



41B ✓

Date July 10, 2017

**RESOLUTION CONTINUING HEARING ON REQUEST FROM  
HY-VEE, INC. TO REZONE PROPERTY AT 3212 MERLE HAY ROAD,  
5801 HICKMAN ROAD AND 2315 59TH STREET**

**WHEREAS**, on June 26, 2017, by Roll Call No. 17-1051, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on June 15, 2017, its members voted 12-1 in support of a motion to recommend **APPROVAL** of a request from Hy-Vee, Inc. (purchaser), represented by Randy Downs (officer), to rezone property locally known as 3212 Merle Hay Road, 5801 Hickman Road and 2315 59th Street (collectively "Property") from "R1-60" One-Family Low-Density Residential District and "C-1" Neighborhood Retail Commercial District to "C-2" General Retail and Highway-Oriented Commercial District, to allow for anticipated redevelopment with a gas station/convenience store with more than eight (8) fueling locations and a coffee shop with drive-through window; and

**WHEREAS**, on June 26, 2017, by Roll Call No. 17-1051, it was duly resolved by the City Council that the application of Hy-Vee, Inc. to rezone the Property, as legally described below, be set down for hearing on July 10, 2017 at 5:00 p.m. in the Council Chambers at the Municipal Service 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 Zoning Ordinance; and

**WHEREAS**, Hy-Vee Inc. has requested a continuance of the public hearing to the July 24, 2017 City Council meeting.

**NOW THEREFORE, BE IT RESOLVED**, by the City Council of the City of Des Moines, Iowa, that the public hearing regarding rezoning of the Property from "R1-60" One-Family Low-Density Residential District and "C-1" Neighborhood Retail Commercial District to "C-2" General Retail and Highway-Oriented Commercial District is hereby opened and continued to July 24, 2017 at 5:00 p.m. at the Richard A. Clark Municipal Service Center (MSC), located at 1551 E. Martin Luther King, Jr. Parkway, Des Moines, Iowa.

FORM APPROVED:

MOVED BY \_\_\_\_\_ TO ADOPT.

*Glenna K. Frank*

Glenna K. Frank, Assistant City Attorney

(ZON2017-00085)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

\_\_\_\_\_  
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.

\_\_\_\_\_  
City Clerk

June 20, 2017

Honorable Mayor and City Council  
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held June 15, 2017, the following action was taken regarding a request from Hy-Vee, Inc. (purchaser) represented by Randy Downs (officer) to rezone property at 3212 Merle Hay Road, 5801 Hickman Road and 2315 59th Street. The subject properties are owned by First Baptist Church of Urbandale and Imperial Properties, Inc.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 12-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
JoAnne Corigliano	X			
David Courard-Hauri	X			
Jacqueline Easley	X			
Jann Freed				X
John "Jack" Hilmes				
Lisa Howard	X			
Carolyn Jenison	X			
Greg Jones	X			
William Page		X		
Mike Simonson	X			
Rocky Sposato	X			
Steve Wallace	X			
Greg Wattier	X			

**APPROVAL** of Part A) that the proposed rezoning be found not in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation for the properties known as 3212 Merle Hay Road and 2315 59<sup>th</sup> Street, approval of Part B) amending the existing PlanDSM: Creating Our Tomorrow Plan future land use designation from Low

Density Residential and Low-Medium Density Residential to Community Mixed Use for the properties known as 3212 Merle Hay Road and 2315 59<sup>th</sup> Street and approval of Part C) the request to rezoning from “R1-60” District and “C-1” District to “C-2” District.  
(ZON2017-00085)

### Written Responses

4 in Favor  
3 in Opposition

## **STAFF RECOMMENDATION**

Part A) Staff recommends that the proposed rezoning be found not in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation for the properties known as 3212 Merle Hay Road and 2315 59<sup>th</sup> Street.

Part B) Staff recommends approval of amending the existing PlanDSM: Creating Our Tomorrow Plan future land use designation from Low Density Residential and Low-Medium Density Residential to Community Mixed Use for the properties known as 3212 Merle Hay Road and 2315 59<sup>th</sup> Street.

Part C) Staff recommends approval of the request to rezoning from “R1-60” District and “C-1” District to “C-2” District.

## **STAFF REPORT TO THE PLANNING COMMISSION**

### **I. GENERAL INFORMATION**

1. **Purpose of Request:** The proposed future land use plan amendment and rezoning would allow the subject properties to be redeveloped with a convenience store with fuel sales. The convenience store building would include a drive-thru coffee shop. The site is bounded by Merle Hay Road to the east, Hickman Road to the south and 59<sup>th</sup> Street to the west. The submitted site sketch indicates that the building and pump island would be oriented towards the Merle Hay Road and Hickman Road intersection. The site would have a drive approach to Merle Hay Road and to 59<sup>th</sup> Street.
2. **Size of Site:** 1.947 acres
3. **Existing Zoning (site):** “R1-60” One-Family Low-Density Residential District, “C-1” Neighborhood Retail Commercial District and “FSO” Freestanding Signs Overlay District.
4. **Existing Land Use (site):** Commercial building, church and surface parking.
5. **Adjacent Land Use and Zoning:**
  - North** – “R1-60”; Uses are single-family dwellings.
  - South** – “C-1”; Uses are commercial and multiple-family dwellings.
  - East** – “PUD”; Use is a CVS Pharmacy Store and surface parking.

