTES 45 SECONDS WEST ALONG THE WEST LINE OF THE EAST 1/2 OF THE SOUTH WEST 1/4 OF THE SOUTH EAST 1/4 OF SAID SECTION 14, 1,293.06 FEET; THENCE SOUTH 89 DEGREES 56 MINUTES 30 SECONDS WEST ALONG THE NORTH LINE OF THE WEST 1/2 OF THE SOUTH WEST 1/4 OF THE SOUTH EAST 1/4 OF SAID SECTION 14, 665.22 FEET TO THE NORTH WEST CORNER OF THE SOUTH WEST 1/4 OF THE SOUTH EAST 1/4 OF SAID SECTION 14; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE WEST LINE OF THE SOUTH EAST 1/4 OF SAID SECTION 14, 479.65 FEET TO A POINT THAT IS 183.0 FEET SOUTH OF THE CENTER LINE OF INTERSTATE NO. 35-80, AS IT IS PRESENTLY ESTABLISHED ; THENCE NORTH 89 DEGREES 55 MINUTES 30 SECONDS EAST PARALLEL TO AND 183.0 FEET SOUTH OF THE SOUTH LINE OF THE NORTH 1/2 OF THE NORTH WEST 1/4 OF THE SOUTH EAST 1/4 OF SAID SECTION 14, 1,329.98 FEET TO THE EAST LINE OF THE NORTH WEST 1/4 OF THE SOUTH EAST 1/4 OF SAID SECTION 14; THENCE SOUTH 00 DEGREES 03 MINUTES 45 SECONDS EAST, 68.47 FEET ALONG THE EAST LINE OF THE NORTH WEST 1/4 OF THE SOUTH EAST 1/4 OF SAID SECTION 14; THENCE SOUTH 85 DEGREES 15 MINUTES 30 SECONDS EAST, 956.27



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FEET; THENCE SOUTHEASTERLY ALONG A 285.57 FOOT RADIUS CURVE TO THE RIGHT, 424.39 FEET; THENCE SOUTH 00 DEGREES 07 MINUTES 30 SECONDS EAST PARALLEL TO AND 116.0 FEET WEST OF THE EAST LINE OF THE SOUTH EAST 1/4 OF SAID SECTION 14, 1,131.04 FEET; THENCE SOUTH 89 DEGREES 55 MINUTES 30 SECONDS WEST, 125.7 FEET; THENCE SOUTH 00 DEGREES 07 MINUTES 30 SECONDS EAST, 191.7 FEET TO THE POINT OF BEGINNING.

AND

A RECTANGULAR PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., POLK COUNTY, IOWA IS DESCRIBED AS FOLLOWS:

THE WEST 41.00 FEET OF THE EAST 116.00 FEET OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 14, EXCEPT THE SOUTH 241.71 FEET THEREOF. SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS OF RECORD. SAID TRACT OF LAND CONTAINS 17,257 SQUARE FEET. EXCEPT: THAT PART DEEDED TO THE IOWA DEPARTMENT OF TRANSPORTATION FOR RIGHT OF WAY PURPOSES BY CONDEMNATION DEED RECORDED ON MAY 20, 1999 IN BOOK 8219 AT PAGE 792 IN THE OFFICE OF THE POLK COUNTY RECORDER. AND EXCEPT: THAT PART ACQUIRED THROUGH CONDEMNATION PROCEEDINGS FOR PUBLIC PURPOSES RECORDED OCTOBER 14, 2014 IN BOOK 15352 ON PAGES 427-557 IN THE OFFICE OF THE POLK COUNTY RECORDER.

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 amendment to the PlanDSM: Creating Our Tomorrow Plan future land use designation for 4600 and 4700 East 14th Street from Community Mixed Use in a Regional Node to Industrial in a Regional Node, are hereby overruled, and the hearing is closed.
2. The proposed amendment to the PlanDSM: Creating Our Tomorrow Plan for the property locally known as 4600 and 4700 East 14th Street to Industrial in a Regional Node is hereby **APPROVED**.
3. The proposed approval of the 1st Amendment to the Northridge PUD Conceptual Plan, to allow revision of the development from a regional shopping mall to a warehouse and distribution center with 1,050,260 square feet of warehouse building use, is **APPROVED**, subject to conditions set forth above.

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MOVED BY Westergaard (TO ADOPT.)

FORM APPROVED:

Judy K. Parks-Kruse
Judy K. Parks-Kruse, Assistant City Attorney

(21-2020-4.05)
(ZON2020-00018)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

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.

J. M. Franklin Cowie
Mayor

P. Kay Cmelik
City Clerk