



**Roll Call Number**

17. 1291

**Agenda Item Number**

62B

**Date** July 24, 2017

**RESOLUTION HOLDING 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**, on July 10, 2017, by Roll Call No. 17-1190, the public hearing was opened and continued to July 24, 2017, at the request of Hy-Vee, Inc.; and

**WHEREAS**, in accordance with said notice, those interested in said proposed rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and

**WHEREAS**, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property locally known as 3212 Merle Hay Road, 5801 Hickman Road and 2315 59<sup>th</sup> Street, legally described as:

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.

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102B

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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.

**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 rezoning of the Property to "C-2" General Retail and Highway-Oriented Commercial District are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property to "C-2" General Retail and Highway-Oriented Commercial District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Gray 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	7			

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