**West** – “R1-60”; Uses are single-family dwellings.

6. **General Neighborhood/Area Land Uses:** The subject site is located on the northwest corner of the Merle Hay Road and Hickman Road intersection. The intersection contains commercial uses and is generally surrounded by a single-family residential neighborhood.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Merle Hay Neighborhood. All recognized neighborhoods were notified of the meeting by mailing of the Preliminary Agenda on May 26, 2017. Additionally, separate notifications of the hearing for this specific item were mailed on May 26, 2017 (20 days prior to the scheduled hearing) and on June 5, 2017 (10 days prior to the scheduled hearing) to the Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on June 9, 2017.

All agendas and notices are mailed to the primary contact person designated to the City of Des Moines Neighborhood Development Division by the recognized neighborhood association. The Merle Hay Neighborhood mailings were sent to Jason Pulliam, 2327 49<sup>th</sup> Place, Des Moines, IA 50310.

8. **Relevant Zoning History:** None.
9. **PlanDSM Creating Our Tomorrow:** The subject site is designated as “Community Mixed Use,” “Low Density Residential,” “Low-Medium Density Residential” and “Neighborhood Node” on the Future Land Use Map.
10. **Applicable Regulations:** The Commission reviews all proposals to amend zoning boundaries or regulations within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in 414.3 of the Iowa Code, and taking into consideration the criteria set forth in Chapter 18B of the Iowa Code. The Commission may make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

## II. ADDITIONAL APPLICABLE INFORMATION

1. **PlanDSM Creating Our Tomorrow:** The parcels that are zoned “R1-60” District are designated as “Low Density Residential” and “Low-Medium Density Residential” on the Future Land Use Map. The parcel that is zoned “C-1” District is designated as “Community Mixed Use.” The entire site is located within the Merle Hay Road and Hickman Road “Neighborhood Node” on the Future Land Use Map. Rezoning the parcels that are currently zoned “R1-60” District to “C-2” District requires the Future Land Use Map to be amended from the “Low Density Residential” and “Low-Medium Density Residential” designations to the “Community Mixed Use” designation. The following land use designation descriptions are from Page 18 and Page 20 of PlanDSM: Creating Our Tomorrow.

*Community Mixed Use: Small- to medium-scale mixed use development, located on high capacity transit corridors or at the intersection of transportation corridors. Community mixed use areas include both a mix of medium density residential and a mix of retail and services establishment designed to attract customers from a large service area encompassing multiple neighborhood and may include specialty retail that attracts regional customers.*

*Node Overlay: Three overlay districts are also identified on the Future Land Use Map representing neighborhood, community and regional nodes. Not all characteristics of nodes exist today, but these areas represent opportunities to develop a mixture of uses to provide a variety of housing types, employment opportunities and services at greater concentrations than the surrounding area. Nodes are focal points in the community and do not represent a specific spatial area. Nodes exist today. However, they are largely auto-oriented places. Neighborhood, Community, and Regional nodes represent opportunities over time for the City to create mixed use areas that provide for increased housing and transportation choices, reduced infrastructure and maintenance expenditures, and the creation of vibrant places to serve neighborhoods and the City as a whole.*

*Neighborhood Node: These nodes are the smallest in size and offer services that provide for basic daily needs of the local population in the surrounding neighborhood. Residential development including low-medium and medium densities may occur.*

**2. Design Guidelines for Gas Station/Convenience Stores:** Redevelopment of the site would require the submittal of a site plan and building elevations for review by the Plan and Zoning Commission in accordance with the Design Guidelines for Gas Stations/Convenience Stores (Sec. 82-214.8) unless the site plan is submitted after the adoption of the new zoning ordinance. If that occurs, the site plan and building elevations would be subject to the standards and review processes of the new ordinance.

1. Site Design.

- A. The optimal layout of any individual site requires an in-depth understanding of local context and a thorough site analysis. The components of a gas station and convenience store to be considered in site design include, but are not limited to:
  - (i) Primary structure/retail sales building/single or multiple tenant;
  - (ii) Pump island, canopy structure, and lighting;
  - (iii) Refuse, service and storage area;
  - (iii) Circulation systems and parking;
  - (iv) Service bays;
  - (v) Ancillary uses such as car washes, drive through uses, ATMs and telephones.
- B. Maximum size of site should not exceed two (2) acres without a rezoning to a PUD Planned Unit Development pursuant to Chapter 134, Division 13 of the Municipal Code of the City of Des Moines and site review under a Conceptual Plan approved by the Plan and Zoning Commission and City Council.
- C. Minimum open space should be 20 percent (20%) of the site or 1,000 square feet per vehicle fueling location, whichever is greater.

- D. All development proposals should show evidence of coordination with the Site Plan as well as arrangement of buildings and planning elements of neighboring properties by:
  - (i) Responding to local development patterns and the streetscape by use of consistent building setbacks, orientation and relationship of structures to the street and linkages to pedestrian facilities;
  - (ii) Seeking shared-access with adjoining commercial uses where feasible to minimize curb cuts and enhance pedestrian and vehicular circulation;
  - (iii) Minimizing cross traffic conflicts within parking areas.
  
- E. The Site Plan shall mitigate the negative impacts from site activities on adjoining uses as follows:
  - (i) Service areas, storage areas and refuse enclosures should be oriented away from public view and screened from adjacent sites;
  - (ii) Drive-through windows, menu boards and associated stacking lanes should be oriented away from residential areas or screened from public view;
  - (iii) Auto repair bay openings and car-wash openings should be oriented away from residential uses;
  - (iii) Lighting should be non-invasive to adjoining residential use.
  
