



Roll Call Number

23-0063

Agenda Item Number

45

Date January 9, 2023

RESOLUTION HOLDING HEARING REGARDING REQUEST FROM EASTGATE PLAZA, LLC (OWNER), REPRESENTED BY NORMAN S. WEINSTEIN, FOR REVIEW AND APPROVAL OF AN 8TH AMENDMENT TO EASTGATE PLAZA PUD CONCEPTUAL PLAN, ON PROPERTY LOCATED AT 1514 EAST EUCLID AVENUE, TO ALLOW A CAR WASH USE

WHEREAS, on December 1, 2022, the City Plan and Zoning Commission considered a request from Eastgate Plaza, represented by Norman S. Weinstein, for review and approval of an 8th amendment to the PUD Conceptual Plan, on property located at 1514 East Euclid Avenue, to allow a car wash use; and

WHEREAS, the City Plan and Zoning Commission voted 13-0 to **APPROVE** an 8th amendment to the Eastgate Plaza PUD Conceptual Plan, on property located at 1514 East Euclid Avenue, to allow a car wash use, subject to provision of the following information in the General Notes section on the Eastgate Plaza PUD Conceptual Plan:

1. A note documenting any final design of the required “street-like” appearance of the 60-foot north/south drive easement shall occur at the time the adjacent property to the north is developed.
2. A note outlining time frame and responsibility of the north/south drive along the easterly line of the subject property, as determined, to the satisfaction of the Planning and Urban Design Administrator.
3. Any future construction or development of the site must comply with all applicable site plan and design regulations of the Planning and Design Ordinance (Chapter 135 of City Code).
4. Foundation plantings shall be provided along the east facade of the building in addition to site plantings in accordance with Chapter 135, Article 7 (Planning and Design Ordinance), of the City Code, as required in the “MX3” District, and shall be reviewed and approved by the City’s Planning and Urban Design Division.

WHEREAS, the Property is legally described as follows:

Parcel 2021-223 of Lots 13 and 14 of Brown's Lowland Place, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, as shown in Plat of Survey recorded December 8, 2021, in Book 18898 Page 238, in the Office of the Recorder of Polk County, Iowa.

WHEREAS, on December 12, 2022, by Roll Call No. 22-1884, it was duly resolved by the City Council that the request for approval of the 8th Amendment to the Eastgate Plaza PUD Conceptual Plan be set down for hearing on January 9, 2023, at 5:00 p.m., at the City Council Chambers; and



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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 8th Amendment to the Eastgate Plaza PUD Conceptual Plan; and

WHEREAS, in accordance with said notice, those interested in said proposed 8th Amendment to the 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 and all statements of interested persons and arguments of counsel, any objections to the proposed 8th Amendment to the Eastgate Plaza PUD Conceptual Plan are hereby overruled, and the hearing is closed.
2. The proposed 8th Amendment to the Eastgate Plaza PUD Conceptual Plan is hereby found to be in conformance with PlanDSM: Creating Our Tomorrow Plan and is hereby approved as stated above, subject to conditions set forth above.

MOVED by Westergaard to adopt. SECOND by Gatto

FORM APPROVED:

/s/ Lisa A. Wieland

Lisa A. Wieland
Assistant City Attorney

(ZONG-2022-000082)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, SHEUMAKER, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL (7 yeas).

CERTIFICATE

I, LAURA BAUMGARTNER, 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.

Handwritten signature of J. M. Franklin Cownie, Mayor

Handwritten signature of Laura Baumgartner, City Clerk

City Clerk