

Date November 20, 2017

**RESOLUTION ON REQUEST FROM HY-VEE, INC. TO AMEND THE EXISTING PLANDSM:
CREATING OUR TOMORROW PLAN FUTURE LAND USE DESIGNATION
(2412 MERLE HAY ROAD, 2416 MERLE HAY ROAD AND 2325 59TH STREET)**

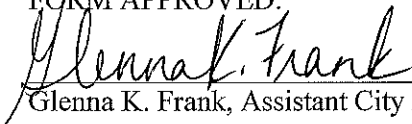
WHEREAS, on April 25, 2016, by Roll Call No. 16-0717, the City Council adopted the PlanDSM: Creating Our Tomorrow Plan; and

WHEREAS, at a public hearing held on October 5, 2017, the City Plan and Zoning Commission voted 9-0-1 in support of a motion to recommend **APPROVAL** of a request by Hy-Vee, Inc. (purchaser), represented by Rob Wadle (officer), to amend the existing PlanDSM: Creating Our Tomorrow Plan future land use designation for real property locally known as 2412 Merle Hay Road, 2416 Merle Hay Road and 2325 59th Street, from Low Density Residential within a Neighborhood Node and Low-Medium Density Residential to Community Mixed Use within a Neighborhood Node, to allow for rezoning to Limited "C-2" General Retail and Highway-Oriented Commercial District and anticipated redevelopment with a gas station/convenience store with sixteen (16) fueling locations and a coffee shop with drive-through window.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the proposed amendment to the PlanDSM: Creating Our Tomorrow Plan, as described above, is hereby **approved / denied**.

MOVED by _____ to adopt and **APPROVE / DENY** the proposed amendment.

FORM APPROVED:


Glenna K. Frank, Assistant City Attorney

(21-2017-4.10)

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



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Date November 6, 2017
 Agenda Item 44
 Roll Call # 17-1922

October 17, 2017

Honorable Mayor and City Council
 City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their October 5, 2017 meeting, the following action was taken regarding a request from Hy-Vee, Inc. (purchaser) represented by Rob Wadle (officer) to rezone property at 2412 Merle Hay Road, 2416 Merle Hay Road, and 2325 59th Street. The subject properties are owned by David Nelsen, MEM Investment II, LLC, and Magdelana Shivers.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 9-0-1 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			X	
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 designations, approval of Part B) 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

and approval of Part C) the requested rezoning from "R1-60" District to "C-2" District
subject to the following conditions: (21-2017-4.10 & ZON2017-00163)

1. Any commercial use of the subject parcels must be conducted in conjunction with the parcels to the south that have frontage on Merle Hay Road and Hickman Road. The subject parcels shall not be developed separately with independent commercial uses. Communication towers/antennas uses are exempt from this provision.
2. Any accessory buildings, including but not limited to, a communication tower equipment building shall be sided with durable materials that are compatible with the primary building on the site.
3. Any communication tower shall consist of a stealth tower design.
4. The following uses are prohibited:
 - a. Adult entertainment businesses,
 - b. Any business that derives more than 50% of its gross sales from the sale of tobacco products,
 - c. Billiard parlors/game rooms,
 - d. Delayed deposit services,
 - e. Liquor stores,
 - f. Off-premises advertising signs,
 - g. Pawn brokers,
 - h. Taverns or nightclubs, and
 - i. Vehicle display lots.

Written Responses

5 in Favor

4 in Opposition

STAFF RECOMMENDATION

Staff recommends denial of the requested amendment to the Stoney Pointe PUD Conceptual Plan.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

Part A) Staff recommends that the proposed rezoning be found not in conformance with the existing PlanDSM Creating Our Tomorrow future land use designations.

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.

Part C) Staff recommends approval of the requested rezoning from "R1-60" District to "C-2" District subject to the following conditions:

1. Any commercial use of the subject parcels must be conducted in conjunction with the parcels to the south that have frontage on Merle Hay Road and Hickman Road. The subject parcels shall not be developed separately with independent commercial uses. Communication towers/antennas uses are exempt from this provision.
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 - f. Off-premises advertising signs,
 - g. Pawn brokers,
 - h. Taverns or nightclubs, and
 - i. Vehicle display lots.

SUMMARY OF DISCUSSION

Jason Van Essen presented the staff report and recommendation.

Mike Simonson asked how many times this has been in front of the Commission.

Jason Van Essen stated this is the third time and the site plan will also come back to the Commission.

John "Jack" Hilmes asked for a staff definition of a stealth tower.

Jason Van Essen stated a stealth tower is a single pole, with antennas enclosed within the pole.

Rob Wiley with Hy-vee stated they can give a better product if the three parcels are rezoned. This will allow them to move the access point further north on Merle Hay Road, making traffic flow better. The only condition he would disagree with is condition #3. He believes the design of the stealth tower should be discussed when they bring the site plan to the Commission.

CHAIRPERSON OPENED THE PUBLIC HEARING

Jack Voss 5723 Allison Ave stated his concern is the fast-moving traffic on Merle Hay Road and the amount of traffic that comes up 63rd to Merle Hay Road.

Rebuttal

Rob Wiley stated the access on the site plan that was previously approved was further south. With this adjustment they would be moving further north and away from the stop light.

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

Greg Jones moved staff recommendation Part A) that the proposed rezoning be found not in conformance with the existing PlanDSM Creating Our Tomorrow future land use designations, approval of Part B) 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 and approval of Part C) the requested rezoning from "R1-60" District to "C-2" District subject to the following conditions:

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~~17-1922~~
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- g. Pawn brokers,
- h. Taverns or nightclubs, and
- i. Vehicle display lots

Motion Passed: 9-0-1 (John "Jack" Hilmes abstained from the vote)

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:tjh
Attachments