- F. The Site Plan shall provide identifiable pedestrian access from adjoining public pedestrian routes through the site to the primary building and from accessory functions within the site. This can be accomplished by use of special paving colors or textures and appropriately scaled lighting.

## 2. Architecture.

The following architectural guidelines encourage creative response to local and regional context and contribute to the aesthetic identity of the community.

- A. Building design should consider the unique qualities and character of the surrounding area and be consistent with the city's 2020 Character Area Plans. Where character is not defined by 2020 Community Character Plan, building design should be of a high quality with primary use of durable materials such as masonry, block, or stone.
  
- B. A facility occupying a pad or portion of a building within a larger commercial center should be designed to reflect the design elements of that center.
  
- C. Drive-through elements should be integrated into the building rather than appear to be applied or "stuck-on" to the building.
  
- D. All sides of a building should express consistent architectural detail and character, with a primary use of durable materials such as brick, masonry block, or in special instances a predominant material found in the surrounding commercial area. Columns should be designed to minimize visual impact.
  
- E. Walls, pump island canopies and other outdoor covered areas should be compatible with the building, using similar material, color and detailing.

- F. To encourage visually interesting roofs, variations in the roof line and treatments such as extended eaves and parapet walls with cornice treatments are encouraged.
- G. Perceived height and bulk should be reduced by dividing the building mass into smaller-scaled components. Examples of treatments that could be used to avoid excessive bulk and height include:
  - (i) Low-scale planters and site walls.
  - (ii) Wainscot treatment.
  - (iii) Clearly pronounced eaves or cornices.
  - (iv) Subtle changes in material color and texture.
  - (v) Variation in roof forms.
  - (vi) Covered pedestrian frontages and recessed entries.
  - (vii) Deeply set windows with mullions.
- H. Canopies:
  - (i) Integration of materials on canopies that are similar or compatible to those used on the building or site walls is desirable (e.g., wrap the canopy columns with brick that matches the building). Multiple canopies or canopies that express differing masses are encouraged.
  - (ii) Canopy height should not be less than 13'- 9" as measured from the finished grade to the lowest point on the canopy fascia. The overall height of canopies should not exceed 18'.
- I. All display items for sale, excluding seasonal items (i.e., sand, salt, pop, firewood) should be located within the main building. All outdoor display of seasonal items shall be identified on the Site Plan and be located outside of any required setbacks. No display of seasonal items should exceed 5' in height.

### 3. Landscape Design.

- A. Landscaping is integral to the overall design concept and should be carefully planned to enhance the overall appearance and function of the site.
- B. Landscape buffers with screen fencing should mask the site from adjacent residential uses. Plantings that exceed the minimum Des Moines Landscaping Standards may be required.
- C. Dense landscaping or architectural treatments should be provided to screen unattractive views and features such as storage areas, trash enclosures, utility cabinets and other similar elements.
- D. A site design for projects located at a street intersection should provide special landscape treatments, including by way of example perennial plant beds, site walls, native grasses, and decorative sign foundations and housing.
- E. Proper maintenance and timely replacement of plant material is required and will be enforced based on the approved Site Plan.

F. Monument signs are encouraged and are required when the site adjoins a residential district.

4. Lighting.

A. Lighting of gas stations and convenience stores should enhance safety and provide light levels appropriate to the visual task with minimal glare, light trespass and excess site brightness. Lighting should not be a nuisance or a hazard.

B. Direct light trespass beyond property lines is prohibited. The maximum horizontal illuminance at grade and the maximum vertical illuminance at five feet above grade measured at the property line should not exceed Illuminating Engineering Society of North America (IESNA) recommended practices for light trespass. (0.5 footcandles for residential, 2.0 footcandles for commercial). The Site Plan must contain illuminance models showing light levels throughout the site.

C. Light fixtures mounted under canopies should be completely recessed into the canopy with flat lenses that are translucent and completely flush with the bottom surface (ceiling) of the canopy. Generally, lights shall not be mounted on the top or sides (fascia) of the canopy and internally illuminated/entirely translucent canopies should be prohibited. However, accent lighting on the sides (fascias) of the canopy may be permitted.

D. Parking Lot and Site Lighting:

- (i) All luminaries should be of full cut-off design, aimed downward and away from the property line;
- (ii) Maximum pole heights should not exceed 20'.

E. Building-Mounted Lighting:

- (i) All luminaries should be a full cut-off design and aimed downward.
- (ii) All luminaries should be recessed or shielded so the light source is not directly visible from the property line.

**3. Site Plan Requirements:** Any future development of the site must conform to the City's Site Plan requirements, including those regarding stormwater management, landscaping, and screening of adjoining residential properties.

**4. Natural Site Features:** Development of the site shall be in compliance with the City's Tree Removal and Mitigation Ordinance (Section 42-550 of the City Code).

**5. Access & Traffic:** A traffic study has been submitted and approved by the City's Traffic and Transportation Division. The study identified the need for turning lanes. Engineering staff are in communication with the Iowa Department of Transportation on how best to achieve turning lanes given the State Highway status of the adjoining segments of Merle Hay Road and Hickman Road. The outcome of these discussions will be addressed during the site plan review process.



## **SUMMARY OF DISCUSSION**

*John "Jack" Hilmes recused himself.*

Jason Van Essen presented the staff report and recommendation.

