



Date December 6, 2021

RESOLUTION SETTING HEARING ON APPEAL BY GENESIS HEALTH CLUB SPORTS COMPLEX SE, LLC OF DENIAL OF TYPE 2 DESIGN ALTERNATIVES FOR SITE PLAN FOR PROPERTY LOCATED AT 1111 EAST ARMY POST ROAD

WHEREAS, at a public hearing held on December 2, 2021, the City Plan and Zoning Commission considered a request from Genesis Health Club Sports Complex SE, LLC (purchaser/owner) (“Genesis”), represented by Rodney Steven II (officer), for approval of the Site Plan “Genesis Health Club Southridge Mall” and of Type 2 design alternatives fully or partially waiving minimum interior parking lot landscaping standards set forth in Municipal Code Section 135-7.9, berm frontage buffer requirements set forth in Municipal Code Section 135-7.7, and the tree canopy requirement set forth in Municipal Code Section 135-7.4, related to the proposed redevelopment of the vacant Sears site in the Southridge Mall complex as shown in said Site Plan on property located at 1111 East Army Post Road; and

WHEREAS, the Planning and Design Ordinance requires Genesis to provide the following landscaping in the Site Plan and proposed redevelopment:

- Section 135-7.9 requires Genesis to provide 87 additional landscape islands and 94 additional shade trees within the existing off-street surface parking lots;
- Section 135-7.7 requires Genesis to provide a 12-foot deep berm frontage buffer with 17 new shade trees, 321 shrubs or ornamental grasses, and a 2.5-foot tall retaining wall and berm, to lessen the visual impact of off-street surface parking and maneuvering areas; and
- Section 135-7.4.B requires Genesis to provide a minimum fifteen percent (15%) mature tree canopy coverage within the lot area; and

WHEREAS, Genesis requested Type 2 design alternatives to waive or modify said Ordinance requirements and instead provide the following landscaping in the Site Plan and proposed redevelopment:

- Full waiver of Section 135-7.9, resulting in zero (0) additional landscape islands or shade trees, for a total of 7 existing islands and 3 existing trees within the off-street surface parking lots;
- Partial waiver of Section 135-7.7 to provide 12 additional shade trees within the existing landscaping buffer along the west side of the ring road, resulting in a total of 19 existing and new shade trees within the existing buffer along the ring road (rather than the 17 additional trees/24 total trees required by said Section), zero (0) shrubs or ornamental grasses (rather than the 321 shrubs or ornamental grasses required by said Section), and no retaining wall and berm; and
- Full waiver of Section 135-7.4.B, resulting in less than 15 percent (15%) mature tree canopy coverage within the lot area; and

WHEREAS, in review and recommendation to the City Plan and Zoning Commission, the City’s Planning Administrator recommended:

- Partial waiver of Section 135-7.9 to provide terminal end landscape islands within all rows within the south, east and north surface parking lots on the property to the satisfaction of the City’s Planning Administrator, and 1 landscape island with a shade tree for every 16 parking spaces, or approximately 52 landscape islands, within only the north parking lot to the satisfaction of the City’s Planning Administrator (rather than the 87 additional landscape islands and 94 additional shade trees required by said Section);
- Approval of the Type 2 design alternative requested by Genesis for partial waiver of Section 135-7.7 to provide 12 additional shade trees within the existing landscaping buffer along the west side of the ring road, resulting in a total of 19 existing and new shade trees within the existing buffer along the



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ring road (rather than the 17 additional trees /24 total trees required), zero (0) shrubs or ornamental grasses (rather than the 321 shrubs or ornamental grasses required by said Section), and no retaining wall and berm; and

- Denial of the Type 2 design alternative requested by Genesis for full waiver of Section 135-7.5.B, resulting in 15 percent (15%) mature tree canopy coverage within the lot area, as this requirement would be met if Genesis met the requirements for the partial waiver of Sections 135-7.9 and 135-7.7 as recommended by City staff; and

WHEREAS, in lieu of approving the Type 2 design alternatives requested by Genesis or the City staff recommendation, the Plan and Zoning Commission voted 8-2 to approve the Site Plan submitted by Genesis and to approve an alternate Type 2 design alternative as follows:

- Partial waiver of Sections 135-7.9, 135-7.7 and 135-7.5.B to provide a reasonable percentage of landscaping, in form, size, area and location to be determined by Genesis and the City’s Planning Administrator and to the satisfaction of the City’s Planning Administrator, which determination shall (1) include review of stormwater flows on the parking lots on the property and shall assist with mitigation of stormwater impacts thereon, (2) reflect, but not fully conform to, the landscape standards set forth in said Sections, and (3) contain a total landscaping area comparable to the combined area of the number of landscape islands recommended by City staff as described above; and

WHEREAS, Genesis has timely appealed to the City Council pursuant to Municipal Code Section 135-9.3.9.B seeking further review of the Plan and Zoning Commission decision and seeking approval of Type 2 design alternatives to the Site Plan, fully or partially waiving minimum interior parking lot landscaping standards set forth in Municipal Code Section 135-7.9, berm frontage buffer requirements set forth in Municipal Code Section 135-7.7, and the tree canopy requirement set forth in Municipal Code Section 135-7.4, in the above-described form requested by Genesis.

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

1. The City Council shall consider the appeal by Genesis Health Club Sports Complex SE, LLC at a public hearing in the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 pm on December 20, 2021, at which time the City Council will hear both those who oppose and those who favor the proposals.
2. The City Clerk is hereby authorized and directed to publish notice of said hearing in the form hereto attached, in accordance with §362.3 of the Iowa Code.

FORM APPROVED:

/s/ Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

MOVED by Gatto to adopt. With an additional \$125,000 in programming. (SITE-2021-000040)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7	2		

MOTION CARRIED

APPROVED

J. M. Frankhu Cownie

Mayor

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.

P. Kay Cmelik

City Clerk