



Roll Call Number

20-1409

Agenda Item Number

52

Date October 5, 2020

RESOLUTION HOLDING HEARING ON REQUEST FROM MENARD INC. (OWNER) TO AMEND PLANDSM FUTURE LAND USE DESIGNATION, APPROVE A LARGE SCALE DEVELOPMENT PLAN, AND TO REZONE PROPERTIES LOCATED AT 6000 SOUTHEAST 14TH STREET; 5907, 5911, & 5917 SOUTHEAST 8TH STREET; AND 801 HART AVENUE

WHEREAS, on September 14, 2020, by Roll Call No. 20-1441, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on August 20, 2020, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Menard Inc. (Owner), represented by Theron Berg (officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation for real property locally known as 6000 Southeast 14th Street, 5907, 5911 & 5917 Southeast 8th Street, and 801 Hart Avenue (“Property”) from Low Density Residential within a Regional Node to Community Mixed Use within a Regional Node; and

WHEREAS, pursuant to said communication, the City Plan and Zoning Commission has further advised that at a public hearing held on August 20, 2020, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Menard Inc. (Owner), represented by Theron Berg (officer), to approve a Large-Scale Development Plan for expansion to the 20.8 acre site for Retail Sales, Large Format Use; and

WHEREAS, pursuant to said communication, the City Plan and Zoning Commission has further advised that at a public hearing held on August 20, 2020, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Menard Inc. to allow rezoning from “N3a” Neighborhood District and “MS3-V” Mixed-Use District to “CX-V” Mixed Use District to allow the expansion of the existing Menard’s Home improvement center with an additional 30,855 square feet warehouse, where the additional subject property is owned by Nicholas Dingeman, Barbara Orr, Kimberly Howland and Carol Shields; and from MX2 Mixed-Use District to EX Mixed-Use District for the above-described purpose, subject to the following conditions:

1. That the development shall be carried out in accordance with the Large scale development plan presented to the Plan and Zoning Commission;
2. That no outdoor storage of merchandise in the outdoor display area of the Property shall be stacked higher than the perimeter fencing;
3. Any external lighting on the Property shall have a maximum height of 14 feet in height and shall be down-directed cut-off fixtures;
4. Any use of the Property for a bar or a liquor store shall be prohibited;
5. Any commercial use of the Property shall be in conformance with an approved site plan that demonstrates that the entire site is in conformance with the current landscaping standards contained in City Code Chapter 135. (This includes providing 8 evergreen trees and 4 overstory trees per 100 lineal feet along the north property line.)



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- 6. Any commercial expansion on the Property shall be subject to the entire commercial development being brought into conformance with the current storm water management requirements;
- 7. All necessary permits shall be obtained for the construction of any building or wall upon the Property; and
- 8. Prior to issuance of the Certificate of Occupancy for any commercial use of the Property, the professional who signed the site plan shall submit a letter to the City's Planning Administrator, certifying that the Property has been improved in substantial conformance with the approved site plan; 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 land use amendment, Large Scale Development plan, and rezoning; and

WHEREAS, in accordance with said notice, those interested in said proposed land use amendment Large scale development plan, and rezoning, 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 Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property locally known as 6000 Southeast 14th Street, 5907, 5911 & 5917 Southeast 8th Street, and 801 Hart Avenue, legally described as:

WHEREAS, the Property is legally described as follows:

PARCEL 1 (6000 SOUTHEAST 14TH STREET):

THE SOUTH HALF (S ½) OF THE NORTHEAST QUARTER (NE ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 27, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., POLK COUNTY, IOWA.

EXCEPT:

PARCEL "C" IN THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 27, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., ALL BEING IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 27; THENCE SOUTH 00°00'00" EAST, ALONG THE EAST LINE OF SAID SECTION 27, A DISTANCE OF 834.66 FEET; THENCE NORTH 90°00'00" WEST, A DISTANCE OF 60.00 FEET, TO A POINT ON THE WESTERLY RIGHT-OF-WAY (R.O.W.) LINE OF S.E. 14TH STREET (U.S. HIGHWAY 69), SAID POINT ALSO BEING THE POINT OF BEGINNING;



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THENCE SOUTH 00°00'00" EAST, ALONG SAID WESTERLY R.O.W. LINE OF S.E. 14TH STREET, A DISTANCE OF 127.14 FEET;
THENCE SOUTH 90°00'00" WEST, A DISTANCE OF 266.56 FEET;
THENCE NORTH 40°37'26" WEST, A DISTANCE OF 54.49 FEET;
THENCE NORTH 23°55'15" EAST, A DISTANCE OF 93.84 FEET;
THENCE NORTH 90°00'00" EAST, A DISTANCE OF 263.99 FEET, TO A POINT ON THE SAID WESTERLY R.O.W. LINE OF S.E. 14TH STREET, SAID POINT ALSO BEING THE POINT OF BEGINNING, CONTAINING 36,035 SQUARE FEET, MORE OR LESS; RECORDED IN POLK COUNTY BOOK 10068 AT PAGE 308.

AND

PARCEL "F" IN THE SOUTH ½ OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 27, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M. POLK COUNTY, IOWA, AS DESCRIBED ON THE AMENDED PLAT OF SURVEY RECORDED JUNE 16, 2006 IN BOOK 11704, PAGE 659 IN THE OFFICE OF THE POLK COUNTY RECORDER.

PARCEL 2 (6000 SOUTHEAST 14TH STREET):

LOTS 5, 6 AND SOUTH 150 FEET OF WEST 88.4 FEET OF LOT 7, BOWLARAMA PLACE, ACCORDING TO THE PLAT THEREOF; AND ALSO NORTH HALF OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼ (N½ OF NE¼ OF SE¼) OF SECTION 27, TOWNSHIP 78, RANGE 24 WEST OF THE 5TH PRINCIPAL MERIDIAN, EXCEPT THE EAST 661.4 FEET AND EXCEPT THE NORTH 505.7 FEET THEREOF, POLK COUNTY, IOWA.

5907 SE 8TH STREET:

LOT 9 AND THE SOUTH 6.5 FEET OF LOT 8 IN JORDAN PLACE PLAT 3, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

5911 SE 8TH STREET:

LOT 10 IN JORDAN PLACE PLAT 3, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

5917 SE 8TH STREET:

LOT 11 IN JORDAN PLACE PLAT 3, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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801 HART AVENUE:

LOT 12 IN JORDAN PLACE PLAT 3, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA,

from MX2 Mixed-Use District to EX Mixed-Use District for expansion to the 20.8 acre site for Retail Sales, Large Format Use.

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 future land use designation, Large scale development plan, or rezoning of the Property to EX Mixed Use District 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 locally known as 6000 Southeast 14th Street, 5907, 5911 & 5917 Southeast 8th Street, and 801 Hart Avenue to Community Mixed Use within a Regional Node is hereby approved.
3. The proposed rezoning of the Property, as legally described above, to EX Mixed Use District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Gatto TO ADOPT.

FORM APPROVED: Judy K. Parks-Kruse (21-2020-4.15) (ZON2020-00085) Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL (YEAS: 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.

MOTION CARRIED APPROVED J. M. Franklin Cownie Mayor

Signature of P. Kay Cmelik City Clerk