Randy Downs Hy-Vee Real Estate Engineering Department, 5820 Westown Parkway stated they believe this is a good opportunity for redevelopment on this corner. They are proposing their standard convenience store with a coffee shop. Currently, it has been approved that Starbuck's will be the coffee vendor of choice. At the neighborhood meeting they discussed the access driveways. Currently, there are five driveways to these parcels and they are proposing only two driveways. One on Merle Hay to line up with the recently built CVS Pharmacy and then one on the 59<sup>th</sup> Street. No access on Hickman Road is allowed by the DOT based on the short block between 58<sup>th</sup> and 59<sup>th</sup> on Merle Hay. Part of this project is relocating the cell tower, which will happen later if they have positive result with the rezoning. They are proposing to put the cell tower behind their store and reconstruct it to a different design, with the support building below.

## **CHAIRPERSON OPENED THE PUBLIC HEARING**

Jason Pulliam 2327 49<sup>th</sup> Place, President of the Merle Hay Neighborhood Association stated he is speaking on behalf of the board. Currently, they are neutral. They have not had an opportunity as a group to fully digest a lot of what is being presented. They believe there are a lot of things to learn. However, they do believe they have some comments that are meaningful to this discussion. They understand commercial use of this nature will be a substantial change for nearby residents and believe that needs to be considered at the upmost sensitivity. They also recognize that redevelopment is all but certain to occur given the traffic counts. They know it is very desirable for commercial purposes. What is most important is when redevelopment does occur it is of the highest quality possible. They also believe what happens at this location needs to complement and enhance surrounding residential uses not detract from them. Bigger picture they want each redevelopment project that occurs in their neighborhood and the City, as a whole to be an improvement for the community at large. He attended the Hy-Vee open house and determined there were a number of items they believe warrant consideration by the Commission and other decision makers if the redevelopment process moves forward:

- The implication this project would have for north and southbound traffic on 59<sup>th</sup>
- The overall traffic flow at Merle Hay and Hickman intersection
- Ensuring that the perimeter landscaping and screening is sufficient to provide a good buffer between the commercial and residential properties. The buffer needs to address visual and auditory impacts of this proposed redevelopment.
- The cell tower is a sensitive issue in residential areas and whatever is done its location and appearance needs to be neighborhood friendly.
- They understand the traffic study at this point does not anticipate an increase in northbound traffic on 59<sup>th</sup> Street. If this redevelopment project occurs, they believe that it would be important to test and retest that traffic study analysis to ensure what ultimately occurs is consistent with the projection. If the projection is proven to be false and northbound traffic does increase along 59<sup>th</sup> they believe it is important for the City to be prepared to introduce traffic calming measures.
- They understand that DOT and the City staff are looking at ways to have the Merle Hay and Hickman intersection improvement coincide with Hy-Vee redevelopment

plans, they believe it would be a necessity. They want to minimize disruption to neighboring businesses and residence.

Jacqueline Easley asked who was invited to the open house.

Jason Pulliam stated he could not speak to the total number of invitations, but he knows the neighborhood association got invited and he believes the other invitations were comparable to what the City's notification process is for nearby property owners. Mr. Downs called him and let him know about the neighborhood meeting. At that time they had a brief discussion.

Francis Boggus asked did they get any feedback from the Hy-Vee officials at the neighborhood meeting.

Jason Pulliam stated he was there only to observe and listen and there was a lot of talking and not an opportunity for him to get a word in before he had to leave.

Jason Stevens 2405 59<sup>th</sup> Street stated he has lived there for 15 years. He has a few concerns about the proposed project. One of his primary concerns is the traffic congestion and ingress and egress of the site. Being so close to the intersection will absolutely increase congestion at the intersection. Traffic counts may not change, but congestion will increase. There has been talk of adjusting the timing on lights. All this does is move the problem to another part of the intersection. The proposed driveway seems to be feasible on paper. However, anyone who uses the intersection frequently, quickly sees the pitfalls. There is no good exit for eastbound or northbound traffic for a large portion of the day. Both directions are expected to cross two lanes of traffic very close to a busy intersection. In fact, it is three lanes crossing northbound because the turn lane starts right there. Due to the DOT setbacks, the only exit is on 59<sup>th</sup>. There cannot be an exit on Hickman. Traffic will back up at the southbound stop sign at 59<sup>th</sup> with such difficult egress it may also be very tempting for traffic to turn north on 59<sup>th</sup> and use one of the intersection farther away from Hickman. This terrifies him with three small children that like to play in the front yard. Another concern is many children cross 59<sup>th</sup> to go to Hillis Elementary every day. His final concern is the noise. When CVS was erected little or no consideration was given to the sound pollution. It effectively acted as a sound wall and reflected all the traffic noise from Merle Hay to their backyards, which makes them unusable during rush hours. He understands the need for redevelopment on the corner and the allure for potential tax revenue which is not currently being generated on the site. He doesn't believe the business with high pedestrian and vehicle counts is appropriate for this site with his concerns. He is asking that Commission to vote no to the applicant's request.

Francis Boggus asked isn't it correct that Hillis employs crossing guards for the Merle Hay and Hickman intersection.

Jason Stevens stated there are crossing guards at Merle Hay.

Francis Boggus is it possible to get crossing guards moved down to 59<sup>th</sup> Street, if it is necessary.

Jason Stevens stated it would be another set of crossing guards. He believes it is just a recipe for disaster on 59<sup>th</sup>.

