



Roll Call Number

17-1051

Agenda Item Number

21

Date June 26, 2017

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

WHEREAS, the City Plan and Zoning Commission has advised 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, the Property to be rezoned is legally described as follows:

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.

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 rezoning is to be considered shall be held at the 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 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

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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.

MOVED BY Hensley TO ADOPT.

FORM APPROVED:

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	6			1

MOTION CARRIED

APPROVED

T. M. Franklin
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.

Diane Rauh City Clerk