



**Roll Call Number**

16-0281

**Agenda Item Number**

30

**Date** February 22, 2016

**RESOLUTION SETTING HEARING ON REQUEST FROM QUIK TRIP CORPORATION FOR AMENDMENT TO THE EASTGATE PLAZA PUD CONCEPTUAL PLAN ON PROPERTY LOCATED AT 1424 EAST EUCLID STREET AND 3629 EAST 14<sup>TH</sup> STREET**

**WHEREAS**, on April 20, 1998, by Roll Call No. 98-1213, the City Council adopted Ordinance No. 13,599 to rezone real property located in the vicinity of East 14<sup>th</sup> and Euclid Avenue from "C-4" Shopping Center Commercial District, "M-1" Light Industrial District and "M-2" Heavy Industrial District to a "PUD" Planned Unit Development District classification for redevelopment of the Eastgate Shopping Center; and

**WHEREAS**, on July 12, 2004, by Roll Call No. 04-1461, the City Council adopted Ordinance No. 14,356 to rezone real property located in the vicinity of 3817 and 3819 E. 14<sup>th</sup> Street from "M-1" Light Industrial District to "PUD" Planned Unit Development District classification to add said properties to the Eastgate Plaza PUD; and

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on February 4, 2016, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Quik Trip Corporation (purchaser), represented by Mike Talcott (officer), for an amendment to the Eastgate Plaza PUD Conceptual Plan to allow the real property locally known as 1424 East Euclid Street and 3629 East 14<sup>th</sup> Street ("Property") to be developed with a 5,733 square foot convenience store with 16 fueling stations, and allowing the sale of alcoholic liquor, wine, beer and tobacco products insofar as sales do not cumulatively exceed 40% of overall sales derived on the site, subject to revisions set forth in the attached communication from the Commission; and

**WHEREAS**, the Property is legally described as follows:

A PARCEL OF LAND BEING A PART OF PARCEL C, AS RECORDED IN POLK COUNTY RECORDS AT BOOK 12044, PAGE 733, BEING LOCATED IN LOTS 10 & 11 OF BROWN'S LOWLAND PLACE, AN OFFICIAL PLAT, INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL C; THENCE ALONG THE SOUTH LINE OF SAID PARCEL C S89°52'06"W, 105.27 FEET; THENCE ALONG THE SAID SOUTH LINE N01°49'18"W, 4.97 FEET; THENCE ALONG SAID SOUTH LINE N86°18'51"W, 88.06 FEET; THENCE ALONG SAID SOUTH LINE N45°00'47"W, 46.72 FEET TO THE WEST LINE OF SAID PARCEL C; THENCE ALONG SAID WEST LINE N03°55'19"W, 96.26 FEET; THENCE ALONG SAID WEST LINE S89°39'04"W, 4.93 FEET; THENCE ALONG SAID WEST LINE N00°03'09"W, 25.04 FEET; THENCE DEPARTING SAID WEST LINE N89°52'06"E, 237.34 FEET TO THE WEST LINE OF PARCEL D, AS RECORDED IN POLK COUNTY RECORDS AT BOOK 15007, PAGE 206; THENCE ALONG SAID WEST LINE S00°11'15"E, 165.00 FEET TO THE POINT OF BEGINNING.

AND

PARCEL D, AS RECORDED IN POLK COUNTY RECORDS AT BOOK 15007, PAGE 206, BEING A PART OF LOTS 10, 12, AND 13 OF BROWNS LOWLAND PLACE, AN OFFICIAL PLAT, INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. DESCRIBED AREA CONTAINS 2.83 ACRES AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

( continued )

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

1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed amendment to the Eastgate Plaza PUD Conceptual Plan is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa, at 5:00 p.m. on March 7, 2016, at which time the City Council will hear both those who oppose and those who favor the proposal.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED BY Gatto TO ADOPT.

FORM APPROVED:

Glenna K. Frank  
Glenna K. Frank, Assistant City Attorney

(ZON2015-00232)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED			APPROVED	

CERTIFICATE

I, DIANE RAUH, 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.

T. M. Franklin Mayor

Diane Rauh City Clerk