### Rebuttal

Rob Wadle Hy-Vee Real Estate Engineering Department, 5820 Westown Parkway stated he believed they had a very good collaborative meeting. As a C-2 user Hy-Vee likes this site because on Merle Hay there is 18,000 vehicles a day and on Hickman there is 18,000 vehicles a day so two sides are fronted by a state highway. The other corners may be only fronted by one state highway and they have more commercial square feet than this corner. They are required by the City to do the traffic study analysis that was done. The City conducted the traffic analysis. There was not a concern on substantial traffic on 59<sup>th</sup>. They can reevaluate that. They did talk about changing the timing of the signals and about some right-of-way on the south side of this property, so there could be a dual left turn going eastbound on Hickman.

Randy Downs stated they had approximately 20 people at the neighborhood meeting and 15 signed in. They received the list from the City and mailed out 56 mailings to 62 parcels. Out of the 15 that signed in, only 8 of them had received direct invitation. He believes Mr. Pulliam put an invitation on their neighborhood association website or Facebook page. One of the things that was brought up was the traffic concern. If there are some traffic calming devices, they can do on a site plan level as well as screening and buffering to the residence to the north.

### **CHAIRPERSON CLOSED THE PUBLIC HEARING**

JoAnne Corigliano commented they had the same concerns about traffic in her neighborhood with Hy-Vee adding a gas station. She believes if Traffic and Transportation does their work it can work.

Francis Boggus believes it has potential to enhance the neighborhood. It's a move in the right direction. He believes any problem can be worked through with adequate planning and cooperation between Hy-Vee and the neighborhood.

Greg Wattier stated commercial use of the property makes sense. He believes there should be a discussion to move the building towards the street and scaling down. He proposes the City and Hy-Vee look at alternative ideas as they move forward on the planning.

Mike Simonson asked will the site plan come back to the Commission.

Mike Ludwig stated yes.

### **COMMISSION ACTION:**

Greg Jones moved staff recommendation for approval of Part A) that the proposed rezoning be found not in conformance with the existing PlanDSM Creating Our Tomorrow future land use designation for the properties known as 3212 Merle Hay Road and 2315 59<sup>th</sup> Street, approval of Part B) amending the existing PlanDSM: Creating Our Tomorrow Plan future land use designation from Low Density Residential and Low-Medium Density

Residential to Community Mixed Use for the properties known as 3212 Merle Hay Road and 2315 59<sup>th</sup> Street and approval of Part C) the request to rezoning from "R1-60" District and "C-1" District to "C-2" District.

Motion carried 12-1 (Will Page voted in opposition, John "Jack" Hilmes recused himself)

