



Roll Call Number

23-0536

Agenda Item Number

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Date April 10, 2023

RESOLUTION HOLDING HEARING REGARDING REQUEST FROM WC MRP DES MOINES CENTER, LLC (OWNER), REPRESENTED BY NATIN PAUL, FOR REVIEW AND APPROVAL OF A 1ST AMENDMENT TO THE SOUTHDALE PUD CONCEPTUAL PLAN, ON PROPERTY LOCATED AT 4900 SOUTHEAST 14TH STREET, TO ALLOW EXPANSION OF RETAIL USE TO INCLUDE ADDITIONAL OUTDOOR DISPLAY AND MERCHANDISING IN THE PARKING LOT

WHEREAS, on February 2, 2023, the City Plan and Zoning Commission considered a request from WC MRP Des Moines Center, LLC, represented by Natin Paul, for review and approval of a 1st amendment to the Southdale PUD Conceptual Plan, on property located at 4900 Southeast 14th Street, to allow expansion of retail use to include additional outdoor display and merchandising in the parking lot; and

WHEREAS, the City Plan and Zoning Commission voted 10-0 to **APPROVE** the 1st amendment to the Southdale PUD Conceptual Plan, on property located at 4900 Southeast 14th Street, to allow expansion of retail use to include additional outdoor display and merchandising in the parking lot, subject to the provision of the following information in the General Notes section on the Southdale PUD Conceptual Plan:

1. Any future construction or development of the site must comply with all applicable site plan and design regulations of the Planning and Design Ordinance (Chapter 135 of City Code), including the appearance of a street right-of-way on the existing interior drive aisle and compliance with the existing conceptual plan and/or installation of a frontage buffer (per City Code Section 135-7) to the satisfaction of the City’s Planning and Urban Design Administrator.

WHEREAS, the Property is legally described as follows:

A irregular shaped tract of land that is located in the N.E. ¼ of section 27, Township 78 North, Range 24 West of the 5th P.M., Des Moines, Polk County, Iowa is described as follows;

Commencing at the N.E. Corner of Section 27, Township 78 North, Range 24 West of the 5th P.M., Des Moines, Polk County, Iowa; Thence 80°- 00’W along the East line of the N.E. ¼ of said Section 27, 129.68 feet; Thence N90°-00’W, 70.00 feet to the West Right-of-Way line of U.S. Highway 65 – 69 as it is presently established and to the POINT OF BEGINNING; Thence 80°- 00’W, along the West Right-of-Way line of said U.S. Highway 65-69, 371.64 feet; Thence 83°-34’-35” W along the West Right-of-Way line of said U.S. Highway 65-69, 240.47 feet; Thence N90°-00’W along the West Right-of-Way line of said U.S. Highway 65-69, 15.00 feet; Thence 80°-00’W along the West Right-of-Way line of said U.S. Highway 65-69, 40.00 feet; Thence N 90°-00’E along West Right-of-Way line of said U.S. Highway 65-69, 15.00 feet; Thence 83°-10’-47”E along the West Right-of-Way line of said U.S. Highway 65-69, 270.42 feet; Thence 80°-00’W along the West Right-of-Way line of said U.S. Highway 65-69, 185.00 feet; Thence 88°-16’-33”W



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along the West Right-of-Way line of said U.S. Highway 65-69, 55.58 feet; Thence 89°-17'-36"E along the West Right-of-Way line of said U.S. Highway 65-69, 111.46 feet; Thence 80°-00'W along the West Right-of-Way line of said U.S. Highway 65-69, 255.39 feet; Thence N89°-28'-29"W parallel with and 326.60 feet North of the South line of the N ½ of the S.E. ¼ of the N.E. ¼ of said Section 27, 600.00 feet to a point that is 660.00 feet West of the East line of the N.E. ¼ of said Section 27; Thence 80°-00'W, parallel with and 660.00 feet West of the East line of the N.E. ¼ of said Section 27, 306.60 feet to a point on the North Right-of-Way line of East Kenyon Avenue as it is presently established, said point being 20.00 feet North of the South line of the N ½ of the S.E. ¼ of the N.E. ¼ of said Section 27; Thence N89°-28'-29"W along the North Right-of-Way line of said East Kenyon Avenue, 498.41 feet to a point on the East line of Sharon Hills Plat No. 3, an Official Plat; Thence N0°-01'-14" E along the East line of Sharon Hills Plat No. 2, an Official Plat; 1301.51 feet to the N.E. Corner of the Outlot "X", in said Sharon Hills Plat No. 2; Thence N89°-40'-01" W along the North line of said Outlot "X", 160.00 feet to the S.E. Corner of Outlot "Y", Belnor Heights Plat No. 2, an Official Plat; Thence N0°-04'20" E along the East line of said Belnor Heights Plat No. 2, 626.67 feet to a point on the South Right-of-Way line of East McKinley Avenue as it is presently established, said point also being 33.00 feet South of the North line of the N.E. ¼ of said Section 27; Thence S89°-36'-51" E along the South Right-of-Way line of said East McKinley Avenue, 79.06 feet to the N.W. Corner of Lot 1, Danview Plat No.1, an Official Plat; Thence S4°-08'-54" W along the West line of said Lot 1, 125.27 feet to the S.W. Corner of said Lot 1; Thence N88°-34'-09" E along the South line of said Danview Plat No. 1, 252.07 feet; Thence N69°-43'-39" E along the South line of said Danview Plat No. 1, 46.24 feet; Thence N0°-23'-09" E along the East line of said Danview Plat No. 1, 100.69 feet to a point being on the South Right-of-Way line of said East McKinley Avenue; Thence S89°-36'-51" E along the South Right-of-Way line of said East McKinley Avenue, 150.86 feet; Thence S84°-41'-56" E along the South Right-of-Way line of said East McKinley Avenue, 501.85 feet; Thence S76°-24'-51" E along the South Right-of-Way line of said East McKinley Avenue 237.14 feet to the POINT OF BEGINNING.

Said tract of land being subject to and together with any and all easement of record.

Said tract of land contains 44.8625 Acres more or less.

WHEREAS, on February 20, 2023, by Roll Call No. 22-0223, it was duly resolved by the City Council that the request for approval of the 1st Amendment to the Southdale PUD Conceptual Plan be set down for hearing on March 6, 2023, at 5:00 p.m., at the City Council Chambers; and

WHEREAS, on March 6, 2023, by Roll Call No. 23-0330, the City Council opened and further continued said hearing to 5:00 p.m. on March 27, 2023, upon request by council for additional review time; and



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WHEREAS, on March 27, 2023, by Roll Call No. 23-0433, the City Council opened and further continued said hearing to 5:00 p.m. on April 10, 2023, upon request by council for additional review time; 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 1st Amendment to the Southdale PUD Conceptual Plan; and

WHEREAS, in accordance with said notice, those interested in said proposed 1st Amendment to the Southdale PUD Conceptual Plan, 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 and all statements of interested persons and arguments of counsel, any objections to the proposed 1st Amendment to the Southdale PUD Conceptual Plan are hereby overruled, and the hearing is closed.
2. The proposed 1st Amendment to the Southdale PUD Conceptual Plan is hereby found to be in conformance with PlanDSM: Creating Our Tomorrow Plan and is hereby approved as stated above, subject to conditions set forth above.

MOVED by Gatto to adopt. SECOND by Boesen.

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill
Assistant City Attorney

(ZONG-2022-000099)

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.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
SHEUMAKER				✓
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			1

MOTION CARRIED

APPROVED

J. M. Franklin Cownie Mayor

Laura Baumgartner City Clerk