



Roll Call Number

21-1408

Agenda Item Number

16

Date September 13, 2021

RESOLUTION SETTING HEARING ON REQUEST FROM EASTGATE PLAZA, LLC AND NET LEASE DEVELOPMENT, LLC FOR THE 6TH AMENDMENT TO THE EASTGATE PLAZA PUD CONCEPTUAL PLAN FOR PROPERTY LOCATED IN THE VICINITY OF 1500 EAST EUCLID AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 2, 2021, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Eastgate Plaza, LLC (owner), represented by Norman Weinstein (officer), and from Net Lease Development, LLC (purchaser), represented by Mark Huonder (officer), for the 6th Amendment to the Eastgate Plaza Planned Unit Development (PUD) Conceptual Plan for property located in the vicinity of 1500 East Euclid Avenue (“Property”), to allow a 2.09-acre portion of the Property along East Euclid Avenue frontage to be developed with a 2,977 square-foot fast-food drive-through restaurant and a 6,972 square-foot multiple-tenant commercial building, subject to the following modifications:

- 1) Provision of a note that states that the easterly north/south driveway (to the east of the proposed multiple-tenant commercial building) shall be constructed to appear to be street to the satisfaction of the City’s Planning Administrator, with features such as parallel parking stalls, Class A sidewalks, and street trees.
- 2) Provision of a note that states the multiple-tenant commercial building and surrounding site configuration shall be subject to a future amendment to the “PUD” Conceptual Plan.
- 3) Provision of a note that states any building shall not be located within any necessary utility easement.
- 4) Provision of a note that states that bike rack quantity, placement, and design shall be provided in accordance with Chapter 135: Planning and Design Code.
- 5) Provision of a note that states that pedestrian access to the adjoining parcels to the east, west, and north shall be provided in anticipation of future pedestrian connectivity and that all crosswalks across access drives shall be clearly striped as a pedestrian path.
- 6) Provision of a note that states that landscaping shall be provided in accordance with Chapter 135, Planning and Design Ordinance.
- 7) Provision of a note that states that continuous row of shrubs or grasses shall be provided along the west side of the drive-through facility.
- 8) Provision of a note that states that a 3-foot tall decorative wrought iron fence, supported by brick columns that match the primary structure, shall be constructed along the south frontage and that perimeter plantings required by the landscape standards shall be provided between the fence and the southerly property line.
- 9) Provision of a note that states that all stucco shown on the building elevations shall meet the standards necessary in order to be considered as a “Major Façade Material” prohibiting EIFS materials, as regulated in Des Moines Municipal Code Chapter 135.
- 10) Provision of a note that states that all brick shown on the building elevations shall be full-dimensional brick and not thin brick.



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- 11) Provision of a note that states that all mechanical equipment, roof top units, condensers, meters, transformers or other such equipment shall be provided, including the undergrounding of all overhead utilities whenever reasonably practicable, in accordance with Chapter 135, Planning and Design Code.
- 12) Provision of a note that states that all site and building mounted lighting shall be provided in accordance with Chapter 135, Planning and Design Code.
- 13) Provision of a note that states that any refuse collection container will be within an enclosure constructed of masonry walls that match the primary building and steel gate with a pedestrian entrance.
- 14) Any freestanding signage shall be a monument sign having a minimum 2-foot tall masonry base to match the structure and shall not exceed 8 feet in height. Any freestanding pole sign shall be prohibited; and

WHEREAS, the Property is legally described as follows:

A tract of land lying in part of Lot 13 of Brown's Lowland Place, City of Des Moines, Polk County, Iowa, beginning at a found mag nail at the southeast corner of parcel D recorded in Book 15975, Page 592; thence along the east line of said parcel D N00°-11'-10"E 259.14 ft. to a set iron rod; thence leaving said east line S89°-46'-58"E 353.19 ft. to a set iron rod; thence S00°-07'-49"W 257.15 ft. to set iron rod on the north right of way line of East Euclid Avenue; thence along said north line S89°-53'-38"W 353.45 ft. to the point of beginning. Containing 2.09 acres.

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 6th Amendment to the Eastgate Plaza PUD Conceptual Plan is to be considered shall be held in the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on October 4, 2021, 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.

FORM APPROVED:

MOVED BY Boesen TO ADOPT.

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

(ZON2021-000013)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD				✓
TOTAL	6			1

CERTIFICATE

I, P. KAY CMELIK, 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.

MOTION CARRIED APPROVED
J. M. Franklin Cownie
Mayor

P. Kay Cmelik
City Clerk