Respectfully submitted,



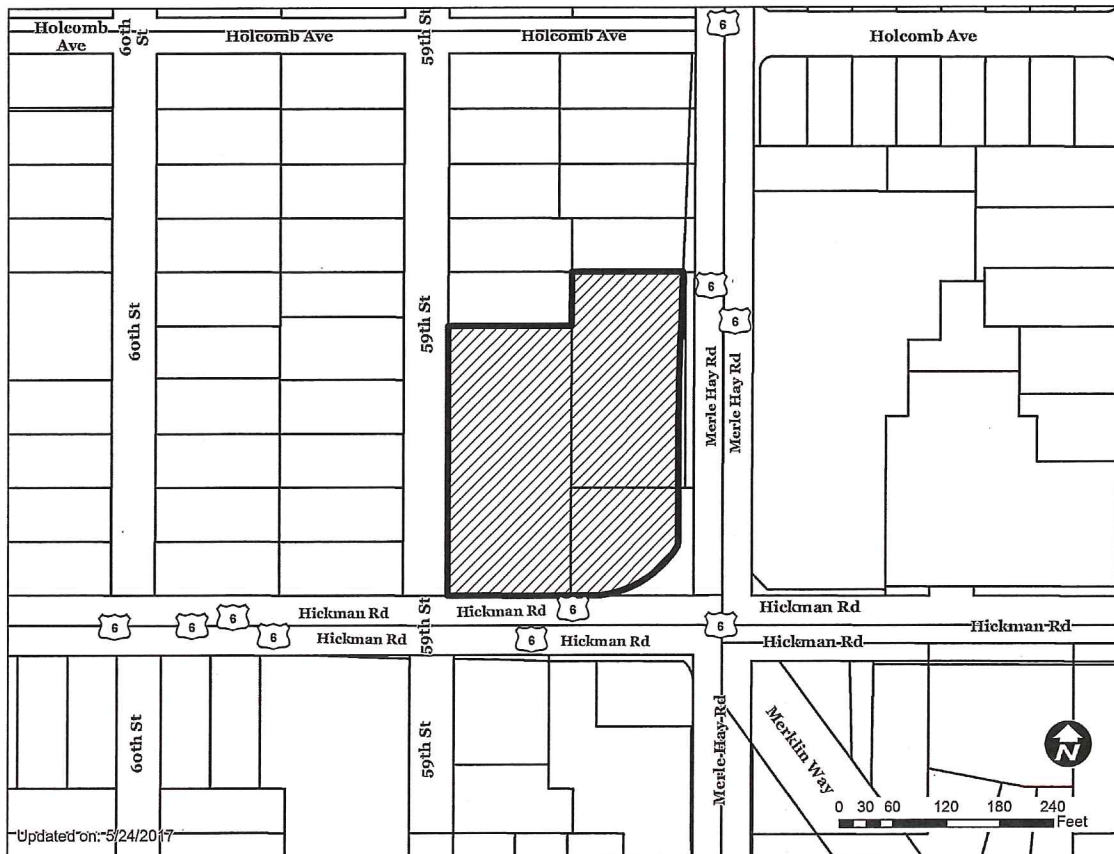
Michael Ludwig, AICP  
Senior Planner

MGL:clw  
Attachment

Hy-Vee, Inc. (purchaser) represented by Randy Downs (officer) for property at 3212 Merle Hay Road, 5801 Hickman Road and 2315 59th Street. The subject properties are owned by First Baptist Church of Urbandale and Imperial Properties, Inc.		File # 21-2017-4.04			
<b>Description of Action</b>	Approval of request to amend the existing PlanDSM Creating Our Tomorrow future land use designation from Low Density Residential and Low-Medium Density Residential to Community Mixed Use.				
<b>PlanDSM Future Land Use</b>	Current: Low Density Residential and Low-Medium Density Residential within a Neighborhood Node. Proposed: Community Mixed Use within a Neighborhood Node.				
<b>Mobilizing Tomorrow Transportation Plan</b>	2015-2024 Merle Hay/Hickman Intersection Improvements.				
<b>Current Zoning District</b>	"R1-60" One-Family Low-Density Residential District, "C-1" Neighborhood Retail Commercial District, and "FSO" Freestanding Signs Overlay District.				
<b>Proposed Zoning District</b>	"C-2" General Retail and Highway-Oriented Commercial District, and "FSO" Freestanding Signs Overlay District.				
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition	
<b>Subject Property</b>	4	3			
<b>Outside Area (200 feet)</b>					
<b>Plan and Zoning Commission Action</b>	Approval	12-1	<b>Required 6/7 Vote of the City Council</b>	Yes	
	Denial			No	X

Hy-Vee, Inc., 2312 Merle Hay Road

21-2017-4.04



1 inch = 127 feet

Hy-Vee, Inc. (purchaser) represented by Randy Downs (officer) for property at 3212 Merle Hay Road, 5801 Hickman Road and 2315 59th Street. The subject properties are owned by First Baptist Church of Urbandale and Imperial Properties, Inc.		File # ZON2017-00085		
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<b>PlanDSM Future Land Use</b>	Current: Low Density Residential and Low-Medium Density Residential within a Neighborhood Node. Proposed: Community Mixed Use within a Neighborhood Node.			
<b>Mobilizing Tomorrow Transportation Plan</b>	2015-2024 Merle Hay/Hickman Intersection Improvements.			
<b>Current Zoning District</b>	"R1-60" One-Family Low-Density Residential District, "C-1" Neighborhood Retail Commercial District, and "FSO" Freestanding Signs Overlay District.			
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<b>Subject Property</b>	4	3		
<b>Outside Area (200 feet)</b>				
<b>Plan and Zoning Commission Action</b>	Approval	12-1	<b>Required 6/7 Vote of the City Council</b>	Yes
	Denial			No

Hy-Vee, Inc., 2312 Merle Hay Road

ZON2017-00085



1 inch = 127 feet

Jason Stevens

2405 59th Street

Des Moines, IA. 50322

(515)-577-5422

In reference to 20NR2017-20085 I do NOT support the proposed rezoning.

Here are a brief list of reasons

- Increased congestion at Mark Hay & Hickman
- Poor placement of Driveway on 59th St.
- Increased Traffic on 59th St.
- Loss of Quality of Life
- Dangers for children Xing to Hill's Elementary
- Noise Pollution from Drive-thru speaker
- No plan for traffic flow problems

ZON2017-00085

m

Date

6/9/17 4/B

(am) (am not) in favor of the request.

RECEIVED  
COMMUNITY DEVELOPMENT

JUN 13 2017

Print Name

Signature

Address

Eugenia Katsch-Stanton  
*[Signature]*  
2419 59th Street

Reason for opposing or approving this request may be listed below.

opposing due to an anticipated  
higher than normal traffic at a  
current high traffic location

ZON2017-00085

em

Date

6-8-17

(am) (am not) in favor of the request.

RECEIVED  
COMMUNITY DEVELOPMENT

JUN 13 2017

Print Name

Signature

Address

Randy + Tammy Shaw  
*[Signature]*  
2420 Maple Hwy Rd

Reason for opposing or approving this request may be listed below.

- 1. Too close to our property
- 2. Noise issues
- 3. ↑ in traffic
- 4. ↑ possible in crime (assume 24hr store)
- 5. lower our property value as now to close to a commercial zone.



ZON2017-00085

Item

Date

11/7/2017

41B

(am) (am not) in favor of the request.

RECEIVED  
COMMUNITY DEVELOPMENT

JUN 16 2017

Print Name Andrew Leonard

Signature [Signature]

Address 2403 60<sup>th</sup> St.

Reason for opposing or approving this request may be listed below.

I can see the church Bell tower from my house. Can I have the bells when you tear down the Bell tower. Thanks  
(515) 505-6641

ZON2017-00085

Item

Date

6-10-17

(am) (am not) in favor of the request.

(Circle One)

RECEIVED  
COMMUNITY DEVELOPMENT

JUN 16 2017

Print Name Jane Barker

Signature [Signature]

Address 3933 Appen Dr. West Des Moines, IA 50265

Reason for opposing or approving this request may be listed below.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ZON2017-00085

Date 6/7/17

41B

(am) (am not) in favor of the request.

RECEIVED

COMMUNITY DEVELOPMENT

Print Name

Signature

Address

JUN 12 2017

Jeff Conlin Conlin Project

[Signature]

2217 Merced Hwy Rd.

Reason for opposing or approving this request may be listed below.

Four horizontal lines for notes, with a barcode-like pattern on the second line.

ZON2017-00085

Date 6-8-17

(am) (am not) in favor of the request.

