



**Roll Call Number**

16-0435

**Agenda Item Number**

59

**Date** March 7, 2016

**RESOLUTION HOLDING 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**, on February 22, 2016, by Roll Call No. 16-0281, the City Council received and filed a communication from the City Plan and Zoning Commission advising 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 said communication from the Commission; and

**WHEREAS**, on February 22, 2016, by Roll Call No. 16-0281, it was duly resolved by the City Council that the application of QuikTrip Corporation for review and approval of the proposed amendment to the Eastgate Plaza PUD Conceptual Plan for the Property, as legally described below, be set down for hearing on March 7, 2016, at 5:00 p.m. in the City Council Chambers at City Hall; 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 amendment to the approved Eastgate Plaza PUD Conceptual Plan; and

**WHEREAS**, in accordance with said notice, those interested in said proposed amendment to the approved Eastgate Plaza 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 statements of interested persons and arguments of counsel, any and all objections to the proposed amendment to the Eastgate Plaza PUD Conceptual Plan for the Property, locally known as 1424 East Euclid Street and 3629 East 14<sup>th</sup> Street and legally described as follows, are hereby overruled, and the hearing is closed:

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:

( continued )

Date March 7, 2016

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.

- The proposed amendment to the Eastgate Plaza PUD Conceptual Plan, as on file in the Community Development Department, is hereby found to be in conformance with the Des Moines' 2020 Community Character Land Use Plan and is hereby approved.

MOVED BY Westergaard 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  
T. M. Franklin Mayor

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.

Diane Rauh City Clerk