



**Roll Call Number**

16-2114

**Agenda Item Number**

54 B

**Date** December 5, 2016

**RESOLUTION HOLDING HEARING ON REQUEST FROM NORTHERN STATES INVESTMENT, LLC FOR AMENDMENT TO THE EASTWOOD VILLAGE PUD CONCEPTUAL PLAN FOR PROPERTY LOCATED AT 3330 EAST 33<sup>RD</sup> 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. 33<sup>rd</sup> Street and Euclid Avenue, locally known as 3330 East 33<sup>rd</sup> Street ("Property"), from "R-2" One and Two Family Residential District to "PUD" Planned Unit Development District classification; and

**WHEREAS**, on November 21, 2016, by Roll Call No. 16-1994, the City Council received a communication from the City Plan and Zoning Commission advising 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 communication from the Commission received by Roll Call No. 16-1994; and

**WHEREAS**, on November 21, 2016, by Roll Call No. 16-1994, it was duly resolved by the City Council that the application of Northern States Investments, LLC for review and approval of the proposed 5th Amendment to the Eastwood Village PUD Conceptual Plan for the Property, as legally described below, be set down for hearing on December 5, 2016, at 5:00 p.m. in the City Council Chambers at the Richard A. Clark Municipal Services Center; 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 Eastwood Village PUD Conceptual Plan; and

**WHEREAS**, in accordance with said notice, those interested in said proposed amendment to the approved Eastwood Village 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 5th Amendment to the Eastwood Village PUD Conceptual Plan for the Property, locally known as 3330 E. 33<sup>rd</sup> Street and legally described as follows, are hereby overruled, and the hearing is closed:

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

( continued )

Date December 5, 2016

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.

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.

- The proposed 5th Amendment to the Eastwood Village PUD Conceptual Plan, as on file in the Community Development Department, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is hereby approved.

MOVED BY Westergaard 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

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 Cownie  
Mayor

Diane Rauh  
City Clerk