RECEIVED

COMMUNITY DEVELOPMENT

Print Name

Signature

Address

JUN 12 2017

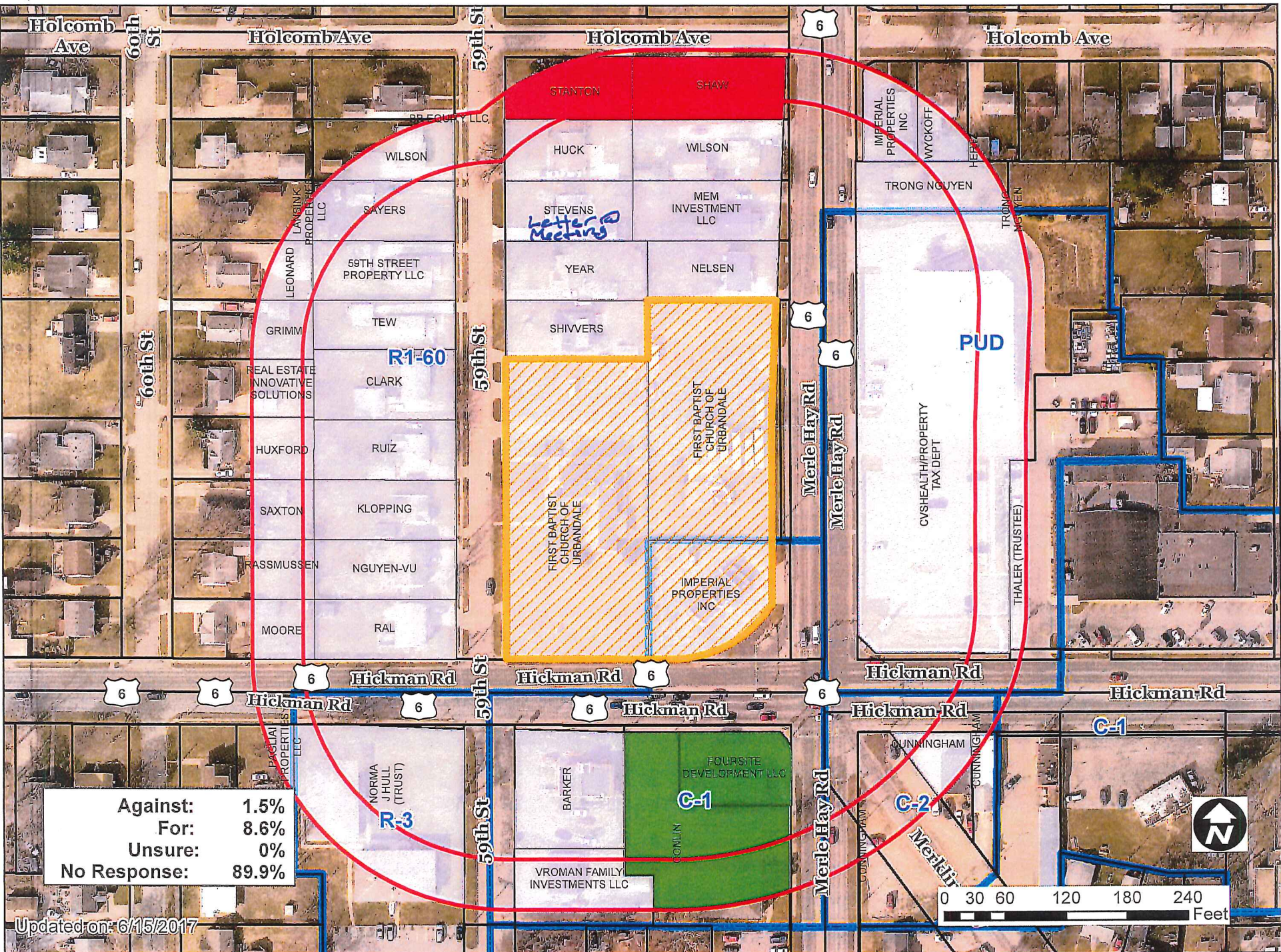
JEFF STAMEROUGH

[Signature]

5802 HICKMAN ROAD, OSM

Reason for opposing or approving this request may be listed below.

Four horizontal lines for notes.



Against:	1.5%
For:	8.6%
Unsure:	0%
No Response:	89.9%

Updated on: 6/15/2017

41B

17-1051  
JUN 26 2017

21  
41B

REGISTER ORDER NO. 10060 ROLL CALL LEGAL BULLETIN BOARD FOLLOW UP

NOTICE OF REZONING HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of Des Moines, Iowa, has adopted a resolution concerning a request from Hy-Vee, Inc. (purchaser), represented by Randy Downs (officer), to rezone property located at 3212 Merle Hay Road, 5801 Hickman Road and 2315 59<sup>th</sup> Street, Des Moines, Iowa, legally described as follows, from "R1-60" One-Family Low-Density Residential District and "C-1" Neighborhood Retail Commercial District to "C-2" General Retail and Highway-Oriented Commercial District, to allow for anticipated redevelopment with a gas station/convenience store with more than eight (8) fueling locations and a coffee shop with drive-through window:

LOTS ONE (1) AND TWO (2) IN THE OFFICIAL REPLAT OF LOTS 3, 4, 5, 6, 7, 8, 9, 10, 16, 17, 18 AND 19 IN BISHOP PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT THOSE PORTIONS CONVEYED FOR STREET PURPOSES TO THE CITY OF DES MOINES IN CONDEMNATIONS RECORDED IN BOOK 1291, PAGE 491 AND BOOK 6830, PAGE 241 AND EXCEPT THAT PORTION CONVEYED TO THE STATE OF IOWA IN WARRANTY DEED RECORDED IN BOOK 3003, PAGE 197.

