



**Roll Call Number**

21-1516

**Agenda Item Number**

49

**Date** October 4, 2021

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

**WHEREAS**, on September 13, 2021, by Roll Call No. 21-1408, the City Council received a communication from the City Plan and Zoning Commission advising 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.



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- 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.
- 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; and

**WHEREAS**, on September 13, 2021, by Roll Call No. 21-1408, it was duly resolved by the City Council that the request to approve a 6<sup>th</sup> Amendment to the Eastgate Plaza PUD Conceptual Plan be set down for hearing on October 4, 2021 at 5:00 P.M., in the Council Chambers; 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 Legacy PUD Conceptual Plan amendment; and

**WHEREAS**, in accordance with said notice, those interested in said proposed Legacy PUD Conceptual Plan amendment both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council.



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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 and all statements of interested persons and arguments of counsel, any objections to the proposed 6<sup>th</sup> Amendment to the Eastgate Plaza Planned Unit Development (PUD) Conceptual Plan are hereby overruled, and the hearing is closed.
2. The proposed 6<sup>th</sup> Amendment to the Eastgate Plaza Planned Unit Development (PUD) Conceptual Plan, as on file in the Development Services Department, is hereby found to be in conformance with PlanDSM: Creating Our Tomorrow Plan and is hereby approved.

MOVED BY Westergaard TO ADOPT.

FORM APPROVED:

/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	7			

MOTION CARRIED

APPROVED

J. M. Frankin Cownie  
Mayor

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.

P. Kay Cmelik

City Clerk