



Roll Call Number

25-0692

Agenda Item Number

53

Date May 5, 2025

RESOLUTION HOLDING HEARING REGARDING REQUEST FROM WC MRP DES MOINES CENTER, LLC (OWNER), REPRESENTED BY MICHAELA SCOTT (OFFICER), FOR REVIEW AND APPROVAL OF A 3RD AMENDMENT TO THE SOUTHDALE PUD CONCEPTUAL PLAN, ON PROPERTY LOCATED AT 5000 SOUTHEAST 14TH STREET, TO ALLOW USE OF THE TENANT BAY, KNOWN AS 5116 SOUTHEAST 14TH STREET, FOR A "LIQUOR STORE" USE SELLING ALCOHOLIC LIQUOR, WINE, AND/OR BEER FOR OFF-PREMISE CONSUMPTION

WHEREAS, on April 3, 2025, the City Plan and Zoning Commission considered a request from WC MRP Des Moines Center, LLC (Owner), represented by Michaela Scott (Officer), for review and approval of a 3rd amendment to the Southdale PUD Conceptual Plan, on property located at 5000 Southeast 14th Street, to allow use of the tenant bay known as 5116 Southeast 14th Street for a "Liquor Store" use selling alcoholic liquor, wine, and/or beer for off-premise consumption; and

WHEREAS, the City Plan and Zoning Commission voted 6-4 to **DENY** the 3rd amendment to the Southdale PUD Conceptual Plan, on property located at 5000 Southeast 14th Street, to allow use of the tenant bay known as 5116 Southeast 14th Street for a "Liquor Store" use selling alcoholic liquor, wine, and/or beer for off-premise consumption; and

WHEREAS, the Property is legally described as follows:

LOTS 2, 3, 6 AND OUTLET "XN OF SOUTHDALE, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA EXCEPT THAT PART OF OUTLOT "X" DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF OUTLOT "X", SOUTHDALE, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA, SAID POINT ALSO BEING THE NORTHWEST CORNER OF LOT 5 IN SAID SOUTHDALE; THENCE NORTH 00 DEGREES 04 MINUTES 20 SECONDS EAST ALONG THE WEST LINE OF SAID OUTLET "X" A DISTANCE OF 121.89 FEET; THENCE NORTH 88 DEGREES 14 MINUTES 00 SECONDS EAST A DISTANCE OF 374.80 FEET; THENCE NORTH 68 DEGREES 06 MINUTES 14 SECONDS EAST A DISTANCE OF 242.49 FEET; THENCE SOUTH 79 DEGREES 24 MINUTES 07 SECONDS EAST A DISTANCE OF 265.45 FEET; THENCE SOUTH 01 DEGREE 46 MINUTES 05 SECONDS WEST A DISTANCE OF 175.13 FEET TO A POINT ON THE SOUTH LINE OF SAID OUTLOT "X", SAID LINE ALSO BEING THE NORTH LINE OF SAID LOT 5; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE SOUTH LINE OF SAID OUTLET "X" A DISTANCE OF 855.29 FEET TO THE POINT OF BEGINNING.

WHEREAS, on April 21, 2025 by Roll Call No. 25-0582, it was duly resolved by the City Council that the request for approval of the 3rd Amendment to the Southdale PUD Conceptual Plan be set down for hearing on May 5, 2025, at 5:00 p.m., at the City Council Chambers; 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 3rd Amendment to the Southdale PUD Conceptual Plan; and

WHEREAS, in accordance with said notice, those interested in said proposed 3rd 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 3rd Amendment to the Southdale PUD Conceptual Plan are hereby overruled, and the hearing is closed.

Alternative A

MOVED by [Signature] to DENY the proposed 3rd Amendment to the Southdale PUD Conceptual Plan. Second by [Signature]

Alternative B

MOVED by _____ to continue the public hearing until May 19, 2025, at 5:00 p.m. in the Council Chambers at City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, and to direct the City Manager and Legal Department to prepare the necessary legislation to APPROVE the requested 3rd amendment to the Southdale PUD Conceptual Plan, on property located at 5000 Southeast 14th Street, to allow use of the tenant bay known as 5116 Southeast 14th Street for a "Liquor Store" use selling alcoholic liquor, wine, and/or beer for off-premise consumption, and determining the requested amendment is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan. Second by _____

(NOTE – FINAL LEGISLATION APPROVAL REQUIRES SIX VOTES DUE TO THE PLAN & ZONING COMMISSION RECOMMENDING DENIAL)

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill
Assistant City Attorney

(ZONG-2025-000007)



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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
SIMONSON	✓			
VOSS	✓			
COLEMAN	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO	✓			
TOTAL	7			
MOTION CARRIED	APPROVED			

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.

Connie Boesen

Mayor

Laura Baumgartner

City Clerk