

February 22, 2010

Date _____

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on January 21, 2010, its members voted 9-0 in support of a motion to recommend **DENIAL** of a request from Hubbell Realty Company (owner) to rezone property located at 2801 Fleur Drive from C-0 Commercial-Residential District to Limited C-2 General Retail and Highway Oriented Commercial District.

The subject property is more specifically described as follows:

Parcel "E", being a part of Lot 16, Casady's Druid Hill Park, an Official Plat; Parcel "E" beginning at the Northeast corner of the West 327 feet of said Lot 16; thence East 21 feet, South 110.04 feet, West 17.59 feet to East line of the West 327 feet of said Lot 16; thence South 120.53 feet, Southwest 51.04 feet, West 28.26 feet, Northwest 67.46 feet, Southwesterly 106.69 feet, West 86.58 feet, North 255.06 feet to the North Line of said Lot 16; thence East 319.68 feet to the Point of Beginning of said Lot 16, as shown on the Plat of Survey recorded in Book 8142, Page 422 of the Polk County Recorder's Office; all now included in and forming a part of the City of Des Moines, Polk and Warren County, Iowa

WHEREAS, on February 8, 2010 by Roll Call No. 10-185, the City Council duly resolved to hold a public hearing on the request to rezone the property at 5:00 p.m. in Council Chambers at City Hall on February 22, 2010 in order to hear both those who oppose and those who favor the proposal; and


WHEREAS, due notice of the hearing was published in the Des Moines Register on February 11, 2010 as provided by law setting forth the time and place for hearing on the proposed amendment to the Zoning Ordinance; and

WHEREAS, pursuant to the notice those interested in the proposed rezoning, for and against, have been given opportunity to be heard and have presented their view to City Council.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the property to Limited C-2 General Retail and Highway Oriented Commercial District classification are hereby upheld, the hearing is closed, and the proposed rezoning is hereby **DENIED**.

FORM APPROVED:

MOVED by _____ to deny.


Michael F. Kelley, Assistant City Attorney

(Council Communication No. **10-101**)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
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