AND

LOTS 3, 4, 5 AND 6 IN BISHOP PLACE REPLAT (EXCEPT PARTS DEEDED TO THE CITY OF DES MOINES AND IOWA STATE HIGHWAY COMMISSION OF LOTS 3, 4, 5, AND 6 IN BISHOP PLACE REPLAT) AND LOTS 8, 9, 10, 11 AND 12 IN BISHOP PLACE REPLAT, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

A map of the subject property is on file and available for public inspection in the office of the City Clerk.

NOTICE IS FURTHER GIVEN that the City Council will consider the proposed rezoning after a public hearing to be held at 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 July 10, 2017. At the hearing, opportunity to be heard will be given to proponents and opponents of the proposed rezoning.

CITY OF DES MOINES, IOWA

By: T.M. Franklin Cownie, Mayor

ATTEST: Diane Rauh, City Clerk

Published in the Des Moines Register on June 29, 2017.

41B



# AFFIDAVIT OF PUBLICATION

State of Iowa

County of Polk, ss.:

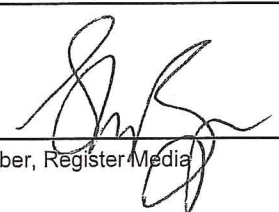
The undersigned, being first duly sworn on oath, states that The Des Moines Register and Tribune Company, a corporation duly organized and existing under the laws of the State of Iowa, with its principal place of business in Des Moines, Iowa, the publisher of

## THE DES MOINES REGISTER

newspaper of general circulation printed and published in the City of Des Moines, Polk County, Iowa, and that an advertisement, a printed copy of which is attached as Exhibit "A" and made part of this affidavit, was printed and published in The Des Moines Register on the following dates:

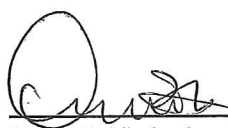
Ad No.	Start Date:	Run Dates:	Cost:
0002232859	6/29/17	06/29/17	\$48.42

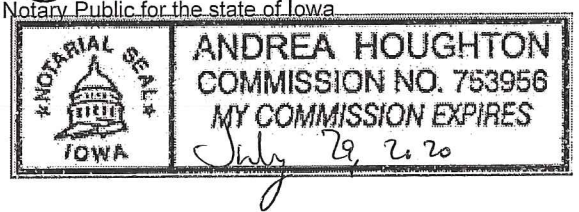
Copy of Advertisement  
Exhibit "A"

  
 \_\_\_\_\_  
 Staff member, Register Media

Subscribed and sworn to before me by said affiant this

29th day of June, 2017

  
 \_\_\_\_\_  
 Notary Public for the state of Iowa



PO10000; #48.42

**NOTICE OF REZONING  
HEARING**

NOTICE IS HEREBY GIVEN that the City Council of the City of Des Moines, Iowa, has adopted a resolution concerning a request from Hy-Vee, Inc. (purchaser), represented by Randy Downs (officer), to rezone property located at 3212 Merle Hay Road, 5801 Hickman Road and 2315 59th Street, Des Moines, Iowa, legally described as follows, from "R1-60" One-Family Residential District and "C-1" Neighborhood Retail Commercial District to "C-2" General Retail and Highway-Oriented Commercial District, to allow for anticipated redevelopment with a gas station/convenience store with more than eight (8) fueling locations and a coffee shop with drive-through window:

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CITY OF DES MOINES, IOWA

By: T.M. Franklin Cownie, Mayor

ATTEST: Diane Rauh, City Clerk

Published in the Des Moines Register on June 29, 2017.

Polk060; # 48.42

**Baumgartner, Laura L.**

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**From:** Van Essen, Jason M.  
**Sent:** Monday, July 10, 2017 1:38 PM  
**To:** Rauh, Diane I.; Baumgartner, Laura L.; Anderson, Matthew A.; Delafield, Phillip M.; Ludwig, Michael G.  
**Cc:** Whitfield, Cathy L.; Lundy, Erik M.  
**Subject:** FW: City Council Item - Request to Table

Please see email below requesting continuation of item 41 on tonight's Council agenda to the July 24, 2017 Council meeting.

Thanks!

Jason

Jason Van Essen, AICP  
Senior City Planner  
Planning and Urban Design Division  
Community Development Department  
City of Des Moines, Iowa  
602 Robert D. Ray Drive  
Des Moines, IA 50309-1881  
ph\_515.283.4147 fx\_515.237.1694  
[jmvanessen@dmgov.org](mailto:jmvanessen@dmgov.org)

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**From:** Downs, Randy [mailto:RDowns@hy-vee.com]  
**Sent:** Monday, July 10, 2017 1:35 PM  
**To:** Van Essen, Jason M.  
**Cc:** jason.pulliam@gmail.com; Wadle, Rob  
**Subject:** City Council Item - Request to Table

Jason – As discussed with you via telephone, we are requesting to table our comp plan amendment/rezoning project (July 10 Agenda Item #41) until the next council meeting of July 24. Thx.

**Randy W. Downs, Site Planner**  
Hy-Vee, Inc.  
Real Estate Department  
5820 Westown Parkway  
West Des Moines, IA 50266  
515/559-5703 desk  
515/559-2420 fax