



Roll Call Number

17-1922

Agenda Item Number

44

Date November 6, 2017

RESOLUTION CONTINUING HEARING ON REQUEST FROM HY-VEE, INC. TO REZONE PROPERTY AT 2412 MERLE HAY ROAD, 2416 MERLE HAY ROAD, AND 2325 59TH STREET

WHEREAS, on October 23, 2017, by Roll Call No. 17-1823, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on October 5, 2017, its members voted 9-0-1 in support of a motion to recommend APPROVAL of a request from Hy-Vee, Inc. (purchaser), represented by Rob Wadle (officer), to rezone property locally known as 2412 Merle Hay Road, 2416 Merle Hay Road, and 2325 59th Street (collectively "Property") from "R1-60" One-Family Low-Density Residential District to Limited "C-2" General Retail and Highway-Oriented Commercial District, to allow for anticipated redevelopment with a 10,500 square foot gas station/convenience store with sixteen (16) fueling locations and a coffee shop with drive-through window, subject to the following rezoning conditions:

- 1. Any commercial use of the Property must be conducted in conjunction with the parcels to the south that have frontage on Merle Hay Road and Hickman Road. The Property 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 on the Property shall be sided with durable materials that are compatible with the primary building on the Property.
3. Any communication tower on the Property 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; and

WHEREAS, on October 23, 2017, by Roll Call No. 17-1823 it was duly resolved by the City Council that the application of Hy-Vee, Inc. to rezone the Property, as legally described as follows, be set down for hearing on November 6, 2017 at 5:00 p.m. in the Council Chambers at the Municipal Service Center:

The North 1/2 of Lot 2 (Except the West 125 feet and that portion conveyed to City of Des Moines for ROW acquisition along Merle Hay Road recorded in Book 6528, Page 438), BISHOP PLACE, an Official Plat; and the East 1/2 of the South 1/2 of Lot 2 (Except that portion conveyed to City of Des Moines for ROW acquisition along Merle Hay Road recorded in Book 6571, Page 827), BISHOP PLACE, an Official Plat; and Lot 7 BISHOP PLACE, an Official Replat; all now included in and forming a part of the City of Des Moines, Polk County, Iowa; 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 amendment to the Zoning Ordinance; and

WHEREAS, a continuation of the public hearing to the November 20, 2017 Council meeting is necessary in order to obtain the Acceptance of Rezoning Ordinance from the applicant and/or to resolve any concerns related thereto.

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 to Limited "C-2" General Retail and Highway-Oriented Commercial District is hereby opened and continued to November 20, 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.

MOVED BY Gray TO ADOPT.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZON2017-00163)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIES

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