

Date February 22, 2010

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 Kingston Properties, LLC (owner) to rezone property located at 5101 SE 40th Street from A-1 Agricultural District to M-1 Light Industrial District, to allow retention of a contractor's outdoor storage yard.

The subject property is more specifically described as follows:

The North 990 feet of the NE ¼ of the NW ¼ (except the East 16 ½ feet of the West 33 feet, and the North 436 feet of the West 325 feet of said North 990 feet), and (except Parcel "A" as described in the Plat of Survey recorded in Book 8865, Page 417 of the Polk County, Iowa, Recorder's Office Records), and (except Parcel "B" as described in the Plat of Survey recorded in Book 11534, Page 334 of the Polk County, Iowa, Recorder's Office Records), Section 29, Township 78 North, Range 23, West of the 5th P.M., 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. 10-186, 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 M-1 Light Industrial 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 ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

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.

MOTION CARRIED

APPROVED

Mayor

City Clerk