



Roll Call Number

16-1994

Agenda Item Number

26

Date November 21, 2016

RESOLUTION SETTING HEARING ON REQUEST FROM NORTHERN STATES INVESTMENT, LLC FOR AMENDMENT TO THE EASTWOOD VILLAGE PUD CONCEPTUAL PLAN FOR PROPERTY LOCATED AT 3330 EAST 33RD STREET

WHEREAS, on August 4, 1988, by Roll Call No. 88-3557, the City Council adopted Ordinance No. 11,209, to rezone real property located in the vicinity of E. 33rd Street and Euclid Avenue, locally known as 3330 East 33rd Street ("Property"), from "R-2" One and Two Family Residential District to "PUD" Planned Unit Development District classification; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on November 3, 2016, its members voted 10-0 in support of a motion to recommend APPROVAL of a request from Northern States Investments, LLC (owner), represented by Trent Overhue (officer), for review and approval of the 5th Amendment to the Eastwood Village PUD Conceptual Plan for the Property to allow conversion of the existing 63,547 square foot large retail/food sales establishment building (formerly Dahl's Foods) to an indoor, controlled-access mini-warehouse building with up to 400 storage units, and 14,000 square feet of proposed retail/office area within two additional pad site development areas, subject to revisions to the amendment as set forth in the attached communication from the Commission; and

WHEREAS, the Property is legally described as follows:

PARCEL 1:

LOT 1, EASTWOOD VILLAGE, AN OFFICIAL PLAT, CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT THAT PART DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF LOT 3, EASTWOOD VILLAGE, AN OFFICIAL PLAT, CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE SOUTH 89 DEGREES 44 MINUTES 20 SECONDS WEST ALONG THE NORTH LINE ON LOT 1 IN SAID EASTWOOD VILLAGE, A DISTANCE OF 176.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 330.00 FEET; THENCE SOUTH 89 DEGREES 44 MINUTES 20 SECONDS WEST A DISTANCE OF 122.00 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 330.00 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1; THENCE NORTH 89 DEGREES 44 MINUTES 20 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 1 A DISTANCE OF 122.00 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

THE NORTH 158.00 FEET OF THE SOUTH 303.00 FEET OF LOT 5, EDWARD'S PLACE PLAT 2, AN OFFICIAL PLAT, CITY OF DES MOINES, POLK COUNTY, IOWA, AND LOT 5 EDWARDS PLACE PLAT 2, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA EXCEPT THE NORTH 45 FEET AND EXCEPT THE SOUTH 303 FEET THEREOF.

PARCEL 3:

APPURTENANT NON-EXCLUSIVE EASEMENTS AS CONTAINED IN THE DECLARATION OF RESTRICTIONS AND EASEMENTS, RECORDED IN BOOK 6101 AT PAGE 65; AS AMENDED BY THE DECLARATION OF RESTRICTIONS AND EASEMENTS RE-RECORDED IN BOOK 6267 AT PAGE 904; AND AS AMENDED BY THE FIRST AMENDMENT TO DECLARATION OF RESTRICTIONS AND EASEMENTS RECORDED IN BOOK 6295 AT PAGE 744; AND ALSO THE AMENDMENT TO DECLARATION OF RESTRICTIONS AND EASEMENTS RECORDED IN BOOK 7120 AT PAGE 460.

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PARCEL 4:

THE NORTH 30 FEET OF LOT 2, EASTWOOD VILLAGE, AN OFFICIAL PLAT, CITY OF DES MOINES, POLK COUNTY, IOWA.

SAID TRACT OF LAND CONTAINS 10.743 ACRES MORE OR LESS.

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 5th Amendment to the Eastwood Village PUD Conceptual Plan is to be considered shall be held in the Richard A. Clark Municipal Service Center (MSC), located at 1551 E. Martin Luther King, Jr. Parkway, Des Moines, Iowa at 5:00 p.m. on December 5, 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 Hensley TO ADOPT.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZON2016-00186)

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